



Labor Committee

Filed: 3/1/2007

09500HB0985ham001

LRB095 04734 RLC 32003 a

1 AMENDMENT TO HOUSE BILL 985

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 985 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. 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 by any  
16 public body, other than work done directly by any public

1 utility company, whether or not done under public supervision  
2 or direction, or paid for wholly or in part out of public  
3 funds. "Public works" as defined herein includes all projects  
4 financed in whole or in part with bonds issued under the  
5 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
6 the Illinois Municipal Code), the Industrial Building Revenue  
7 Bond Act, the Illinois Finance Authority Act, the Illinois  
8 Sports Facilities Authority Act, or the Build Illinois Bond  
9 Act, and all projects financed in whole or in part with loans  
10 or other funds made available pursuant to the Build Illinois  
11 Act. "Public works" also includes all projects financed in  
12 whole or in part with funds from the Fund for Illinois' Future  
13 under Section 6z-47 of the State Finance Act, funds for school  
14 construction under Section 5 of the General Obligation Bond  
15 Act, funds authorized under Section 3 of the School  
16 Construction Bond Act, funds for school infrastructure under  
17 Section 6z-45 of the State Finance Act, and funds for  
18 transportation purposes under Section 4 of the General  
19 Obligation Bond Act. "Public works" also includes all projects  
20 financed in whole or in part with funds from the Department of  
21 Commerce and Economic Opportunity under the Illinois Renewable  
22 Fuels Development Program Act for which there is no project  
23 labor agreement. "Public works" also includes all projects at  
24 leased facility property used for airport purposes under  
25 Section 35 of the Local Government Facility Lease Act.

26 "Construction" means all work on public works involving

1 laborers, workers or mechanics. This includes any maintenance,  
2 repair, assembly, or disassembly work performed on equipment  
3 whether owned, leased, or rented.

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

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

26 The terms "general prevailing rate of hourly wages",

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

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. This includes any  
19 maintenance, repair, assembly, or disassembly work performed  
20 on equipment whether owned, leased, or rented. Only such  
21 laborers, workers and mechanics as are directly employed by  
22 contractors or subcontractors in actual construction work on  
23 the site of the building or construction job, and laborers,  
24 workers and mechanics engaged in the transportation of  
25 materials and equipment to or from the site, but not including

1 the transportation by the sellers and suppliers or the  
2 manufacture or processing of materials or equipment, in the  
3 execution of any contract or contracts for public works with  
4 any public body shall be deemed to be employed upon public  
5 works. The wage for a tradesman performing maintenance is  
6 equivalent to that of a tradesman engaged in construction.  
7 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."