



Rep. Michael J. Madigan

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09400HB2113ham001

LRB094 03071 WGH 56245 a

1 AMENDMENT TO HOUSE BILL 2113

2 AMENDMENT NO. _____. Amend House Bill 2113 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 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

1 Act. "Public works" also includes all projects financed in
2 whole or in part with funds from the Fund for Illinois' Future
3 under Section 6z-47 of the State Finance Act, funds for school
4 construction under Section 5 of the General Obligation Bond
5 Act, funds authorized under Section 3 of the School
6 Construction Bond Act, funds for school infrastructure under
7 Section 6z-45 of the State Finance Act, and funds for
8 transportation purposes under Section 4 of the General
9 Obligation Bond Act. "Public works" also includes all projects
10 financed in whole or in part with funds from the Department of
11 Commerce and Economic Opportunity ~~Community Affairs~~ under the
12 Illinois Renewable Fuels Development Program Act for which
13 there is no project labor agreement.

14 "Construction" means all work on public works involving
15 laborers, workers or mechanics.

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

29 "Public body" means the State or any officer, board or
30 commission of the State or any political subdivision or
31 department thereof, or any institution supported in whole or in
32 part by public funds, and includes every county, city, town,
33 village, township, school district, irrigation, utility,
34 reclamation improvement or other district and every other

1 political subdivision, district or municipality of the state
2 whether such political subdivision, municipality or district
3 operates under a special charter or not.

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

13 "Aggregate materials" means rock, gravel, sand, pebbles,
14 dirt, soil, clay, bitumen, cultured/polymer, cement, concrete,
15 asphalt, and like materials.

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

18 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

19 Sec. 3. Not less than the general prevailing rate of hourly
20 wages for work of a similar character on public works in the
21 locality in which the work is performed, and not less than the
22 general prevailing rate of hourly wages for legal holiday and
23 overtime work, shall be paid to all laborers, workers and
24 mechanics employed by or on behalf of any public body engaged
25 in the construction of public works. Only such laborers,
26 workers and mechanics as are directly employed by contractors
27 or subcontractors in actual construction work on the site of
28 the building or construction job, or at a facility dedicated
29 exclusively, or nearly so, to performance of the contract or
30 project and are located in such proximity to the actual
31 construction location that it would be reasonable to include
32 them, or that perform work specifically designated for
33 installation on a public works project, and laborers, workers

1 and mechanics engaged in the transportation of materials,
2 including aggregate materials, and equipment to or from the
3 site, ~~but not including the transportation by the sellers and~~
4 ~~suppliers or the manufacture or processing of materials or~~
5 ~~equipment, in the execution of any contract or contracts for~~
6 ~~public works with any public body~~ shall be deemed to be
7 employed upon public works.

8 Laborers, workers, and mechanics who are paid a set amount
9 for the truck expense and take-home wage and who are deemed to
10 be employed on the public works project are entitled to the
11 proper prevailing wage for the equipment being operated. The
12 take-home wage shall be determined by deducting the minimum
13 hourly expense rate for the equipment being operated, as most
14 recently determined by the Illinois Department of
15 Transportation in its Schedule of Average Annual Equipment
16 Ownership Expense, or as determined by the Illinois Department
17 of Labor, from the total hourly gross amount representing
18 payment for the truck expense and take-home wage. The truck
19 driver shall be entitled to the difference between the
20 determined take-home wage and the proper prevailing wage for
21 the equipment being operated.

22 The transportation by the sellers and suppliers or the
23 manufacture of non-aggregate materials or equipment in the
24 execution of any contract or contracts for public works with
25 any public body shall not be deemed to be employment upon
26 public works.

27 The wage for a tradesman performing maintenance is
28 equivalent to that of a tradesman engaged in construction.
29 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)"