

**SB2763**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB2763**

Introduced 2/17/2016, by Sen. Jason A. Barickman

**SYNOPSIS AS INTRODUCED:**

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Defines the term "public utility company". Provides that a lessee or operating agent operating a publicly owned utility is also a public utility company.

LRB099 18548 JLS 42927 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" also includes any corrective  
6 action performed pursuant to Title XVI of the Environmental  
7 Protection Act for which payment from the Underground Storage  
8 Tank Fund is requested. "Public works" does not include  
9 projects undertaken by the owner at an owner-occupied  
10 single-family residence or at an owner-occupied unit of a  
11 multi-family residence. "Public works" does not include work  
12 performed for soil and water conservation purposes on  
13 agricultural lands, whether or not done under public  
14 supervision or paid for wholly or in part out of public funds,  
15 done directly by an owner or person who has legal control of  
16 those lands.

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

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

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

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

17 "Public utility company" means (1) a privately owned public  
18 utility as defined and regulated under the Public Utilities  
19 Act, (2) a public utility that is owned and operated by any  
20 political subdivision, public institution of higher education,  
21 or municipal corporation of this State, or (3) a public utility  
22 that is owned by a political subdivision, public institution of  
23 higher education, or municipal corporation and operated,  
24 wholly or in part, by any of its lessees or operating agents.  
25 The term "lessee" or "operating agent" includes any person or  
26 entity operating a publicly owned utility, wholly or in part,

1 under a lease or contract and, with the public owner of the  
2 utility, is a public utility company.

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

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