



Sen. Michael E. Hastings

**Filed: 3/13/2019**

10100SB1783sam001

LRB101 08925 JLS 57272 a

1 AMENDMENT TO SENATE BILL 1783

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1783 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 3 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 (Text of Section before amendment by P.A. 100-1177)

8 Sec. 2. This Act applies to the wages of laborers,  
9 mechanics and other workers employed in any public works, as  
10 hereinafter defined, by any public body and to anyone under  
11 contracts for public works. This includes any maintenance,  
12 repair, assembly, or disassembly work performed on equipment  
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates  
15 otherwise:

16 "Public works" means all fixed works constructed or

1 demolished by any public body, or paid for wholly or in part  
2 out of public funds. "Public works" as defined herein includes  
3 all projects financed in whole or in part with bonds, grants,  
4 loans, or other funds made available by or through the State or  
5 any of its political subdivisions, including but not limited  
6 to: bonds issued under the Industrial Project Revenue Bond Act  
7 (Article 11, Division 74 of the Illinois Municipal Code), the  
8 Industrial Building Revenue Bond Act, the Illinois Finance  
9 Authority Act, the Illinois Sports Facilities Authority Act, or  
10 the Build Illinois Bond Act; loans or other funds made  
11 available pursuant to the Build Illinois Act; loans or other  
12 funds made available pursuant to the Riverfront Development  
13 Fund under Section 10-15 of the River Edge Redevelopment Zone  
14 Act; or funds from the Fund for Illinois' Future under Section  
15 6z-47 of the State Finance Act, funds for school construction  
16 under Section 5 of the General Obligation Bond Act, funds  
17 authorized under Section 3 of the School Construction Bond Act,  
18 funds for school infrastructure under Section 6z-45 of the  
19 State Finance Act, and funds for transportation purposes under  
20 Section 4 of the General Obligation Bond Act. "Public works"  
21 also includes (i) all projects financed in whole or in part  
22 with funds from the Department of Commerce and Economic  
23 Opportunity under the Illinois Renewable Fuels Development  
24 Program Act for which there is no project labor agreement; (ii)  
25 all work performed pursuant to a public private agreement under  
26 the Public Private Agreements for the Illiana Expressway Act or

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

25 "Construction" means all work on public works involving  
26 laborers, workers or mechanics. This includes any maintenance,

1 repair, assembly, or disassembly work performed on equipment  
2 whether owned, leased, or rented.

3 "Trucking broker" means an individual or business entity,  
4 the activities of which include, but are not limited to:

5 (1) contracting to provide trucking services in the  
6 construction industry to users of those services;

7 (2) contracting to obtain such service from providers  
8 of trucking services;

9 (3) dispatching the providers of the services to do  
10 work as required by the users of such services;

11 (4) receiving payment from the users in consideration  
12 of the trucking services provided; and

13 (5) making payment to the providers for the services.

14 "Trucking firm" means any legal business entity that owns  
15 one or more vehicles and hires the vehicles out for services to  
16 trucking brokers or contractors on public works projects.

17 "Independent truck owner-operator" means an individual,  
18 partnership, or principal stockholder of a corporation that  
19 owns or holds a vehicle under lease and that contracts that  
20 vehicle and the owner's services to an entity which provides  
21 construction services to a public works project.

22 "Ready-mixed concrete" means concrete that is manufactured  
23 according to a set recipe for incorporation into a public works  
24 project.

25 "Aggregate" or "excavated materials" includes, but is not  
26 limited to, rock, gravel, sand, pebbles, dirt, soil, clay,

1 bitumen, cultured and polymer materials, cement, concrete,  
2 asphalt, slag, grindings, and recycled materials.

3 "Stockpile" means aggregate or excavated materials that  
4 are placed in a location for temporary storage when all or  
5 substantially all of the aggregate or excavated material is  
6 relocated by loading and hauling it to another location for  
7 final placement.

