



Rep. Jay Hoffman

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LRB100 09488 JLS 27211 a

1 AMENDMENT TO SENATE BILL 1904

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1904 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, 4, 7, 9, and 10 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

1 out of public funds. "Public works" as defined herein includes  
2 all projects financed in whole or in part with bonds, grants,  
3 loans, or other funds made available by or through the State or  
4 any of its political subdivisions, including but not limited  
5 to: bonds issued under the Industrial Project Revenue Bond Act  
6 (Article 11, Division 74 of the Illinois Municipal Code), the  
7 Industrial Building Revenue Bond Act, the Illinois Finance  
8 Authority Act, the Illinois Sports Facilities Authority Act, or  
9 the Build Illinois Bond Act; loans or other funds made  
10 available pursuant to the Build Illinois Act; loans or other  
11 funds made available pursuant to the Riverfront Development  
12 Fund under Section 10-15 of the River Edge Redevelopment Zone  
13 Act; or funds from the Fund for Illinois' Future under Section  
14 6z-47 of the State Finance Act, funds for school construction  
15 under Section 5 of the General Obligation Bond Act, funds  
16 authorized under Section 3 of the School Construction Bond Act,  
17 funds for school infrastructure under Section 6z-45 of the  
18 State Finance Act, and funds for transportation purposes under  
19 Section 4 of the General Obligation Bond Act. "Public works"  
20 also includes (i) all projects financed in whole or in part  
21 with funds from the Department of Commerce and Economic  
22 Opportunity under the Illinois Renewable Fuels Development  
23 Program Act for which there is no project labor agreement; (ii)  
24 all work performed pursuant to a public private agreement under  
25 the Public Private Agreements for the Illiana Expressway Act or  
26 the Public-Private Agreements for the South Suburban Airport

1 Act; and (iii) all projects undertaken under a public-private  
2 agreement under the Public-Private Partnerships for  
3 Transportation Act. "Public works" also includes all projects  
4 at leased facility property used for airport purposes under  
5 Section 35 of the Local Government Facility Lease Act. "Public  
6 works" also includes the construction of a new wind power  
7 facility by a business designated as a High Impact Business  
8 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.  
9 "Public works" does not include work done directly by any  
10 public utility company, whether or not done under public  
11 supervision or direction, or paid for wholly or in part out of  
12 public funds. "Public works" also includes any corrective  
13 action performed pursuant to Title XVI of the Environmental  
14 Protection Act for which payment from the Underground Storage  
15 Tank Fund is requested. "Public works" does not include  
16 projects undertaken by the owner at an owner-occupied  
17 single-family residence or at an owner-occupied unit of a  
18 multi-family residence. "Public works" does not include work  
19 performed for soil and water conservation purposes on  
20 agricultural lands, whether or not done under public  
21 supervision or paid for wholly or in part out of public funds,  
22 done directly by an owner or person who has legal control of  
23 those lands.

24 "Construction" means all work on public works involving  
25 laborers, workers or mechanics. This includes any maintenance,  
26 repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented.

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

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

24 "Labor organization" means an organization that is the  
25 exclusive representative of an employer's employees in any  
26 particular trade or occupation recognized or certified

1 pursuant to the National Labor Relations Act.

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

11 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
12 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
13 7-16-14.)

14 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

15 Sec. 4. Ascertaining prevailing wage.

16 (a) The prevailing rate of wages paid to individuals  
17 covered under this Act shall not be less than the rate that  
18 prevails for work of a similar character on public works in the  
19 locality in which the work is performed under collective  
20 bargaining agreements between employer associations and bona  
21 fide labor organizations relating to each craft or type of  
22 worker or mechanic needed to execute the contract or perform  
23 such work, and successor collective bargaining agreements.

24 (b) If the prevailing rates of wages and fringe benefits  
25 cannot reasonably and fairly be applied in any locality because

1 no such agreements exist or were not available to the  
2 Department of Labor during its investigation, the Department of  
3 Labor shall determine the rates and fringe benefits on public  
4 works for the same or most similar work in the nearest and most  
5 similar neighboring locality in which such agreements exist.  
6 The Department of Labor shall keep a record of its findings  
7 available for inspection by any interested party in the office  
8 of the Department of Labor.

