

SB0959



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0959

Introduced 2/7/2017, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that "public utility company" means: (1) a privately owned public utility as defined and regulated under the Public Utilities Act; (2) a public utility that is owned and operated by any political subdivision, public institution of higher education, or municipal corporation of this State; or (3) a public utility that is owned by a political subdivision, public institution of higher education, or municipal corporation and operated, wholly or in part, by any of its lessees or operating agents. Makes other changes.

LRB100 04286 HEP 14292 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 Section 2 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 or
16 demolished by any public body, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or
2 the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; loans or other
4 funds made available pursuant to the Riverfront Development
5 Fund under Section 10-15 of the River Edge Redevelopment Zone
6 Act; or funds from the Fund for Illinois' Future under Section
7 6z-47 of the State Finance Act, funds for school construction
8 under Section 5 of the General Obligation Bond Act, funds
9 authorized under Section 3 of the School Construction Bond Act,
10 funds for school infrastructure under Section 6z-45 of the
11 State Finance Act, and funds for transportation purposes under
12 Section 4 of the General Obligation Bond Act. "Public works"
13 also includes (i) all projects financed in whole or in part
14 with funds from the Department of Commerce and Economic
15 Opportunity under the Illinois Renewable Fuels Development
16 Program Act for which there is no project labor agreement; (ii)
17 all work performed pursuant to a public private agreement under
18 the Public Private Agreements for the Illiana Expressway Act or
19 the Public-Private Agreements for the South Suburban Airport
20 Act; and (iii) all projects undertaken under a public-private
21 agreement under the Public-Private Partnerships for
22 Transportation Act. "Public works" also includes all projects
23 at leased facility property used for airport purposes under
24 Section 35 of the Local Government Facility Lease Act. "Public
25 works" also includes the construction of a new wind power
26 facility by a business designated as a High Impact Business

1 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.
2 "Public works" does not include work done directly by any
3 public utility company, whether or not done under public
4 supervision or direction, or paid for wholly or in part out of
5 public funds. "Public works" also includes any corrective
6 action performed pursuant to Title XVI of the Environmental
7 Protection Act for which payment from the Underground Storage
8 Tank Fund is requested. "Public works" does not include
9 projects undertaken by the owner at an owner-occupied
10 single-family residence or at an owner-occupied unit of a
11 multi-family residence. "Public works" does not include work
12 performed for soil and water conservation purposes on
13 agricultural lands, whether or not done under public
14 supervision or paid for wholly or in part out of public funds,
15 done directly by an owner or person who has legal control of
16 those lands.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics. This includes any maintenance,
19 repair, assembly, or disassembly work performed on equipment
20 whether owned, leased, or rented.

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

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

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

17 "Public utility company" means: (1) a privately owned
18 public utility as defined and regulated under the Public
19 Utilities Act; (2) a public utility that is owned and operated
20 by any political subdivision, public institution of higher
21 education, or municipal corporation of this State; or (3) a
22 public utility that is owned by a political subdivision, public
23 institution of higher education, or municipal corporation and
24 operated, wholly or in part, by any of its lessees or operating
25 agents. "Lessees or operating agents" includes any person or
26 entity operating a publicly owned utility, wholly or in part,

1 under a lease or contract and, with the public owner of the
2 utility, is a public utility company.

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

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