



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3792

Introduced 2/17/2023, by Rep. Lawrence "Larry" Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that the definition of "public works" includes all construction projects involving fixtures or permanent attachments affixed to light poles that are owned by a public body, including street light poles, traffic light poles, and other lighting fixtures, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. Effective immediately.

LRB103 29638 SPS 56035 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 (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" also includes all  
5 construction projects involving fixtures or permanent  
6 attachments affixed to light poles that are owned by a public  
7 body, including street light poles, traffic light poles, and  
8 other lighting fixtures, whether or not done under public  
9 supervision or direction, or paid for wholly or in part out of  
10 public funds. "Public works" does not include projects  
11 undertaken by the owner at an owner-occupied single-family  
12 residence or at an owner-occupied unit of a multi-family  
13 residence. "Public works" does not include work performed for  
14 soil and water conservation purposes on agricultural lands,  
15 whether or not done under public supervision or paid for  
16 wholly or in part out of public funds, done directly by an  
17 owner or person who has legal control of those lands.

18 "Construction" means all work on public works involving  
19 laborers, workers or mechanics. This includes any maintenance,  
20 repair, assembly, or disassembly work performed on equipment  
21 whether owned, leased, or rented.

22 "Locality" means the county where the physical work upon  
23 public works is performed, except (1) that if there is not  
24 available in the county a sufficient number of competent  
25 skilled laborers, workers and mechanics to construct the  
26 public works efficiently and properly, "locality" includes any

1 other county nearest the one in which the work or construction  
2 is to be performed and from which such persons may be obtained  
3 in sufficient numbers to perform the work and (2) that, with  
4 respect to contracts for highway work with the Department of  
5 Transportation of this State, "locality" may at the discretion  
6 of the Secretary of the Department of Transportation be  
7 construed to include two or more adjacent counties from which  
8 workers may be accessible for work on such construction.

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

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

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 Section 99. Effective date. This Act takes effect upon  
8 becoming law.