



Sen. Cristina Castro

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10300HB3370sam001

LRB103 25484 SPS 60636 a

1 AMENDMENT TO HOUSE BILL 3370

2 AMENDMENT NO. _____. Amend House Bill 3370 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) (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

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

1 "Public works" also includes construction projects performed
2 by a third party contracted by any public utility, as
3 described in subsection (a) of Section 2.1, in public
4 rights-of-way, as defined in Section 21-201 of the Public
5 Utilities Act, whether or not done under public supervision or
6 direction, or paid for wholly or in part out of public funds.

7 "Public works" also includes construction projects that exceed
8 15 aggregate miles of new fiber optic cable, performed by a
9 third party contracted by any public utility, as described in
10 subsection (b) of Section 2.1, in public rights-of-way, as
11 defined in Section 21-201 of the Public Utilities Act, whether
12 or not done under public supervision or direction, or paid for
13 wholly or in part out of public funds. "Public works" also
14 includes any corrective action performed pursuant to Title XVI
15 of the Environmental Protection Act for which payment from the
16 Underground Storage Tank Fund is requested. "Public works"
17 does not include projects undertaken by the owner at an
18 owner-occupied single-family residence or at an owner-occupied
19 unit of a multi-family residence. "Public works" does not
20 include work performed for soil and water conservation
21 purposes on agricultural lands, whether or not done under
22 public supervision or paid for wholly or in part out of public
23 funds, done directly by an owner or person who has legal
24 control of those lands.

25 "Construction" means all work on public works involving
26 laborers, workers or mechanics. This includes any maintenance,

1 repair, assembly, or disassembly work performed on equipment
2 whether owned, leased, or rented.

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

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

25 "Labor organization" means an organization that is the
26 exclusive representative of an employer's employees recognized

1 or certified pursuant to the National Labor Relations Act.

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

11 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
12 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
13 6-15-22.)".