

SB1648



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1648

Introduced 2/5/2025, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

20 ILCS 655/5.5
820 ILCS 130/2

from Ch. 67 1/2, par. 609.1

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.

LRB104 03827 HLH 13851 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, except for grocery stores, as defined in the
21 Grocery Initiative Act;

22 (3) the business intends to do, commits to do, or is
23 one or more of the following:

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

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

1 at least 1,000 megawatts for all new units at one site
2 if it uses natural gas as its primary fuel and
3 foundation construction of the facility is commenced
4 on or before December 31, 2004, or shall have an
5 aggregate rated generating capacity of at least 400
6 megawatts for all new units at one site if it uses coal
7 or gases derived from coal as its primary fuel and
8 shall support the creation of at least 150 new
9 Illinois coal mining jobs, or (ii) shall be funded
10 through a federal Department of Energy grant before
11 December 31, 2010 and shall support the creation of
12 Illinois coal mining jobs, or (iii) shall use coal
13 gasification or integrated gasification-combined cycle
14 units that generate electricity or chemicals, or both,
15 and shall support the creation of Illinois coal mining
16 jobs. The term "placed in service" has the same
17 meaning as described in subsection (h) of Section 201
18 of the Illinois Income Tax Act; ~~or~~

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

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

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

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

1 with a voltage rating of 115 kilovolts or above,
2 including associated equipment, that transfer
3 electricity from points of supply to points of
4 delivery and that transmit a majority of the
5 electricity generated by a new electric generating
6 facility designated as a High Impact Business in
7 accordance with this Section. The term "placed in
8 service" has the same meaning as described in
9 subsection (h) of Section 201 of the Illinois Income
10 Tax Act; ~~or~~

11 (E) the business intends to establish a new wind
12 power facility at a designated location in Illinois
13 and the municipality in which the wind power facility
14 will be located (or the county in which the wind power
15 facility will be located, if the facility will be
16 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 wind power facility" means a newly
20 constructed electric generation facility, a newly
21 constructed expansion of an existing electric
22 generation facility, or the replacement of an existing
23 electric generation facility, including the demolition
24 and removal of an electric generation facility
25 irrespective of whether it will be replaced, placed in
26 service or replaced on or after July 1, 2009, that

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

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

1 kilowatts, and such facility shall be deemed to
2 include all associated transmission lines,
3 substations, energy storage facilities, and other
4 equipment related to the generation and storage of
5 electricity from photovoltaic cells; ~~or~~

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

1 or upgraded plant utilizing gas used in the production
2 of anhydrous ammonia and downstream nitrogen
3 fertilizer products for resale; for the purposes of
4 this Section, "prevailing wage" means the hourly cash
5 wages plus fringe benefits for training and
6 apprenticeship programs approved by the U.S.
7 Department of Labor, Bureau of Apprenticeship and
8 Training, health and welfare, insurance, vacations and
9 pensions paid generally, in the locality in which the
10 work is being performed, to employees engaged in work
11 of a similar character on public works; this paragraph
12 (F) applies only to businesses that submit an
13 application to the Department within 60 days after
14 July 25, 2013 (the effective date of Public Act
15 98-109); ~~or~~

16 (G) the business intends to establish a new
17 cultured cell material food production facility at a
18 designated location in Illinois. As used in this
19 paragraph (G):

20 "Cultured cell material food production facility"
21 means a facility (i) at which cultured animal cell
22 food is developed using animal cell culture
23 technology, (ii) at which production processes occur
24 that include the establishment of cell lines and cell
25 banks, manufacturing controls, and all components and
26 inputs, and (iii) that complies with all existing

1 registrations, inspections, licensing, and approvals
2 from all applicable and participating State and
3 federal food agencies, including the Department of
4 Agriculture, the Department of Public Health, and the
5 United States Food and Drug Administration, to ensure
6 that all food production is safe and lawful under
7 provisions of the Federal Food, Drug and Cosmetic Act
8 related to the development, production, and storage of
9 cultured animal cell food.

