

HB2509



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2509

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Changes the definition of "public works" to include projects when located in an economic development project area under the Economic Development Project Area Tax Increment Allocation Act of 1995 and a business receives a financial benefit available under that Act.

LRB098 10094 JLS 40253 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. Applicability; definitions. This Act applies to the
8 wages of laborers, mechanics and other workers employed in any
9 public works, as hereinafter defined, by any public body and to
10 anyone under contracts for public works. This includes any
11 maintenance, repair, assembly, or disassembly work performed
12 on equipment 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.

5 "Public works" also includes all projects when the
6 following 2 elements are met:

7 (1) the project is located in an economic development
8 project area as defined in the Economic Development Project
9 Area Tax Increment Allocation Act of 1995; and

10 (2) a business enterprise derives a direct financial
11 benefit from loans, grants, subsidies, incentives, or
12 other direct financial benefit made available pursuant to
13 the Economic Development Project Area Tax Increment
14 Allocation Act of 1995.

15 Provided however, "public works" does not include
16 projects, including remodeling, altering, improving, or
17 repairing, at an owner-occupied single family residence,
18 single-family tract housing, or an owner-occupied multi-family
19 residence located in an enterprise zone or an economic
20 development project area. Notwithstanding the foregoing,
21 "public works" does not include the operation and maintenance
22 of a facility where the work is self-performed by the owner.
23 Any documentary materials or data relating to the Economic
24 Development Project Area Tax Increment Allocation Act of 1995
25 received by any agent or employee of the Department of Labor
26 during an investigation shall be deemed to be confidential and

1 shall not be deemed public records to the extent that such
2 materials or data consist of financial information regarding
3 the operation of any business.

4 "Construction" means all work on public works involving
5 laborers, workers or mechanics. This includes any maintenance,
6 repair, assembly, or disassembly work performed on equipment
7 whether owned, leased, or rented.

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

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