



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1629

Introduced 2/9/2011, by Sen. Chris Lauzen

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 shall not apply to the wages of any owner, corporate officer, or other person vested with the responsibility of managing the affairs of a contractor or subcontractor with 25 employees or less.

LRB097 07485 AEK 47595 b

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. This Act shall not apply to
13 the wages of any owner, corporate officer, or other person
14 vested with the responsibility of managing the affairs of a
15 contractor or subcontractor with 25 employees or less.

16 As used in this Act, unless the context indicates
17 otherwise:

18 "Public works" means all fixed works constructed or
19 demolished by any public body, or paid for wholly or in part
20 out of public funds. "Public works" as defined herein includes
21 all projects financed in whole or in part with bonds, grants,
22 loans, or other funds made available by or through the State or
23 any of its political subdivisions, including but not limited

1 to: bonds issued under the Industrial Project Revenue Bond Act
2 (Article 11, Division 74 of the Illinois Municipal Code), the
3 Industrial Building Revenue Bond Act, the Illinois Finance
4 Authority Act, the Illinois Sports Facilities Authority Act, or
5 the Build Illinois Bond Act; loans or other funds made
6 available pursuant to the Build Illinois Act; or funds from the
7 Fund for Illinois' Future under Section 6z-47 of the State
8 Finance Act, funds for school construction under Section 5 of
9 the General Obligation Bond Act, funds authorized under Section
10 3 of the School Construction Bond Act, funds for school
11 infrastructure under Section 6z-45 of the State Finance Act,
12 and funds for transportation purposes under Section 4 of the
13 General Obligation Bond Act. "Public works" also includes (i)
14 all projects financed in whole or in part with funds from the
15 Department of Commerce and Economic Opportunity under the
16 Illinois Renewable Fuels Development Program Act for which
17 there is no project labor agreement and (ii) all work performed
18 pursuant to a public private agreement under the Public Private
19 Agreements for the Illiana Expressway Act. "Public works" also
20 includes all projects at leased facility property used for
21 airport purposes under Section 35 of the Local Government
22 Facility Lease Act. "Public works" also includes the
23 construction of a new wind power facility by a business
24 designated as a High Impact Business under Section 5.5(a)(3)(E)
25 of the Illinois Enterprise Zone Act. "Public works" does not
26 include work done directly by any public utility company,

1 whether or not done under public supervision or direction, or
2 paid for wholly or in part out of public funds. "Public works"
3 does not include projects undertaken by the owner at an
4 owner-occupied single-family residence or at an owner-occupied
5 unit of a multi-family 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. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,
16 eff. 1-1-10; 96-186, eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000,
17 eff. 7-2-10.)

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 any ~~all~~ laborers, workers and
24 mechanics, pursuant to Section 2 of this Act, and employed by
25 or on behalf of any public body engaged in the construction or

1 demolition of public works. This includes any maintenance,
2 repair, assembly, or disassembly work performed on equipment
3 whether owned, leased, or rented. Only such laborers, workers
4 and 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.)