



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1898

Introduced 2/9/2023, by Sen. Win Stoller

#### SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.5  
820 ILCS 130/2

from Ch. 67 1/2, par. 609.1  
from Ch. 48, par. 39s-2

Amends the Illinois Enterprise Zone Act. Provides that Department of Commerce and Economic Opportunity may designate a business that intends to establish a new wind power facility or a utility-scale solar facility as a high impact business only if the municipality in which the facility will be located (or the county in which the facility will be located, if the facility will be located in an unincorporated area of the county) approves, in writing, the designation of the business as a high impact business. Makes conforming changes. Amends the Prevailing Wage Act to make conforming changes. Effective immediately.

LRB103 27169 HLH 57071 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Enterprise Zone Act is amended by  
5 changing Section 5.5 as follows:

6 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

7 Sec. 5.5. High Impact Business.

8 (a) In order to respond to unique opportunities to assist  
9 in the encouragement, development, growth, and expansion of  
10 the private sector through large scale investment and  
11 development projects, the Department is authorized to receive  
12 and approve applications for the designation of "High Impact  
13 Businesses" in Illinois subject to the following conditions:

14 (1) such applications may be submitted at any time  
15 during the year;

16 (2) such business is not located, at the time of  
17 designation, in an enterprise zone designated pursuant to  
18 this Act;

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

21 (A) the business intends to make a minimum  
22 investment of \$12,000,000 which will be placed in  
23 service in qualified property and intends to create

1 500 full-time equivalent jobs at a designated location  
2 in Illinois or intends to make a minimum investment of  
3 \$30,000,000 which will be placed in service in  
4 qualified property and intends to retain 1,500  
5 full-time retained jobs at a designated location in  
6 Illinois. The business must certify in writing that  
7 the investments would not be placed in service in  
8 qualified property and the job creation or job  
9 retention would not occur without the tax credits and  
10 exemptions set forth in subsection (b) of this  
11 Section. The terms "placed in service" and "qualified  
12 property" have the same meanings as described in  
13 subsection (h) of Section 201 of the Illinois Income  
14 Tax Act; ~~or~~

15 (B) the business intends to establish a new  
16 electric generating facility at a designated location  
17 in Illinois. "New electric generating facility", for  
18 purposes of this Section, means a newly constructed  
19 electric generation plant or a newly constructed  
20 generation capacity expansion at an existing electric  
21 generation plant, including the transmission lines and  
22 associated equipment that transfers electricity from  
23 points of supply to points of delivery, and for which  
24 such new foundation construction commenced not sooner  
25 than July 1, 2001. Such facility shall be designed to  
26 provide baseload electric generation and shall operate

1 on a continuous basis throughout the year; and (i)  
2 shall have an aggregate rated generating capacity of  
3 at least 1,000 megawatts for all new units at one site  
4 if it uses natural gas as its primary fuel and  
5 foundation construction of the facility is commenced  
6 on or before December 31, 2004, or shall have an  
7 aggregate rated generating capacity of at least 400  
8 megawatts for all new units at one site if it uses coal  
9 or gases derived from coal as its primary fuel and  
10 shall support the creation of at least 150 new  
11 Illinois coal mining jobs, or (ii) shall be funded  
12 through a federal Department of Energy grant before  
13 December 31, 2010 and shall support the creation of  
14 Illinois coal-mining jobs, or (iii) shall use coal  
15 gasification or integrated gasification-combined cycle  
16 units that generate electricity or chemicals, or both,  
17 and shall support the creation of Illinois coal-mining  
18 jobs. The business must certify in writing that the  
19 investments necessary to establish a new electric  
20 generating facility would not be placed in service and  
21 the job creation in the case of a coal-fueled plant  
22 would not occur without the tax credits and exemptions  
23 set forth in subsection (b-5) of this Section. The  
24 term "placed in service" has the same meaning as  
25 described in subsection (h) of Section 201 of the  
26 Illinois Income Tax Act; ~~or~~