9 (c) In the event it is determined, after a written  
10 objection is filed and a hearing is held in accordance with  
11 Section 9 of this Act, that a valid collective bargaining  
12 agreement between a labor organization and an employer  
13 association does not exist in a particular trade or occupation  
14 in the locality where the work is performed, then the wage paid  
15 on such public works to laborers, workers, or mechanics in the  
16 same trade or occupation in the locality shall be the  
17 Department of Labor's previous annually determined prevailing  
18 rate of wage.

19 (d) ~~(a)~~ The public body awarding any contract for public  
20 work or otherwise undertaking any public works, shall ascertain  
21 the general prevailing rate of hourly wages in the locality in  
22 which the work is to be performed, for each craft or type of  
23 worker or mechanic needed to execute the contract, and where  
24 the public body performs the work without letting a contract  
25 therefor, shall ascertain the prevailing rate of wages on a per  
26 hour basis in the locality, and such public body shall specify

1 in the resolution or ordinance and in the call for bids for the  
2 contract, or where the public body performs the work without  
3 letting the contract in a written instrument provided to the  
4 contractor, that the general prevailing rate of wages in the  
5 locality for each craft or type of worker or mechanic needed to  
6 execute the contract or perform such work, also the general  
7 prevailing rate for legal holiday and overtime work, as  
8 ascertained by the ~~public body or by the~~ Department of Labor  
9 shall be paid for each craft or type of worker needed to  
10 execute the contract or to perform such work, and it shall be  
11 mandatory upon the contractor to whom the contract is awarded  
12 and upon any subcontractor under him, and where the public body  
13 performs the work, upon the public body, to pay not less than  
14 the specified rates to all laborers, workers and mechanics  
15 employed by them in the execution of the contract or such work.  
16 Compliance with this Act is a matter of statewide concern, and  
17 a public body may not opt out of any provisions of this Act.~~†~~  
18 ~~provided, however, that if the public body desires that the~~  
19 ~~Department of Labor ascertain the prevailing rate of wages, it~~  
20 ~~shall notify the Department of Labor to ascertain the general~~  
21 ~~prevailing rate of hourly wages for work under contract, or for~~  
22 ~~work performed by a public body without letting a contract as~~  
23 ~~required in the locality in which the work is to be performed,~~  
24 ~~for each craft or type of worker or mechanic needed to execute~~  
25 ~~the contract or project or work to be performed. Upon such~~  
26 ~~notification the Department of Labor shall ascertain such~~

1 ~~general prevailing rate of wages, and certify the prevailing~~  
2 ~~wage to such public body.~~

3       (e) ~~(a-1)~~ The public body or other entity awarding the  
4 contract shall cause to be inserted in the project  
5 specifications and the contract a stipulation to the effect  
6 that not less than the prevailing rate of wages as found by the  
7 ~~public body or~~ Department of Labor or determined by the court  
8 on review shall be paid to all laborers, workers and mechanics  
9 performing work under the contract.

10       (f) ~~(a-2)~~ When a public body or other entity covered by  
11 this Act has awarded work to a contractor without a public bid,  
12 contract or project specification, such public body or other  
13 entity shall comply with subsection (e) ~~(a-1)~~ by providing the  
14 contractor with written notice on the purchase order related to  
15 the work to be done or on a separate document indicating that  
16 not less than the prevailing rate of wages ascertained ~~as found~~  
17 by the ~~public body or~~ Department of Labor or determined by the  
18 court on review shall be paid to all laborers, workers, and  
19 mechanics performing work on the project.

20       (g) ~~(a-3)~~ Where a complaint is made and the Department of  
21 Labor determines that a violation occurred, the Department of  
22 Labor shall determine if proper written notice under this  
23 Section 4 was given. If proper written notice was not provided  
24 to the contractor by the public body or other entity, the  
25 Department of Labor shall order the public body or other entity  
26 to pay any interest, penalties or fines that would have been



1 owed by the contractor if proper written notice were provided.  
2 The failure by a public body or other entity to provide written  
3 notice does not relieve the contractor of the duty to comply  
4 with the prevailing wage rate, nor of the obligation to pay any  
5 back wages, as determined under this Act. For the purposes of  
6 this subsection, back wages shall be limited to the difference  
7 between the actual amount paid and the prevailing rate of wages  
8 required to be paid for the project. The failure of a public  
9 body or other entity to provide written notice under this  
10 Section 4 does not diminish the right of a laborer, worker, or  
11 mechanic to the prevailing rate of wages as determined under  
12 this Act.

