

SB3761



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3761

Introduced 2/9/2024, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.33	from Ch. 1, par. 1034
30 ILCS 330/12	from Ch. 127, par. 662
30 ILCS 390/Act rep.	
820 ILCS 130/2	

Repeals the School Construction Bond Act. Amends the Statute on Statutes, the General Obligation Bond Act, and the Prevailing Wage Act to make conforming changes.

LRB103 38586 MXP 68722 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Statute on Statutes is amended by changing
5 Section 1.33 as follows:

6 (5 ILCS 70/1.33) (from Ch. 1, par. 1034)

7 Sec. 1.33. Whenever there is a reference in any Act to the
8 Capital Development Bond Act of 1972, Transportation Bond Act,
9 ~~School Construction Bond Act,~~ Anti-Pollution Bond Act or the
10 Illinois Coal and Energy Development Bond Act, such reference
11 shall be interpreted to include the General Obligation Bond
12 Act.

13 (Source: P.A. 83-1490.)

14 Section 10. The General Obligation Bond Act is amended by
15 changing Section 12 as follows:

16 (30 ILCS 330/12) (from Ch. 127, par. 662)

17 Sec. 12. Allocation of proceeds from sale of Bonds.

18 (a) Proceeds from the sale of Bonds, authorized by Section
19 3 of this Act, shall be deposited in the separate fund known as
20 the Capital Development Fund.

21 (b) Proceeds from the sale of Bonds, authorized by

1 paragraph (a) of Section 4 of this Act, shall be deposited in
2 the separate fund known as the Transportation Bond, Series A
3 Fund.

4 (c) Proceeds from the sale of Bonds, authorized by
5 paragraphs (b) and (c) of Section 4 of this Act, shall be
6 deposited in the separate fund known as the Transportation
7 Bond, Series B Fund.

8 (c-1) Proceeds from the sale of Bonds, authorized by
9 paragraph (d) of Section 4 of this Act, shall be deposited into
10 the Transportation Bond Series D Fund, which is hereby
11 created.

12 (c-2) Proceeds from the sale of Bonds, authorized by
13 paragraph (e) of Section 4 of this Act, shall be deposited into
14 the Multi-modal Transportation Bond Fund, which is hereby
15 created.

16 (d) Proceeds from the sale of Bonds, authorized by Section
17 5 of this Act, shall be deposited in the separate fund known as
18 the School Construction Fund, a special fund that was created
19 in the State treasury under Section 6 of the School
20 Construction Bond Act (repealed) and is continued under this
21 amendatory Act of the 103rd General Assembly, which may be
22 expended as provided by law.

23 (e) Proceeds from the sale of Bonds, authorized by Section
24 6 of this Act, shall be deposited in the separate fund known as
25 the Anti-Pollution Fund.

26 (f) Proceeds from the sale of Bonds, authorized by Section

1 7 of this Act, shall be deposited in the separate fund known as
2 the Coal Development Fund.

3 (f-2) Proceeds from the sale of Bonds, authorized by
4 Section 7.2 of this Act, shall be deposited as set forth in
5 Section 7.2.

6 (f-5) Proceeds from the sale of Bonds, authorized by
7 Section 7.5 of this Act, shall be deposited as set forth in
8 Section 7.5.

9 (f-7) Proceeds from the sale of Bonds, authorized by
10 Section 7.6 of this Act, shall be deposited as set forth in
11 Section 7.6.

12 (f-8) Proceeds from the sale of Bonds, authorized by
13 Section 7.7 of this Act, shall be deposited as set forth in
14 Section 7.7.

15 (g) Proceeds from the sale of Bonds, authorized by Section
16 8 of this Act, shall be deposited in the Capital Development
17 Fund.

18 (h) Subsequent to the issuance of any Bonds for the
19 purposes described in Sections 2 through 8 of this Act, the
20 Governor and the Director of the Governor's Office of
21 Management and Budget may provide for the reallocation of
22 unspent proceeds of such Bonds to any other purposes
23 authorized under said Sections of this Act, subject to the
24 limitations on aggregate principal amounts contained therein.
25 Upon any such reallocation, such unspent proceeds shall be
26 transferred to the appropriate funds as determined by

1 reference to paragraphs (a) through (g) of this Section.

2 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
3 101-30, eff. 6-28-19.)

4 (30 ILCS 390/Act rep.)

5 Section 15. The School Construction Bond Act is repealed.

6 Section 20. The Prevailing Wage Act is amended by changing
7 Section 2 as follows:

8 (820 ILCS 130/2)

9 Sec. 2. This Act applies to the wages of laborers,
10 mechanics and other workers employed in any public works, as
11 hereinafter defined, by any public body and to anyone under
12 contracts for public works. This includes any maintenance,
13 repair, assembly, or disassembly work performed on equipment
14 whether owned, leased, or rented.

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 or the Department of Natural Resources World Shooting and
25 Recreational Complex Act; and (iv) all transportation
26 facilities undertaken under a design-build contract or a

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

1 Section 21-201 of the Public Utilities Act, whether or not
2 done under public supervision or direction, or paid for wholly
3 or in part out of public funds. "Public works" also includes
4 construction projects that exceed 15 aggregate miles of new
5 fiber optic cable, performed by a third party contracted by
6 any public utility, as described in subsection (b) of Section
7 2.1, in public rights-of-way, as defined in Section 21-201 of
8 the Public Utilities Act, whether or not done under public
9 supervision or direction, or paid for wholly or in part out of
10 public funds. "Public works" also includes any corrective
11 action performed pursuant to Title XVI of the Environmental
12 Protection Act for which payment from the Underground Storage
13 Tank Fund is requested. "Public works" also includes all
14 construction projects involving fixtures or permanent
15 attachments affixed to light poles that are owned by a public
16 body, including street light poles, traffic light poles, and
17 other lighting fixtures, whether or not done under public
18 supervision or direction, or paid for wholly or in part out of
19 public funds, unless the project is performed by employees
20 employed directly by the public body. "Public works" also
21 includes work performed subject to the Mechanical Insulation
22 Energy and Safety Assessment Act. "Public works" also includes
23 the removal, hauling, and transportation of biosolids, lime
24 sludge, and lime residue from a water treatment plant or
25 facility and the disposal of biosolids, lime sludge, and lime
26 residue removed from a water treatment plant or facility at a

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

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

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

26 "Public body" means the State or any officer, board or

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

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

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

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