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

16 (C) the business intends to establish production  
17 operations at a new coal mine, re-establish production  
18 operations at a closed coal mine, or expand production  
19 at an existing coal mine at a designated location in  
20 Illinois not sooner than July 1, 2001; provided that  
21 the production operations result in the creation of  
22 150 new Illinois coal mining jobs as described in  
23 subdivision (a)(3)(B) of this Section, and further  
24 provided that the coal extracted from such mine is  
25 utilized as the predominant source for a new electric  
26 generating facility. The business must certify in

1 writing that the investments necessary to establish a  
2 new, expanded, or reopened coal mine would not be  
3 placed in service and the job creation would not occur  
4 without the tax credits and exemptions set forth in  
5 subsection (b-5) of this Section. The term "placed in  
6 service" has the same meaning as described in  
7 subsection (h) of Section 201 of the Illinois Income  
8 Tax Act; ~~or~~

9 (D) the business intends to construct new  
10 transmission facilities or upgrade existing  
11 transmission facilities at designated locations in  
12 Illinois, for which construction commenced not sooner  
13 than July 1, 2001. For the purposes of this Section,  
14 "transmission facilities" means transmission lines  
15 with a voltage rating of 115 kilovolts or above,  
16 including associated equipment, that transfer  
17 electricity from points of supply to points of  
18 delivery and that transmit a majority of the  
19 electricity generated by a new electric generating  
20 facility designated as a High Impact Business in  
21 accordance with this Section. The business must  
22 certify in writing that the investments necessary to  
23 construct new transmission facilities or upgrade  
24 existing transmission facilities would not be placed  
25 in service without the tax credits and exemptions set  
26 forth in subsection (b-5) of this Section. The term

1 "placed in service" has the same meaning as described  
2 in subsection (h) of Section 201 of the Illinois  
3 Income Tax Act; ~~or~~

4 (E) the business intends to establish a new wind  
5 power facility at a designated location in Illinois  
6 and the municipality in which the wind power facility  
7 will be located (or the county in which the wind power  
8 facility will be located, if the facility will be  
9 located in an unincorporated area of the county)  
10 approves, in writing, the designation of the business  
11 as a high impact business. For purposes of this  
12 Section, "new wind power facility" means a newly  
13 constructed electric generation facility, a newly  
14 constructed expansion of an existing electric  
15 generation facility, or the replacement of an existing  
16 electric generation facility, including the demolition  
17 and removal of an electric generation facility  
18 irrespective of whether it will be replaced, placed in  
19 service or replaced on or after July 1, 2009, that  
20 generates electricity using wind energy devices, and  
21 such facility shall be deemed to include any permanent  
22 structures associated with the electric generation  
23 facility and all associated transmission lines,  
24 substations, and other equipment related to the  
25 generation of electricity from wind energy devices.  
26 For purposes of this Section, "wind energy device"

1 means any device, with a nameplate capacity of at  
2 least 0.5 megawatts, that is used in the process of  
3 converting kinetic energy from the wind to generate  
4 electricity; ~~or~~

5 (E-5) the business intends to establish a new  
6 utility-scale solar facility at a designated location  
7 in Illinois and the municipality in which the solar  
8 facility will be located (or the county in which the  
9 solar facility will be located, if the facility will  
10 be located in an unincorporated area of the county)  
11 approves, in writing, the designation of the business  
12 as a high impact business. For purposes of this  
13 Section, "new utility-scale solar power facility"  
14 means a newly constructed electric generation  
15 facility, or a newly constructed expansion of an  
16 existing electric generation facility, placed in  
17 service on or after July 1, 2021, that (i) generates  
18 electricity using photovoltaic cells and (ii) has a  
19 nameplate capacity that is greater than 5,000  
20 kilowatts, and such facility shall be deemed to  
21 include all associated transmission lines,  
22 substations, energy storage facilities, and other  
23 equipment related to the generation and storage of  
24 electricity from photovoltaic cells; or

25 (F) the business commits to (i) make a minimum  
26 investment of \$500,000,000, which will be placed in



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

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

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

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

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

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

24 (b-6) Businesses designated as High Impact Businesses on  
25 or before the effective date of this amendatory Act of the  
26 103rd General Assembly ~~pursuant to subdivision (a) (3) (E) or~~

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

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

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

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

26 (e) New ~~Except for new wind power facilities contemplated~~

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

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

21 (g) The Department shall revoke a High Impact Business  
22 designation if the participating business fails to comply with  
23 the terms and conditions of the designation.

