

SB3748



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3748

Introduced 2/9/2024, by Sen. Sue Rezin

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 34705 HLH 64551 b

A BILL FOR

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, for an initial term of 20 years with
14 an option for renewal for a term not to exceed 20 years,
15 subject to the following conditions:

16 (1) such applications may be submitted at any time
17 during the year;

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

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

23 (A) the business intends to make a minimum

1 investment of \$12,000,000 which will be placed in
2 service in qualified property and intends to create
3 500 full-time equivalent jobs at a designated location
4 in Illinois or intends to make a minimum investment of
5 \$30,000,000 which will be placed in service in
6 qualified property and intends to retain 1,500
7 full-time retained jobs at a designated location in
8 Illinois. The terms "placed in service" and "qualified
9 property" have the same meanings as described in
10 subsection (h) of Section 201 of the Illinois Income
11 Tax Act; ~~or~~

12 (B) the business intends to establish a new
13 electric generating facility at a designated location
14 in Illinois. "New electric generating facility", for
15 purposes of this Section, means a newly constructed
16 electric generation plant or a newly constructed
17 generation capacity expansion at an existing electric
18 generation plant, including the transmission lines and
19 associated equipment that transfers electricity from
20 points of supply to points of delivery, and for which
21 such new foundation construction commenced not sooner
22 than July 1, 2001. Such facility shall be designed to
23 provide baseload electric generation and shall operate
24 on a continuous basis throughout the year; and (i)
25 shall have an aggregate rated generating capacity of
26 at least 1,000 megawatts for all new units at one site

1 if it uses natural gas as its primary fuel and
2 foundation construction of the facility is commenced
3 on or before December 31, 2004, or shall have an
4 aggregate rated generating capacity of at least 400
5 megawatts for all new units at one site if it uses coal
6 or gases derived from coal as its primary fuel and
7 shall support the creation of at least 150 new
8 Illinois coal mining jobs, or (ii) shall be funded
9 through a federal Department of Energy grant before
10 December 31, 2010 and shall support the creation of
11 Illinois coal-mining jobs, or (iii) shall use coal
12 gasification or integrated gasification-combined cycle
13 units that generate electricity or chemicals, or both,
14 and shall support the creation of Illinois coal-mining
15 jobs. The term "placed in service" has the same
16 meaning as described in subsection (h) of Section 201
17 of the Illinois Income Tax Act; ~~or~~

18 (B-5) the business intends to establish a new
19 gasification facility at a designated location in
20 Illinois. As used in this Section, "new gasification
21 facility" means a newly constructed coal gasification
22 facility that generates chemical feedstocks or
23 transportation fuels derived from coal (which may
24 include, but are not limited to, methane, methanol,
25 and nitrogen fertilizer), that supports the creation
26 or retention of Illinois coal-mining jobs, and that

1 qualifies for financial assistance from the Department
2 before December 31, 2010. A new gasification facility
3 does not include a pilot project located within
4 Jefferson County or within a county adjacent to
5 Jefferson County for synthetic natural gas from coal;
6 ~~or~~

7 (C) the business intends to establish production
8 operations at a new coal mine, re-establish production
9 operations at a closed coal mine, or expand production
10 at an existing coal mine at a designated location in
11 Illinois not sooner than July 1, 2001; provided that
12 the production operations result in the creation of
13 150 new Illinois coal mining jobs as described in
14 subdivision (a) (3) (B) of this Section, and further
15 provided that the coal extracted from such mine is
16 utilized as the predominant source for a new electric
17 generating facility. The term "placed in service" has
18 the same meaning as described in subsection (h) of
19 Section 201 of the Illinois Income Tax Act; ~~or~~

20 (D) the business intends to construct new
21 transmission facilities or upgrade existing
22 transmission facilities at designated locations in
23 Illinois, for which construction commenced not sooner
24 than July 1, 2001. For the purposes of this Section,
25 "transmission facilities" means transmission lines
26 with a voltage rating of 115 kilovolts or above,

