

SB2261



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2261

Introduced 1/11/2006, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/3

from Ch. 48, par. 39s-2
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that the Act applies to any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented. Effective immediately.

LRB094 13618 RLC 48483 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Sections 2 and 3 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed by any
16 public body, other than work done directly by any public
17 utility company, whether or not done under public supervision
18 or direction, or paid for wholly or in part out of public
19 funds. "Public works" as defined herein includes all projects
20 financed in whole or in part with bonds issued under the
21 Industrial Project Revenue Bond Act (Article 11, Division 74 of
22 the Illinois Municipal Code), the Industrial Building Revenue
23 Bond Act, the Illinois Finance Authority Act, the Illinois
24 Sports Facilities Authority Act, or the Build Illinois Bond
25 Act, and all projects financed in whole or in part with loans
26 or other funds made available pursuant to the Build Illinois
27 Act. "Public works" also includes all projects financed in
28 whole or in part with funds from the Fund for Illinois' Future
29 under Section 6z-47 of the State Finance Act, funds for school
30 construction under Section 5 of the General Obligation Bond
31 Act, funds authorized under Section 3 of the School
32 Construction Bond Act, funds for school infrastructure under

1 Section 6z-45 of the State Finance Act, and funds for
2 transportation purposes under Section 4 of the General
3 Obligation Bond Act. "Public works" also includes all projects
4 financed in whole or in part with funds from the Department of
5 Commerce and Economic Opportunity ~~Community Affairs~~ under the
6 Illinois Renewable Fuels Development Program Act for which
7 there is no project labor agreement.

8 "Construction" means all work on public works involving
9 laborers, workers or mechanics. This includes any maintenance,
10 repair, assembly, or disassembly work performed on equipment
11 whether owned, leased, or rented.

12 "Locality" means the county where the physical work upon
13 public works is performed, except (1) that if there is not
14 available in the county a sufficient number of competent
15 skilled laborers, workers and mechanics to construct the public
16 works efficiently and properly, "locality" includes any other
17 county nearest the one in which the work or construction is to
18 be performed and from which such persons may be obtained in
19 sufficient numbers to perform the work and (2) that, with
20 respect to contracts for highway work with the Department of
21 Transportation of this State, "locality" may at the discretion
22 of the Secretary of the Department of Transportation be
23 construed to include two or more adjacent counties from which
24 workers may be accessible for work on such construction.

25 "Public body" means the State or any officer, board or
26 commission of the State or any political subdivision or
27 department thereof, or any institution supported in whole or in
28 part by public funds, and includes every county, city, town,
29 village, township, school district, irrigation, utility,
30 reclamation improvement or other district and every other
31 political subdivision, district or municipality of the state
32 whether such political subdivision, municipality or district
33 operates under a special charter or not.

34 The terms "general prevailing rate of hourly wages",
35 "general prevailing rate of wages" or "prevailing rate of
36 wages" when used in this Act mean the hourly cash wages plus

1 fringe benefits for training and apprenticeship programs
2 approved by the U.S. Department of Labor, Bureau of
3 Apprenticeship and Training, health and welfare, insurance,
4 vacations and pensions paid generally, in the locality in which
5 the work is being performed, to employees engaged in work of a
6 similar character on public works.

7 (Source: P.A. 92-16, eff. 6-28-01; 93-15, eff. 6-11-03; 93-16,
8 eff. 1-1-04; 93-205, eff. 1-1-04; revised 1-12-04.)

9 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

10 Sec. 3. Not less than the general prevailing rate of hourly
11 wages for work of a similar character on public works in the
12 locality in which the work is performed, and not less than the
13 general prevailing rate of hourly wages for legal holiday and
14 overtime work, shall be paid to all laborers, workers and
15 mechanics employed by or on behalf of any public body engaged
16 in the construction of public works. This includes any
17 maintenance, repair, assembly, or disassembly work performed
18 on equipment whether owned, leased, or rented. Only such
19 laborers, workers and mechanics as are directly employed by
20 contractors or subcontractors in actual construction work on
21 the site of the building or construction job, and laborers,
22 workers and mechanics engaged in the transportation of
23 materials and equipment to or from the site, but not including
24 the transportation by the sellers and suppliers or the
25 manufacture or processing of materials or equipment, in the
26 execution of any contract or contracts for public works with
27 any public body shall be deemed to be employed upon public
28 works. The wage for a tradesman performing maintenance is
29 equivalent to that of a tradesman engaged in construction.

30 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.