



Sen. Gary Forby

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LRB096 04747 WGH 21337 a

1 AMENDMENT TO SENATE BILL 218

2 AMENDMENT NO. _____. Amend Senate Bill 218 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Prevailing Wage Act is amended by changing
5 Sections 2 and 11a 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 by any
16 public body, other than work done directly by any public

1 utility company (except as otherwise provided in this Section),
2 whether or not done under public supervision or direction, or
3 paid for wholly or in part out of public funds. "Public works"
4 as defined herein includes all projects financed in whole or in
5 part with bonds issued under the Industrial Project Revenue
6 Bond Act (Article 11, Division 74 of the Illinois Municipal
7 Code), the Industrial Building Revenue Bond Act, the Illinois
8 Finance Authority Act, the Illinois Sports Facilities
9 Authority Act, or the Build Illinois Bond Act, and all projects
10 financed in whole or in part with loans or other funds made
11 available pursuant to the Build Illinois Act. "Public works"
12 also includes all projects financed in whole or in part with
13 funds from the Fund for Illinois' Future under Section 6z-47 of
14 the State Finance Act, funds for school construction under
15 Section 5 of the General Obligation Bond Act, funds authorized
16 under Section 3 of the School Construction Bond Act, funds for
17 school infrastructure under Section 6z-45 of the State Finance
18 Act, and funds for transportation purposes under Section 4 of
19 the General Obligation Bond Act. "Public works" also includes
20 all projects financed in whole or in part with funds from the
21 Department of Commerce and Economic Opportunity under the
22 Illinois Renewable Fuels Development Program Act for which
23 there is no project labor agreement. "Public works" also
24 includes all projects at leased facility property used for
25 airport purposes under Section 35 of the Local Government
26 Facility Lease Act.

1 "Construction" means all work on public works involving
2 laborers, workers or mechanics. This includes any maintenance,
3 repair, assembly, or disassembly work performed on equipment
4 whether owned, leased, or rented.

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

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

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

10 Notwithstanding any other provision of this Act, whenever a
11 public utility company contracts with an outside contractor on
12 any construction project, the project shall be considered
13 "public work" for purposes of this Act and the public utility
14 company shall be considered a "public body" for purposes of
15 this Act, and this Act shall apply to the public utility
16 company and to the contractor, its subcontractors, and their
17 laborers, workers, and mechanics.

18 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)

19 (820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

20 Sec. 11a. The Director of the Department of Labor shall
21 publish in the Illinois Register no less often than once each
22 calendar quarter a list of contractors or subcontractors found
23 to have disregarded their obligations to employees under this
24 Act. The Department of Labor shall determine the contractors or
25 subcontractors who, on 2 separate occasions within 5 years,

1 have been determined to have violated the provisions of this
2 Act. Upon such determination the Department shall notify the
3 violating contractor or subcontractor. Such contractor or
4 subcontractor shall then have 10 working days to request a
5 hearing by the Department on the alleged violations. Failure to
6 respond within the 10 working day period shall result in
7 automatic and immediate placement and publication on the list.
8 If the contractor or subcontractor requests a hearing within
9 the 10 working day period, the Director shall set a hearing on
10 the alleged violations. Such hearing shall take place no later
11 than 45 calendar days after the receipt by the Department of
12 Labor of the request for a hearing. The Department of Labor is
13 empowered to promulgate, adopt, amend and rescind rules and
14 regulations to govern the hearing procedure. No contract shall
15 be awarded to, nor may a bid be accepted from, a contractor or
16 subcontractor appearing on the list, or to any firm,
17 corporation, partnership or association in which such
18 contractor or subcontractor has an interest until 4 years have
19 elapsed from the date of publication of the list containing the
20 name of such contractor or subcontractor.

21 (Source: P.A. 93-38, eff. 6-1-04; 94-488, eff. 1-1-06.)".