

# SB1278



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1278

Introduced 2/9/2017, by Sen. Jil Tracy

### 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 conservation projects or practices on private land paid for wholly or in part out of public funds. Effective immediately.

LRB100 09326 JLS 19487 b

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

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

23 "Locality" means the county where the physical work upon  
24 public works is performed, except (1) that if there is not  
25 available in the county a sufficient number of competent  
26 skilled laborers, workers and mechanics to construct the public

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

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

19 The terms "general prevailing rate of hourly wages",  
20 "general prevailing rate of wages" or "prevailing rate of  
21 wages" when used in this Act mean the hourly cash wages plus  
22 annualized fringe benefits for training and apprenticeship  
23 programs approved by the U.S. Department of Labor, Bureau of  
24 Apprenticeship and Training, health and welfare, insurance,  
25 vacations and pensions paid generally, in the locality in which  
26 the work is being performed, to employees engaged in work of a

1 similar character on public works.

2 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
3 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
4 7-16-14.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.