



Rep. Jay Hoffman

Filed: 2/24/2023

10300HB1292ham001

LRB103 05031 SPS 57736 a

1 AMENDMENT TO HOUSE BILL 1292

2 AMENDMENT NO. _____. Amend House Bill 1292 by replacing
3 everything after the enacting clause with the following:

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

1 out of public funds. "Public works" as defined herein includes
2 all projects financed in whole or in part with bonds, grants,
3 loans, or other funds made available by or through the State or
4 any of its political subdivisions, including but not limited
5 to: bonds issued under the Industrial Project Revenue Bond Act
6 (Article 11, Division 74 of the Illinois Municipal Code), the
7 Industrial Building Revenue Bond Act, the Illinois Finance
8 Authority Act, the Illinois Sports Facilities Authority Act,
9 or the Build Illinois Bond Act; loans or other funds made
10 available pursuant to the Build Illinois Act; loans or other
11 funds made available pursuant to the Riverfront Development
12 Fund under Section 10-15 of the River Edge Redevelopment Zone
13 Act; or funds from the Fund for Illinois' Future under Section
14 6z-47 of the State Finance Act, funds for school construction
15 under Section 5 of the General Obligation Bond Act, funds
16 authorized under Section 3 of the School Construction Bond
17 Act, funds for school infrastructure under Section 6z-45 of
18 the State Finance Act, and funds for transportation purposes
19 under Section 4 of the General Obligation Bond Act. "Public
20 works" also includes (i) all projects financed in whole or in
21 part with funds from the Environmental Protection Agency under
22 the Illinois Renewable Fuels Development Program Act for which
23 there is no project labor agreement; (ii) all work performed
24 pursuant to a public private agreement under the Public
25 Private Agreements for the Illiana Expressway Act or the
26 Public-Private Agreements for the South Suburban Airport Act;

1 (iii) all projects undertaken under a public-private agreement
2 under the Public-Private Partnerships for Transportation Act;
3 and (iv) all transportation facilities undertaken under a
4 design-build contract or a Construction Manager/General
5 Contractor contract under the Innovations for Transportation
6 Infrastructure Act. "Public works" also includes all projects
7 at leased facility property used for airport purposes under
8 Section 35 of the Local Government Facility Lease Act. "Public
9 works" also includes the construction of a new wind power
10 facility by a business designated as a High Impact Business
11 under Section 5.5(a)(3)(E) and the construction of a new
12 utility-scale solar power facility by a business designated as
13 a High Impact Business under Section 5.5(a)(3)(E-5) of the
14 Illinois Enterprise Zone Act. "Public works" also includes
15 electric vehicle charging station projects financed pursuant
16 to the Electric Vehicle Act and renewable energy projects
17 required to pay the prevailing wage pursuant to the Illinois
18 Power Agency Act. "Public works" does not include work done
19 directly by any public utility company, whether or not done
20 under public supervision or direction, or paid for wholly or
21 in part out of public funds. "Public works" also includes
22 construction projects performed by a third party contracted by
23 any public utility, as described in subsection (a) of Section
24 2.1, in public rights-of-way, as defined in Section 21-201 of
25 the Public Utilities Act, whether or not done under public
26 supervision or direction, or paid for wholly or in part out of

1 public funds. "Public works" also includes construction
2 projects that exceed 15 aggregate miles of new fiber optic
3 cable, performed by a third party contracted by any public
4 utility, as described in subsection (b) of Section 2.1, in
5 public rights-of-way, as defined in Section 21-201 of the
6 Public Utilities Act, whether or not done under public
7 supervision or direction, or paid for wholly or in part out of
8 public funds. "Public works" also includes any corrective
9 action performed pursuant to Title XVI of the Environmental
10 Protection Act for which payment from the Underground Storage
11 Tank Fund is requested. "Public works" also includes
12 installation, repair, wiring, and maintenance services to
13 Illinois lottery machines and equipment pursuant to a contract
14 between the Department of the Lottery and a contractor.
15 "Public works" does not include projects undertaken by the
16 owner at an owner-occupied single-family residence or at an
17 owner-occupied unit of a multi-family residence. "Public
18 works" does not include work performed for soil and water
19 conservation purposes on agricultural lands, whether or not
20 done under public supervision or paid for wholly or in part out
21 of public funds, done directly by an owner or person who has
22 legal control of those lands.

23 "Construction" means all work on public works involving
24 laborers, workers or mechanics. This includes any maintenance,
25 repair, assembly, or disassembly work performed on equipment
26 whether owned, leased, or rented.

1 "Locality" means the county where the physical work upon
2 public works is performed, except (1) that if there is not
3 available in the county a sufficient number of competent
4 skilled laborers, workers and mechanics to construct the
5 public works efficiently and properly, "locality" includes any
6 other county nearest the one in which the work or construction
7 is to be performed and from which such persons may be obtained
8 in sufficient numbers to perform the work and (2) that, with
9 respect to contracts for highway work with the Department of
10 Transportation of this State, "locality" may at the discretion
11 of the Secretary of the Department of Transportation be
12 construed to include two or more adjacent counties from which
13 workers may be accessible for work on such construction.

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

23 "Labor organization" means an organization that is the
24 exclusive representative of an employer's employees recognized
25 or certified pursuant to the National Labor Relations Act.

26 The terms "general prevailing rate of hourly wages",

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

9 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
10 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
11 6-15-22.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2024."