



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2551

Introduced 1/11/2012, by Sen. Ron Sandack

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that "public works" does not include projects undertaken by a private business pursuant to a sales tax rebate agreement that are (i) privately funded, (ii) privately financed, (iii) located on property that is not publicly owned or operated, and (iv) carried out by a private business that is not performing a public function. Defines "sales tax rebate agreement" as an agreement entered into between a private business and a unit of local government to rebate a portion of the State Retailers' Occupation Tax. Effective immediately.

LRB097 13469 AEK 57988 b

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; or funds from the
4 Fund for Illinois' Future under Section 6z-47 of the State
5 Finance Act, funds for school construction under Section 5 of
6 the General Obligation Bond Act, funds authorized under Section
7 3 of the School Construction Bond Act, funds for school
8 infrastructure under Section 6z-45 of the State Finance Act,
9 and funds for transportation purposes under Section 4 of the
10 General Obligation Bond Act. "Public works" also includes (i)
11 all projects financed in whole or in part with funds from the
12 Department of Commerce and Economic Opportunity under the
13 Illinois Renewable Fuels Development Program Act for which
14 there is no project labor agreement; (ii) all work performed
15 pursuant to a public private agreement under the Public Private
16 Agreements for the Illiana Expressway Act; and (iii) all
17 projects undertaken under a public-private agreement under the
18 Public-Private Partnerships for Transportation Act. "Public
19 works" also includes all projects at leased facility property
20 used for airport purposes under Section 35 of the Local
21 Government Facility Lease Act. "Public works" also includes the
22 construction of a new wind power facility by a business
23 designated as a High Impact Business under Section 5.5(a)(3)(E)
24 of the Illinois Enterprise Zone Act. "Public works" does not
25 include work done directly by any public utility company,
26 whether or not done under public supervision or direction, or

1 paid for wholly or in part out of public funds. "Public works"
2 does not include projects undertaken by the owner at an
3 owner-occupied single-family residence or at an owner-occupied
4 unit of a multi-family residence. "Public works" does not
5 include projects undertaken by a private business pursuant to a
6 sales tax rebate agreement that are (i) privately funded, (ii)
7 privately financed, (iii) located on property that is not
8 publicly owned or operated, and (iv) carried out by a private
9 business that is not performing a public function. For the
10 purposes of this Section, "sales tax rebate agreement" shall
11 mean an agreement entered into between a private business and a
12 unit of local government to rebate a portion of the State
13 Retailers' Occupation Tax.

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

18 "Locality" means the county where the physical work upon
19 public works is performed, except (1) that if there is not
20 available in the county a sufficient number of competent
21 skilled laborers, workers and mechanics to construct the public
22 works efficiently and properly, "locality" includes any other
23 county nearest the one in which the work or construction is to
24 be performed and from which such persons may be obtained in
25 sufficient numbers to perform the work and (2) that, with
26 respect to contracts for highway work with the Department of

1 Transportation of this State, "locality" may at the discretion
2 of the Secretary of the Department of Transportation be
3 construed to include two or more adjacent counties from which
4 workers may be accessible for work on such construction.

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

14 The terms "general prevailing rate of hourly wages",
15 "general prevailing rate of wages" or "prevailing rate of
16 wages" when used in this Act mean the hourly cash wages plus
17 fringe benefits for training and apprenticeship programs
18 approved by the U.S. Department of Labor, Bureau of
19 Apprenticeship and Training, health and welfare, insurance,
20 vacations and pensions paid generally, in the locality in which
21 the work is being performed, to employees engaged in work of a
22 similar character on public works.

23 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,
24 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,
25 eff. 8-23-11.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.