1 including associated equipment, that transfer
2 electricity from points of supply to points of
3 delivery and that transmit a majority of the
4 electricity generated by a new electric generating
5 facility designated as a High Impact Business in
6 accordance with this Section. The term "placed in
7 service" has the same meaning as described in
8 subsection (h) of Section 201 of the Illinois Income
9 Tax Act; ~~or~~

10 (E) the business intends to establish a new wind
11 power facility at a designated location in Illinois
12 and the municipality in which the wind power facility
13 will be located (or the county in which the wind power
14 facility will be located, if the facility will be
15 located in an unincorporated area of the county)
16 approves, in writing, the designation of the business
17 as a high impact business. For purposes of this
18 Section, "new wind power facility" means a newly
19 constructed electric generation facility, a newly
20 constructed expansion of an existing electric
21 generation facility, or the replacement of an existing
22 electric generation facility, including the demolition
23 and removal of an electric generation facility
24 irrespective of whether it will be replaced, placed in
25 service or replaced on or after July 1, 2009, that
26 generates electricity using wind energy devices, and

1 such facility shall be deemed to include any permanent
2 structures associated with the electric generation
3 facility and all associated transmission lines,
4 substations, and other equipment related to the
5 generation of electricity from wind energy devices.
6 For purposes of this Section, "wind energy device"
7 means any device, with a nameplate capacity of at
8 least 0.5 megawatts, that is used in the process of
9 converting kinetic energy from the wind to generate
10 electricity; ~~or~~

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

1 include all associated transmission lines,
2 substations, energy storage facilities, and other
3 equipment related to the generation and storage of
4 electricity from photovoltaic cells; or

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

1 of anhydrous ammonia and downstream nitrogen
2 fertilizer products for resale; for the purposes of
3 this Section, "prevailing wage" means the hourly cash
4 wages plus fringe benefits for training and
5 apprenticeship programs approved by the U.S.
6 Department of Labor, Bureau of Apprenticeship and
7 Training, health and welfare, insurance, vacations and
8 pensions paid generally, in the locality in which the
9 work is being performed, to employees engaged in work
10 of a similar character on public works; this paragraph
11 (F) applies only to businesses that submit an
12 application to the Department within 60 days after
13 July 25, 2013 (the effective date of Public Act
14 98-109); and

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

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

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

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

1 that a new electric generating facility whose primary fuel
2 source is natural gas is eligible only for the exemption under
3 Section 51 of the Retailers' Occupation Tax Act.

4 (b-6) Businesses designated as High Impact Businesses on
5 or before the effective date of this amendatory Act of the
6 103rd General Assembly pursuant to subdivision (a) (3) (E) or
7 (a) (3) (E 5) of this Section shall qualify for the exemptions
8 described in Section 51 of the Retailers' Occupation Tax Act;
9 any business so designated as a High Impact Business being,
10 for purposes of this Section, a "Wind Energy Business".

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

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

25 (d) Existing ~~Except for businesses contemplated under~~
26 ~~subdivision (a) (3) (E) or (a) (3) (E 5) of this Section, existing~~

1 Illinois businesses which apply for designation as a High
2 Impact Business must provide the Department with the
3 prospective plan for which 1,500 full-time retained jobs would
4 be eliminated in the event that the business is not
5 designated.

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

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

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

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

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

23 The Department shall certify to the Department of Revenue:
24 (1) the identity of taxpayers that are eligible for the High
25 Impact Business construction jobs credit; and (2) the amount
26 of High Impact Business construction jobs credits that are

1 claimed pursuant to subsection (h-5) of Section 201 of the
2 Illinois Income Tax Act in each taxable year. Any business
3 entity that receives a High Impact Business construction jobs
4 credit shall maintain a certified payroll pursuant to
5 subsection (j) of this Section.