8 "Transportation" means any required hauling activities on  
9 the site of, or to or from, a public works project or stockpile  
10 regardless of whether the activity is performed by the prime  
11 contractor, subcontractor, trucking broker, trucking firm,  
12 independent truck owner-operator, or employee or agent of any  
13 of the foregoing entities and regardless of which entity or  
14 person hires or contracts with another.

15 "Transportation of ready-mixed concrete" means receiving  
16 the concrete at the factory or batching plant, hauling and  
17 delivery to a public works project, and the return trip to the  
18 factory or batching plant, whether or not the factory or  
19 batching plant is mobile or in a fixed location.

20 "Transportation of aggregate or excavated materials"  
21 includes, but is not limited to, work, as required by the users  
22 of the services, for:

23 (1) the hauling of any or all stockpiled materials on  
24 the project work site to other locations on the same  
25 project even if the trucks leave the work site at some  
26 point;

1           (2) the delivery of materials from any facility or any  
2           stockpile to the project and the return haul to the  
3           starting location either empty or loaded;

4           (3) the delivery of materials from another  
5           construction project site to the public works project and  
6           the return haul either empty or loaded;

7           (4) the hauling required to remove any materials from  
8           the public works project to a location off the project site  
9           and the return haul either empty or loaded; and

10           (5) the delivery of materials by an employee of a  
11           seller or supplier to the public works project and the  
12           return haul to the off-site facility or any stockpile,  
13           empty or loaded, by an employee of the seller or supplier.

14           The hauling of aggregate or excavated materials by  
15           employees of a contractor or subcontractor that operates an  
16           asphalt or concrete plant that was moved into a gravel pit,  
17           borrow pit, or other location not on the project, primarily to  
18           serve public works projects, is considered work under the  
19           contract.

20           "Locality" means the county where the physical work upon  
21 public works is performed, except (1) that if there is not  
22 available in the county a sufficient number of competent  
23 skilled laborers, workers and mechanics to construct the public  
24 works efficiently and properly, "locality" includes any other  
25 county nearest the one in which the work or construction is to  
26 be performed and from which such persons may be obtained in

1 sufficient numbers to perform the work and (2) that, with  
2 respect to contracts for highway work with the Department of  
3 Transportation of this State, "locality" may at the discretion  
4 of the Secretary of the Department of Transportation be  
5 construed to include two or more adjacent counties from which  
6 workers may be accessible for work on such construction.

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

16 The terms "general prevailing rate of hourly wages",  
17 "general prevailing rate of wages" or "prevailing rate of  
18 wages" when used in this Act mean the hourly cash wages plus  
19 annualized fringe benefits for training and apprenticeship  
20 programs approved by the U.S. Department of Labor, Bureau of  
21 Apprenticeship and Training, health and welfare, insurance,  
22 vacations and pensions paid generally, in the locality in which  
23 the work is being performed, to employees engaged in work of a  
24 similar character on public works, and for those who own, such  
25 as an independent truck owner-operator, and operate a truck and  
26 are engaged in the transportation of ready-mixed concrete or

1 transportation of aggregate or excavated materials, the  
2 prevailing rate shall, in addition, include the equipment rate  
3 established by the Illinois Department of Transportation  
4 associated with the nature of the equipment operated and the  
5 rental rate paid for truck hire to those who own or operate a  
6 truck, whichever is applicable.

7 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
8 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
9 7-16-14.)

10 (Text of Section after amendment by P.A. 100-1177)

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25 to: bonds issued under the Industrial Project Revenue Bond Act



1 (Article 11, Division 74 of the Illinois Municipal Code), the  
2 Industrial Building Revenue Bond Act, the Illinois Finance  
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25 at leased facility property used for airport purposes under  
26 Section 35 of the Local Government Facility Lease Act. "Public

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3           (3) dispatching the providers of the services to do  
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26           relocated by loading and hauling it to another location for

1 final placement.

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4 regardless of whether the activity is performed by the prime  
5 contractor, subcontractor, trucking broker, trucking firm,  
6 independent truck owner-operator, or employee or agent of any  
7 of the foregoing entities and regardless of which entity or  
8 person hires or contracts with another.

