

# HB4844



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4844**

Introduced 2/18/2020, by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Includes within scope of the term "public works" work performed under an agreement between a public body and a private entity for the development, construction, maintenance, or operation of infrastructure.

LRB101 18970 JLS 68429 b

FISCAL NOTE ACT  
MAY APPLY

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) (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, or  
2 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 Act,  
10 funds for school infrastructure under Section 6z-45 of the  
11 State Finance Act, and funds for transportation purposes under  
12 Section 4 of the General Obligation Bond Act. "Public works"  
13 also includes (i) all projects financed in whole or in part  
14 with funds from the Department of Commerce and Economic  
15 Opportunity under the Illinois Renewable Fuels Development  
16 Program Act for which there is no project labor agreement; (ii)  
17 all work performed pursuant to a public private agreement under  
18 the Public Private Agreements for the Illiana Expressway Act or  
19 the Public-Private Agreements for the South Suburban Airport  
20 Act; ~~and~~ (iii) all projects undertaken under a public-private  
21 agreement under the Public-Private Partnerships for  
22 Transportation Act; and (iv) any other work performed pursuant  
23 to an agreement or contract, including all schedules,  
24 exhibits, and attachments thereto, entered into by a public body  
25 with a private entity for the development, construction,  
26 maintenance, or operation of infrastructure. "Public works"

1 also includes all projects at leased facility property used for  
2 airport purposes under Section 35 of the Local Government  
3 Facility Lease Act. "Public works" also includes the  
4 construction of a new wind power facility by a business  
5 designated as a High Impact Business under Section 5.5(a)(3)(E)  
6 of the Illinois Enterprise Zone Act. "Public works" does not  
7 include work done directly by any public utility company,  
8 whether or not done under public supervision or direction, or  
9 paid for wholly or in part out of public funds. "Public works"  
10 also includes any corrective action performed pursuant to Title  
11 XVI of the Environmental Protection Act for which payment from  
12 the Underground Storage Tank Fund is requested. "Public works"  
13 does not include projects undertaken by the owner at an  
14 owner-occupied single-family residence or at an owner-occupied  
15 unit of a multi-family residence. "Public works" does not  
16 include work performed for soil and water conservation purposes  
17 on agricultural lands, whether or not done under public  
18 supervision or paid for wholly or in part out of public funds,  
19 done directly by an owner or person who has legal control of  
20 those lands.

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

25 "Locality" means the county where the physical work upon  
26 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent  
2 skilled laborers, workers and mechanics to construct the public  
3 works efficiently and properly, "locality" includes any other  
4 county nearest the one in which the work or construction is to  
5 be performed and from which such persons may be obtained in  
6 sufficient numbers to perform the work and (2) that, with  
7 respect to contracts for highway work with the Department of  
8 Transportation of this State, "locality" may at the discretion  
9 of the Secretary of the Department of Transportation be  
10 construed to include two or more adjacent counties from which  
11 workers may be accessible for work on such construction.

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

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

24 The terms "general prevailing rate of hourly wages",  
25 "general prevailing rate of wages" or "prevailing rate of  
26 wages" when used in this Act mean the hourly cash wages plus

1 annualized fringe benefits for training and apprenticeship  
2 programs approved by the U.S. Department of Labor, Bureau of  
3 Apprenticeship and Training, health and welfare, insurance,  
4 vacations and pensions paid generally, in the locality in which  
5 the work is being performed, to employees engaged in work of a  
6 similar character on public works.

7 (Source: P.A. 100-1177, eff. 6-1-19.)