6 As used in this subsection (i):

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

15 "High Impact Business construction job employee" means a
16 laborer or worker who is employed by an Illinois contractor or
17 subcontractor in the actual construction work on the site of a
18 High Impact Business construction job project.

19 "High Impact Business construction jobs project" means
20 building a structure or building or making improvements of any
21 kind to real property, undertaken and commissioned by a
22 business that was designated as a High Impact Business by the
23 Department. The term "High Impact Business construction jobs
24 project" does not include the routine operation, routine
25 repair, or routine maintenance of existing structures,
26 buildings, or real property.

1 "Incremental income tax" means the total amount withheld
2 during the taxable year from the compensation of High Impact
3 Business construction job employees.

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

6 (1) the area has a poverty rate of at least 20%
7 according to the latest American Community Survey;

8 (2) 35% or more of the families with children in the
9 area are living below 130% of the poverty line, according
10 to the latest American Community Survey;

11 (3) at least 20% of the households in the area receive
12 assistance under the Supplemental Nutrition Assistance
13 Program (SNAP); or

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

20 (j) Each contractor and subcontractor who is engaged in
21 and executing a High Impact Business Construction jobs
22 project, as defined under subsection (i) of this Section, for
23 a business that is entitled to a credit pursuant to subsection
24 (i) of this Section shall:

25 (1) make and keep, for a period of 5 years from the
26 date of the last payment made on or after June 5, 2019 (the

1 effective date of Public Act 101-9) on a contract or
2 subcontract for a High Impact Business Construction Jobs
3 Project, records for all laborers and other workers
4 employed by the contractor or subcontractor on the
5 project; the records shall include:

6 (A) the worker's name;

7 (B) the worker's address;

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

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

10 (E) the worker's classification or
11 classifications;

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

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

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

17 (I) the worker's hourly wage rate;

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

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

20 (L) the worker's gender;

21 (2) no later than the 15th day of each calendar month,
22 provide a certified payroll for the immediately preceding
23 month to the taxpayer in charge of the High Impact
24 Business construction jobs project; within 5 business days
25 after receiving the certified payroll, the taxpayer shall
26 file the certified payroll with the Department of Labor

1 and the Department of Commerce and Economic Opportunity; a
2 certified payroll must be filed for only those calendar
3 months during which construction on a High Impact Business
4 construction jobs project has occurred; the certified
5 payroll shall consist of a complete copy of the records
6 identified in paragraph (1) of this subsection (j), but
7 may exclude the starting and ending times of work each
8 day; the certified payroll shall be accompanied by a
9 statement signed by the contractor or subcontractor or an
10 officer, employee, or agent of the contractor or
11 subcontractor which avers that:

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

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

18 A general contractor is not prohibited from relying on a
19 certified payroll of a lower-tier subcontractor, provided the
20 general contractor does not knowingly rely upon a
21 subcontractor's false certification.

22 Any contractor or subcontractor subject to this
23 subsection, and any officer, employee, or agent of such
24 contractor or subcontractor whose duty as an officer,
25 employee, or agent it is to file a certified payroll under this
26 subsection, who willfully fails to file such a certified

1 payroll on or before the date such certified payroll is
2 required by this paragraph to be filed and any person who
3 willfully files a false certified payroll that is false as to
4 any material fact is in violation of this Act and guilty of a
5 Class A misdemeanor.

6 The taxpayer in charge of the project shall keep the
7 records submitted in accordance with this subsection on or
8 after June 5, 2019 (the effective date of Public Act 101-9) for
9 a period of 5 years from the date of the last payment for work
10 on a contract or subcontract for the High Impact Business
11 construction jobs project.

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

21 (k) Upon 7 business days' notice, each contractor and
22 subcontractor shall make available for inspection and copying
23 at a location within this State during reasonable hours, the
24 records identified in this subsection (j) to the taxpayer in
25 charge of the High Impact Business construction jobs project,
26 its officers and agents, the Director of the Department of

1 Labor and his or her deputies and agents, and to federal,
2 State, or local law enforcement agencies and prosecutors.

3 (1) The changes made to this Section by this amendatory
4 Act of the 102nd General Assembly, other than the changes in
5 subsection (a), apply to high impact businesses that submit
6 applications on or after the effective date of this amendatory
7 Act of the 102nd General Assembly.

