

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Electric Vehicle Act is amended by changing  
5 Sections 55 and 60 as follows:

6 (20 ILCS 627/55)

7 Sec. 55. Charging rebate program.

8 (a) In order to substantially offset the installation  
9 costs of electric vehicle charging infrastructure, beginning  
10 July 1, 2022, and continuing as long as funds are available,  
11 the Agency shall issue rebates, consistent with the  
12 Commission-approved Beneficial Electrification Plans in  
13 accordance with Section 45, to public and private  
14 organizations and companies to install and maintain Level 2 or  
15 Level 3 charging stations.

16 (b) The Agency shall award rebates or grants that fund up  
17 to 80% of the cost of the installation of charging stations.  
18 The Agency shall award additional incentives per port for  
19 every charging station installed in an eligible community and  
20 every charging station located to support eligible persons. In  
21 order to be eligible to receive a rebate or grant, the  
22 organization or company must submit an application to the  
23 Agency and commit to paying the prevailing wage for the

1 installation project. The Agency shall by rule provide  
2 application and other programmatic details and requirements,  
3 including additional incentives for eligible communities. The  
4 Agency may determine per port or project caps based on a review  
5 of best practices and stakeholder engagement. The Agency shall  
6 accept applications on a rolling basis and shall award rebates  
7 or grants within 60 days of each application. The Agency must  
8 require that any grant or rebate applicant comply with the  
9 requirements of the Prevailing Wage Act for any ~~may not award~~  
10 ~~rebates or grants to an organization or company that does not~~  
11 ~~pay the prevailing wage for the~~ installation of a charging  
12 station for which it seeks a rebate or grant.

13 (Source: P.A. 102-662, eff. 9-15-21.)

14 (20 ILCS 627/60)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 60. Study on loss of infrastructure funds and  
17 replacement options. The Illinois Department of Transportation  
18 shall conduct a study to be delivered to the members of the  
19 Illinois General Assembly and made available to the public no  
20 later than September 30, 2022. The study shall consider how  
21 the proliferation of electric vehicles will adversely affect  
22 resources needed for transportation infrastructure and take  
23 into consideration any relevant federal actions. The study  
24 shall identify the potential revenue loss and offer multiple  
25 options for replacing those lost revenues. The Illinois

1 Department of Transportation shall collaborate with  
2 organizations representing businesses involved in designing  
3 and building transportation infrastructure, organized labor,  
4 the general business community, and users of the system. In  
5 addition, the Illinois Department of Transportation may  
6 collaborate with other state agencies, including but not  
7 limited to the Illinois Secretary of State and the Illinois  
8 Department of Revenue.

9 This Section is repealed on January 1, 2024.

10 (Source: P.A. 102-662, eff. 9-15-21.)

11 Section 10. The Illinois Enterprise Zone Act is amended by  
12 changing Section 5.5 as follows:

13 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

14 Sec. 5.5. High Impact Business.

15 (a) In order to respond to unique opportunities to assist  
16 in the encouragement, development, growth, and expansion of  
17 the private sector through large scale investment and  
18 development projects, the Department is authorized to receive  
19 and approve applications for the designation of "High Impact  
20 Businesses" in Illinois subject to the following conditions:

21 (1) such applications may be submitted at any time  
22 during the year;

23 (2) such business is not located, at the time of  
24 designation, in an enterprise zone designated pursuant to

1           this Act;

2           (3) the business intends to do one or more of the  
3 following:

4           (A) the business intends to make a minimum  
5 investment of \$12,000,000 which will be placed in  
6 service in qualified property and intends to create  
7 500 full-time equivalent jobs at a designated location  
8 in Illinois or intends to make a minimum investment of  
9 \$30,000,000 which will be placed in service in  
10 qualified property and intends to retain 1,500  
11 full-time retained jobs at a designated location in  
12 Illinois. The business must certify in writing that  
13 the investments would not be placed in service in  
14 qualified property and the job creation or job  
15 retention would not occur without the tax credits and  
16 exemptions set forth in subsection (b) of this  
17 Section. The terms "placed in service" and "qualified  
18 property" have the same meanings as described in  
19 subsection (h) of Section 201 of the Illinois Income  
20 Tax Act; or

21           (B) the business intends to establish a new  
22 electric generating facility at a designated location  
23 in Illinois. "New electric generating facility", for  
24 purposes of this Section, means a newly-constructed  
25 electric generation plant or a newly-constructed  
26 generation capacity expansion at an existing electric

1 generation plant, including the transmission lines and  
2 associated equipment that transfers electricity from  
3 points of supply to points of delivery, and for which  
4 such new foundation construction commenced not sooner  
5 than July 1, 2001. Such facility shall be designed to  
6 provide baseload electric generation and shall operate  
7 on a continuous basis throughout the year; and (i)  
8 shall have an aggregate rated generating capacity of  
9 at least 1,000 megawatts for all new units at one site  
10 if it uses natural gas as its primary fuel and  
11 foundation construction of the facility is commenced  
12 on or before December 31, 2004, or shall have an  
13 aggregate rated generating capacity of at least 400  
14 megawatts for all new units at one site if it uses coal  
15 or gases derived from coal as its primary fuel and  
16 shall support the creation of at least 150 new  
17 Illinois coal mining jobs, or (ii) shall be funded  
18 through a federal Department of Energy grant before  
19 December 31, 2010 and shall support the creation of  
20 Illinois coal-mining jobs, or (iii) shall use coal  
21 gasification or integrated gasification-combined cycle  
22 units that generate electricity or chemicals, or both,  
23 and shall support the creation of Illinois coal-mining  
24 jobs. The business must certify in writing that the  
25 investments necessary to establish a new electric  
26 generating facility would not be placed in service and

1           the job creation in the case of a coal-fueled plant  
2           would not occur without the tax credits and exemptions  
3           set forth in subsection (b-5) of this Section. The  
4           term "placed in service" has the same meaning as  
5           described in subsection (h) of Section 201 of the  
6           Illinois Income Tax Act; or

7           (B-5) the business intends to establish a new  
8           gasification facility at a designated location in  
9           Illinois. As used in this Section, "new gasification  
10          facility" means a newly constructed coal gasification  
11          facility that generates chemical feedstocks or  
12          transportation fuels derived from coal (which may  
13          include, but are not limited to, methane, methanol,  
14          and nitrogen fertilizer), that supports the creation  
15          or retention of Illinois coal-mining jobs, and that  
16          qualifies for financial assistance from the Department  
17          before December 31, 2010. A new gasification facility  
18          does not include a pilot project located within  
19          Jefferson County or within a county adjacent to  
20          Jefferson County for synthetic natural gas from coal;  
21          or

22          (C) the business intends to establish production  
23          operations at a new coal mine, re-establish production  
24          operations at a closed coal mine, or expand production  
25          at an existing coal mine at a designated location in  
26          Illinois not sooner than July 1, 2001; provided that

