

Prevailing Wage:

HB 3370 – Rep. Dave Vella

Synopsis As Introduced

Amends the Prevailing Wage Act. Provides that the definition of "public works" includes power washing projects in which steam or pressurized water, with or without added abrasives or chemicals, is used to remove paint or other coatings, oils or grease, corrosion, or debris from a surface or to prepare a surface for a coating.

ICIC Comments: Expands prevailing wage to include power washing projects, etc.

RECOMMENDED POSITION: OPPOSE; similar to ICIC's position on SB 1592 and SB 1609.

HB 3792 – Rep. Larry Walsh

Synopsis As Introduced

Amends the Prevailing Wage Act. Provides that the definition of "public works" includes all construction projects involving fixtures or permanent attachments affixed to light poles that are owned by a public body, including street light poles, traffic light poles, and other lighting fixtures, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. Effective immediately.

ICIC Comments: Expands the definition of public works to include construction projects involving permanent attachments affixed to light poles, etc. **RECOMMENDED POSITION:**

OPPOSE; similar to recommended position on HB 3370 and position on SB's 1592 and 1609

HB 3647 – Rep. Marcus Evans, Jr.

Synopsis As Introduced

Amends the Prevailing Wage Act. Provides that regardless of location, all laborers, workers, and mechanics who produce aggregate material that is incorporated, directly or indirectly, into public works or who process aggregate material into concrete, cement, or asphalt that is incorporated, directly or indirectly, into public works shall be deemed to be employed upon public works. Defines "aggregate materials" as rock, gravel, sand, pebbles, dirt, soil, clay, bitumen, cultured polymer, cement, concrete, asphalt, and like materials or any other material over which the State or its agencies or political subdivisions exercise engineering specification authority.

ICIC Comments: This is a companion bill to SB 1592; which ICIC opposes. ICIC learned from IAAP that they recently met with Rep. Evans. The meeting was somewhat positive but unlike the meeting with Sen. Holmes (SB 1592 sponsor), Rep. Evans didn't make a commitment either way on HB 3647. Instead he indicated he wants to "learn more about the issue". The IAAP plans to have a follow up meeting with Rep. Evans next week. **RECOMMENDED POSITION:**

MAINTAIN OPPOSITION

Procurement / BEP Act:

HB 2326 – Rep. LaShawn Ford

Synopsis As Introduced

Amends the Illinois Procurement Code. Exempts from the Code's requirements procurement expenditures made by a public institution of higher education for the purchase of equipment or improvements for research facilities purchased with funds provided by a third party as part of a sponsored research agreement. Provides that the public institution of higher education shall maintain and publish a list of its procurements that are exempt under this provision categorized by procurement type and total expenditure.

ICIC Comments: Need more information to determine what the term “improvements” means. If “improvements” applies to construction, recommend OPPOSE.

HB 2563 – Rep. Dave Vella

Synopsis As Introduced

Amends the Illinois Power Agency Act. Provides that any contractor involved in programs and procurements for the construction of State-funded solar and utility-scale wind projects must have 50% or more of the contractor's employees be residents of the State. Provides that the contractor must also participate in a registered apprenticeship program approved by the federal Department of Labor.

ICIC Comments: POSITION FROM COMMITTEE NEEDED

HB 3550 – Rep. Jay Hoffman

Synopsis As Introduced

Amends the Illinois Procurement Code. Provides that, when procuring construction or construction-related projects with a total value over the small purchase maximum, the construction agency shall provide a bid preference to a responsive and responsible bidder that is an Illinois business (previously just responsible). Provides that the construction agency shall allocate to the lowest bid by an Illinois business that is responsible and responsive. Provides that this only applies to projects where a bid has been submitted by a business that is not an Illinois business. Defines "Illinois business".