13 (h) ~~(b)~~ It shall also be mandatory upon the contractor to  
14 whom the contract is awarded to insert into each subcontract  
15 and into the project specifications for each subcontract a  
16 written stipulation to the effect that not less than the  
17 prevailing rate of wages shall be paid to all laborers,  
18 workers, and mechanics performing work under the contract. It  
19 shall also be mandatory upon each subcontractor to cause to be  
20 inserted into each lower tiered subcontract and into the  
21 project specifications for each lower tiered subcontract a  
22 stipulation to the effect that not less than the prevailing  
23 rate of wages shall be paid to all laborers, workers, and  
24 mechanics performing work under the contract. A contractor or  
25 subcontractor who fails to comply with this subsection ~~(b)~~ is  
26 in violation of this Act.

1        (i) ~~(b-1)~~ When a contractor has awarded work to a  
2 subcontractor without a contract or contract specification,  
3 the contractor shall comply with subsection (h) ~~(b)~~ by  
4 providing a subcontractor with a written statement indicating  
5 that not less than the prevailing rate of wages shall be paid  
6 to all laborers, workers, and mechanics performing work on the  
7 project. A contractor or subcontractor who fails to comply with  
8 this subsection ~~(b-1)~~ is in violation of this Act.

9        (j) ~~(b-2)~~ Where a complaint is made and the Department of  
10 Labor determines that a violation has occurred, the Department  
11 of Labor shall determine if proper written notice under this  
12 Section 4 was given. If proper written notice was not provided  
13 to the subcontractor by the contractor, the Department of Labor  
14 shall order the contractor to pay any interest, penalties, or  
15 fines that would have been owed by the subcontractor if proper  
16 written notice were provided. The failure by a contractor to  
17 provide written notice to a subcontractor does not relieve the  
18 subcontractor of the duty to comply with the prevailing wage  
19 rate, nor of the obligation to pay any back wages, as  
20 determined under this Act. For the purposes of this subsection,  
21 back wages shall be limited to the difference between the  
22 actual amount paid and the prevailing rate of wages required  
23 for the project. However, if proper written notice was not  
24 provided to the contractor by the public body or other entity  
25 under this Section 4, the Department of Labor shall order the  
26 public body or other entity to pay any interest, penalties, or

1 fines that would have been owed by the subcontractor if proper  
2 written notice were provided. The failure by a public body or  
3 other entity to provide written notice does not relieve the  
4 subcontractor of the duty to comply with the prevailing wage  
5 rate, nor of the obligation to pay any back wages, as  
6 determined under this Act. For the purposes of this subsection,  
7 back wages shall be limited to the difference between the  
8 actual amount paid and the prevailing rate of wages required  
9 for the project. The failure to provide written notice by a  
10 public body, other entity, or contractor does not diminish the  
11 right of a laborer, worker, or mechanic to the prevailing rate  
12 of wages as determined under this Act.

13 (k) ~~(e)~~ A public body or other entity shall also require in  
14 all contractor's and subcontractor's bonds that the contractor  
15 or subcontractor include such provision as will guarantee the  
16 faithful performance of such prevailing wage clause as provided  
17 by contract or other written instrument. All bid specifications  
18 shall list the specified rates to all laborers, workers and  
19 mechanics in the locality for each craft or type of worker or  
20 mechanic needed to execute the contract.

21 (l) ~~(d)~~ If the Department of Labor revises the prevailing  
22 rate of hourly wages to be paid by the public body or other  
23 entity, the revised rate shall apply to such contract, and the  
24 public body or other entity shall be responsible to notify the  
25 contractor and each subcontractor, of the revised rate.

26 The public body or other entity shall discharge its duty to

1 notify of the revised rates by inserting a written stipulation  
2 in all contracts or other written instruments that states the  
3 prevailing rate of wages are revised by the Department of Labor  
4 and are available on the Department's official website. This  
5 shall be deemed to be proper notification of any rate changes  
6 under this subsection.

7 (m) The Department of Labor shall establish a new  
8 classification for a particular craft or type of worker only  
9 after conducting an investigatory hearing under this Section.

10 Any interested party has the right to be a party to such  
11 investigatory hearing. ~~(e)~~ Two or more investigatory hearings

12 under this Section on the issue of establishing a new  
13 prevailing wage classification for a particular craft or type  
14 of worker shall be consolidated in a single hearing before the  
15 Department. ~~Such consolidation shall occur whether each~~  
16 ~~separate investigatory hearing is conducted by a public body or~~  
17 ~~the Department.~~ The party requesting a consolidated  
18 investigatory hearing shall have the burden of establishing  
19 that there is no existing prevailing wage classification for  
20 the particular craft or type of worker in any of the localities  
21 under consideration.

