



Rep. Jim Sacia

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09800HB2888ham001

LRB098 08895 JLS 43521 a

1 AMENDMENT TO HOUSE BILL 2888

2 AMENDMENT NO. _____. Amend House Bill 2888 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; (ii) all work performed
22 pursuant to a public private agreement under the Public Private
23 Agreements for the Illiana Expressway Act; and (iii) all
24 projects undertaken under a public-private agreement under the
25 Public-Private Partnerships for Transportation Act. "Public
26 works" also includes all projects at leased facility property

1 used for airport purposes under Section 35 of the Local
2 Government Facility Lease Act. "Public works" also includes the
3 construction of a new wind power facility by a business
4 designated as a High Impact Business under Section 5.5(a)(3)(E)
5 of the Illinois Enterprise Zone Act. "Public works" does not
6 include work done directly by any public utility company,
7 whether or not done under public supervision or direction, or
8 paid for wholly or in part out of public funds. "Public works"
9 does not include projects undertaken by the owner at an
10 owner-occupied single-family residence or at an owner-occupied
11 unit of a multi-family residence.

12 "Public works" does not include any project of \$25,000 or
13 less performed for a charitable organization where all or a
14 majority of the wages performed are donated and the project is
15 not a federal-aid highway or funded with federal funds.

16 "Charitable organization" means any entity that has been
17 designated as a 501(a) organization under the Internal Revenue
18 Code by the United States Treasury.

19 "Donated wages" means that the contactor or subcontractor
20 required payment by the public body of no more than 50% of the
21 approved contract amount.

22 "Construction" means all work on public works involving
23 laborers, workers or mechanics. This includes any maintenance,
24 repair, assembly, or disassembly work performed on equipment
25 whether owned, leased, or rented.

26 "Locality" means the county where the physical work upon

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

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

22 The terms "general prevailing rate of hourly wages",
23 "general prevailing rate of wages" or "prevailing rate of
24 wages" when used in this Act mean the hourly cash wages plus
25 fringe benefits for training and apprenticeship programs
26 approved by the U.S. Department of Labor, Bureau of

1 Apprenticeship and Training, health and welfare, insurance,
2 vacations and pensions paid generally, in the locality in which
3 the work is being performed, to employees engaged in work of a
4 similar character on public works.

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