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19 project even if the trucks leave the work site at some  
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21 (2) the delivery of materials from any facility or any  
22 stockpile to the project and the return haul to the  
23 starting location either empty or loaded;

24 (3) the delivery of materials from another  
25 construction project site to the public works project and  
26 the return haul either empty or loaded;

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3           and the return haul either empty or loaded; and

4           (5) the delivery of materials by an employee of a  
5           seller or supplier to the public works project and the  
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9           employees of a contractor or subcontractor that operates an  
10           asphalt or concrete plant that was moved into a gravel pit,  
11           borrow pit, or other location not on the project, primarily to  
12           serve public works projects, is considered work under the  
13           contract.

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

1 "Public body" means the State or any officer, board or  
2 commission of the State or any political subdivision or  
3 department thereof, or any institution supported in whole or in  
4 part by public funds, and includes every county, city, town,  
5 village, township, school district, irrigation, utility,  
6 reclamation improvement or other district and every other  
7 political subdivision, district or municipality of the state  
8 whether such political subdivision, municipality or district  
9 operates under a special charter or not.

10 "Labor organization" means an organization that is the  
11 exclusive representative of an employer's employees recognized  
12 or certified pursuant to the National Labor Relations Act.

13 The terms "general prevailing rate of hourly wages",  
14 "general prevailing rate of wages" or "prevailing rate of  
15 wages" when used in this Act mean the hourly cash wages plus  
16 annualized fringe benefits for training and apprenticeship  
17 programs approved by the U.S. Department of Labor, Bureau of  
18 Apprenticeship and Training, health and welfare, insurance,  
19 vacations and pensions paid generally, in the locality in which  
20 the work is being performed, to employees engaged in work of a  
21 similar character on public works, and for those who own, such  
22 as an independent truck owner-operator, and operate a truck and  
23 are engaged in the transportation of ready-mixed concrete or  
24 transportation of aggregate or excavated materials, the  
25 prevailing rate shall, in addition, include the equipment rate  
26 established by the Illinois Department of Transportation

1 associated with the nature of the equipment operated and the  
2 rental rate paid for truck hire by those who own or operate a  
3 truck, whichever is applicable.

4 (Source: P.A. 100-1177, eff. 6-1-19.)

5 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

6 Sec. 3. Not less than the general prevailing rate of hourly  
7 wages for work of a similar character on public works in the  
8 locality in which the work is performed, and not less than the  
9 general prevailing rate of hourly wages for legal holiday and  
10 overtime work, shall be paid to all laborers, workers and  
11 mechanics employed by or on behalf of any public body engaged  
12 in the construction or demolition of public works. This  
13 includes any maintenance, repair, assembly, or disassembly  
14 work performed on equipment whether owned, leased, or rented.  
15 All ~~Only such~~ laborers, workers, and mechanics ~~as are~~ directly  
16 employed by contractors or subcontractors in actual  
17 construction work on the site of the building or construction  
18 job shall be deemed to be employed upon public works. All  
19 laborers, workers, and mechanics directly employed by  
20 contractors or subcontractors performing transportation of  
21 ready-mixed concrete and transportation of aggregate or  
22 excavated materials to the job site or stockpile shall be  
23 deemed to be employed in actual construction work upon public  
24 works. Laborers, ~~and laborers,~~ workers, and mechanics  
25 otherwise engaged in the transportation of materials and

1 equipment to or from the site, ~~but not including the~~  
2 ~~transportation~~ by the sellers and suppliers or the manufacture  
3 or processing of materials or equipment, ~~in the execution of~~  
4 ~~any contract or contracts for public works with any public body~~  
5 shall not be deemed to be employed upon public works. The wage  
6 for a tradesman performing maintenance is equivalent to that of  
7 a tradesman engaged in construction or demolition.

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

9 Section 95. No acceleration or delay. Where this Act makes  
10 changes in a statute that is represented in this Act by text  
11 that is not yet or no longer in effect (for example, a Section  
12 represented by multiple versions), the use of that text does  
13 not accelerate or delay the taking effect of (i) the changes  
14 made by this Act or (ii) provisions derived from any other  
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."