



Rep. Careen M Gordon

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09500HB1105ham002

LRB095 04970 WGH 33696 a

1 AMENDMENT TO HOUSE BILL 1105

2 AMENDMENT NO. _____. Amend House Bill 1105, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Prevailing Wage Act is amended by changing
6 Sections 2 and 3 as follows:

7 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

8 Sec. 2. This Act applies to the wages of laborers,
9 mechanics and other workers employed in any public works, as
10 hereinafter defined, by any public body and to anyone under
11 contracts for public works.

12 As used in this Act, unless the context indicates
13 otherwise:

14 "Public works" means all fixed works constructed by any
15 public body, other than work done directly by any public
16 utility company, whether or not done under public supervision

1 or direction, or paid for wholly or in part out of public
2 funds. "Public works" as defined herein includes all projects
3 financed in whole or in part with bonds issued under the
4 Industrial Project Revenue Bond Act (Article 11, Division 74 of
5 the Illinois Municipal Code), the Industrial Building Revenue
6 Bond Act, the Illinois Finance Authority Act, the Illinois
7 Sports Facilities Authority Act, or the Build Illinois Bond
8 Act, and all projects financed in whole or in part with loans
9 or other funds made available pursuant to the Build Illinois
10 Act. "Public works" also includes all projects financed in
11 whole or in part with funds from the Fund for Illinois' Future
12 under Section 6z-47 of the State Finance Act, funds for school
13 construction under Section 5 of the General Obligation Bond
14 Act, funds authorized under Section 3 of the School
15 Construction Bond Act, funds for school infrastructure under
16 Section 6z-45 of the State Finance Act, and funds for
17 transportation purposes under Section 4 of the General
18 Obligation Bond Act. "Public works" also includes all projects
19 financed in whole or in part with funds from the Department of
20 Commerce and Economic Opportunity under the Illinois Renewable
21 Fuels Development Program Act for which there is no project
22 labor agreement. "Public works" also includes all projects at
23 leased facility property used for airport purposes under
24 Section 35 of the Local Government Facility Lease Act.

25 "Construction" means all work on public works involving
26 laborers, workers or mechanics.

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

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

23 The terms "general prevailing rate of hourly wages",
24 "general prevailing rate of wages" or "prevailing rate of
25 wages" when used in this Act mean the hourly cash wages plus
26 fringe benefits for training and apprenticeship programs

1 approved by the U.S. Department of Labor, Bureau of
2 Apprenticeship and Training, health and welfare, insurance,
3 vacations and pensions paid generally, in the locality in which
4 the work is being performed, to employees engaged in work of a
5 similar character on public works.

6 "Aggregate materials" includes, but is not limited to,
7 rock, gravel, sand, pebbles, dirt, soil, clay, bitumen,
8 cultured/polymer, cement, concrete, asphalt, slag, grindings,
9 and recycled materials.

10 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205,
11 eff. 1-1-04; 94-750, eff. 5-9-06.)

12 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

13 Sec. 3. Not less than the general prevailing rate of hourly
14 wages for work of a similar character on public works in the
15 locality in which the work is performed, and not less than the
16 general prevailing rate of hourly wages for legal holiday and
17 overtime work, shall be paid to all laborers, workers and
18 mechanics employed by or on behalf of any public body engaged
19 in the construction of public works. Laborers ~~Only such~~
20 ~~laborers~~, workers and mechanics ~~as are~~ directly employed by
21 contractors or subcontractors in actual construction work on
22 the site of the building or construction job shall be deemed to
23 be employed upon public works. The site of the building or
24 construction job shall also include a facility dedicated to the
25 performance of the contract or project and located in such

1 close proximity to the actual construction location that it
2 would be reasonable to include them. Laborers, and laborers,
3 workers and mechanics engaged in the transportation of
4 aggregate and excavated materials and equipment operated to
5 haul to or from the site , but not including the transportation
6 by the sellers and suppliers or the manufacture or processing
7 of materials or equipment, in the execution of any contract or
8 contracts for public works with any public body shall also be
9 deemed to be employed upon public works.

10 To determine the prevailing wage rate for a laborer,
11 worker, or mechanic engaged in the transportation of aggregate
12 or excavated materials or the operation of equipment to haul
13 aggregate or excavated materials to or from the site of the
14 building or construction job, the Department of Labor shall
15 take into consideration the applicable prevailing wage rate and
16 the Illinois Department of Transportation's current method of
17 establishing equipment rates.

18 The transportation by the sellers and suppliers or the
19 manufacture or processing of non-aggregate materials or
20 equipment in the execution of any contract or contracts for
21 public works with any public body shall not be deemed to be
22 employment upon public works.

23 The wage for a tradesman performing maintenance is
24 equivalent to that of a tradesman engaged in construction.

25 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)".