

1 AMENDMENT TO SENATE BILL 965

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 965 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by  
5 changing Section 9 as follows:

6 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

7 Sec. 9. To effectuate the purpose and policy of this Act  
8 each public body shall, during the month of June of each  
9 calendar year, investigate and ascertain the prevailing rate  
10 of wages as defined in this Act and publicly post or keep  
11 available for inspection by any interested party in the main  
12 office of such public body its determination of such  
13 prevailing rate of wage and shall promptly file a certified  
14 copy thereof in the office of the Secretary of State at  
15 Springfield.

16 The Department of Labor shall during the month of June of  
17 each calendar year, investigate and ascertain the prevailing  
18 rate of wages for each county in the State. If a public body  
19 does not investigate and ascertain the prevailing rate of  
20 wages during the month of June as required by the previous  
21 paragraph, then the prevailing rate of wages for that public  
22 body shall be the rate as determined by the Department under

1 this paragraph for the county in which such public body is  
2 located.

3 Where the Department of Labor ascertains the prevailing  
4 rate of wages, it is the duty of the Department of Labor  
5 within 30 days after receiving a notice from the public body  
6 authorizing the proposed work, to conduct an investigation to  
7 ascertain the prevailing rate of wages as defined in this Act  
8 and such investigation shall be conducted in the locality in  
9 which the work is to be performed. The Department of Labor  
10 shall send a certified copy of its findings to the public  
11 body authorizing the work and keep a record of its findings  
12 available for inspection by any interested party in the  
13 office of the Department of Labor at Springfield.

14 The public body except for the Department of  
15 Transportation with respect to highway contracts shall within  
16 30 days after filing with the Secretary of State, or the  
17 Department of Labor shall within 30 days after filing with  
18 such public body, publish in a newspaper of general  
19 circulation within the area that the determination is  
20 effective, a notice of its determination and shall promptly  
21 mail a copy of its determination to any employer, and to any  
22 association of employers and to any person or association of  
23 employees who have filed their names and addresses,  
24 requesting copies of any determination stating the particular  
25 rates and the particular class of workers whose wages will be  
26 affected by such rates.

27 At any time within 15 days after a certified copy of the  
28 determination has been published as herein provided, any  
29 person affected thereby may object in writing to the  
30 determination or such part thereof as they may deem  
31 objectionable by filing a written notice with the public body  
32 or Department of Labor, whichever has made such  
33 determination, stating the specified grounds of the  
34 objection. It shall thereafter be the duty of the public body

1 or Department of Labor to set a date for a hearing on the  
2 objection after giving written notice to the objectors at  
3 least 10 days before the date of the hearing and said notice  
4 shall state the time and place of such hearing. Such hearing  
5 by a public body shall be held within 20 days after the  
6 objection is filed, and shall not be postponed or reset for a  
7 later date except upon the consent, in writing, of all the  
8 objectors and the public body. If such hearing is not held by  
9 the public body within the time herein specified, the  
10 Department of Labor may, upon request of the objectors,  
11 conduct the hearing on behalf of the public body.

12 The public body or Department of Labor, whichever has  
13 made such determination, is authorized in its discretion to  
14 hear each written objection filed separately or consolidate  
15 for hearing any one or more written objections filed with  
16 them. At such hearing the public body or Department of Labor  
17 shall introduce in evidence the investigation it instituted  
18 which formed the basis of its determination, and the public  
19 body or Department of Labor, or any interested objectors may  
20 thereafter introduce such evidence as is material to the  
21 issue. Thereafter, the public body or Department of Labor,  
22 must rule upon the written objection and make such final  
23 determination as it believes the evidence warrants, and  
24 promptly file a certified copy of its final determination  
25 with such public body and the Secretary of State, and serve a  
26 copy by personal service or registered mail on all parties to  
27 the proceedings. The final determination by a public body  
28 shall be rendered within 10 days after the conclusion of the  
29 hearing.

30 If proceedings to review judicially the final  
31 determination of the public body or Department of Labor are  
32 not instituted as hereafter provided, such determination  
33 shall be final and binding.

34 The provisions of the Administrative Review Law, and all

1 amendments and modifications thereof, and the rules adopted  
2 pursuant thereto, shall apply to and govern all proceedings  
3 for the judicial review of final administrative decisions of  
4 any public body or the Department of Labor hereunder. The  
5 term "administrative decision" is defined as in Section 3-101  
6 of the Code of Civil Procedure.

7 Appeals from all final orders and judgments entered by  
8 the court in review of the final administrative decision of  
9 the public body or Department of Labor, may be taken by any  
10 party to the action.

11 Any proceeding in any court affecting a determination of  
12 the Department of Labor or public body shall have priority in  
13 hearing and determination over all other civil proceedings  
14 pending in said court, except election contests.

15 In all reviews or appeals under this Act, it shall be the  
16 duty of the Attorney General to represent the Department of  
17 Labor, and defend its determination. The Attorney General  
18 shall not represent any public body, except the State, in any  
19 such review or appeal.

20 Contractors and subcontractors covered by this Act shall  
21 post, at a location on the project site of the public works  
22 that is easily accessible to their employees engaged on the  
23 project, the prevailing wage rates for each craft or type of  
24 worker or mechanic needed to execute the contract or project  
25 or work to be performed. A failure to post a prevailing wage  
26 rate as required by this Section is a violation of this Act.

27 (Source: P.A. 83-201.)".