1 the production operations result in the creation of  
2 150 new Illinois coal mining jobs as described in  
3 subdivision (a)(3)(B) of this Section, and further  
4 provided that the coal extracted from such mine is  
5 utilized as the predominant source for a new electric  
6 generating facility. The business must certify in  
7 writing that the investments necessary to establish a  
8 new, expanded, or reopened coal mine would not be  
9 placed in service and the job creation would not occur  
10 without the tax credits and exemptions set forth in  
11 subsection (b-5) of this Section. The term "placed in  
12 service" has the same meaning as described in  
13 subsection (h) of Section 201 of the Illinois Income  
14 Tax Act; or

15 (D) the business intends to construct new  
16 transmission facilities or upgrade existing  
17 transmission facilities at designated locations in  
18 Illinois, for which construction commenced not sooner  
19 than July 1, 2001. For the purposes of this Section,  
20 "transmission facilities" means transmission lines  
21 with a voltage rating of 115 kilovolts or above,  
22 including associated equipment, that transfer  
23 electricity from points of supply to points of  
24 delivery and that transmit a majority of the  
25 electricity generated by a new electric generating  
26 facility designated as a High Impact Business in

1           accordance with this Section. The business must  
2           certify in writing that the investments necessary to  
3           construct new transmission facilities or upgrade  
4           existing transmission facilities would not be placed  
5           in service without the tax credits and exemptions set  
6           forth in subsection (b-5) of this Section. The term  
7           "placed in service" has the same meaning as described  
8           in subsection (h) of Section 201 of the Illinois  
9           Income Tax Act; or

10           (E) the business intends to establish a new wind  
11           power facility at a designated location in Illinois.  
12           For purposes of this Section, "new wind power  
13           facility" means a newly constructed electric  
14           generation facility, or a newly constructed expansion  
15           of an existing electric generation facility, placed in  
16           service on or after July 1, 2009, that generates  
17           electricity using wind energy devices, and such  
18           facility shall be deemed to include all associated  
19           transmission lines, substations, and other equipment  
20           related to the generation of electricity from wind  
21           energy devices. For purposes of this Section, "wind  
22           energy device" means any device, with a nameplate  
23           capacity of at least 0.5 megawatts, that is used in the  
24           process of converting kinetic energy from the wind to  
25           generate electricity; or

26           (F) the business commits to (i) make a minimum



1 investment of \$500,000,000, which will be placed in  
2 service in a qualified property, (ii) create 125  
3 full-time equivalent jobs at a designated location in  
4 Illinois, (iii) establish a fertilizer plant at a  
5 designated location in Illinois that complies with the  
6 set-back standards as described in Table 1: Initial  
7 Isolation and Protective Action Distances in the 2012  
8 Emergency Response Guidebook published by the United  
9 States Department of Transportation, (iv) pay a  
10 prevailing wage for employees at that location who are  
11 engaged in construction activities, and (v) secure an  
12 appropriate level of general liability insurance to  
13 protect against catastrophic failure of the fertilizer  
14 plant or any of its constituent systems; in addition,  
15 the business must agree to enter into a construction  
16 project labor agreement including provisions  
17 establishing wages, benefits, and other compensation  
18 for employees performing work under the project labor  
19 agreement at that location; for the purposes of this  
20 Section, "fertilizer plant" means a newly constructed  
21 or upgraded plant utilizing gas used in the production  
22 of anhydrous ammonia and downstream nitrogen  
23 fertilizer products for resale; for the purposes of  
24 this Section, "prevailing wage" means the hourly cash  
25 wages plus fringe benefits for training and  
26 apprenticeship programs approved by the U.S.

1 Department of Labor, Bureau of Apprenticeship and  
2 Training, health and welfare, insurance, vacations and  
3 pensions paid generally, in the locality in which the  
4 work is being performed, to employees engaged in work  
5 of a similar character on public works; this paragraph  
6 (F) applies only to businesses that submit an  
7 application to the Department within 60 days after  
8 July 25, 2013 (the effective date of Public Act  
9 98-109) ~~this amendatory Act of the 98th General~~  
10 ~~Assembly~~; and

11 (4) no later than 90 days after an application is  
12 submitted, the Department shall notify the applicant of  
13 the Department's determination of the qualification of the  
14 proposed High Impact Business under this Section.

15 (b) Businesses designated as High Impact Businesses  
16 pursuant to subdivision (a)(3)(A) of this Section shall  
17 qualify for the credits and exemptions described in the  
18 following Acts: Section 9-222 and Section 9-222.1A of the  
19 Public Utilities Act, subsection (h) of Section 201 of the  
20 Illinois Income Tax Act, and Section 1d of the Retailers'  
21 Occupation Tax Act; provided that these credits and exemptions  
22 described in these Acts shall not be authorized until the  
23 minimum investments set forth in subdivision (a)(3)(A) of this  
24 Section have been placed in service in qualified properties  
25 and, in the case of the exemptions described in the Public  
26 Utilities Act and Section 1d of the Retailers' Occupation Tax

1 Act, the minimum full-time equivalent jobs or full-time  
2 retained jobs set forth in subdivision (a)(3)(A) of this  
3 Section have been created or retained. Businesses designated  
4 as High Impact Businesses under this Section shall also  
5 qualify for the exemption described in Section 51 of the  
6 Retailers' Occupation Tax Act. The credit provided in  
7 subsection (h) of Section 201 of the Illinois Income Tax Act  
8 shall be applicable to investments in qualified property as  
9 set forth in subdivision (a)(3)(A) of this Section.

10 (b-5) Businesses designated as High Impact Businesses  
11 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),  
12 and (a)(3)(D) of this Section shall qualify for the credits  
13 and exemptions described in the following Acts: Section 51 of  
14 the Retailers' Occupation Tax Act, Section 9-222 and Section  
15 9-222.1A of the Public Utilities Act, and subsection (h) of  
16 Section 201 of the Illinois Income Tax Act; however, the  
17 credits and exemptions authorized under Section 9-222 and  
18 Section 9-222.1A of the Public Utilities Act, and subsection  
19 (h) of Section 201 of the Illinois Income Tax Act shall not be  
20 authorized until the new electric generating facility, the new  
21 gasification facility, the new transmission facility, or the  
22 new, expanded, or reopened coal mine is operational, except  
23 that a new electric generating facility whose primary fuel  
24 source is natural gas is eligible only for the exemption under  
25 Section 51 of the Retailers' Occupation Tax Act.

26 (b-6) Businesses designated as High Impact Businesses

1 pursuant to subdivision (a) (3) (E) or (a) (3) (E-5) of this  
2 Section shall qualify for the exemptions described in Section  
3 51 of the Retailers' Occupation Tax Act; any business so  
4 designated as a High Impact Business being, for purposes of  
5 this Section, a "Wind Energy Business".

