



Rep. Tom Demmer

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10000HB3120ham001

LRB100 05684 JLS 23640 a

1 AMENDMENT TO HOUSE BILL 3120

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3120 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing  
5 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 of  
10 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 prevailing  
13 rate of wage and shall promptly file, no later than July 15 of  
14 each year, a certified copy thereof in the office of the  
15 Illinois Department of Labor.

16 The Department of Labor shall during the month of June of

1 each calendar year, investigate and ascertain the prevailing  
2 rate of wages for each county in the State. If a public body  
3 does not investigate and ascertain the prevailing rate of wages  
4 during the month of June as required by the previous paragraph,  
5 then the prevailing rate of wages for that public body shall be  
6 the rate as determined by the Department under this paragraph  
7 for the county in which such public body is located.

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

19 The public body except for the Department of Transportation  
20 with respect to highway contracts shall within 30 days after  
21 filing with the Department of Labor, or the Department of Labor  
22 shall within 30 days after filing with such public body,  
23 publish in a newspaper of general circulation within the area  
24 that the determination is effective, a notice of its  
25 determination and shall promptly mail a copy of its  
26 determination to any employer, and to any association of

1 employers and to any person or association of employees who  
2 have filed their names and addresses, requesting copies of any  
3 determination stating the particular rates and the particular  
4 class of workers whose wages will be affected by such rates. If  
5 the Department of Labor ascertains the prevailing rate of wages  
6 for a public body, the public body may satisfy the newspaper  
7 publication requirement in this paragraph by posting on the  
8 public body's website a notice of its determination with a  
9 hyperlink to the prevailing wage schedule that is published on  
10 the official website of the Department of Labor.

11 At any time within 30 days after the Department of Labor  
12 has published on its official web site a prevailing wage  
13 schedule, any person affected thereby may object in writing to  
14 the determination or such part thereof as they may deem  
15 objectionable by filing a written notice with the public body  
16 or Department of Labor, whichever has made such determination,  
17 stating the specified grounds of the objection. It shall  
18 thereafter be the duty of the public body or Department of  
19 Labor to set a date for a hearing on the objection after giving  
20 written notice to the objectors at least 10 days before the  
21 date of the hearing and said notice shall state the time and  
22 place of such hearing. Such hearing by a public body shall be  
23 held within 45 days after the objection is filed, and shall not  
24 be postponed or reset for a later date except upon the consent,  
25 in writing, of all the objectors and the public body. If such  
26 hearing is not held by the public body within the time herein

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

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

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

24 The provisions of the Administrative Review Law, and all  
25 amendments and modifications thereof, and the rules adopted  
26 pursuant thereto, shall apply to and govern all proceedings for

1 the judicial review of final administrative decisions of any  
2 public body or the Department of Labor hereunder. The term  
3 "administrative decision" is defined as in Section 3-101 of the  
4 Code of Civil Procedure.

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

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

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

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."