24 (h) Prior to designating a business, the Department shall  
25 provide the members of the General Assembly and Commission on  
26 Government Forecasting and Accountability with a report

1 setting forth the terms and conditions of the designation and  
2 guarantees that have been received by the Department in  
3 relation to the proposed business being designated.

4 (i) High Impact Business construction jobs credit.  
5 Beginning on January 1, 2021, a High Impact Business may  
6 receive a tax credit against the tax imposed under subsections  
7 (a) and (b) of Section 201 of the Illinois Income Tax Act in an  
8 amount equal to 50% of the amount of the incremental income tax  
9 attributable to High Impact Business construction jobs credit  
10 employees employed in the course of completing a High Impact  
11 Business construction jobs project. However, the High Impact  
12 Business construction jobs credit may equal 75% of the amount  
13 of the incremental income tax attributable to High Impact  
14 Business construction jobs credit employees if the High Impact  
15 Business construction jobs credit project is located in an  
16 underserved area.

17 The Department shall certify to the Department of Revenue:  
18 (1) the identity of taxpayers that are eligible for the High  
19 Impact Business construction jobs credit; and (2) the amount  
20 of High Impact Business construction jobs credits that are  
21 claimed pursuant to subsection (h-5) of Section 201 of the  
22 Illinois Income Tax Act in each taxable year. Any business  
23 entity that receives a High Impact Business construction jobs  
24 credit shall maintain a certified payroll pursuant to  
25 subsection (j) of this Section.

26 As used in this subsection (i):

1 "High Impact Business construction jobs credit" means an  
2 amount equal to 50% (or 75% if the High Impact Business  
3 construction project is located in an underserved area) of the  
4 incremental income tax attributable to High Impact Business  
5 construction job employees. The total aggregate amount of  
6 credits awarded under the Blue Collar Jobs Act (Article 20 of  
7 Public Act 101-9) shall not exceed \$20,000,000 in any State  
8 fiscal year

9 "High Impact Business construction job employee" means a  
10 laborer or worker who is employed by an Illinois contractor or  
11 subcontractor in the actual construction work on the site of a  
12 High Impact Business construction job project.

13 "High Impact Business construction jobs project" means  
14 building a structure or building or making improvements of any  
15 kind to real property, undertaken and commissioned by a  
16 business that was designated as a High Impact Business by the  
17 Department. The term "High Impact Business construction jobs  
18 project" does not include the routine operation, routine  
19 repair, or routine maintenance of existing structures,  
20 buildings, or real property.

21 "Incremental income tax" means the total amount withheld  
22 during the taxable year from the compensation of High Impact  
23 Business construction job employees.

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

26 (1) the area has a poverty rate of at least 20%

1 according to the latest American Community Survey;

2 (2) 35% or more of the families with children in the  
3 area are living below 130% of the poverty line, according  
4 to the latest American Community Survey;

5 (3) at least 20% of the households in the area receive  
6 assistance under the Supplemental Nutrition Assistance  
7 Program (SNAP); or

8 (4) the area has an average unemployment rate, as  
9 determined by the Illinois Department of Employment  
10 Security, that is more than 120% of the national  
11 unemployment average, as determined by the U.S. Department  
12 of Labor, for a period of at least 2 consecutive calendar  
13 years preceding the date of the application.

14 (j) Each contractor and subcontractor who is engaged in  
15 and executing a High Impact Business Construction jobs  
16 project, as defined under subsection (i) of this Section, for  
17 a business that is entitled to a credit pursuant to subsection  
18 (i) of this Section shall:

19 (1) make and keep, for a period of 5 years from the  
20 date of the last payment made on or after June 5, 2019 (the  
21 effective date of Public Act 101-9) on a contract or  
22 subcontract for a High Impact Business Construction Jobs  
23 Project, records for all laborers and other workers  
24 employed by the contractor or subcontractor on the  
25 project; the records shall include:

26 (A) the worker's name;



