

HB1090



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1090

Introduced 1/9/2025, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

Amends the Prevailing Wage Act. Makes formatting changes to the definition of "public works".

LRB104 06090 SPS 16123 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 Section 2 as follows:

6 (820 ILCS 130/2)

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.

18 "Public works" ~~as defined herein~~ includes:

19 (1) all projects financed in whole or in part with
20 bonds, grants, loans, or other funds made available by or
21 through the State or any of its political subdivisions,
22 including but not limited to: bonds issued under the
23 Industrial Project Revenue Bond Act (Article 11, Division

1 74 of the Illinois Municipal Code), the Industrial
2 Building Revenue Bond Act, the Illinois Finance Authority
3 Act, the Illinois Sports Facilities Authority Act, or the
4 Build Illinois Bond Act; loans or other funds made
5 available pursuant to the Build Illinois Act; loans or
6 other funds made available pursuant to the Riverfront
7 Development Fund under Section 10-15 of the River Edge
8 Redevelopment Zone Act; or funds from the Fund for
9 Illinois' Future under Section 6z-47 of the State Finance
10 Act, funds for school construction under Section 5 of the
11 General Obligation Bond Act, funds authorized under
12 Section 3 of the School Construction Bond Act, funds for
13 school infrastructure under Section 6z-45 of the State
14 Finance Act, and funds for transportation purposes under
15 Section 4 of the General Obligation Bond Act; ~~and "Public~~

16 ~~works" also includes (i)~~

17 (2) all projects financed in whole or in part with
18 funds from the Environmental Protection Agency under the
19 Illinois Renewable Fuels Development Program Act for which
20 there is no project labor agreement;

21 (3) ~~(ii)~~ all work performed pursuant to a public
22 private agreement under the Public Private Agreements for
23 the Illiana Expressway Act or the Public-Private
24 Agreements for the South Suburban Airport Act;

25 (4) ~~(iii)~~ all projects undertaken under a
26 public-private agreement under the Public-Private

1 Partnerships for Transportation Act or the Department of
2 Natural Resources World Shooting and Recreational Complex
3 Act;

4 (5) ~~and (iv)~~ all transportation facilities undertaken
5 under a design-build contract or a Construction
6 Manager/General Contractor contract under the Innovations
7 for Transportation Infrastructure Act; ~~."Public works"~~
8 ~~also includes~~

9 (6) all projects at leased facility property used for
10 airport purposes under Section 35 of the Local Government
11 Facility Lease Act; ~~."Public works" also includes~~

12 (7) the construction of a new wind power facility by a
13 business designated as a High Impact Business under
14 Section 5.5(a)(3)(E) and the construction of a new
15 utility-scale solar power facility by a business
16 designated as a High Impact Business under Section
17 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act; ~~."Public works" also includes~~

18 ~~."Public works" also includes~~
19 (8) electric vehicle charging station projects
20 financed pursuant to the Electric Vehicle Act and
21 renewable energy projects required to pay the prevailing
22 wage pursuant to the Illinois Power Agency Act; ~~."Public
23 works" also includes~~

24 (9) power washing projects by a public body or paid
25 for wholly or in part out of public funds in which steam or
26 pressurized water, with or without added abrasives or

1 chemicals, is used to remove paint or other coatings, oils
2 or grease, corrosion, or debris from a surface or to
3 prepare a surface for a coating; -

4 (10) public utility construction projects, whether or
5 not done under public supervision or direction, or paid
6 for wholly or in part out of public funds, if the project
7 is:

8 (A) performed in a public-right-of-way as defined
9 in Section 21-201 of the Public Utilities Act; and

10 (B) performed by a third-party contracted by any
11 public utility described in Section 2.1;

12 ~~"Public works" does not include work done directly by any~~
13 ~~public utility company, whether or not done under public~~
14 ~~supervision or direction, or paid for wholly or in part out of~~
15 ~~public funds. "Public works" also includes construction~~
16 ~~projects performed by a third party contracted by any public~~
17 ~~utility, as described in subsection (a) of Section 2.1, in~~
18 ~~public rights of way, as defined in Section 21 201 of the~~
19 ~~Public Utilities Act, whether or not done under public~~
20 ~~supervision or direction, or paid for wholly or in part out of~~
21 ~~public funds. "Public works" also includes construction~~
22 ~~projects that exceed 15 aggregate miles of new fiber optic~~
23 ~~cable, performed by a third party contracted by any public~~
24 ~~utility, as described in subsection (b) of Section 2.1, in~~
25 ~~public rights of way, as defined in Section 21-201 of the~~
26 ~~Public Utilities Act, whether or not done under public~~

1 ~~supervision or direction, or paid for wholly or in part out of~~
2 ~~public funds. "Public works" also includes~~

3 (11) any corrective action performed pursuant to Title
4 XVI of the Environmental Protection Act for which payment
5 from the Underground Storage Tank Fund is requested; ~~and~~

6 ~~"Public works" also includes~~

7 (12) all construction projects involving fixtures or
8 permanent attachments affixed to light poles that are
9 owned by a public body, including street light poles,
10 traffic light poles, and other lighting fixtures, whether
11 or not done under public supervision or direction, or paid
12 for wholly or in part out of public funds, unless the
13 project is performed by employees employed directly by the
14 public body; ~~and~~ ~~"Public works" also includes~~

15 (13) work performed subject to the Mechanical
16 Insulation Energy and Safety Assessment Act; and ~~and~~ ~~"Public~~
17 ~~works" also includes~~

18 (14) the removal, hauling, and transportation of
19 biosolids, lime sludge, and lime residue from a water
20 treatment plant or facility and the disposal of biosolids,
21 lime sludge, and lime residue removed from a water
22 treatment plant or facility at a landfill.

23 "Public works" does not include:

24 (A) projects undertaken by the owner at an
25 owner-occupied single-family residence or at an
26 owner-occupied unit of a multi-family residence an

1 owner-occupied unit of a multi-family residence; ~~-"Public~~
2 ~~works" does not include~~

3 (B) work performed for soil and water conservation
4 purposes on agricultural lands, whether or not done under
5 public supervision or paid for wholly or in part out of
6 public funds, done directly by an owner or person who has
7 legal control of those lands; and ~~-~~

8 (C) public utility work done directly by any public
9 utility company, whether or not done under public
10 supervision or direction, or paid for wholly or in part
11 out of public funds.

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

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

1 construed to include two or more adjacent counties from which
2 workers may be accessible for work on such construction.

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

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

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

24 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
25 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
26 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,

1 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
2 103-605, eff. 7-1-24.)