6 (b-7) Beginning on January 1, 2021, businesses designated  
7 as High Impact Businesses by the Department shall qualify for  
8 the High Impact Business construction jobs credit under  
9 subsection (h-5) of Section 201 of the Illinois Income Tax Act  
10 if the business meets the criteria set forth in subsection (i)  
11 of this Section. The total aggregate amount of credits awarded  
12 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9  
13 ~~this amendatory Act of the 101st General Assembly~~) shall not  
14 exceed \$20,000,000 in any State fiscal year.

15 (c) High Impact Businesses located in federally designated  
16 foreign trade zones or sub-zones are also eligible for  
17 additional credits, exemptions and deductions as described in  
18 the following Acts: Section 9-221 and Section 9-222.1 of the  
19 Public Utilities Act; and subsection (g) of Section 201, and  
20 Section 203 of the Illinois Income Tax Act.

21 (d) Except for businesses contemplated under subdivision  
22 (a) (3) (E) or (a) (3) (E-5) of this Section, existing Illinois  
23 businesses which apply for designation as a High Impact  
24 Business must provide the Department with the prospective plan  
25 for which 1,500 full-time retained jobs would be eliminated in  
26 the event that the business is not designated.

1           (e) Except for new wind power facilities contemplated  
2 under subdivision (a)(3)(E) of this Section, new proposed  
3 facilities which apply for designation as High Impact Business  
4 must provide the Department with proof of alternative  
5 non-Illinois sites which would receive the proposed investment  
6 and job creation in the event that the business is not  
7 designated as a High Impact Business.

8           (f) Except for businesses contemplated under subdivision  
9 (a)(3)(E) of this Section, in the event that a business is  
10 designated a High Impact Business and it is later determined  
11 after reasonable notice and an opportunity for a hearing as  
12 provided under the Illinois Administrative Procedure Act, that  
13 the business would have placed in service in qualified  
14 property the investments and created or retained the requisite  
15 number of jobs without the benefits of the High Impact  
16 Business designation, the Department shall be required to  
17 immediately revoke the designation and notify the Director of  
18 the Department of Revenue who shall begin proceedings to  
19 recover all wrongfully exempted State taxes with interest. The  
20 business shall also be ineligible for all State funded  
21 Department programs for a period of 10 years.

22           (g) The Department shall revoke a High Impact Business  
23 designation if the participating business fails to comply with  
24 the terms and conditions of the designation. However, the  
25 penalties for new wind power facilities or Wind Energy  
26 Businesses for failure to comply with any of the terms or

1 conditions of the Illinois Prevailing Wage Act shall be only  
2 those penalties identified in the Illinois Prevailing Wage  
3 Act, and the Department shall not revoke a High Impact  
4 Business designation as a result of the failure to comply with  
5 any of the terms or conditions of the Illinois Prevailing Wage  
6 Act in relation to a new wind power facility or a Wind Energy  
7 Business.

8 (h) Prior to designating a business, the Department shall  
9 provide the members of the General Assembly and Commission on  
10 Government Forecasting and Accountability with a report  
11 setting forth the terms and conditions of the designation and  
12 guarantees that have been received by the Department in  
13 relation to the proposed business being designated.

14 (i) High Impact Business construction jobs credit.  
15 Beginning on January 1, 2021, a High Impact Business may  
16 receive a tax credit against the tax imposed under subsections  
17 (a) and (b) of Section 201 of the Illinois Income Tax Act in an  
18 amount equal to 50% of the amount of the incremental income tax  
19 attributable to High Impact Business construction jobs credit  
20 employees employed in the course of completing a High Impact  
21 Business construction jobs project. However, the High Impact  
22 Business construction jobs credit may equal 75% of the amount  
23 of the incremental income tax attributable to High Impact  
24 Business construction jobs credit employees if the High Impact  
25 Business construction jobs credit project is located in an  
26 underserved area.

1           The Department shall certify to the Department of Revenue:  
2           (1) the identity of taxpayers that are eligible for the High  
3           Impact Business construction jobs credit; and (2) the amount  
4           of High Impact Business construction jobs credits that are  
5           claimed pursuant to subsection (h-5) of Section 201 of the  
6           Illinois Income Tax Act in each taxable year. Any business  
7           entity that receives a High Impact Business construction jobs  
8           credit shall maintain a certified payroll pursuant to  
9           subsection (j) of this Section.

10           As used in this subsection (i):

11           "High Impact Business construction jobs credit" means an  
12           amount equal to 50% (or 75% if the High Impact Business  
13           construction project is located in an underserved area) of the  
14           incremental income tax attributable to High Impact Business  
15           construction job employees. The total aggregate amount of  
16           credits awarded under the Blue Collar Jobs Act (Article 20 of  
17           Public Act 101-9 ~~this amendatory Act of the 101st General~~  
18           ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal  
19           year

20           "High Impact Business construction job employee" means a  
21           laborer or worker who is employed by an Illinois contractor or  
22           subcontractor in the actual construction work on the site of a  
23           High Impact Business construction job project.

24           "High Impact Business construction jobs project" means  
25           building a structure or building or making improvements of any  
26           kind to real property, undertaken and commissioned by a

1 business that was designated as a High Impact Business by the  
2 Department. The term "High Impact Business construction jobs  
3 project" does not include the routine operation, routine  
4 repair, or routine maintenance of existing structures,  
5 buildings, or real property.

6 "Incremental income tax" means the total amount withheld  
7 during the taxable year from the compensation of High Impact  
8 Business construction job employees.

9 "Underserved area" means a geographic area that meets one  
10 or more of the following conditions:

11 (1) the area has a poverty rate of at least 20%  
12 according to the latest federal decennial census;

13 (2) 75% or more of the children in the area  
14 participate in the federal free lunch program according to  
15 reported statistics from the State Board of Education;

16 (3) at least 20% of the households in the area receive  
17 assistance under the Supplemental Nutrition Assistance  
18 Program (SNAP); or

19 (4) the area has an average unemployment rate, as  
20 determined by the Illinois Department of Employment  
21 Security, that is more than 120% of the national  
22 unemployment average, as determined by the U.S. Department  
23 of Labor, for a period of at least 2 consecutive calendar  
24 years preceding the date of the application.