- 1 (B) the worker's address;
- 2 (C) the worker's telephone number, if available;
- 3 (D) the worker's social security number;
- 4 (E) the worker's classification or
- 5 classifications;
- 6 (F) the worker's gross and net wages paid in each
- 7 pay period;
- 8 (G) the worker's number of hours worked each day;
- 9 (H) the worker's starting and ending times of work
- 10 each day;
- 11 (I) the worker's hourly wage rate;
- 12 (J) the worker's hourly overtime wage rate;
- 13 (K) the worker's race and ethnicity; and
- 14 (L) the worker's gender;

15 (2) no later than the 15th day of each calendar month,

16 provide a certified payroll for the immediately preceding

17 month to the taxpayer in charge of the High Impact

18 Business construction jobs project; within 5 business days

19 after receiving the certified payroll, the taxpayer shall

20 file the certified payroll with the Department of Labor

21 and the Department of Commerce and Economic Opportunity; a

22 certified payroll must be filed for only those calendar

23 months during which construction on a High Impact Business

24 construction jobs project has occurred; the certified

25 payroll shall consist of a complete copy of the records

26 identified in paragraph (1) of this subsection (j), but

1           may exclude the starting and ending times of work each  
2           day; the certified payroll shall be accompanied by a  
3           statement signed by the contractor or subcontractor or an  
4           officer, employee, or agent of the contractor or  
5           subcontractor which avers that:

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

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

12           A general contractor is not prohibited from relying on a  
13           certified payroll of a lower-tier subcontractor, provided the  
14           general contractor does not knowingly rely upon a  
15           subcontractor's false certification.

16           Any contractor or subcontractor subject to this  
17           subsection, and any officer, employee, or agent of such  
18           contractor or subcontractor whose duty as an officer,  
19           employee, or agent it is to file a certified payroll under this  
20           subsection, who willfully fails to file such a certified  
21           payroll on or before the date such certified payroll is  
22           required by this paragraph to be filed and any person who  
23           willfully files a false certified payroll that is false as to  
24           any material fact is in violation of this Act and guilty of a  
25           Class A misdemeanor.

26           The taxpayer in charge of the project shall keep the

1 records submitted in accordance with this subsection on or  
2 after June 5, 2019 (the effective date of Public Act 101-9) for  
3 a period of 5 years from the date of the last payment for work  
4 on a contract or subcontract for the High Impact Business  
5 construction jobs project.

6 The records submitted in accordance with this subsection  
7 shall be considered public records, except an employee's  
8 address, telephone number, and social security number, and  
9 made available in accordance with the Freedom of Information  
10 Act. The Department of Labor shall share the information with  
11 the Department in order to comply with the awarding of a High  
12 Impact Business construction jobs credit. A contractor,  
13 subcontractor, or public body may retain records required  
14 under this Section in paper or electronic format.

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

23 (Source: P.A. 101-9, eff. 6-5-19; 102-108, eff. 1-1-22;  
24 102-558, eff. 8-20-21; 102-605, eff. 8-27-21; 102-662, eff.  
25 9-15-21; 102-673, eff. 11-30-21; 102-813, eff. 5-13-22.)

1 Section 10. The Prevailing Wage Act is amended by changing  
2 Section 2 as follows:

3 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

10 As used in this Act, unless the context indicates  
11 otherwise:

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

1 Act; or funds from the Fund for Illinois' Future under Section  
2 6z-47 of the State Finance Act, funds for school construction  
3 under Section 5 of the General Obligation Bond Act, funds  
4 authorized under Section 3 of the School Construction Bond  
5 Act, funds for school infrastructure under Section 6z-45 of  
6 the State Finance Act, and funds for transportation purposes  
7 under Section 4 of the General Obligation Bond Act. "Public  
8 works" also includes (i) all projects financed in whole or in  
9 part with funds from the Environmental Protection Agency under  
10 the Illinois Renewable Fuels Development Program Act for which  
11 there is no project labor agreement; (ii) all work performed  
12 pursuant to a public private agreement under the Public  
13 Private Agreements for the Illiana Expressway Act or the  
14 Public-Private Agreements for the South Suburban Airport Act;  
15 (iii) all projects undertaken under a public-private agreement  
16 under the Public-Private Partnerships for Transportation Act;  
17 and (iv) all transportation facilities undertaken under a  
18 design-build contract or a Construction Manager/General  
19 Contractor contract under the Innovations for Transportation  
20 Infrastructure Act. "Public works" also includes all projects  
21 at leased facility property used for airport purposes under  
22 Section 35 of the Local Government Facility Lease Act. "Public  
23 works" also includes the construction of a new wind power  
24 facility by a business designated on or before the effective  
25 date of this amendatory Act of the 103rd General Assembly as a  
26 High Impact Business or ~~under Section 5.5(a)(3)(E) and the~~

