



Labor Committee

Adopted in House Comm. on Mar 07, 2007

09500HB1105ham001

LRB095 04970 WGH 32894 a

1 AMENDMENT TO HOUSE BILL 1105

2 AMENDMENT NO. _____. Amend House Bill 1105 by replacing
3 everything after the enacting clause with the following:

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.

11 As used in this Act, unless the context indicates
12 otherwise:

13 "Public works" means all fixed works constructed by any
14 public body, other than work done directly by any public
15 utility company, whether or not done under public supervision
16 or direction, or paid for wholly or in part out of public

1 funds. "Public works" as defined herein includes all projects
2 financed in whole or in part with bonds issued under the
3 Industrial Project Revenue Bond Act (Article 11, Division 74 of
4 the Illinois Municipal Code), the Industrial Building Revenue
5 Bond Act, the Illinois Finance Authority Act, the Illinois
6 Sports Facilities Authority Act, or the Build Illinois Bond
7 Act, and all projects financed in whole or in part with loans
8 or other funds made available pursuant to the Build Illinois
9 Act. "Public works" also includes all projects financed in
10 whole or in part with funds from the Fund for Illinois' Future
11 under Section 6z-47 of the State Finance Act, funds for school
12 construction under Section 5 of the General Obligation Bond
13 Act, funds authorized under Section 3 of the School
14 Construction Bond Act, funds for school infrastructure under
15 Section 6z-45 of the State Finance Act, and funds for
16 transportation purposes under Section 4 of the General
17 Obligation Bond Act. "Public works" also includes all projects
18 financed in whole or in part with funds from the Department of
19 Commerce and Economic Opportunity under the Illinois Renewable
20 Fuels Development Program Act for which there is no project
21 labor agreement. "Public works" also includes all projects at
22 leased facility property used for airport purposes under
23 Section 35 of the Local Government Facility Lease Act.

24 "Construction" means all work on public works involving
25 laborers, workers or mechanics.

26 "Locality" means the county where the physical work upon

1 public works is performed, except (1) that if there is not
2 available in the county a sufficient number of competent
3 skilled laborers, workers and mechanics to construct the public
4 works efficiently and properly, "locality" includes any other
5 county nearest the one in which the work or construction is to
6 be performed and from which such persons may be obtained in
7 sufficient numbers to perform the work and (2) that, with
8 respect to contracts for highway work with the Department of
9 Transportation of this State, "locality" may at the discretion
10 of the Secretary of the Department of Transportation be
11 construed to include two or more adjacent counties from which
12 workers may be accessible for work on such construction.

13 "Public body" means the State or any officer, board or
14 commission of the State or any political subdivision or
15 department thereof, or any institution supported in whole or in
16 part by public funds, and includes every county, city, town,
17 village, township, school district, irrigation, utility,
18 reclamation improvement or other district and every other
19 political subdivision, district or municipality of the state
20 whether such political subdivision, municipality or district
21 operates under a special charter or not.

22 The terms "general prevailing rate of hourly wages",
23 "general prevailing rate of wages" or "prevailing rate of
24 wages" when used in this Act mean the hourly cash wages plus
25 fringe benefits for training and apprenticeship programs
26 approved by the U.S. Department of Labor, Bureau of

1 Apprenticeship and Training, health and welfare, insurance,
2 vacations and pensions paid generally, in the locality in which
3 the work is being performed, to employees engaged in work of a
4 similar character on public works.

5 "Aggregate materials" includes, but is not limited to,
6 rock, gravel, sand, pebbles, dirt, soil, clay, bitumen,
7 cultured/polymer, cement, concrete, asphalt, slag, grindings,
8 and recycled materials.

9 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205,
10 eff. 1-1-04; 94-750, eff. 5-9-06.)

11 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

12 Sec. 3. Not less than the general prevailing rate of hourly
13 wages for work of a similar character on public works in the
14 locality in which the work is performed, and not less than the
15 general prevailing rate of hourly wages for legal holiday and
16 overtime work, shall be paid to all laborers, workers and
17 mechanics employed by or on behalf of any public body engaged
18 in the construction of public works. Laborers ~~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 shall be deemed to
22 be employed upon public works. The site of the building or
23 construction job shall also include a facility dedicated to the
24 performance of the contract or project and located in such
25 close proximity to the actual construction location that it

1 would be reasonable to include them. Laborers, and laborers,
2 workers and mechanics engaged in the transportation of
3 aggregate and excavated materials and equipment operated to
4 haul to or from the site ~~, but not including the transportation~~
5 ~~by the sellers and suppliers or the manufacture or processing~~
6 ~~of materials or equipment, in the execution of any contract or~~
7 ~~contracts for public works with any public body~~ shall also be
8 deemed to be employed upon public works.

9 To determine the prevailing wage rate for a laborer,
10 worker, or mechanic engaged in the transportation of aggregate
11 or excavated materials or the operation of equipment to haul
12 aggregate or excavated materials to or from the site of the
13 building or construction job, the Department of Labor shall
14 take into consideration the applicable prevailing wage rate and
15 the Illinois Department of Transportation's current method of
16 establishing equipment rates in its Schedule of Average Annual
17 Equipment Ownership Expense.

18 The transportation by the sellers and suppliers or the
19 manufacture or processing of non-aggregate materials or
20 equipment in the execution of any contract or contracts for
21 public works with any public body shall not be deemed to be
22 employment upon public works.

23 The wage for a tradesman performing maintenance is
24 equivalent to that of a tradesman engaged in construction.

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