

# HB5521



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5521

Introduced 2/9/2024, by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

Amends the Prevailing Wage Act. Provides that the definition of "public works" does not include federal construction projects. Defines "federal construction projects".

LRB103 39493 SPS 69690 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)

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 Environmental Protection Agency under  
15 the Illinois Renewable Fuels Development Program Act for which  
16 there is no project labor agreement; (ii) all work performed  
17 pursuant to a public private agreement under the Public  
18 Private Agreements for the Illiana Expressway Act or the  
19 Public-Private Agreements for the South Suburban Airport Act;  
20 (iii) all projects undertaken under a public-private agreement  
21 under the Public-Private Partnerships for Transportation Act  
22 or the Department of Natural Resources World Shooting and  
23 Recreational Complex Act; and (iv) all transportation  
24 facilities undertaken under a design-build contract or a  
25 Construction Manager/General Contractor contract under the  
26 Innovations for Transportation Infrastructure Act. "Public

1 works" also includes all projects at leased facility property  
2 used for airport purposes under Section 35 of the Local  
3 Government Facility Lease Act. "Public works" also includes  
4 the construction of a new wind power facility by a business  
5 designated as a High Impact Business under Section  
6 5.5(a)(3)(E) and the construction of a new utility-scale solar  
7 power facility by a business designated as a High Impact  
8 Business under Section 5.5(a)(3)(E-5) of the Illinois  
9 Enterprise Zone Act. "Public works" also includes electric  
10 vehicle charging station projects financed pursuant to the  
11 Electric Vehicle Act and renewable energy projects required to  
12 pay the prevailing wage pursuant to the Illinois Power Agency  
13 Act. "Public works" also includes power washing projects by a  
14 public body or paid for wholly or in part out of public funds  
15 in which steam or pressurized water, with or without added  
16 abrasives or chemicals, is used to remove paint or other  
17 coatings, oils or grease, corrosion, or debris from a surface  
18 or to prepare a surface for a coating. "Public works" does not  
19 include work done directly by any public utility company,  
20 whether or not done under public supervision or direction, or  
21 paid for wholly or in part out of public funds. "Public works"  
22 also includes construction projects performed by a third party  
23 contracted by any public utility, as described in subsection  
24 (a) of Section 2.1, in public rights-of-way, as defined in  
25 Section 21-201 of the Public Utilities Act, whether or not  
26 done under public supervision or direction, or paid for wholly

1 or in part out of public funds. "Public works" also includes  
2 construction projects that exceed 15 aggregate miles of new  
3 fiber optic cable, performed by a third party contracted by  
4 any public utility, as described in subsection (b) of Section  
5 2.1, in public rights-of-way, as defined in Section 21-201 of  
6 the 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 all  
12 construction projects involving fixtures or permanent  
13 attachments affixed to light poles that are owned by a public  
14 body, including street light poles, traffic light poles, and  
15 other lighting fixtures, whether or not done under public  
16 supervision or direction, or paid for wholly or in part out of  
17 public funds, unless the project is performed by employees  
18 employed directly by the public body. "Public works" also  
19 includes work performed subject to the Mechanical Insulation  
20 Energy and Safety Assessment Act. "Public works" also includes  
21 the removal, hauling, and transportation of biosolids, lime  
22 sludge, and lime residue from a water treatment plant or  
23 facility and the disposal of biosolids, lime sludge, and lime  
24 residue removed from a water treatment plant or facility at a  
25 landfill. "Public works" does not include projects undertaken  
26 by the owner at an owner-occupied single-family residence or

1 at an owner-occupied unit of a multi-family residence. "Public  
2 works" does not include work performed for soil and water  
3 conservation purposes on agricultural lands, whether or not  
4 done under public supervision or paid for wholly or in part out  
5 of public funds, done directly by an owner or person who has  
6 legal control of those lands. "Public works" does not include  
7 federal construction projects.

8 "Construction" means all work on public works involving  
9 laborers, workers or mechanics. This includes any maintenance,  
10 repair, assembly, or disassembly work performed on equipment  
11 whether owned, leased, or rented.

12 "Federal construction projects" means public works  
13 contracted for directly by the federal government.

14 "Locality" means the county where the physical work upon  
15 public works is performed, except (1) that if there is not  
16 available in the county a sufficient number of competent  
17 skilled laborers, workers and mechanics to construct the  
18 public works efficiently and properly, "locality" includes any  
19 other county nearest the one in which the work or construction  
20 is to be performed and from which such persons may be obtained  
21 in sufficient numbers to perform the work and (2) that, with  
22 respect to contracts for highway work with the Department of  
23 Transportation of this State, "locality" may at the discretion  
24 of the Secretary of the Department of Transportation be  
25 construed to include two or more adjacent counties from which  
26 workers may be accessible for work on such construction.

1 "Public body" means the State or any officer, board or  
2 commission of the State or any political subdivision or  
3 department thereof, or any institution supported in whole or  
4 in part by public funds, and includes every county, city,  
5 town, village, township, school district, irrigation, utility,  
6 reclamation improvement or other district and every other  
7 political subdivision, district or municipality of the state  
8 whether such political subdivision, municipality or district  
9 operates under a special charter or not.

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

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

22 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;  
23 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.  
24 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,  
25 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;  
26 revised 12-15-23.)