1 construction of a new utility-scale solar power facility by a  
2 business designated on or before the effective date of this  
3 amendatory Act of the 103rd General Assembly as a High Impact  
4 Business under ~~Section 5.5(a)(3)(E-5)~~ of the Illinois  
5 Enterprise Zone Act. "Public works" also includes electric  
6 vehicle charging station projects financed pursuant to the  
7 Electric Vehicle Act and renewable energy projects required to  
8 pay the prevailing wage pursuant to the Illinois Power Agency  
9 Act. "Public works" does not include work done directly by any  
10 public utility company, whether or not done under public  
11 supervision or direction, or paid for wholly or in part out of  
12 public funds. "Public works" also includes construction  
13 projects performed by a third party contracted by any public  
14 utility, as described in subsection (a) of Section 2.1, in  
15 public rights-of-way, as defined in Section 21-201 of the  
16 Public Utilities Act, whether or not done under public  
17 supervision or direction, or paid for wholly or in part out of  
18 public funds. "Public works" also includes construction  
19 projects that exceed 15 aggregate miles of new fiber optic  
20 cable, performed by a third party contracted by any public  
21 utility, as described in subsection (b) of Section 2.1, in  
22 public rights-of-way, as defined in Section 21-201 of the  
23 Public Utilities Act, whether or not done under public  
24 supervision or direction, or paid for wholly or in part out of  
25 public funds. "Public works" also includes any corrective  
26 action performed pursuant to Title XVI of the Environmental

1 Protection Act for which payment from the Underground Storage  
2 Tank Fund is requested. "Public works" does not include  
3 projects undertaken by the owner at an owner-occupied  
4 single-family residence or at an owner-occupied unit of a  
5 multi-family residence. "Public works" does not include work  
6 performed for soil and water conservation purposes on  
7 agricultural lands, whether or not done under public  
8 supervision or paid for wholly or in part out of public funds,  
9 done directly by an owner or person who has legal control of  
10 those lands.

11 "Construction" means all work on public works involving  
12 laborers, workers or mechanics. This includes any maintenance,  
13 repair, assembly, or disassembly work performed on equipment  
14 whether owned, leased, or rented.

15 "Locality" means the county where the physical work upon  
16 public works is performed, except (1) that if there is not  
17 available in the county a sufficient number of competent  
18 skilled laborers, workers and mechanics to construct the  
19 public works efficiently and properly, "locality" includes any  
20 other county nearest the one in which the work or construction  
21 is to be performed and from which such persons may be obtained  
22 in sufficient numbers to perform the work and (2) that, with  
23 respect to contracts for highway work with the Department of  
24 Transportation of this State, "locality" may at the discretion  
25 of the Secretary of the Department of Transportation be  
26 construed to include two or more adjacent counties from which

1 workers may be accessible for work on such construction.

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

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

14 The terms "general prevailing rate of hourly wages",  
15 "general prevailing rate of wages" or "prevailing rate of  
16 wages" when used in this Act mean the hourly cash wages plus  
17 annualized fringe benefits for training and apprenticeship  
18 programs approved by the U.S. Department of Labor, Bureau of  
19 Apprenticeship and Training, health and welfare, insurance,  
20 vacations and pensions paid generally, in the locality in  
21 which the work is being performed, to employees engaged in  
22 work of a similar character on public works.

23 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;  
24 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.  
25 6-15-22.)

26 Section 99. Effective date. This Act takes effect upon



1 becoming law.