8 (Source: P.A. 101-9, eff. 6-5-19; 102-108, eff. 1-1-22;
9 102-558, eff. 8-20-21; 102-605, eff. 8-27-21; 102-662, eff.
10 9-15-21; 102-673, eff. 11-30-21; 102-813, eff. 5-13-22;
11 102-1125, eff. 2-3-23.)

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

14 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

21 As used in this Act, unless the context indicates
22 otherwise:

23 "Public works" means all fixed works constructed or
24 demolished by any public body, or paid for wholly or in part

1 out of public funds. "Public works" as defined herein includes
2 all projects financed in whole or in part with bonds, grants,
3 loans, or other funds made available by or through the State or
4 any of its political subdivisions, including but not limited
5 to: bonds issued under the Industrial Project Revenue Bond Act
6 (Article 11, Division 74 of the Illinois Municipal Code), the
7 Industrial Building Revenue Bond Act, the Illinois Finance
8 Authority Act, the Illinois Sports Facilities Authority Act,
9 or the Build Illinois Bond Act; loans or other funds made
10 available pursuant to the Build Illinois Act; loans or other
11 funds made available pursuant to the Riverfront Development
12 Fund under Section 10-15 of the River Edge Redevelopment Zone
13 Act; or funds from the Fund for Illinois' Future under Section
14 6z-47 of the State Finance Act, funds for school construction
15 under Section 5 of the General Obligation Bond Act, funds
16 authorized under Section 3 of the School Construction Bond
17 Act, funds for school infrastructure under Section 6z-45 of
18 the State Finance Act, and funds for transportation purposes
19 under Section 4 of the General Obligation Bond Act. "Public
20 works" also includes (i) all projects financed in whole or in
21 part with funds from the Environmental Protection Agency under
22 the Illinois Renewable Fuels Development Program Act for which
23 there is no project labor agreement; (ii) all work performed
24 pursuant to a public private agreement under the Public
25 Private Agreements for the Illiana Expressway Act or the
26 Public-Private Agreements for the South Suburban Airport Act;

1 (iii) all projects undertaken under a public-private agreement
2 under the Public-Private Partnerships for Transportation Act;
3 and (iv) all transportation facilities undertaken under a
4 design-build contract or a Construction Manager/General
5 Contractor contract under the Innovations for Transportation
6 Infrastructure Act. "Public works" also includes all projects
7 at leased facility property used for airport purposes under
8 Section 35 of the Local Government Facility Lease Act. "Public
9 works" also includes the construction of a new wind power
10 facility by a business designated on or before the effective
11 date of this amendatory Act of the 103rd General Assembly as a
12 High Impact Business or ~~under Section 5.5(a)(3)(E)~~ and the
13 construction of a new utility-scale solar power facility by a
14 business designated on or before the effective date of this
15 amendatory Act of the 103rd General Assembly as a High Impact
16 Business under ~~Section 5.5(a)(3)(E 5)~~ of the Illinois
17 Enterprise Zone Act. "Public works" also includes electric
18 vehicle charging station projects financed pursuant to the
19 Electric Vehicle Act and renewable energy projects required to
20 pay the prevailing wage pursuant to the Illinois Power Agency
21 Act. "Public works" does not include work done directly by any
22 public utility company, whether or not done under public
23 supervision or direction, or paid for wholly or in part out of
24 public funds. "Public works" also includes construction
25 projects performed by a third party contracted by any public
26 utility, as described in subsection (a) of Section 2.1, in

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

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

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

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

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

26 The terms "general prevailing rate of hourly wages",

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

9 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
10 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
11 6-15-22.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.