ICIC Comments: HB 2770 approved during the spring 2022 session amended the Procurement Code to provide a preference to IL businesses when a low bid was between an Illinois business and an out of state business. HB 3550 cleans up these recently approved changes to specify preference is given to an “Illinois business who is responsible and responsive”. Per Sec. 1-15.85 of the Procurement Code: "Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the invitation for bids. **POSITION FROM COMMITTEE NEEDED** (NOTE: ICIC DIDN'T TAKE A POSITION ON HB 2770)

HB 3551 – Rep. Jay Hoffman

Synopsis As Introduced

Amends the Illinois Procurement Code. Removes a repeal date for the definition of "single prime", but makes the definition inoperative on January 1, 2026 for public institutions of higher education. Removes a provision limiting applicability through December 31, 2025 of provisions related to single prime projects. Removes a provision limiting the Capital Development Board from using the single prime procurement delivery method under specified circumstances. Limits provisions relating to building construction contracts in excess of \$250,000 to public institutions of higher education. Provides that, before electing to use single prime on a project, the Capital Development Board must make a written determination that must include a description as to the particular advantages of the single prime procurement method for that project and an evaluation of specified factors. Provides that the Chief Procurement Officer must review the Capital Development Board's determination and consider the adequacy the evaluation of the specified factors to determine whether the Board may proceed with single prime. Allows the Board to cure their determination if the Chief Procurement Officer finds the Board's written determination insufficient. Effective immediately.

ICIC Comments: Removes sunset for CDB's use of single prime, removes limitations of CDB's use of single prime and requires CDB to submit a report to the Chief Procurement Officer identifying why single prime is the best delivery method to use when CDB wants to utilize the single prime delivery method. Per "core issues" meeting held in January, **RECOMMENDED POSITION: NEUTRAL**

HB 3606 – Rep. Curtis Tarver

Synopsis As Introduced

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Defines terms. Provides factors for determining whether a good faith effort has been made for purposes of granting a waiver under the Act. Provides for a uniform standard of contract goals for State agencies, public institutions of higher education, and other departments. Specifies further requirements concerning uniform contract goals. Provides that the terms of every contract entered into by a State agency or public institution of higher education for purposes of the Act shall include a provision requiring vendors who fail to comply with a utilization plan to return all funds paid to that vendor with an expectation of compliance. Provides that the Business Enterprise Council may (rather than shall) grant a waiver under specified circumstances. Provides criteria for granting a waiver. Makes conforming changes.

ICIC Comments: This bill was also introduced in the 102nd General Assembly. ICIC has previously submitted an amendment removing the "return of funds" provision. In 2022, the previous version, HB 3220, was amended and approved by the House but it didn't advance in the Senate. HB 3606 is the original version of the bill (prior to being amended last year).

RECOMMENDED POSITION: MAINTAIN POSITION OF "OPPOSE", SUBMIT OUR AMENDMENT LANGUAGE. IF AMENDMED, MOVE TO NEUTRAL.

HB 3864 – Rep. Hoan Huynh

Synopsis As Introduced

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that not less than 40% of the total dollar amount of State contracts shall be established as an aspirational goal to be awarded to businesses owned by minorities. Provides that of the total amount of all State contracts awarded to businesses owned by minorities, contracts representing at least 20% shall be awarded to businesses owned by black or African American persons. Removes provisions allowing for a waiver from contract goals established under the Act. Requires the return of specified funds for failing to accomplish contract goals established under the Act. Makes conforming changes.

POSITION FROM COMMITTEE NEEDED

HB 3889 – Rep. Will Davis

Synopsis As Introduced

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that notwithstanding any other provision of law, the goals established in this Act should apply to 100% of a State agencies total procurement spending.

ICIC Comments: This bill could potentially negatively impact federal funding for construction projects (IDOT, etc.). **RECOMMENDED POSITION: MONITOR**

HB 3894 – Rep. Camille Lilly and **SB 1491** – Sen. Napoleon Harris, III

Synopsis As Introduced

Amends the Business Corporation Act of 1983. Provides that as soon as practical after the effective date, but no later than January 1, 2024, a corporation that has contracts with the State shall include as part of its annual report submitted to the Secretary of State a list of its professional services suppliers by category. Provides that the list shall include the percentage of owners and employees in each category that are women or are members of a minority group. Provides that the list shall identify minority groups with specificity. Provides that corporations that submit annual supplier diversity reports to the Illinois Commerce Commission in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act are exempt from the reporting requirements. Effective immediately.