10 "New cultured cell material food production
11 facility" means a newly constructed cultured cell
12 material food production facility that is placed in
13 service on or after June 7, 2023 (the effective date of
14 Public Act 103-9) or a newly constructed expansion of
15 an existing cultured cell material food production
16 facility, in a controlled environment, when the
17 improvements are placed in service on or after June 7,
18 2023 (the effective date of Public Act 103-9); or

19 (H) the business is an existing or planned grocery
20 store, as that term is defined in Section 5 of the
21 Grocery Initiative Act, and receives financial support
22 under that Act within the 10 years before submitting
23 its application under this Act; and

24 (4) no later than 90 days after an application is
25 submitted, the Department shall notify the applicant of
26 the Department's determination of the qualification of the

1 proposed High Impact Business under this Section.

2 (b) Businesses designated as High Impact Businesses
3 pursuant to subdivision (a)(3)(A) of this Section shall
4 qualify for the credits and exemptions described in the
5 following Acts: Section 9-222 and Section 9-222.1A of the
6 Public Utilities Act, subsection (h) of Section 201 of the
7 Illinois Income Tax Act, and Section 1d of the Retailers'
8 Occupation Tax Act; provided that these credits and exemptions
9 described in these Acts shall not be authorized until the
10 minimum investments set forth in subdivision (a)(3)(A) of this
11 Section have been placed in service in qualified properties
12 and, in the case of the exemptions described in the Public
13 Utilities Act and Section 1d of the Retailers' Occupation Tax
14 Act, the minimum full-time equivalent jobs or full-time
15 retained jobs set forth in subdivision (a)(3)(A) of this
16 Section have been created or retained. Businesses designated
17 as High Impact Businesses under this Section shall also
18 qualify for the exemption described in Section 5l of the
19 Retailers' Occupation Tax Act. The credit provided in
20 subsection (h) of Section 201 of the Illinois Income Tax Act
21 shall be applicable to investments in qualified property as
22 set forth in subdivision (a)(3)(A) of this Section.

23 (b-5) Businesses designated as High Impact Businesses
24 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),
25 (a)(3)(D), (a)(3)(G), and (a)(3)(H) of this Section shall
26 qualify for the credits and exemptions described in the

1 following Acts: Section 51 of the Retailers' Occupation Tax
2 Act, Section 9-222 and Section 9-222.1A of the Public
3 Utilities Act, and subsection (h) of Section 201 of the
4 Illinois Income Tax Act; however, the credits and exemptions
5 authorized under Section 9-222 and Section 9-222.1A of the
6 Public Utilities Act, and subsection (h) of Section 201 of the
7 Illinois Income Tax Act shall not be authorized until the new
8 electric generating facility, the new gasification facility,
9 the new transmission facility, the new, expanded, or reopened
10 coal mine, the new cultured cell material food production
11 facility, or the existing or planned grocery store is
12 operational, except that a new electric generating facility
13 whose primary fuel source is natural gas is eligible only for
14 the exemption under Section 51 of the Retailers' Occupation
15 Tax Act.

16 (b-6) Businesses designated as High Impact Businesses on
17 or before the effective date of this amendatory Act of the
18 104th General Assembly pursuant to subdivision (a)(3)(E) or
19 (a)(3)(E 5) of this Section shall qualify for the exemptions
20 described in Section 51 of the Retailers' Occupation Tax Act;
21 any business so designated as a High Impact Business being,
22 for purposes of this Section, a "Wind Energy Business".

23 (b-7) Beginning on January 1, 2021, businesses designated
24 as High Impact Businesses by the Department shall qualify for
25 the High Impact Business construction jobs credit under
26 subsection (h-5) of Section 201 of the Illinois Income Tax Act

1 if the business meets the criteria set forth in subsection (i)
2 of this Section. The total aggregate amount of credits awarded
3 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9)
4 shall not exceed \$20,000,000 in any State fiscal year.

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

11 (d) Existing ~~Except for businesses contemplated under~~
12 ~~subdivision (a) (3) (E), (a) (3) (E-5), (a) (3) (G), or (a) (3) (H) of~~
13 ~~this Section, existing~~ Illinois businesses which apply for
14 designation as a High Impact Business must provide the
15 Department with the prospective plan for which 1,500 full-time
16 retained jobs would be eliminated in the event that the
17 business is not designated.