25 (j) Each contractor and subcontractor who is engaged in  
26 and executing a High Impact Business Construction jobs



1 project, as defined under subsection (i) of this Section, for  
2 a business that is entitled to a credit pursuant to subsection  
3 (i) of this Section shall:

4 (1) make and keep, for a period of 5 years from the  
5 date of the last payment made on or after June 5, 2019 (the  
6 effective date of Public Act 101-9) ~~this amendatory Act of~~  
7 ~~the 101st General Assembly~~ on a contract or subcontract  
8 for a High Impact Business Construction Jobs Project,  
9 records for all laborers and other workers employed by the  
10 contractor or subcontractor on the project; the records  
11 shall include:

12 (A) the worker's name;

13 (B) the worker's address;

14 (C) the worker's telephone number, if available;

15 (D) the worker's social security number;

16 (E) the worker's classification or  
17 classifications;

18 (F) the worker's gross and net wages paid in each  
19 pay period;

20 (G) the worker's number of hours worked each day;

21 (H) the worker's starting and ending times of work  
22 each day;

23 (I) the worker's hourly wage rate; ~~and~~

24 (J) the worker's hourly overtime wage rate;

25 (K) the worker's race and ethnicity; and

26 (L) the worker's gender;

1           (2) no later than the 15th day of each calendar month,  
2           provide a certified payroll for the immediately preceding  
3           month to the taxpayer in charge of the High Impact  
4           Business construction jobs project; within 5 business days  
5           after receiving the certified payroll, the taxpayer shall  
6           file the certified payroll with the Department of Labor  
7           and the Department of Commerce and Economic Opportunity; a  
8           certified payroll must be filed for only those calendar  
9           months during which construction on a High Impact Business  
10          construction jobs project has occurred; the certified  
11          payroll shall consist of a complete copy of the records  
12          identified in paragraph (1) of this subsection (j), but  
13          may exclude the starting and ending times of work each  
14          day; the certified payroll shall be accompanied by a  
15          statement signed by the contractor or subcontractor or an  
16          officer, employee, or agent of the contractor or  
17          subcontractor which avers that:

18                 (A) he or she has examined the certified payroll  
19                 records required to be submitted by the Act and such  
20                 records are true and accurate; and

21                 (B) the contractor or subcontractor is aware that  
22                 filing a certified payroll that he or she knows to be  
23                 false is a Class A misdemeanor.

24           A general contractor is not prohibited from relying on a  
25           certified payroll of a lower-tier subcontractor, provided the  
26           general contractor does not knowingly rely upon a

1 subcontractor's false certification.

2 Any contractor or subcontractor subject to this  
3 subsection, and any officer, employee, or agent of such  
4 contractor or subcontractor whose duty as an officer,  
5 employee, or agent it is to file a certified payroll under this  
6 subsection, who willfully fails to file such a certified  
7 payroll on or before the date such certified payroll is  
8 required by this paragraph to be filed and any person who  
9 willfully files a false certified payroll that is false as to  
10 any material fact is in violation of this Act and guilty of a  
11 Class A misdemeanor.

12 The taxpayer in charge of the project shall keep the  
13 records submitted in accordance with this subsection on or  
14 after June 5, 2019 (the effective date of Public Act 101-9)  
15 ~~this amendatory Act of the 101st General Assembly~~ for a period  
16 of 5 years from the date of the last payment for work on a  
17 contract or subcontract for the High Impact Business  
18 construction jobs project.

19 The records submitted in accordance with this subsection  
20 shall be considered public records, except an employee's  
21 address, telephone number, and social security number, and  
22 made available in accordance with the Freedom of Information  
23 Act. The Department of Labor shall ~~accept any reasonable~~  
24 ~~submissions by the contractor that meet the requirements of~~  
25 ~~this subsection (j) and shall~~ share the information with the  
26 Department in order to comply with the awarding of a High

1 Impact Business construction jobs credit. A contractor,  
2 subcontractor, or public body may retain records required  
3 under this Section in paper or electronic format.

4 (k) Upon 7 business days' notice, each contractor and  
5 subcontractor shall make available for inspection and copying  
6 at a location within this State during reasonable hours, the  
7 records identified in this subsection (j) to the taxpayer in  
8 charge of the High Impact Business construction jobs project,  
9 its officers and agents, the Director of the Department of  
10 Labor and his or her deputies and agents, and to federal,  
11 State, or local law enforcement agencies and prosecutors.

12 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

13 Section 15. The Public Utilities Act is amended by  
14 changing Section 5-117 as follows:

15 (220 ILCS 5/5-117)

16 Sec. 5-117. Supplier diversity goals.

17 (a) The public policy of this State is to collaboratively  
18 work with companies that serve Illinois residents to improve  
19 their supplier diversity in a non-antagonistic manner.

20 (b) The Commission shall require all gas, electric, and  
21 water companies with at least 100,000 customers under its  
22 authority, as well as suppliers of wind energy, solar energy,  
23 hydroelectricity, nuclear energy, and any other supplier of  
24 energy within this State ~~other than wind energy and solar~~

1 ~~energy required to comply with the reporting requirements~~  
2 ~~under Section 1505-215 of the Department of Labor Law of the~~  
3 ~~Civil Administrative Code of Illinois,~~ to submit an annual  
4 report by April 15, 2015 and every April 15 thereafter, in a  
5 searchable Adobe PDF format, on all procurement goals and  
6 actual spending for female-owned, minority-owned,  
7 veteran-owned, and small business enterprises in the previous  
8 calendar year. These goals shall be expressed as a percentage  
9 of the total work performed by the entity submitting the  
10 report, and the actual spending for all female-owned,  
11 minority-owned, veteran-owned, and small business enterprises  
12 shall also be expressed as a percentage of the total work  
13 performed by the entity submitting the report.

14 (c) Each participating company in its annual report shall  
15 include the following information:

16 (1) an explanation of the plan for the next year to  
17 increase participation;

18 (2) an explanation of the plan to increase the goals;

19 (3) the areas of procurement each company shall be  
20 actively seeking more participation in the next year;

21 (4) an outline of the plan to alert and encourage  
22 potential vendors in that area to seek business from the  
23 company;

24 (5) an explanation of the challenges faced in finding  
25 quality vendors and offer any suggestions for what the  
26 Commission could do to be helpful to identify those

1 vendors;

2 (6) a list of the certifications the company  
3 recognizes;

4 (7) the point of contact for any potential vendor who  
5 wishes to do business with the company and explain the  
6 process for a vendor to enroll with the company as a  
7 minority-owned, women-owned, or veteran-owned company; and

8 (8) any particular success stories to encourage other  
9 companies to emulate best practices.

10 (d) Each annual report shall include as much  
11 State-specific data as possible. If the submitting entity does  
12 not submit State-specific data, then the company shall include  
13 any national data it does have and explain why it could not  
14 submit State-specific data and how it intends to do so in  
15 future reports, if possible.

16 (e) Each annual report shall include the rules,  
17 regulations, and definitions used for the procurement goals in  
18 the company's annual report.

