

**SB1272**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB1272**

Introduced 2/17/2015, by Sen. Antonio Muñoz

**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 applies to work involving the testing of materials and the operation of survey equipment.

LRB099 07699 JLS 27832 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 also includes hand  
13 coring and drilling for testing of materials; field inspection  
14 of uncured concrete, asphalt, welds, structural steel,  
15 fireproofing, masonry, soil, facade, reinforcing steel,  
16 formwork, cured concrete, and concrete and asphalt batch  
17 plants; adjusting proportions of bituminous mixtures; as well  
18 as operating survey equipment for construction layout or grade  
19 checking.

20 As used in this Act, unless the context indicates  
21 otherwise:

22 "Public works" means all fixed works constructed or  
23 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; loans or other  
11 funds made available pursuant to the Riverfront Development  
12 Fund under Section 10-15 of the River Edge Redevelopment Zone  
13 Act; or funds from the Fund for Illinois' Future under Section  
14 6z-47 of the State Finance Act, funds for school construction  
15 under Section 5 of the General Obligation Bond Act, funds  
16 authorized under Section 3 of the School Construction Bond Act,  
17 funds for school infrastructure under Section 6z-45 of the  
18 State Finance Act, and funds for transportation purposes under  
19 Section 4 of the General Obligation Bond Act. "Public works"  
20 also includes (i) all projects financed in whole or in part  
21 with funds from the Department of Commerce and Economic  
22 Opportunity under the Illinois Renewable Fuels Development  
23 Program Act for which there is no project labor agreement; (ii)  
24 all work performed pursuant to a public private agreement under  
25 the Public Private Agreements for the Illiana Expressway Act or  
26 the Public-Private Agreements for the South Suburban Airport

1 Act; and (iii) all projects undertaken under a public-private  
2 agreement under the Public-Private Partnerships for  
3 Transportation Act. "Public works" also includes all projects  
4 at leased facility property used for airport purposes under  
5 Section 35 of the Local Government Facility Lease Act. "Public  
6 works" also includes the construction of a new wind power  
7 facility by a business designated as a High Impact Business  
8 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.  
9 "Public works" does not include work done directly by any  
10 public utility company, whether or not done under public  
11 supervision or direction, or paid for wholly or in part out of  
12 public funds. "Public works" also includes any corrective  
13 action performed pursuant to Title XVI of the Environmental  
14 Protection Act for which payment from the Underground Storage  
15 Tank Fund is requested. "Public works" does not include  
16 projects undertaken by the owner at an owner-occupied  
17 single-family residence or at an owner-occupied unit of a  
18 multi-family residence. "Public works" does not include work  
19 performed for soil and water conservation purposes on  
20 agricultural lands, whether or not done under public  
21 supervision or paid for wholly or in part out of public funds,  
22 done directly by an owner or person who has legal control of  
23 those lands.

24 "Construction" means all work on public works involving  
25 laborers, workers or mechanics. This includes any maintenance,  
26 repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented. "Construction" also includes  
2 hand coring and drilling for testing of materials; field  
3 inspection of uncured concrete, asphalt, welds, structural  
4 steel, fireproofing, masonry, soil, facade, reinforcing steel,  
5 formwork, cured concrete, and concrete and asphalt batch  
6 plants; adjusting proportions of bituminous mixtures; as well  
7 as operating survey equipment for construction layout or grade  
8 checking.

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

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

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

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

14 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
15 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
16 7-16-14.)

17 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

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

1 work performed on equipment whether owned, leased, or rented.  
2 This work also includes hand coring and drilling for testing of  
3 materials; field inspection of uncured concrete, asphalt,  
4 welds, structural steel, fireproofing, masonry, soil, facade,  
5 reinforcing steel, formwork, cured concrete, and concrete and  
6 asphalt batch plants; adjusting proportions of bituminous  
7 mixtures; as well as operating survey equipment for  
8 construction layout or grade checking. Only such laborers,  
9 workers and mechanics as are directly employed by contractors  
10 or subcontractors in actual construction work on the site of  
11 the building or construction job, and laborers, workers and  
12 mechanics engaged in the transportation of materials and  
13 equipment to or from the site, but not including the  
14 transportation by the sellers and suppliers or the manufacture  
15 or processing of materials or equipment, in the execution of  
16 any contract or contracts for public works with any public body  
17 shall be deemed to be employed upon public works. The wage for  
18 a tradesman performing maintenance is equivalent to that of a  
19 tradesman engaged in construction or demolition.

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