



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4432

Introduced 1/21/2022, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Expands the definition of "public works" to include construction projects in a designated redevelopment project area as defined in the Tax Increment Allocation Redevelopment Act and construction projects in a River Edge Redevelopment Zone as defined in the River Edge Redevelopment Zone Act.

LRB102 22228 KTG 31358 b

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 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 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) and the construction of a new
2 utility-scale solar power facility by a business designated as
3 a High Impact Business under Section 5.5(a)(3)(E-5) of the
4 Illinois Enterprise Zone Act. "Public works" also includes
5 electric vehicle charging station projects financed pursuant
6 to the Electric Vehicle Act and renewable energy projects
7 required to pay the prevailing wage pursuant to the Illinois
8 Power Agency Act. "Public works" also includes construction
9 projects in a designated redevelopment project area as defined
10 in the Tax Increment Allocation Redevelopment Act and
11 construction projects in a River Edge Redevelopment Zone as
12 defined in the River Edge Redevelopment Zone Act. "Public
13 works" does not include work done directly by any public
14 utility company, whether or not done under public supervision
15 or direction, or paid for wholly or in part out of public
16 funds. "Public works" also includes construction projects
17 performed by a third party contracted by any public utility,
18 as described in subsection (a) of Section 2.1, in public
19 rights-of-way, as defined in Section 21-201 of the Public
20 Utilities Act, whether or not done under public supervision or
21 direction, or paid for wholly or in part out of public funds.
22 "Public works" also includes construction projects that exceed
23 15 aggregate miles of new fiber optic cable, performed by a
24 third party contracted by any public utility, as described in
25 subsection (b) of Section 2.1, in public rights-of-way, as
26 defined in Section 21-201 of the Public Utilities Act, whether

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

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

18 "Locality" means the county where the physical work upon
19 public works is performed, except (1) that if there is not
20 available in the county a sufficient number of competent
21 skilled laborers, workers and mechanics to construct the
22 public works efficiently and properly, "locality" includes any
23 other county nearest the one in which the work or construction
24 is to be performed and from which such persons may be obtained
25 in sufficient numbers to perform the work and (2) that, with
26 respect to contracts for highway work with the Department of

1 Transportation of this State, "locality" may at the discretion
2 of the Secretary of the Department of Transportation be
3 construed to include two or more adjacent counties from which
4 workers may be accessible for work on such construction.

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

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

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

26 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;

1 102-673, eff. 11-30-21; revised 12-9-21.)