

HB3362



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3362

Introduced 2/24/2011, by Rep. Deborah Mell

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that "public works" does not include gardening-related maintenance projects, including but not limited to watering and pruning. Effective immediately.

LRB097 10935 AEK 51499 b

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 Section 2 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 or
16 demolished by any public body, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or
2 the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; or funds from the
4 Fund for Illinois' Future under Section 6z-47 of the State
5 Finance Act, funds for school construction under Section 5 of
6 the General Obligation Bond Act, funds authorized under Section
7 3 of the School Construction Bond Act, funds for school
8 infrastructure under Section 6z-45 of the State Finance Act,
9 and funds for transportation purposes under Section 4 of the
10 General Obligation Bond Act. "Public works" also includes (i)
11 all projects financed in whole or in part with funds from the
12 Department of Commerce and Economic Opportunity under the
13 Illinois Renewable Fuels Development Program Act for which
14 there is no project labor agreement and (ii) all work performed
15 pursuant to a public private agreement under the Public Private
16 Agreements for the Illiana Expressway Act. "Public works" also
17 includes all projects at leased facility property used for
18 airport purposes under Section 35 of the Local Government
19 Facility Lease Act. "Public works" also includes the
20 construction of a new wind power facility by a business
21 designated as a High Impact Business under Section 5.5(a)(3)(E)
22 of the Illinois Enterprise Zone Act. "Public works" does not
23 include work done directly by any public utility company,
24 whether or not done under public supervision or direction, or
25 paid for wholly or in part out of public funds. "Public works"
26 does not include projects undertaken by the owner at an

1 owner-occupied single-family residence or at an owner-occupied
2 unit of a multi-family residence. "Public works" does not
3 include gardening-related maintenance projects, including but
4 not limited to watering and pruning.

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

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

22 "Public body" means the State or any officer, board or
23 commission of the State or any political subdivision or
24 department thereof, or any institution supported in whole or in
25 part by public funds, and includes every county, city, town,
26 village, township, school district, irrigation, utility,

1 reclamation improvement or other district and every other
2 political subdivision, district or municipality of the state
3 whether such political subdivision, municipality or district
4 operates under a special charter or not.

5 The terms "general prevailing rate of hourly wages",
6 "general prevailing rate of wages" or "prevailing rate of
7 wages" when used in this Act mean the hourly cash wages plus
8 fringe benefits for training and apprenticeship programs
9 approved by the U.S. Department of Labor, Bureau of
10 Apprenticeship and Training, health and welfare, insurance,
11 vacations and pensions paid generally, in the locality in which
12 the work is being performed, to employees engaged in work of a
13 similar character on public works.

14 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,
15 eff. 1-1-10; 96-186, eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000,
16 eff. 7-2-10.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.