

SB3813



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3813

Introduced 2/11/2010, by Sen. Mike Jacobs

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. Defines "aggregate material". Provides that regardless of location laborers, workers, and mechanics who produce aggregate material that is incorporated, directly or indirectly, into a public works, and regardless of location all laborers, workers and mechanics who process aggregate material into concrete, cement or asphalt that is incorporated, directly or indirectly, into a public works shall be deemed to be employed upon public works.

LRB096 19609 RLC 35003 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or
2 the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; or funds from the
4 Fund for Illinois' Future under Section 6z-47 of the State
5 Finance Act, funds for school construction under Section 5 of
6 the General Obligation Bond Act, funds authorized under Section
7 3 of the School Construction Bond Act, funds for school
8 infrastructure under Section 6z-45 of the State Finance Act,
9 and funds for transportation purposes under Section 4 of the
10 General Obligation Bond Act. "Public works" also includes all
11 projects financed in whole or in part with funds from the
12 Department of Commerce and Economic Opportunity under the
13 Illinois Renewable Fuels Development Program Act for which
14 there is no project labor agreement. "Public works" also
15 includes all projects at leased facility property used for
16 airport purposes under Section 35 of the Local Government
17 Facility Lease Act. "Public works" also includes the
18 construction of a new wind power facility by a business
19 designated as a High Impact Business under Section 5.5(a)(3)(E)
20 of the Illinois Enterprise Zone Act. "Public works" does not
21 include work done directly by any public utility company,
22 whether or not done under public supervision or direction, or
23 paid for wholly or in part out of public funds. "Public works"
24 does not include projects undertaken by the owner at an
25 owner-occupied single-family residence or at an owner-occupied
26 unit of a multi-family residence.

1 "Construction" means all work on public works involving
2 laborers, workers or mechanics. This includes any maintenance,
3 repair, assembly, or disassembly work performed on equipment
4 whether owned, leased, or rented.

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

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

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

10 The term "aggregate material" when used in this Act means
11 rock, gravel, sand, pebbles, dirt, soil, clay, bitumen,
12 cultured polymer, cement, concrete, asphalt and like
13 materials.

14 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,
15 eff. 1-1-10; 96-186, eff. 1-1-10; revised 8-20-09.)

16 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

17 Sec. 3. Not less than the general prevailing rate of hourly
18 wages for work of a similar character on public works in the
19 locality in which the work is performed, and not less than the
20 general prevailing rate of hourly wages for legal holiday and
21 overtime work, shall be paid to all laborers, workers and
22 mechanics employed by or on behalf of any public body engaged
23 in the construction or demolition of public works. This
24 includes any maintenance, repair, assembly, or disassembly
25 work performed on equipment whether owned, leased, or rented.

1 Only such laborers, workers and mechanics as are directly
2 employed by contractors or subcontractors in actual
3 construction work on the site of the building or construction
4 job, and regardless of location all laborers, workers and
5 mechanics who produce aggregate material that is incorporated,
6 directly or indirectly, into a public works, and regardless of
7 location all laborers, workers and mechanics who process
8 aggregate material into concrete, cement or asphalt that is
9 incorporated, directly or indirectly, into a public works, and
10 laborers, workers and mechanics engaged in the transportation
11 of materials and equipment to or from the site, but not
12 including the transportation by the sellers and suppliers or
13 the manufacture or processing of materials, excluding
14 aggregate materials, or equipment, in the execution of any
15 contract or contracts for public works with any public body
16 shall be deemed to be employed upon public works. The wage for
17 a tradesman performing maintenance is equivalent to that of a
18 tradesman engaged in construction or demolition.

19 (Source: P.A. 95-341, eff. 8-21-07; 96-186, eff. 1-1-10.)