19 (f) The Commission and all participating entities shall  
20 hold an annual workshop open to the public in 2015 and every  
21 year thereafter on the state of supplier diversity to  
22 collaboratively seek solutions to structural impediments to  
23 achieving stated goals, including testimony from each  
24 participating entity as well as subject matter experts and  
25 advocates. The Commission shall publish a database on its  
26 website of the point of contact for each participating entity

1 for supplier diversity, along with a list of certifications  
2 each company recognizes from the information submitted in each  
3 annual report. The Commission shall publish each annual report  
4 on its website and shall maintain each annual report for at  
5 least 5 years.

6 (Source: P.A. 102-558, eff. 8-20-21; 102-662, eff. 9-15-21.)

7 Section 20. The Energy Assistance Act is amended by  
8 changing Section 13 as follows:

9 (305 ILCS 20/13)

10 (Text of Section from P.A. 102-16)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

13 (a) The Supplemental Low-Income Energy Assistance Fund is  
14 hereby created as a special fund in the State Treasury.  
15 Notwithstanding any other law to the contrary, the  
16 Supplemental Low-Income Energy Assistance Fund is not subject  
17 to sweeps, administrative charge-backs, or any other fiscal or  
18 budgetary maneuver that would in any way transfer any amounts  
19 from the Supplemental Low-Income Energy Assistance Fund into  
20 any other fund of the State. The Supplemental Low-Income  
21 Energy Assistance Fund is authorized to receive moneys from  
22 voluntary donations from individuals, foundations,  
23 corporations, and other sources, moneys received pursuant to  
24 Section 17, and, by statutory deposit, the moneys collected

1 pursuant to this Section. The Fund is also authorized to  
2 receive voluntary donations from individuals, foundations,  
3 corporations, and other sources. Subject to appropriation, the  
4 Department shall use moneys from the Supplemental Low-Income  
5 Energy Assistance Fund for payments to electric or gas public  
6 utilities, municipal electric or gas utilities, and electric  
7 cooperatives on behalf of their customers who are participants  
8 in the program authorized by Sections 4 and 18 of this Act, for  
9 the provision of weatherization services and for  
10 administration of the Supplemental Low-Income Energy  
11 Assistance Fund. All other deposits outside of the Energy  
12 Assistance Charge as set forth in subsection (b) are not  
13 subject to the percentage restrictions related to  
14 administrative and weatherization expenses provided in this  
15 subsection. The yearly expenditures for weatherization may not  
16 exceed 10% of the amount collected during the year pursuant to  
17 this Section, except when unspent funds from the Supplemental  
18 Low-Income Energy Assistance Fund are reallocated from a  
19 previous year; any unspent balance of the 10% weatherization  
20 allowance may be utilized for weatherization expenses in the  
21 year they are reallocated. The yearly administrative expenses  
22 of the Supplemental Low-Income Energy Assistance Fund may not  
23 exceed 13% of the amount collected during that year pursuant  
24 to this Section, except when unspent funds from the  
25 Supplemental Low-Income Energy Assistance Fund are reallocated  
26 from a previous year; any unspent balance of the 13%



1 administrative allowance may be utilized for administrative  
2 expenses in the year they are reallocated. Of the 13%  
3 administrative allowance, no less than 8% shall be provided to  
4 Local Administrative Agencies for administrative expenses.

5 (b) Notwithstanding the provisions of Section 16-111 of  
6 the Public Utilities Act but subject to subsection (k) of this  
7 Section, each public utility, electric cooperative, as defined  
8 in Section 3.4 of the Electric Supplier Act, and municipal  
9 utility, as referenced in Section 3-105 of the Public  
10 Utilities Act, that is engaged in the delivery of electricity  
11 or the distribution of natural gas within the State of  
12 Illinois shall, effective January 1, 2022 ~~2021~~, assess each of  
13 its customer accounts a monthly Energy Assistance Charge for  
14 the Supplemental Low-Income Energy Assistance Fund. The  
15 delivering public utility, municipal electric or gas utility,  
16 or electric or gas cooperative for a self-assessing purchaser  
17 remains subject to the collection of the fee imposed by this  
18 Section. The monthly charge shall be as follows:

19 (1) Base Energy Assistance Charge per month on each  
20 account for residential electrical service;

21 (2) Base Energy Assistance Charge per month on each  
22 account for residential gas service;

23 (3) Ten times the Base Energy Assistance Charge per  
24 month on each account for non-residential electric service  
25 which had less than 10 megawatts of peak demand during the  
26 previous calendar year;

1           (4) Ten times the Base Energy Assistance Charge per  
2 month on each account for non-residential gas service  
3 which had distributed to it less than 4,000,000 therms of  
4 gas during the previous calendar year;

5           (5) Three hundred and seventy-five times the Base  
6 Energy Assistance Charge per month on each account for  
7 non-residential electric service which had 10 megawatts or  
8 greater of peak demand during the previous calendar year;  
9 and

10           (6) Three hundred and seventy-five times the Base  
11 Energy Assistance Charge per month on each account For  
12 non-residential gas service which had 4,000,000 or more  
13 therms of gas distributed to it during the previous  
14 calendar year.

15           The Base Energy Assistance Charge shall be \$0.48 per month  
16 for the calendar year beginning January 1, 2022 and shall  
17 increase by \$0.16 per month for any calendar year, provided no  
18 less than 80% of the previous State fiscal year's available  
19 Supplemental Low-Income Energy Assistance Fund funding was  
20 exhausted. The maximum Base Energy Assistance Charge shall not  
21 exceed \$0.96 per month for any calendar year.

22           The incremental change to such charges imposed by Public  
23 Act 99-933 and this amendatory Act of the 102nd General  
24 Assembly shall not (i) be used for any purpose other than to  
25 directly assist customers and (ii) be applicable to utilities  
26 serving less than 100,000 ~~25,000~~ customers in Illinois on

1 January 1, 2021. The incremental change to such charges  
2 imposed by this amendatory Act of the 102nd General Assembly  
3 are intended to increase utilization of the Percentage of  
4 Income Payment Plan (PIPP or PIP Plan) and shall be applied  
5 such that PIP Plan enrollment is at least doubled, as compared  
6 to 2020 enrollment, by 2024.

7 In addition, electric and gas utilities have committed,  
8 and shall contribute, a one-time payment of \$22 million to the  
9 Fund, within 10 days after the effective date of the tariffs  
10 established pursuant to Sections 16-111.8 and 19-145 of the  
11 Public Utilities Act to be used for the Department's cost of  
12 implementing the programs described in Section 18 of this  
13 amendatory Act of the 96th General Assembly, the Arrearage  
14 Reduction Program described in Section 18, and the programs  
15 described in Section 8-105 of the Public Utilities Act. If a  
16 utility elects not to file a rider within 90 days after the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly, then the contribution from such utility shall be  
19 made no later than February 1, 2010.

