

# HB5323



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5323

by Rep. John E. Bradley

### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2  
820 ILCS 130/3

from Ch. 48, par. 39s-2  
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that the Act applies to the demolition of public works.

LRB095 17151 RLC 43208 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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 or  
16 demolished by any public body, other than work done directly by  
17 any public utility company, whether or not done under public  
18 supervision or direction, or paid for wholly or in part out of  
19 public funds. "Public works" as defined herein includes all  
20 projects financed in whole or in part with bonds issued under  
21 the Industrial Project Revenue Bond Act (Article 11, Division  
22 74 of the Illinois Municipal Code), the Industrial Building  
23 Revenue Bond Act, the Illinois Finance Authority Act, the

1 Illinois Sports Facilities Authority Act, or the Build Illinois  
2 Bond Act, and all projects financed in whole or in part with  
3 loans or other funds made available pursuant to the Build  
4 Illinois Act. "Public works" also includes all projects  
5 financed in whole or in part with funds from the Fund for  
6 Illinois' Future under Section 6z-47 of the State Finance Act,  
7 funds for school construction under Section 5 of the General  
8 Obligation Bond Act, funds authorized under Section 3 of the  
9 School Construction Bond Act, funds for school infrastructure  
10 under Section 6z-45 of the State Finance Act, and funds for  
11 transportation purposes under Section 4 of the General  
12 Obligation Bond Act. "Public works" also includes all projects  
13 financed in whole or in part with funds from the Department of  
14 Commerce and Economic Opportunity under the Illinois Renewable  
15 Fuels Development Program Act for which there is no project  
16 labor agreement. "Public works" also includes all projects at  
17 leased facility property used for airport purposes under  
18 Section 35 of the Local Government Facility Lease Act.

19 "Construction" means all work on public works involving  
20 laborers, workers or mechanics. This includes any maintenance,  
21 repair, assembly, or disassembly work performed on equipment  
22 whether owned, leased, or rented.

23 "Locality" means the county where the physical work upon  
24 public works is performed, except (1) that if there is not  
25 available in the county a sufficient number of competent  
26 skilled laborers, workers and mechanics to construct the public

1 works efficiently and properly, "locality" includes any other  
2 county nearest the one in which the work or construction is to  
3 be performed and from which such persons may be obtained in  
4 sufficient numbers to perform the work and (2) that, with  
5 respect to contracts for highway work with the Department of  
6 Transportation of this State, "locality" may at the discretion  
7 of the Secretary of the Department of Transportation be  
8 construed to include two or more adjacent counties from which  
9 workers may be accessible for work on such construction.

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

19 The terms "general prevailing rate of hourly wages",  
20 "general prevailing rate of wages" or "prevailing rate of  
21 wages" when used in this Act mean the hourly cash wages plus  
22 fringe benefits for training and apprenticeship programs  
23 approved by the U.S. Department of Labor, Bureau of  
24 Apprenticeship and Training, health and welfare, insurance,  
25 vacations and pensions paid generally, in the locality in which  
26 the work is being performed, to employees engaged in work of a

1 similar character on public works.

2 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)

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

4 Sec. 3. Not less than the general prevailing rate of hourly  
5 wages for work of a similar character on public works in the  
6 locality in which the work is performed, and not less than the  
7 general prevailing rate of hourly wages for legal holiday and  
8 overtime work, shall be paid to all laborers, workers and  
9 mechanics employed by or on behalf of any public body engaged  
10 in the construction or demolition of public works. This  
11 includes any maintenance, repair, assembly, or disassembly  
12 work performed on equipment whether owned, leased, or rented.  
13 Only such laborers, workers and mechanics as are directly  
14 employed by contractors or subcontractors in actual  
15 construction work on the site of the building or construction  
16 job, and laborers, workers and mechanics engaged in the  
17 transportation of materials and equipment to or from the site,  
18 but not including the transportation by the sellers and  
19 suppliers or the manufacture or processing of materials or  
20 equipment, in the execution of any contract or contracts for  
21 public works with any public body shall be deemed to be  
22 employed upon public works. The wage for a tradesman performing  
23 maintenance is equivalent to that of a tradesman engaged in  
24 construction or demolition.

25 (Source: P.A. 95-341, eff. 8-21-07.)