



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3533

Introduced 2/23/2005, by Rep. Angelo Saviano

#### 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 workers at a facility dedicated exclusively, or nearly so, to performance of the contract or project and located in such proximity to the actual construction location that it would be reasonable to include them, or that perform work specifically designated for installation on a public works project, shall be deemed to be employed on public works. Provides for coverage of the transportation of aggregate materials to or from the job site. Provides that workers who are paid a set amount for truck expense and take-home wage and who are deemed to be employed on the public works project are entitled to the proper prevailing wage for the equipment being operated. Makes other changes.

LRB094 10732 WGH 41142 b

FISCAL NOTE ACT  
MAY APPLY

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.

11 As used in this Act, unless the context indicates  
12 otherwise:

13 "Public works" means all fixed works constructed by any  
14 public body, other than work done directly by any public  
15 utility company, whether or not done under public supervision  
16 or direction, or paid for wholly or in part out of public  
17 funds. "Public works" as defined herein includes all projects  
18 financed in whole or in part with bonds issued under the  
19 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
20 the Illinois Municipal Code), the Industrial Building Revenue  
21 Bond Act, the Illinois Finance Authority Act, the Illinois  
22 Sports Facilities Authority Act, or the Build Illinois Bond  
23 Act, and all projects financed in whole or in part with loans  
24 or other funds made available pursuant to the Build Illinois  
25 Act. "Public works" also includes all projects financed in  
26 whole or in part with funds from the Fund for Illinois' Future  
27 under Section 6z-47 of the State Finance Act, funds for school  
28 construction under Section 5 of the General Obligation Bond  
29 Act, funds authorized under Section 3 of the School  
30 Construction Bond Act, funds for school infrastructure under  
31 Section 6z-45 of the State Finance Act, and funds for  
32 transportation purposes under Section 4 of the General

1 Obligation Bond Act. "Public works" also includes all projects  
2 financed in whole or in part with funds from the Department of  
3 Commerce and Economic Opportunity ~~Community Affairs~~ under the  
4 Illinois Renewable Fuels Development Program Act for which  
5 there is no project labor agreement.

6 "Construction" means all work on public works involving  
7 laborers, workers or mechanics.

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

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

30 The terms "general prevailing rate of hourly wages",  
31 "general prevailing rate of wages" or "prevailing rate of  
32 wages" when used in this Act mean the hourly cash wages plus  
33 fringe benefits for training and apprenticeship programs  
34 approved by the U.S. Department of Labor, Bureau of  
35 Apprenticeship and Training, health and welfare, insurance,  
36 vacations and pensions paid generally, in the locality in which

1 the work is being performed, to employees engaged in work of a  
2 similar character on public works.

3 "Aggregate materials" means rock, gravel, sand, pebbles,  
4 dirt, soil, clay, bitumen, cultured/polymer, cement, concrete,  
5 asphalt, and like materials.

6 (Source: P.A. 92-16, eff. 6-28-01; 93-15, eff. 6-11-03; 93-16,  
7 eff. 1-1-04; 93-205, eff. 1-1-04; revised 1-12-04.)

8 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

9 Sec. 3. Not less than the general prevailing rate of hourly  
10 wages for work of a similar character on public works in the  
11 locality in which the work is performed, and not less than the  
12 general prevailing rate of hourly wages for legal holiday and  
13 overtime work, shall be paid to all laborers, workers and  
14 mechanics employed by or on behalf of any public body engaged  
15 in the construction of public works. Only such laborers,  
16 workers and mechanics as are directly employed by contractors  
17 or subcontractors in actual construction work on the site of  
18 the building or construction job, or at a facility dedicated  
19 exclusively, or nearly so, to performance of the contract or  
20 project and are located in such proximity to the actual  
21 construction location that it would be reasonable to include  
22 them, or that perform work specifically designated for  
23 installation on a public works project, and laborers, workers  
24 and mechanics engaged in the transportation of materials,  
25 including aggregate materials, and equipment to or from the  
26 site, ~~but not including the transportation by the sellers and~~  
27 ~~suppliers or the manufacture or processing of materials or~~  
28 ~~equipment, in the execution of any contract or contracts for~~  
29 ~~public works with any public body~~ shall be deemed to be  
30 employed upon public works.

31 Laborers, workers, and mechanics who are paid a set amount  
32 for the truck expense and take-home wage and who are deemed to  
33 be employed on the public works project are entitled to the  
34 proper prevailing wage for the equipment being operated. The  
35 take-home wage shall be determined by deducting the minimum

1 hourly expense rate for the equipment being operated, as most  
2 recently determined by the Illinois Department of  
3 Transportation in its Schedule of Average Annual Equipment  
4 Ownership Expense, or as determined by the Illinois Department  
5 of Labor, from the total hourly gross amount representing  
6 payment for the truck expense and take-home wage. The truck  
7 driver shall be entitled to the difference between the  
8 determined take-home wage and the proper prevailing wage for  
9 the equipment being operated.

10 The transportation by the sellers and suppliers or the  
11 manufacture of non-aggregate materials or equipment in the  
12 execution of any contract or contracts for public works with  
13 any public body shall not be deemed to be employment upon  
14 public works.

15 The wage for a tradesman performing maintenance is  
16 equivalent to that of a tradesman engaged in construction.

17 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)