20 (c) For purposes of this Section:

21 (1) "residential electric service" means electric  
22 utility service for household purposes delivered to a  
23 dwelling of 2 or fewer units which is billed under a  
24 residential rate, or electric utility service for  
25 household purposes delivered to a dwelling unit or units  
26 which is billed under a residential rate and is registered

1 by a separate meter for each dwelling unit;

2 (2) "residential gas service" means gas utility  
3 service for household purposes distributed to a dwelling  
4 of 2 or fewer units which is billed under a residential  
5 rate, or gas utility service for household purposes  
6 distributed to a dwelling unit or units which is billed  
7 under a residential rate and is registered by a separate  
8 meter for each dwelling unit;

9 (3) "non-residential electric service" means electric  
10 utility service which is not residential electric service;  
11 and

12 (4) "non-residential gas service" means gas utility  
13 service which is not residential gas service.

14 (d) Within 30 days after the effective date of this  
15 amendatory Act of the 96th General Assembly, each public  
16 utility engaged in the delivery of electricity or the  
17 distribution of natural gas shall file with the Illinois  
18 Commerce Commission tariffs incorporating the Energy  
19 Assistance Charge in other charges stated in such tariffs,  
20 which shall become effective no later than the beginning of  
21 the first billing cycle following such filing.

22 (e) The Energy Assistance Charge assessed by electric and  
23 gas public utilities shall be considered a charge for public  
24 utility service.

25 (f) By the 20th day of the month following the month in  
26 which the charges imposed by the Section were collected, each

1 public utility, municipal utility, and electric cooperative  
2 shall remit to the Department of Revenue all moneys received  
3 as payment of the Energy Assistance Charge on a return  
4 prescribed and furnished by the Department of Revenue showing  
5 such information as the Department of Revenue may reasonably  
6 require; provided, however, that a utility offering an  
7 Arrearage Reduction Program or Supplemental Arrearage  
8 Reduction Program pursuant to Section 18 of this Act shall be  
9 entitled to net those amounts necessary to fund and recover  
10 the costs of such Programs as authorized by that Section that  
11 is no more than the incremental change in such Energy  
12 Assistance Charge authorized by Public Act 96-33. If a  
13 customer makes a partial payment, a public utility, municipal  
14 utility, or electric cooperative may elect either: (i) to  
15 apply such partial payments first to amounts owed to the  
16 utility or cooperative for its services and then to payment  
17 for the Energy Assistance Charge or (ii) to apply such partial  
18 payments on a pro-rata basis between amounts owed to the  
19 utility or cooperative for its services and to payment for the  
20 Energy Assistance Charge.

21 If any payment provided for in this Section exceeds the  
22 distributor's liabilities under this Act, as shown on an  
23 original return, the Department may authorize the distributor  
24 to credit such excess payment against liability subsequently  
25 to be remitted to the Department under this Act, in accordance  
26 with reasonable rules adopted by the Department. If the

1 Department subsequently determines that all or any part of the  
2 credit taken was not actually due to the distributor, the  
3 distributor's discount shall be reduced by an amount equal to  
4 the difference between the discount as applied to the credit  
5 taken and that actually due, and that distributor shall be  
6 liable for penalties and interest on such difference.

7 (g) The Department of Revenue shall deposit into the  
8 Supplemental Low-Income Energy Assistance Fund all moneys  
9 remitted to it in accordance with subsection (f) of this  
10 Section. The utilities shall coordinate with the Department to  
11 establish an equitable and practical methodology for  
12 implementing this subsection (g) beginning with the 2010  
13 program year.

14 (h) On or before December 31, 2002, the Department shall  
15 prepare a report for the General Assembly on the expenditure  
16 of funds appropriated from the Low-Income Energy Assistance  
17 Block Grant Fund for the program authorized under Section 4 of  
18 this Act.

19 (i) The Department of Revenue may establish such rules as  
20 it deems necessary to implement this Section.

21 (j) The Department of Commerce and Economic Opportunity  
22 may establish such rules as it deems necessary to implement  
23 this Section.

24 (k) The charges imposed by this Section shall only apply  
25 to customers of municipal electric or gas utilities and  
26 electric or gas cooperatives if the municipal electric or gas

1 utility or electric or gas cooperative makes an affirmative  
2 decision to impose the charge. If a municipal electric or gas  
3 utility or an electric cooperative makes an affirmative  
4 decision to impose the charge provided by this Section, the  
5 municipal electric or gas utility or electric cooperative  
6 shall inform the Department of Revenue in writing of such  
7 decision when it begins to impose the charge. If a municipal  
8 electric or gas utility or electric or gas cooperative does  
9 not assess this charge, the Department may not use funds from  
10 the Supplemental Low-Income Energy Assistance Fund to provide  
11 benefits to its customers under the program authorized by  
12 Section 4 of this Act.

13 In its use of federal funds under this Act, the Department  
14 may not cause a disproportionate share of those federal funds  
15 to benefit customers of systems which do not assess the charge  
16 provided by this Section.

17 This Section is repealed on January 1, 2025 unless renewed  
18 by action of the General Assembly.

19 (Source: P.A. 102-16, eff. 6-17-21.)

20 (Text of Section from P.A. 102-176)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund is  
24 hereby created as a special fund in the State Treasury. The  
25 Supplemental Low-Income Energy Assistance Fund is authorized

1 to receive moneys from voluntary donations from individuals,  
2 foundations, corporations, and other sources, moneys received  
3 pursuant to Section 17, and, by statutory deposit, the moneys  
4 collected pursuant to this Section. The Fund is also  
5 authorized to receive voluntary donations from individuals,  
6 foundations, corporations, and other sources. Subject to  
7 appropriation, the Department shall use moneys from the  
8 Supplemental Low-Income Energy Assistance Fund for payments to  
9 electric or gas public utilities, municipal electric or gas  
10 utilities, and electric cooperatives on behalf of their  
11 customers who are participants in the program authorized by  
12 Sections 4 and 18 of this Act, for the provision of  
13 weatherization services and for administration of the  
14 Supplemental Low-Income Energy Assistance Fund. All other  
15 deposits outside of the Energy Assistance Charge as set forth  
16 in subsection (b) are not subject to the percentage  
17 restrictions related to administrative and weatherization  
18 expenses provided in this subsection. The yearly expenditures  
19 for weatherization may not exceed 10% of the amount collected  
20 during the year pursuant to this Section, except when unspent  
21 funds from the Supplemental Low-Income Energy Assistance Fund  
22 are reallocated from a previous year; any unspent balance of  
23 the 10% weatherization allowance may be utilized for  
24 weatherization expenses in the year they are reallocated. The  
25 yearly administrative expenses of the Supplemental Low-Income  
26 Energy Assistance Fund may not exceed 13% of the amount



1 collected during that year pursuant to this Section, except  
2 when unspent funds from the Supplemental Low-Income Energy  
3 Assistance Fund are reallocated from a previous year; any  
4 unspent balance of the 13% administrative allowance may be  
5 utilized for administrative expenses in the year they are  
6 reallocated. Of the 13% administrative allowance, no less than  
7 8% shall be provided to Local Administrative Agencies for  
8 administrative expenses.

