



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3647

Introduced 2/17/2023, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2
820 ILCS 130/3

from Ch. 48, par. 39s-2
from Ch. 48, par. 39s-3

Amends the Prevailing Wage Act. Provides that regardless of location, all laborers, workers, and mechanics who produce aggregate material that is incorporated, directly or indirectly, into public works or who process aggregate material into concrete, cement, or asphalt that is incorporated, directly or indirectly, into public works shall be deemed to be employed upon public works. Defines "aggregate materials" as rock, gravel, sand, pebbles, dirt, soil, clay, bitumen, cultured polymer, cement, concrete, asphalt, and like materials or any other material over which the State or its agencies or political subdivisions exercise engineering specification authority.

LRB103 26344 SPS 52705 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 Sections 2 and 3 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 (iii) all projects undertaken under a public-private agreement
21 under the Public-Private Partnerships for Transportation Act;
22 and (iv) all transportation facilities undertaken under a
23 design-build contract or a Construction Manager/General
24 Contractor contract under the Innovations for Transportation
25 Infrastructure Act. "Public works" also includes all projects
26 at leased facility property used for airport purposes under

1 Section 35 of the Local Government Facility Lease Act. "Public
2 works" also includes the construction of a new wind power
3 facility by a business designated as a High Impact Business
4 under Section 5.5(a)(3)(E) and the construction of a new
5 utility-scale solar power facility by a business designated as
6 a High Impact Business under Section 5.5(a)(3)(E-5) of the
7 Illinois Enterprise Zone Act. "Public works" also includes
8 electric vehicle charging station projects financed pursuant
9 to the Electric Vehicle Act and renewable energy projects
10 required to pay the prevailing wage pursuant to the Illinois
11 Power Agency Act. "Public works" does not include work done
12 directly by any public utility company, whether or not done
13 under public supervision or direction, or paid for wholly or
14 in part out of public funds. "Public works" also includes
15 construction projects performed by a third party contracted by
16 any public utility, as described in subsection (a) of Section
17 2.1, in public rights-of-way, as defined in Section 21-201 of
18 the Public Utilities Act, whether or not done under public
19 supervision or direction, or paid for wholly or in part out of
20 public funds. "Public works" also includes construction
21 projects that exceed 15 aggregate miles of new fiber optic
22 cable, performed by a third party contracted by any public
23 utility, as described in subsection (b) of Section 2.1, in
24 public rights-of-way, as defined in Section 21-201 of the
25 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 any corrective
2 action performed pursuant to Title XVI of the Environmental
3 Protection Act for which payment from the Underground Storage
4 Tank Fund is requested. "Public works" does not include
5 projects undertaken by the owner at an owner-occupied
6 single-family residence or at an owner-occupied unit of a
7 multi-family residence. "Public works" does not include work
8 performed for soil and water conservation purposes on
9 agricultural lands, whether or not done under public
10 supervision or paid for wholly or in part out of public funds,
11 done directly by an owner or person who has legal control of
12 those lands.

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

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

1 of the Secretary of the Department of Transportation be
2 construed to include two or more adjacent counties from which
3 workers may be accessible for work on such construction.

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

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

16 "Aggregate material" means rock, gravel, sand, pebbles,
17 dirt, soil, clay, bitumen, cultured polymer, cement, concrete,
18 asphalt, and like materials or any other material over which
19 the State or its agencies or political subdivisions exercise
20 engineering specification authority.

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

7 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

8 Sec. 3. Not less than the general prevailing rate of
9 hourly wages for work of a similar character on public works in
10 the locality in which the work is performed, and not less than
11 the general prevailing rate of hourly wages for legal holiday
12 and overtime work, shall be paid to all laborers, workers,l and
13 mechanics employed by or on behalf of any public body engaged
14 in the construction or demolition of public works. This
15 includes any maintenance, repair, assembly, or disassembly
16 work performed on equipment whether owned, leased, or rented.
17 Only such laborers, workers,l and mechanics as are directly
18 employed by contractors or subcontractors in actual
19 construction work on the site of the building or construction
20 job, and, regardless of location, all laborers, workers, and
21 mechanics who produce aggregate material that is incorporated,
22 directly or indirectly, into public works or who process
23 aggregate material into concrete, cement, or asphalt that is
24 incorporated, directly or indirectly, into public works, and
25 laborers, workers,l and mechanics engaged in the transportation

1 of materials and equipment to or from the site, but not
2 including the transportation by the sellers and suppliers or
3 the manufacture or processing of materials, excluding
4 aggregate materials, or equipment, in the execution of any
5 contract or contracts for public works with any public body
6 shall be deemed to be employed upon public works. The wage for
7 a tradesman performing maintenance is equivalent to that of a
8 tradesman engaged in construction or demolition.

9 (Source: P.A. 95-341, eff. 8-21-07; 96-186, eff. 1-1-10.)