

SB1649



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1649

Introduced 2/15/2019, 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.

LRB101 09150 JLS 54244 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 (Text of Section before amendment by P.A. 100-1177)

8 Sec. 2. This Act applies to the wages of laborers,
9 mechanics and other workers employed in any public works, as
10 hereinafter defined, by any public body and to anyone under
11 contracts for public works. This includes any maintenance,
12 repair, assembly, or disassembly work performed on equipment
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates
15 otherwise:

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

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

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

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

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

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

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

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

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

4 (Text of Section after amendment by P.A. 100-1177)

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6 mechanics and other workers employed in any public works, as
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12 otherwise:

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15 out of public funds. "Public works" as defined herein includes
16 all projects financed in whole or in part with bonds, grants,
17 loans, or other funds made available by or through the State or
18 any of its political subdivisions, including but not limited
19 to: bonds issued under the Industrial Project Revenue Bond Act
20 (Article 11, Division 74 of the Illinois Municipal Code), the
21 Industrial Building Revenue Bond Act, the Illinois Finance
22 Authority Act, the Illinois Sports Facilities Authority Act, or
23 the Build Illinois Bond Act; loans or other funds made
24 available pursuant to the Build Illinois Act; loans or other
25 funds made available pursuant to the Riverfront Development

1 Fund under Section 10-15 of the River Edge Redevelopment Zone
2 Act; or funds from the Fund for Illinois' Future under Section
3 6z-47 of the State Finance Act, funds for school construction
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18 Transportation Act. "Public works" also includes all projects
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20 Section 35 of the Local Government Facility Lease Act. "Public
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22 facility by a business designated as a High Impact Business
23 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.
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25 public utility company, whether or not done under public
26 supervision or direction, or paid for wholly or in part out of

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18 public works is performed, except (1) that if there is not
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21 works efficiently and properly, "locality" includes any other
22 county nearest the one in which the work or construction is to
23 be performed and from which such persons may be obtained in
24 sufficient numbers to perform the work and (2) that, with
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1 of the Secretary of the Department of Transportation be
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5 commission of the State or any political subdivision or
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7 part by public funds, and includes every county, city, town,
8 village, township, school district, irrigation, utility,
9 reclamation improvement or other district and every other
10 political subdivision, district or municipality of the state
11 whether such political subdivision, municipality or district
12 operates under a special charter or not.

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

25 "Labor organization" means an organization that is the
26 exclusive representative of an employer's employees recognized

1 or certified pursuant to the National Labor Relations Act.

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

11 (Source: P.A. 100-1177, eff. 6-1-19.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.