9 (b) Notwithstanding the provisions of Section 16-111 of  
10 the Public Utilities Act but subject to subsection (k) of this  
11 Section, each public utility, electric cooperative, as defined  
12 in Section 3.4 of the Electric Supplier Act, and municipal  
13 utility, as referenced in Section 3-105 of the Public  
14 Utilities Act, that is engaged in the delivery of electricity  
15 or the distribution of natural gas within the State of  
16 Illinois shall, effective January 1, 2022, assess each of its  
17 customer accounts a monthly Energy Assistance Charge for the  
18 Supplemental Low-Income Energy Assistance Fund. The delivering  
19 public utility, municipal electric or gas utility, or electric  
20 or gas cooperative for a self-assessing purchaser remains  
21 subject to the collection of the fee imposed by this Section.  
22 The monthly charge shall be as follows:

23 (1) Base Energy Assistance Charge per month on each  
24 account for residential electrical service;

25 (2) Base Energy Assistance Charge per month on each  
26 account for residential gas service;

1           (3) Ten times the Base Energy Assistance Charge per  
2 month on each account for non-residential electric service  
3 which had less than 10 megawatts of peak demand during the  
4 previous calendar year;

5           (4) Ten times the Base Energy Assistance Charge per  
6 month on each account for non-residential gas service  
7 which had distributed to it less than 4,000,000 therms of  
8 gas during the previous calendar year;

9           (5) Three hundred and seventy-five times the Base  
10 Energy Assistance Charge per month on each account for  
11 non-residential electric service which had 10 megawatts or  
12 greater of peak demand during the previous calendar year;  
13 and

14           (6) Three hundred and seventy-five times the Base  
15 Energy Assistance Charge per month on each account for  
16 non-residential gas service which had 4,000,000 or more  
17 therms of gas distributed to it during the previous  
18 calendar year.

19           The Base Energy Assistance Charge shall be \$0.48 per month  
20 for the calendar year beginning January 1, 2022 and shall  
21 increase by \$0.16 per month for any calendar year, provided no  
22 less than 80% of the previous State fiscal year's available  
23 Supplemental Low-Income Energy Assistance Fund funding was  
24 exhausted. The maximum Base Energy Assistance Charge shall not  
25 exceed \$0.96 per month for any calendar year.

26           The incremental change to such charges imposed by Public

1 Act 99-933 and this amendatory Act of the 102nd General  
2 Assembly shall not (i) be used for any purpose other than to  
3 directly assist customers and (ii) be applicable to utilities  
4 serving less than 100,000 ~~25,000~~ customers in Illinois on  
5 January 1, 2021. The incremental change to such charges  
6 imposed by this amendatory Act of the 102nd General Assembly  
7 are intended to increase utilization of the Percentage of  
8 Income Payment Plan (PIPP or PIP Plan) and shall be applied  
9 such that PIP Plan enrollment is at least doubled, as compared  
10 to 2020 enrollment, by 2024.

11 In addition, electric and gas utilities have committed,  
12 and shall contribute, a one-time payment of \$22 million to the  
13 Fund, within 10 days after the effective date of the tariffs  
14 established pursuant to Sections 16-111.8 and 19-145 of the  
15 Public Utilities Act to be used for the Department's cost of  
16 implementing the programs described in Section 18 of this  
17 amendatory Act of the 96th General Assembly, the Arrearage  
18 Reduction Program described in Section 18, and the programs  
19 described in Section 8-105 of the Public Utilities Act. If a  
20 utility elects not to file a rider within 90 days after the  
21 effective date of this amendatory Act of the 96th General  
22 Assembly, then the contribution from such utility shall be  
23 made no later than February 1, 2010.

24 (c) For purposes of this Section:

25 (1) "residential electric service" means electric  
26 utility service for household purposes delivered to a

1 dwelling of 2 or fewer units which is billed under a  
2 residential rate, or electric utility service for  
3 household purposes delivered to a dwelling unit or units  
4 which is billed under a residential rate and is registered  
5 by a separate meter for each dwelling unit;

6 (2) "residential gas service" means gas utility  
7 service for household purposes distributed to a dwelling  
8 of 2 or fewer units which is billed under a residential  
9 rate, or gas utility service for household purposes  
10 distributed to a dwelling unit or units which is billed  
11 under a residential rate and is registered by a separate  
12 meter for each dwelling unit;

13 (3) "non-residential electric service" means electric  
14 utility service which is not residential electric service;  
15 and

16 (4) "non-residential gas service" means gas utility  
17 service which is not residential gas service.

18 (d) Within 30 days after the effective date of this  
19 amendatory Act of the 96th General Assembly, each public  
20 utility engaged in the delivery of electricity or the  
21 distribution of natural gas shall file with the Illinois  
22 Commerce Commission tariffs incorporating the Energy  
23 Assistance Charge in other charges stated in such tariffs,  
24 which shall become effective no later than the beginning of  
25 the first billing cycle following such filing.

26 (e) The Energy Assistance Charge assessed by electric and

1 gas public utilities shall be considered a charge for public  
2 utility service.

3 (f) By the 20th day of the month following the month in  
4 which the charges imposed by the Section were collected, each  
5 public utility, municipal utility, and electric cooperative  
6 shall remit to the Department of Revenue all moneys received  
7 as payment of the Energy Assistance Charge on a return  
8 prescribed and furnished by the Department of Revenue showing  
9 such information as the Department of Revenue may reasonably  
10 require; provided, however, that a utility offering an  
11 Arrearage Reduction Program or Supplemental Arrearage  
12 Reduction Program pursuant to Section 18 of this Act shall be  
13 entitled to net those amounts necessary to fund and recover  
14 the costs of such Programs as authorized by that Section that  
15 is no more than the incremental change in such Energy  
16 Assistance Charge authorized by Public Act 96-33. If a  
17 customer makes a partial payment, a public utility, municipal  
18 utility, or electric cooperative may elect either: (i) to  
19 apply such partial payments first to amounts owed to the  
20 utility or cooperative for its services and then to payment  
21 for the Energy Assistance Charge or (ii) to apply such partial  
22 payments on a pro-rata basis between amounts owed to the  
23 utility or cooperative for its services and to payment for the  
24 Energy Assistance Charge.

