

SB2350



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2350

Introduced 2/26/2021, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that the term "public works" includes fixed works constructed or demolished by third parties contracted by any public utility (rather than does not include work done directly by any public utility company). Applies to telecommunications carriers. Defines "public utility".

LRB102 15975 JLS 21345 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,
2 or 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
10 Act, funds for school infrastructure under Section 6z-45 of
11 the State Finance Act, and funds for transportation purposes
12 under Section 4 of the General Obligation Bond Act. "Public
13 works" also includes (i) all projects financed in whole or in
14 part 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;
17 (ii) all work performed pursuant to a public private agreement
18 under the Public Private Agreements for the Illiana Expressway
19 Act or the Public-Private Agreements for the South Suburban
20 Airport Act; and (iii) all projects undertaken under a
21 public-private agreement under the Public-Private Partnerships
22 for Transportation Act. "Public works" also includes all
23 projects at leased facility property used for airport purposes
24 under Section 35 of the Local Government Facility Lease Act.
25 "Public works" also includes the construction of a new wind
26 power facility by a business designated as a High Impact

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

1 other county nearest the one in which the work or construction
2 is to be performed and from which such persons may be obtained
3 in 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
12 in part by public funds, and includes every county, city,
13 town, 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 "Labor organization" means an organization that is the
19 exclusive representative of an employer's employees recognized
20 or certified pursuant to the National Labor Relations Act.

21 The terms "general prevailing rate of hourly wages",
22 "general prevailing rate of wages" or "prevailing rate of
23 wages" when used in this Act mean the hourly cash wages plus
24 annualized fringe benefits for training and apprenticeship
25 programs approved by the U.S. Department of Labor, Bureau of
26 Apprenticeship and Training, health and welfare, insurance,

1 vacations and pensions paid generally, in the locality in
2 which the work is being performed, to employees engaged in
3 work of a similar character on public works.

4 "Public utility" has the meaning given that term in
5 Section 3-105 of the Public Utilities Act and includes
6 telecommunications carriers as defined in Section 13-202 of
7 the Public Utilities Act.

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