ICIC Comments: Corporations that contract with the State shall include as part of its annual report submitted to the Secretary of State a list of its professional services suppliers (legal, accounting, consulting, etc.) by category; exempts corporations who submit supplier diversity reports to the Illinois Commerce Commission. **RECOMMENDED POSITION: ICIC OPPOSED the same bill last session (HB 5326). Does the committee want to maintain our 2022 position?**

Employment:

HB 2547 – Rep. Kevin Olickal

Synopsis As Introduced

Creates the Warehouse Worker Protection Act. Provides that each employer shall provide to each employee, upon hire, or within 30 days after the effective date of the Act, whichever is later, a written description of each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled, within a defined time period, and any potential adverse employment action that could result from failure to meet the quota. Provides that an employee shall not be required to meet a quota that prevents compliance with meal or rest periods or use of bathroom facilities, including reasonable travel time to and from bathroom facilities. Requires employers to post a notice of employees' rights under the Act and to comply with certain recordkeeping requirements. Establishes civil penalties for noncompliance with the Act. Provides for a private right of action. Sets forth provisions concerning definitions, employee's right to request records, enforcement, and severability. Effective 60 days after becoming law.

ICIC Comments: POSITION FROM COMMITTEE NEEDED. Do these requirements interfere with CBA's?

HB 2981 – Rep. Amy Elik

Synopsis As Introduced

Amends the Equal Pay Act of 2003. Provides that it is unlawful for an employer to compel or coerce a job applicant to purchase anything of value, including, but not limited to, instances where an employer requires the payment of a fee or consideration of any type from a job applicant for employment. Makes conforming changes to provisions concerning violations of the Act and fines and penalties.

ICIC Comments: POSITION FROM COMMITTEE NEEDED.

HB 3129 – Rep. Mary Beth Canty

Synopsis As Introduced

Amends the Equal Pay Act of 2003. Provides that it is unlawful for an employer with 15 or more employees to fail to include the pay scale for a position in any job posting. Provides that if an employer with 15 or more employees engages a third party to announce, post, publish, or otherwise make known a job posting, the employer shall provide the pay scale to the third party and the third party shall include the pay scale in the job posting. Defines "pay scale". Makes conforming changes to provisions concerning violations of the Act and fines and penalties. Effective immediately.

ICIC Comments: POSITION FROM COMMITTEE NEEDED

HB 3110 – Rep. William Hauter

Synopsis As Introduced

Amends the Unemployment Insurance Act. Provides that upon payment of an annual administrative fee not exceeding \$100, during the first 3 calendar quarters an employer may pay its quarterly contributions due for wages in equal installments. Establishes a schedule for payment of the contributions. Provides for the accrual of interest. Authorizes the adoption of necessary rules. Provides that payment on a quarterly basis is not available for calendar years when there are outstanding bonds under the Illinois Unemployment Insurance Trust Fund Financing Act.

ICIC Comments: POSITION FROM COMMITTEE NEEDED

HB 3448 – Rep. Marcus Evans, Jr.

Synopsis As Introduced

Amends the Illinois Wage Payment and Collection Act. Provides that **every primary contractor and subcontractor shall post and keep posted, in one or more conspicuous places on the premises where work is being performed, a notice, to be made available by the Director of Labor, summarizing specified requirements under the Act and information pertaining to the filing of a complaint.** Provides that the Director shall provide copies of summaries and rules to primary contractors and subcontractors upon request without charge. Provides that any primary contractor or subcontractor who fails to provide notice as required shall be subject to a civil penalty, not to exceed \$250, payable to the Department of Labor. Effective July 1, 2023.

ICIC Comments: POSITION FROM COMMITTEE NEEDED. I thought this was already required?

HB 3678 – Rep. Harry Benton

Synopsis As Introduced

Amends the Illinois Income Tax Act. **Creates an income tax credit for individual taxpayers who participate in an apprenticeship program during the taxable year.** Provides that the credit is equal to the unreimbursed expenses incurred by the taxpayer to purchase equipment that is necessary for participation in the apprenticeship program, not to exceed \$1,000 per taxpayer. Effective immediately.

