



Sen. Javier L. Cervantes

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10400HB3266sam001

LRB104 12176 SPS 28811 a

1 AMENDMENT TO HOUSE BILL 3266

2 AMENDMENT NO. _____. Amend House Bill 3266 by replacing
3 everything after the enacting clause with the following:

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

1 out of public funds. "Public works" as defined herein includes
2 all projects financed in whole or in part with bonds, grants,
3 loans, or other funds made available by or through the State or
4 any of its political subdivisions, including but not limited
5 to: bonds issued under the Industrial Project Revenue Bond Act
6 (Article 11, Division 74 of the Illinois Municipal Code), the
7 Industrial Building Revenue Bond Act, the Illinois Finance
8 Authority Act, the Illinois Sports Facilities Authority Act,
9 or the Build Illinois Bond Act; loans or other funds made
10 available pursuant to the Build Illinois Act; loans or other
11 funds made available pursuant to the Riverfront Development
12 Fund under Section 10-15 of the River Edge Redevelopment Zone
13 Act; or funds from the Fund for Illinois' Future under Section
14 6z-47 of the State Finance Act, funds for school construction
15 under Section 5 of the General Obligation Bond Act, funds
16 authorized under Section 3 of the School Construction Bond
17 Act, funds for school infrastructure under Section 6z-45 of
18 the State Finance Act, and funds for transportation purposes
19 under Section 4 of the General Obligation Bond Act. "Public
20 works" also includes (i) all projects financed in whole or in
21 part with funds from the Environmental Protection Agency under
22 the Illinois Renewable Fuels Development Program Act for which
23 there is no project labor agreement; (ii) all work performed
24 pursuant to a public private agreement under the Public
25 Private Agreements for the Illiana Expressway Act or the
26 Public-Private Agreements for the South Suburban Airport Act;

1 (iii) all projects undertaken under a public-private agreement
2 under the Public-Private Partnerships for Transportation Act
3 or the Department of Natural Resources World Shooting and
4 Recreational Complex Act; and (iv) all transportation
5 facilities undertaken under a design-build contract or a
6 Construction Manager/General Contractor contract under the
7 Innovations for Transportation Infrastructure Act. "Public
8 works" also includes all projects at leased facility property
9 used for airport purposes under Section 35 of the Local
10 Government Facility Lease Act. "Public works" also includes
11 the construction of a new wind power facility by a business
12 designated as a High Impact Business under Section
13 5.5(a)(3)(E) of the Illinois Enterprise Zone Act, the
14 construction of a new utility-scale solar power facility by a
15 business designated as a High Impact Business under Section
16 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act, the
17 construction of a new battery energy storage solution facility
18 by a business designated as a High Impact Business under
19 Section 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and
20 the construction of a high voltage direct current converter
21 station by a business designated as a High Impact Business
22 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone
23 Act. "Public works" also includes electric vehicle charging
24 station projects financed pursuant to the Electric Vehicle Act
25 and renewable energy projects required to pay the prevailing
26 wage pursuant to the Illinois Power Agency Act. "Public works"

1 also includes power washing projects by a public body or paid
2 for wholly or in part out of public funds in which steam or
3 pressurized water, with or without added abrasives or
4 chemicals, is used to remove paint or other coatings, oils or
5 grease, corrosion, or debris from a surface or to prepare a
6 surface for a coating. "Public works" also includes all
7 electric transmission systems projects subject to the Electric
8 Transmission Systems Construction Standards Act. "Public
9 works" does not include work done directly by any public
10 utility company, whether or not done under public supervision
11 or direction, or paid for wholly or in part out of public
12 funds. "Public works" also includes construction projects
13 performed by a third party contracted by any public utility,
14 as described in subsection (a) of Section 2.1, in public
15 rights-of-way, as defined in Section 21-201 of the Public
16 Utilities Act, whether or not done under public supervision or
17 direction, or paid for wholly or in part out of public funds.
18 "Public works" also includes construction projects that exceed
19 15 aggregate miles of new fiber optic cable, performed by a
20 third party contracted by any public utility, as described in
21 subsection (b) of Section 2.1, in public rights-of-way, as
22 defined in Section 21-201 of the Public Utilities Act, whether
23 or not done under public supervision or direction, or paid for
24 wholly or in part out of public funds. "Public works" also
25 includes any corrective action performed pursuant to Title XVI
26 of the Environmental Protection Act for which payment from the

1 Underground Storage Tank Fund is requested. "Public works"
2 also includes all construction projects involving fixtures or
3 permanent attachments affixed to light poles that are owned by
4 a public body, including street light poles, traffic light
5 poles, and other lighting fixtures, whether or not done under
6 public supervision or direction, or paid for wholly or in part
7 out of public funds, unless the project is performed by
8 employees employed directly by the public body. "Public works"
9 also includes work performed subject to the Mechanical
10 Insulation Energy and Safety Assessment Act. "Public works"
11 also includes the removal, hauling, and transportation of
12 biosolids, lime sludge, and lime residue from a water
13 treatment plant or facility and the disposal of biosolids,
14 lime sludge, and lime residue removed from a water treatment
15 plant or facility at a landfill. "Public works" also includes
16 projects financed in whole or in part with payments,
17 reimbursements, or other assistance for eligible redevelopment
18 project costs under the Tax Increment Allocation Redevelopment
19 Act. "Public works" does not include projects undertaken by
20 the owner at an owner-occupied single-family residence or at
21 an owner-occupied unit of a multi-family residence. "Public
22 works" does not include work performed for soil and water
23 conservation purposes on agricultural lands, whether or not
24 done under public supervision or paid for wholly or in part out
25 of public funds, done directly by an owner or person who has
26 legal control of those lands.

1 "Construction" means all work on public works involving
2 laborers, workers or mechanics. This includes any maintenance,
3 repair, assembly, or disassembly work performed on equipment
4 whether owned, leased, or rented.

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

18 "Public body" means the State or any officer, board or
19 commission of the State or any political subdivision or
20 department thereof, or any institution supported in whole or
21 in part by public funds, and includes every county, city,
22 town, village, township, school district, irrigation, utility,
23 reclamation improvement or other district and every other
24 political subdivision, district or municipality of the state
25 whether such political subdivision, municipality or district
26 operates under a special charter or not.

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

4 The terms "general prevailing rate of hourly wages",
5 "general prevailing rate of wages" or "prevailing rate of
6 wages" when used in this Act mean the hourly cash wages plus
7 annualized fringe benefits for training and apprenticeship
8 programs approved by the U.S. Department of Labor, Bureau of
9 Apprenticeship and Training, health and welfare, insurance,
10 vacations and pensions paid generally, in the locality in
11 which the work is being performed, to employees engaged in
12 work of a similar character on public works.

13 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
14 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
15 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
16 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
17 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25.)".