22 (n) ~~(f)~~ It shall be mandatory upon the contractor or  
23 construction manager to whom a contract for public works is  
24 awarded to post, at a location on the project site of the  
25 public works that is easily accessible to the workers engaged  
26 on the project, the prevailing wage rates for each craft or

1 type of worker or mechanic needed to execute the contract or  
2 project or work to be performed. In lieu of posting on the  
3 project site of the public works, a contractor which has a  
4 business location where laborers, workers, and mechanics  
5 regularly visit may: (1) post in a conspicuous location at that  
6 business the current prevailing wage rates for each county in  
7 which the contractor is performing work; or (2) provide such  
8 laborer, worker, or mechanic engaged on the public works  
9 project a written notice indicating the prevailing wage rates  
10 for the public works project. A failure to post or provide a  
11 prevailing wage rate as required by this Section is a violation  
12 of this Act.

13 (Source: P.A. 96-437, eff. 1-1-10; 97-964, eff. 1-1-13.)

14 (820 ILCS 130/7) (from Ch. 48, par. 39s-7)

15 Sec. 7. The finding of the ~~public body awarding the~~  
16 ~~contract or authorizing the work or the~~ Department of Labor  
17 ascertaining and declaring the general prevailing rate of  
18 hourly wages shall be final for all purposes of the contract  
19 for public work then being considered, unless reviewed under  
20 the provisions of this Act. Nothing in this Act, however, shall  
21 be construed to prohibit the payment to any laborer, worker or  
22 mechanic employed on any public work, as aforesaid, of more  
23 than the prevailing rate of wages; provided further that  
24 nothing in this Act shall be construed to limit the hours of  
25 work which may be performed by any person in any particular

1 period of time.

2 (Source: P.A. 81-992.)

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

4 Sec. 9. To effectuate the purpose and policy of this Act,  
5 ~~the~~ each public body shall, during the month of June of each  
6 calendar year, investigate and ascertain the prevailing rate of  
7 wages as defined in this Act and publicly post or keep  
8 available for inspection by any interested party in the main  
9 office of such public body its determination of such prevailing  
10 rate of wage and shall promptly file, no later than July 15 of  
11 each year, a certified copy thereof in the office of the  
12 Illinois Department of Labor. The Department of Labor shall,  
13 throughout ~~during~~ the month of June of each calendar year,  
14 investigate and ascertain the prevailing rate of wages for each  
15 county in the State and shall publish the prevailing wage  
16 schedule ascertained on its official website no later than  
17 August 15 of each year. If the prevailing rate of wages is  
18 based on a collective bargaining agreement, any increases  
19 directly ascertainable from such collective bargaining  
20 agreement shall also be published on the website. Further, if  
21 the prevailing rate of wages is based on a collective  
22 bargaining agreement, the explanation of classes on the  
23 prevailing wage schedule shall be consistent with the  
24 explanation of existing classifications set forth in the  
25 collective bargaining agreement. If a public body does not

1 ~~investigate and ascertain the prevailing rate of wages during~~  
2 ~~the month of June as required by the previous paragraph, then~~  
3 ~~the prevailing rate of wages for that public body shall be the~~  
4 ~~rate as determined by the Department under this paragraph for~~  
5 ~~the county in which such public body is located.~~

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

17 ~~The public body except for the Department of Transportation~~  
18 ~~with respect to highway contracts shall within 30 days after~~  
19 ~~filing with the Department of Labor, or the Department of Labor~~  
20 ~~shall within 30 days after filing with such public body,~~  
21 ~~publish in a newspaper of general circulation within the area~~  
22 ~~that the determination is effective, a notice of its~~  
23 ~~determination and shall promptly mail a copy of its~~  
24 ~~determination to any employer, and to any association of~~  
25 ~~employers and to any person or association of employees who~~  
26 ~~have filed their names and addresses, requesting copies of any~~

1 ~~determination stating the particular rates and the particular~~  
2 ~~class of workers whose wages will be affected by such rates.~~

