

# HB5038



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5038**

Introduced 2/7/2012, by Rep. Darlene J. Senger

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Excludes from the scope of the Act the removal of trees and limbs along roadways and parkways when that work is not part of other construction. Effective immediately.

LRB097 18373 JLS 63599 b

A BILL FOR

1 AN ACT concerning wages.

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 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  
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 (i)  
11 all 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; (ii) all work performed  
15 pursuant to a public private agreement under the Public Private  
16 Agreements for the Illiana Expressway Act; and (iii) all  
17 projects undertaken under a public-private agreement under the  
18 Public-Private Partnerships for Transportation Act. "Public  
19 works" also includes all projects at leased facility property  
20 used for airport purposes under Section 35 of the Local  
21 Government Facility Lease Act. "Public works" also includes the  
22 construction of a new wind power facility by a business  
23 designated as a High Impact Business under Section 5.5(a)(3)(E)  
24 of the Illinois Enterprise Zone Act. "Public works" does not  
25 include work done directly by any public utility company,  
26 whether or not done under public supervision or direction, or

1 paid for wholly or in part out of public funds. "Public works"  
2 does not include projects undertaken by the owner at an  
3 owner-occupied single-family residence or at an owner-occupied  
4 unit of a multi-family residence. "Public works" does not  
5 include the removal of trees and limbs along roadways and  
6 parkways when that removal is not a part of other construction.

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

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

24 "Public body" means the State or any officer, board or  
25 commission of the State or any political subdivision or  
26 department thereof, or any institution supported in whole or in

1 part by public funds, and includes every county, city, town,  
2 village, township, school district, irrigation, utility,  
3 reclamation improvement or other district and every other  
4 political subdivision, district or municipality of the state  
5 whether such political subdivision, municipality or district  
6 operates under a special charter or not.

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

16 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,  
17 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,  
18 eff. 8-23-11.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.