



Rep. Daniel V. Beiser

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09700HB1041ham002

LRB097 03861 AEK 54230 a

1 AMENDMENT TO HOUSE BILL 1041

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1041 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing  
5 Section 2 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

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

1 construction of a new wind power facility by a business  
2 designated as a High Impact Business under Section 5.5(a)(3)(E)  
3 of the Illinois Enterprise Zone Act. "Public works" does not  
4 include work done directly by any public utility company,  
5 whether or not done under public supervision or direction, or  
6 paid for wholly or in part out of public funds. "Public works"  
7 does not include projects undertaken by the owner at an  
8 owner-occupied single-family residence or at an owner-occupied  
9 unit of a multi-family residence.

10 "Construction" means all work on public works involving  
11 laborers, workers or mechanics. This includes any maintenance,  
12 repair, assembly, or disassembly work performed on equipment  
13 whether owned, leased, or rented.

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

1 "Public body" means the State or any officer, board or  
2 commission of the State or any political subdivision or  
3 department thereof, or any institution supported in whole or in  
4 part by public funds, and includes every county, city, town,  
5 village, township, school district, irrigation, utility,  
6 reclamation improvement or other district and every other  
7 political subdivision, district or municipality of the state  
8 whether such political subdivision, municipality or district  
9 operates under a special charter or not.

10 The terms "general prevailing rate of hourly wages",  
11 "general prevailing rate of wages" or "prevailing rate of  
12 wages" when used in this Act mean the hourly cash wages plus  
13 fringe benefits for training and apprenticeship programs  
14 approved by the U.S. Department of Labor, Bureau of  
15 Apprenticeship and Training, health and welfare, insurance,  
16 vacations and pensions paid generally, in the locality in which  
17 the work is being performed, to employees engaged in work of a  
18 similar character on public works.

19 "Federal construction projects" means public works  
20 contracted for directly by the federal government.

21 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,  
22 eff. 1-1-10; 96-186, eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000,  
23 eff. 7-2-10.)".