3 At any time within 30 days after the Department of Labor  
4 has published on its official web site a prevailing wage  
5 schedule, any person affected thereby may object in writing to  
6 the determination or such part thereof as they may deem  
7 objectionable by filing a written notice with the ~~public body~~  
8 ~~or~~ Department of Labor, ~~whichever has made such determination,~~  
9 stating the specified grounds of the objection. A person filing  
10 an objection shall have the burden of establishing that the  
11 Department of Labor's determination does not accurately  
12 reflect the appropriate prevailing area wage, as defined in  
13 Section 4(a) of this Act, with competent evidence. During the  
14 pendency of any objection and until final determination thereof  
15 with regard to existing classifications, the work in question  
16 shall proceed under the previous rate established by the  
17 Department. It shall ~~thereafter~~ be the duty of the ~~public body~~  
18 ~~or~~ Department of Labor to set a date for a hearing on the  
19 objection after giving written notice to the objectors at least  
20 10 days before the date of the hearing and said notice shall  
21 state the time and place of such hearing. Such hearing by the  
22 Department of Labor ~~a public body~~ shall be held within 45 days  
23 after the objection is filed, and shall not be postponed or  
24 reset for a later date except upon the consent, in writing, of  
25 all the objectors and the Department of Labor ~~public body~~. ~~If~~  
26 ~~such hearing is not held by the public body within the time~~



1 ~~herein specified, the Department of Labor may, upon request of~~  
2 ~~the objectors, conduct the hearing on behalf of the public~~  
3 ~~body.~~

4 The ~~public body or~~ Department of Labor may, ~~whichever has~~  
5 ~~made such determination, is authorized in its discretion to~~  
6 hear each written objection filed separately or consolidate for  
7 hearing any one or more written objections filed ~~with them~~. At  
8 such hearing, the ~~public body or~~ Department of Labor shall  
9 introduce in evidence the investigation it instituted which  
10 formed the basis of its determination, and the ~~public body or~~  
11 Department of Labor, or any interested objectors may thereafter  
12 introduce such evidence as is material to the issue.  
13 Thereafter, the ~~public body or~~ Department of Labor, or must rule  
14 upon the written objection and make such final determination as  
15 it believes the evidence warrants, ~~and promptly file a~~  
16 ~~certified copy of its final determination with such public~~  
17 ~~body,~~ and serve a copy by personal service, or registered mail, or  
18 electronic mail on all parties to the proceedings. The final  
19 determination by the Department of Labor ~~or a public body~~ shall  
20 be rendered within 30 days after the conclusion of the hearing.

21 If proceedings to review judicially the final  
22 determination of the ~~public body or~~ Department of Labor are not  
23 instituted as hereafter provided, such determination shall be  
24 final and binding.

25 The provisions of the Administrative Review Law, and all  
26 amendments and modifications thereof, and the rules adopted

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

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

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

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

19 (Source: P.A. 98-173, eff. 1-1-14.)

20 (820 ILCS 130/10) (from Ch. 48, par. 39s-10)

21 Sec. 10. The ~~presiding officer of the public body, or his~~  
22 ~~or her authorized representative and the~~ Director of the  
23 Department of Labor, or his or her authorized representative  
24 may interview workers, administer oaths, take or cause to be  
25 taken the depositions of witnesses, and require by subpoena the

1 attendance and testimony of witnesses, and the production of  
2 all books, records, and other evidence relative to the matter  
3 under investigation or hearing. Such subpoena shall be signed  
4 and issued by ~~such presiding officer or his or her authorized~~  
5 ~~representative, or~~ the Director or his or her authorized  
6 representative.

7 Upon request by the Director of Labor or his or her  
8 deputies or agents, records shall be copied and submitted for  
9 evidence at no cost to the Department of Labor. Every employer  
10 upon request shall furnish to the Director or his or her  
11 authorized representative, on demand, a sworn statement of the  
12 accuracy of the records. Any employer who refuses to furnish a  
13 sworn statement of the records is in violation of this Act.

14 In case of failure of any person to comply with any  
15 subpoena lawfully issued under this Section ~~section~~ or on the  
16 refusal of any witness to produce evidence or to testify to any  
17 matter regarding which he or she may be lawfully interrogated,  
18 it is the duty of any circuit court, upon application of ~~such~~  
19 ~~presiding officer or his or her authorized representative, or~~  
20 the Director or his or her authorized representative, to compel  
21 obedience by proceedings for contempt, as in the case of  
22 disobedience of the requirements of a subpoena issued by such  
23 court or a refusal to testify therein. The ~~Such presiding~~  
24 ~~officer and the~~ Director may certify to official acts.

25 (Source: P.A. 93-38, eff. 6-1-04.)

1 (820 ILCS 130/8 rep.)

2 Section 10. The Prevailing Wage Act is amended by repealing

3 Section 8.".