25 If any payment provided for in this Section exceeds the  
26 distributor's liabilities under this Act, as shown on an

1 original return, the Department may authorize the distributor  
2 to credit such excess payment against liability subsequently  
3 to be remitted to the Department under this Act, in accordance  
4 with reasonable rules adopted by the Department. If the  
5 Department subsequently determines that all or any part of the  
6 credit taken was not actually due to the distributor, the  
7 distributor's discount shall be reduced by an amount equal to  
8 the difference between the discount as applied to the credit  
9 taken and that actually due, and that distributor shall be  
10 liable for penalties and interest on such difference.

11 (g) The Department of Revenue shall deposit into the  
12 Supplemental Low-Income Energy Assistance Fund all moneys  
13 remitted to it in accordance with subsection (f) of this  
14 Section. The utilities shall coordinate with the Department to  
15 establish an equitable and practical methodology for  
16 implementing this subsection (g) beginning with the 2010  
17 program year.

18 (h) On or before December 31, 2002, the Department shall  
19 prepare a report for the General Assembly on the expenditure  
20 of funds appropriated from the Low-Income Energy Assistance  
21 Block Grant Fund for the program authorized under Section 4 of  
22 this Act.

23 (i) The Department of Revenue may establish such rules as  
24 it deems necessary to implement this Section.

25 (j) The Department of Commerce and Economic Opportunity  
26 may establish such rules as it deems necessary to implement

1 this Section.

2 (k) The charges imposed by this Section shall only apply  
3 to customers of municipal electric or gas utilities and  
4 electric or gas cooperatives if the municipal electric or gas  
5 utility or electric or gas cooperative makes an affirmative  
6 decision to impose the charge. If a municipal electric or gas  
7 utility or an electric cooperative makes an affirmative  
8 decision to impose the charge provided by this Section, the  
9 municipal electric or gas utility or electric cooperative  
10 shall inform the Department of Revenue in writing of such  
11 decision when it begins to impose the charge. If a municipal  
12 electric or gas utility or electric or gas cooperative does  
13 not assess this charge, the Department may not use funds from  
14 the Supplemental Low-Income Energy Assistance Fund to provide  
15 benefits to its customers under the program authorized by  
16 Section 4 of this Act.

17 In its use of federal funds under this Act, the Department  
18 may not cause a disproportionate share of those federal funds  
19 to benefit customers of systems which do not assess the charge  
20 provided by this Section.

21 This Section is repealed on January 1, 2025 unless renewed  
22 by action of the General Assembly.

23 (Source: P.A. 102-176, eff. 6-1-22.)

24 Section 25. The Prevailing Wage Act is amended by changing  
25 Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

2 Sec. 2. This Act applies to the wages of laborers,  
3 mechanics and other workers employed in any public works, as  
4 hereinafter defined, by any public body and to anyone under  
5 contracts for public works. This includes any maintenance,  
6 repair, assembly, or disassembly work performed on equipment  
7 whether owned, leased, or rented.

8 As used in this Act, unless the context indicates  
9 otherwise:

10 "Public works" means all fixed works constructed or  
11 demolished by any public body, or paid for wholly or in part  
12 out of public funds. "Public works" as defined herein includes  
13 all projects financed in whole or in part with bonds, grants,  
14 loans, or other funds made available by or through the State or  
15 any of its political subdivisions, including but not limited  
16 to: bonds issued under the Industrial Project Revenue Bond Act  
17 (Article 11, Division 74 of the Illinois Municipal Code), the  
18 Industrial Building Revenue Bond Act, the Illinois Finance  
19 Authority Act, the Illinois Sports Facilities Authority Act,  
20 or the Build Illinois Bond Act; loans or other funds made  
21 available pursuant to the Build Illinois Act; loans or other  
22 funds made available pursuant to the Riverfront Development  
23 Fund under Section 10-15 of the River Edge Redevelopment Zone  
24 Act; or funds from the Fund for Illinois' Future under Section  
25 6z-47 of the State Finance Act, funds for school construction



1 under Section 5 of the General Obligation Bond Act, funds  
2 authorized under Section 3 of the School Construction Bond  
3 Act, funds for school infrastructure under Section 6z-45 of  
4 the State Finance Act, and funds for transportation purposes  
5 under Section 4 of the General Obligation Bond Act. "Public  
6 works" also includes (i) all projects financed in whole or in  
7 part with funds from the Department of Commerce and Economic  
8 Opportunity under the Illinois Renewable Fuels Development  
9 Program Act for which there is no project labor agreement;  
10 (ii) all work performed pursuant to a public private agreement  
11 under the Public Private Agreements for the Illiana Expressway  
12 Act or the Public-Private Agreements for the South Suburban  
13 Airport Act; and (iii) all projects undertaken under a  
14 public-private agreement under the Public-Private Partnerships  
15 for Transportation Act. "Public works" also includes all  
16 projects at leased facility property used for airport purposes  
17 under Section 35 of the Local Government Facility Lease Act.  
18 "Public works" also includes the construction of a new wind  
19 power facility by a business designated as a High Impact  
20 Business under Section 5.5(a)(3)(E) and the construction of a  
21 new utility-scale solar power facility by a business  
22 designated as a High Impact Business under Section  
23 5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public  
24 works" also includes electric vehicle charging station  
25 projects financed pursuant to the Electric Vehicle Act and  
26 renewable energy projects required to pay the prevailing wage

1 pursuant to the Illinois Power Agency Act. "Public works" does  
2 not include work done directly by any public utility company,  
3 whether or not done under public supervision or direction, or  
4 paid for wholly or in part out of public funds. "Public works"  
5 also includes any corrective action performed pursuant to  
6 Title XVI of the Environmental Protection Act for which  
7 payment from the Underground Storage Tank Fund is requested.  
8 "Public works" does not include projects undertaken by the  
9 owner at an owner-occupied single-family residence or at an  
10 owner-occupied unit of a multi-family residence. "Public  
11 works" does not include work performed for soil and water  
12 conservation purposes on agricultural lands, whether or not  
13 done under public supervision or paid for wholly or in part out  
14 of public funds, done directly by an owner or person who has  
15 legal control of those lands.

16 "Construction" means all work on public works involving  
17 laborers, workers or mechanics. This includes any maintenance,  
18 repair, assembly, or disassembly work performed on equipment  
19 whether owned, leased, or rented.

20 "Locality" means the county where the physical work upon  
21 public works is performed, except (1) that if there is not  
22 available in the county a sufficient number of competent  
23 skilled laborers, workers and mechanics to construct the  
24 public works efficiently and properly, "locality" includes any  
25 other county nearest the one in which the work or construction  
26 is to be performed and from which such persons may be obtained

1 in sufficient numbers to perform the work and (2) that, with  
2 respect to contracts for highway work with the Department of  
3 Transportation of this State, "locality" may at the discretion  
4 of the Secretary of the Department of Transportation be  
5 construed to include two or more adjacent counties from which  
6 workers may be accessible for work on such construction.

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

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

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

1 work of a similar character on public works.

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.