18 (e) New ~~Except for new businesses contemplated under~~
19 ~~subdivision (a) (3) (E), subdivision (a) (3) (G), or subdivision~~
20 ~~(a) (3) (H) of this Section, new~~ proposed facilities which apply
21 for designation as High Impact Business must provide the
22 Department with proof of alternative non-Illinois sites which
23 would receive the proposed investment and job creation in the
24 event that the business is not designated as a High Impact
25 Business.

26 (f) If ~~Except for businesses contemplated under~~

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

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

18 (h) Prior to designating a business, the Department shall
19 provide the members of the General Assembly and Commission on
20 Government Forecasting and Accountability with a report
21 setting forth the terms and conditions of the designation and
22 guarantees that have been received by the Department in
23 relation to the proposed business being designated.

24 (i) High Impact Business construction jobs credit.
25 Beginning on January 1, 2021, a High Impact Business may
26 receive a tax credit against the tax imposed under subsections

1 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
2 amount equal to 50% of the amount of the incremental income tax
3 attributable to High Impact Business construction jobs credit
4 employees employed in the course of completing a High Impact
5 Business construction jobs project. However, the High Impact
6 Business construction jobs credit may equal 75% of the amount
7 of the incremental income tax attributable to High Impact
8 Business construction jobs credit employees if the High Impact
9 Business construction jobs credit project is located in an
10 underserved area.

11 The Department shall certify to the Department of Revenue:
12 (1) the identity of taxpayers that are eligible for the High
13 Impact Business construction jobs credit; and (2) the amount
14 of High Impact Business construction jobs credits that are
15 claimed pursuant to subsection (h-5) of Section 201 of the
16 Illinois Income Tax Act in each taxable year.

17 As used in this subsection (i):

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

26 "High Impact Business construction job employee" means a

1 laborer or worker who is employed by a contractor or
2 subcontractor in the actual construction work on the site of a
3 High Impact Business construction job project.

4 "High Impact Business construction jobs project" means
5 building a structure or building or making improvements of any
6 kind to real property, undertaken and commissioned by a
7 business that was designated as a High Impact Business by the
8 Department. The term "High Impact Business construction jobs
9 project" does not include the routine operation, routine
10 repair, or routine maintenance of existing structures,
11 buildings, or real property.

12 "Incremental income tax" means the total amount withheld
13 during the taxable year from the compensation of High Impact
14 Business construction job employees.

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

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

19 (2) 35% or more of the families with children in the
20 area are living below 130% of the poverty line, according
21 to the latest American Community Survey;

22 (3) at least 20% of the households in the area receive
23 assistance under the Supplemental Nutrition Assistance
24 Program (SNAP); or

25 (4) the area has an average unemployment rate, as
26 determined by the Illinois Department of Employment

1 Security, that is more than 120% of the national
2 unemployment average, as determined by the U.S. Department
3 of Labor, for a period of at least 2 consecutive calendar
4 years preceding the date of the application.

5 (j) (Blank).

6 (j-5) Annually, until construction is completed, a company
7 seeking High Impact Business Construction Job credits shall
8 submit a report that, at a minimum, describes the projected
9 project scope, timeline, and anticipated budget. Once the
10 project has commenced, the annual report shall include actual
11 data for the prior year as well as projections for each
12 additional year through completion of the project. The
13 Department shall issue detailed reporting guidelines
14 prescribing the requirements of construction-related reports.

15 In order to receive credit for construction expenses, the
16 company must provide the Department with evidence that a
17 certified third-party executed an Agreed-Upon Procedure (AUP)
18 verifying the construction expenses or accept the standard
19 construction wage expense estimated by the Department.

20 Upon review of the final project scope, timeline, budget,
21 and AUP, the Department shall issue a tax credit certificate
22 reflecting a percentage of the total construction job wages
23 paid throughout the completion of the project.

24 (k) Upon 7 business days' notice, each taxpayer shall make
25 available to each State agency and to federal, State, or local
26 law enforcement agencies and prosecutors for inspection and

1 copying at a location within this State during reasonable
2 hours, the report under subsection (j-5).