ICIC Comments: RECOMMENDED POSITION – SUPPORT. Similar position to HB 1410

SB 2321 – Sen. Robert Peters

Synopsis As Introduced

Amends the Right to Privacy in the Workplace Act. Provides that an employer may not refuse to hire an individual or discipline an employee because results of an individual's drug test indicate the presence of THC on the part of that individual. Permits an employer to enforce a pre-employment drug testing policy, zero-tolerance drug testing policy, random drug testing policy, or a drug-free workplace policy or disciplining an employee for violating such policy, but provides that an employer may not take adverse action against an employee solely because of a positive drug test for cannabis unless the test result exceeds limits set forth in certain DUI provisions of the Illinois Vehicle Code. Sets forth conditions under which an employer may discipline an employee for impairment. Provides that there is not a cause of action for any person against an employer for disciplining or terminating the employment of an individual when enforcing a compliant policy. Amends the Cannabis Regulation and Tax Act. Repeals provisions concerning employment and employer liability.

ICIC Comments: SB 2321 includes a definition of “safety sensitive” but that definition doesn’t include road or commercial construction. In 2022, ICIC opposed the same bill, but submitted an amendment seeking to add “road or commercial” construction to the definition of safety sensitive. RECOMMENDED POSITION: MAINTAIN OPPOSE UNLESS AMENDED

Miscellaneous

HB 2492 – Rep. Ann Williams

Synopsis As Introduced

Amends the Property Tax Code. In provisions concerning the Property Tax Extension Limitation Law, provides that "aggregate extension" excludes special purpose extensions made for the repayment of bonds or certificates issued to finance guaranteed energy savings contracts under the School Code. Amends the School Code. Provides that a school district may issue bonds or certificates to finance guaranteed energy savings contracts and any bonds or certificates so issued shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness. In the Article concerning school energy conservation and saving measures, removes the requirement that the Section of the School Code concerning a school board's power to build or purchase a building for school classroom or instructional purposes upon the approval of a majority of the voters upon the proposition at a referendum applies to the Article. Allows the school board of any school district having a population of less than 500,000 inhabitants to incur indebtedness and issue bonds in an amount not exceeding the aggregate cost of all expenditures reasonably expected to be incurred pursuant to a guaranteed energy savings contract.

ICIC Comments: Amends PTELL to allow aggregate extensions to repay bonds or certificates used to finance guaranteed energy savings contracts (ESCOs) under the school code. If the extension can be used to repay the bonds – this seems like it could

lead to an increased use of ESCO's in school construction? **RECOMMENDED POSITION:
OPPOSE**

HB 3400 – Rep. Will Davis

Synopsis As Introduced

Amends the Illinois Works Jobs Program Act. Provides that the Illinois Works Review Panel's examination of workforce demographic data collected by the Illinois Department of Labor must include demographic information about the workforce on public work projects contracted by the State or an agency of the State by contractor, race, gender, trade, hours worked by payroll cycle and annually, whether apprentice or journeyworker, and, if an apprentice, which year of apprenticeship, and whether or not the apprentice is a graduate of the Illinois Works Preapprenticeship Program. Provides that individual members of the workforce shall be given a unique identifier so that progress and retention can be tracked without sharing personally identifiable information. Creates the Access and Opportunity Committee to monitor and report on the progress of ensuring that all Illinois residents have access to careers in the construction industry and building trades on current State capital projects, including those who have been historically underrepresented in those trades. Includes provisions regarding Committee membership, powers and duties, and meetings.

ICIC Comments: Sets forth additional information to be reviewed by the Illinois Works Review Panel and creates the Access and Opportunity Committee. The purpose of the committee is to monitor the progress of ensuring that all residents have access to careers in the construction industry. Grants the committee the authority to review data such as certified payroll reports, claims of good faith efforts by contractors, affirmative action reports among others. Requires the committee to meet monthly and the membership includes: appointments made by the Governor representing the construction industry, labor and community based providers. Other members include the Directors of CDB, Labor, EPA, DCEO and IDOT.