



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5372

Introduced 2/15/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2	from Ch. 48, par. 39s-2
820 ILCS 130/3	from Ch. 48, par. 39s-3
820 ILCS 130/13 new	

Amends the Prevailing Wage Act. Includes snow plowing within the definition of the term "public works". Requires that the prevailing rate of hourly wages be paid by a public body to workers engaged in snow plowing. Limits the concurrent exercise of home rule powers under the Prevailing Wage Act. Effective immediately.

LRB097 19446 JLS 64699 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections 2 and 3 and by adding Section 13 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 and all snow plowed by any public body, or paid for
17 wholly or in part out of public funds. "Public works" as
18 defined herein includes all projects financed in whole or in
19 part with bonds, grants, loans, or other funds made available
20 by or through the State or any of its political subdivisions,
21 including but not limited to: bonds issued under the Industrial
22 Project Revenue Bond Act (Article 11, Division 74 of the
23 Illinois Municipal Code), the Industrial Building Revenue Bond

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

1 supervision or direction, or paid for wholly or in part out of
2 public funds. "Public works" does not include projects
3 undertaken by the owner at an owner-occupied single-family
4 residence or at an owner-occupied unit of a multi-family
5 residence.

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

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

23 "Public body" means the State or any officer, board or
24 commission of the State or any political subdivision or
25 department thereof, or any institution supported in whole or in
26 part by public funds, and includes every county, city, town,

1 village, township, school district, irrigation, utility,
2 reclamation improvement or other district and every other
3 political subdivision, district or municipality of the state
4 whether such political subdivision, municipality or district
5 operates under a special charter or not.

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

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

18 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

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

1 plowing of snow. This includes any maintenance, repair,
2 assembly, or disassembly work performed on equipment whether
3 owned, leased, or rented. Only such laborers, workers and
4 mechanics as are directly employed by contractors or
5 subcontractors in actual construction work on the site of the
6 building or construction job, and laborers, workers and
7 mechanics engaged in the transportation of materials and
8 equipment to or from the site, but not including the
9 transportation by the sellers and suppliers or the manufacture
10 or processing of materials or equipment, in the execution of
11 any contract or contracts for public works with any public body
12 shall be deemed to be employed upon public works. The wage for
13 a tradesman performing maintenance is equivalent to that of a
14 tradesman engaged in construction or demolition.

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

16 (820 ILCS 130/13 new)

17 Sec. 13. Home rule. A home rule unit may not regulate wages
18 in a manner inconsistent with this Act and as otherwise
19 authorized by this Act. This Section is a limitation under
20 subsection (i) of Section 6 of Article VII of the Illinois
21 Constitution on the concurrent exercise by home rule units of
22 powers and functions exercised by the State.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.