3 (1) The changes made to this Section by Public Act
4 102-1125, other than the changes in subsection (a), apply to
5 High Impact Businesses that submit applications on or after
6 February 3, 2023 (the effective date of Public Act 102-1125).

7 (Source: P.A. 102-108, eff. 1-1-22; 102-558, eff. 8-20-21;
8 102-605, eff. 8-27-21; 102-662, eff. 9-15-21; 102-673, eff.
9 11-30-21; 102-813, eff. 5-13-22; 102-1125, eff. 2-3-23; 103-9,
10 eff. 6-7-23; 103-561, eff. 1-1-24; 103-595, eff. 6-26-24;
11 103-605, eff. 7-1-24.)

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

14 (820 ILCS 130/2)

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 or the Department of Natural Resources World Shooting and
4 Recreational Complex Act; and (iv) all transportation
5 facilities undertaken under a design-build contract or a
6 Construction Manager/General Contractor contract under the
7 Innovations for Transportation Infrastructure Act. "Public
8 works" also includes all projects at leased facility property
9 used for airport purposes under Section 35 of the Local
10 Government Facility Lease Act. "Public works" also includes
11 the construction of a new wind power facility by a business
12 designated on or before the effective date of this amendatory
13 Act of the 104th General Assembly as a High Impact Business or
14 ~~under Section 5.5(a)(3)(E) and~~ the construction of a new
15 utility-scale solar power facility by a business designated on
16 or before the effective date of this amendatory Act of the
17 104th General Assembly as a High Impact Business under ~~Section~~
18 ~~5.5(a)(3)(E-5)~~ of the Illinois Enterprise Zone Act. "Public
19 works" also includes electric vehicle charging station
20 projects financed pursuant to the Electric Vehicle Act and
21 renewable energy projects required to pay the prevailing wage
22 pursuant to the Illinois Power Agency Act. "Public works" also
23 includes power washing projects by a public body or paid for
24 wholly or in part out of public funds in which steam or
25 pressurized water, with or without added abrasives or
26 chemicals, is used to remove paint or other coatings, oils or

1 grease, corrosion, or debris from a surface or to prepare a
2 surface for a coating. "Public works" does not include work
3 done directly by any public utility company, whether or not
4 done under public supervision or direction, or paid for wholly
5 or in part out of public funds. "Public works" also includes
6 construction projects performed by a third party contracted by
7 any public utility, as described in subsection (a) of Section
8 2.1, in public rights-of-way, as defined in Section 21-201 of
9 the 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 construction
12 projects that exceed 15 aggregate miles of new fiber optic
13 cable, performed by a third party contracted by any public
14 utility, as described in subsection (b) 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 any corrective
19 action performed pursuant to Title XVI of the Environmental
20 Protection Act for which payment from the Underground Storage
21 Tank Fund is requested. "Public works" also includes all
22 construction projects involving fixtures or permanent
23 attachments affixed to light poles that are owned by a public
24 body, including street light poles, traffic light poles, and
25 other lighting fixtures, whether or not done under public
26 supervision or direction, or paid for wholly or in part out of

1 public funds, unless the project is performed by employees
2 employed directly by the public body. "Public works" also
3 includes work performed subject to the Mechanical Insulation
4 Energy and Safety Assessment Act. "Public works" also includes
5 the removal, hauling, and transportation of biosolids, lime
6 sludge, and lime residue from a water treatment plant or
7 facility and the disposal of biosolids, lime sludge, and lime
8 residue removed from a water treatment plant or facility at a
9 landfill. "Public works" does not include projects undertaken
10 by the owner at an owner-occupied single-family residence or
11 at an owner-occupied unit of a multi-family residence. "Public
12 works" does not include work performed for soil and water
13 conservation purposes on agricultural lands, whether or not
14 done under public supervision or paid for wholly or in part out
15 of public funds, done directly by an owner or person who has
16 legal control of those lands.

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

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

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

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

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

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

1 which the work is being performed, to employees engaged in
2 work of a similar character on public works.

3 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
4 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
5 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
6 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
7 103-605, eff. 7-1-24.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.