

HB3717



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3717

Introduced 2/17/2023, by Rep. Martin J. Moylan

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 specified provisions of the Act apply to any survey work performed for construction control, layout, or grade checking.

LRB103 26350 SPS 52711 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 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. This also includes any
13 survey work performed for construction control, layout, or
14 grade checking.

15 As used in this Act, unless the context indicates
16 otherwise:

17 "Public works" means all fixed works constructed or
18 demolished by any public body, or paid for wholly or in part
19 out of public funds. "Public works" as defined herein includes
20 all projects financed in whole or in part with bonds, grants,
21 loans, or other funds made available by or through the State or
22 any of its political subdivisions, including but not limited
23 to: bonds issued under the Industrial Project Revenue Bond Act

1 (Article 11, Division 74 of the Illinois Municipal Code), the
2 Industrial Building Revenue Bond Act, the Illinois Finance
3 Authority Act, the Illinois Sports Facilities Authority Act,
4 or the Build Illinois Bond Act; loans or other funds made
5 available pursuant to the Build Illinois Act; loans or other
6 funds made available pursuant to the Riverfront Development
7 Fund under Section 10-15 of the River Edge Redevelopment Zone
8 Act; or funds from the Fund for Illinois' Future under Section
9 6z-47 of the State Finance Act, funds for school construction
10 under Section 5 of the General Obligation Bond Act, funds
11 authorized under Section 3 of the School Construction Bond
12 Act, funds for school infrastructure under Section 6z-45 of
13 the State Finance Act, and funds for transportation purposes
14 under Section 4 of the General Obligation Bond Act. "Public
15 works" also includes (i) all projects financed in whole or in
16 part with funds from the Environmental Protection Agency under
17 the Illinois Renewable Fuels Development Program Act for which
18 there is no project labor agreement; (ii) all work performed
19 pursuant to a public private agreement under the Public
20 Private Agreements for the Illiana Expressway Act or the
21 Public-Private Agreements for the South Suburban Airport Act;
22 (iii) all projects undertaken under a public-private agreement
23 under the Public-Private Partnerships for Transportation Act;
24 and (iv) all transportation facilities undertaken under a
25 design-build contract or a Construction Manager/General
26 Contractor contract under the Innovations for Transportation

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

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

15 "Construction" means all work on public works involving
16 laborers, workers or mechanics. This includes any maintenance,
17 repair, assembly, or disassembly work performed on equipment
18 whether owned, leased, or rented. This also includes any
19 survey work performed for construction control, layout, or
20 grade checking.

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
25 public works efficiently and properly, "locality" includes any
26 other county nearest the one in which the work or construction

1 is to be performed and from which such persons may be obtained
2 in 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
11 in part by public funds, and includes every county, city,
12 town, 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 "Labor organization" means an organization that is the
18 exclusive representative of an employer's employees recognized
19 or certified pursuant to the National Labor Relations Act.

20 The terms "general prevailing rate of hourly wages",
21 "general prevailing rate of wages" or "prevailing rate of
22 wages" when used in this Act mean the hourly cash wages plus
23 annualized fringe benefits for training and apprenticeship
24 programs approved by the U.S. Department of Labor, Bureau of
25 Apprenticeship and Training, health and welfare, insurance,
26 vacations and pensions paid generally, in the locality in

1 which the work is being performed, to employees engaged in
2 work of a similar character on public works.

3 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
4 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
5 6-15-22.)

6 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

7 Sec. 3. Not less than the general prevailing rate of
8 hourly wages for work of a similar character on public works in
9 the locality in which the work is performed, and not less than
10 the general prevailing rate of hourly wages for legal holiday
11 and overtime work, shall be paid to all laborers, workers and
12 mechanics employed by or on behalf of any public body engaged
13 in the construction or demolition of public works. This
14 includes any maintenance, repair, assembly, or disassembly
15 work performed on equipment whether owned, leased, or rented.
16 This also includes any survey work performed for construction
17 control, layout, or grade checking. Only such laborers,
18 workers and mechanics as are directly employed by contractors
19 or subcontractors in actual construction work on the site of
20 the building or construction job, and laborers, workers and
21 mechanics engaged in the transportation of materials and
22 equipment to or from the site, but not including the
23 transportation by the sellers and suppliers or the manufacture
24 or processing of materials or equipment, in the execution of
25 any contract or contracts for public works with any public

1 body shall be deemed to be employed upon public works. The wage
2 for a tradesman performing maintenance is equivalent to that
3 of a tradesman engaged in construction or demolition.

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