

# SB3282



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3282

Introduced 2/3/2026, 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 19264 HLH 32710 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 ~~large-scale~~ investment  
11 and development projects, the Department is authorized to  
12 receive and approve applications for the designation of "High  
13 Impact Businesses" in Illinois, for an initial term of 20  
14 years with an option for renewal for a term not to exceed 20  
15 years, 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, and a new battery energy storage  
22 solution facility, as defined by subparagraph (I) of  
23 paragraph (3) of this subsection (a);

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

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

21 (B-5) the business intends to establish a new  
22 gasification facility at a designated location in  
23 Illinois. As used in this Section, "new gasification  
24 facility" means a newly constructed coal gasification  
25 facility that generates chemical feedstocks or  
26 transportation fuels derived from coal (which may

1 include, but are not limited to, methane, methanol,  
2 and nitrogen fertilizer), that supports the creation  
3 or retention of Illinois coal mining jobs, and that  
4 qualifies for financial assistance from the Department  
5 before December 31, 2010. A new gasification facility  
6 does not include a pilot project located within  
7 Jefferson County or within a county adjacent to  
8 Jefferson County for synthetic natural gas from coal;  
9 or

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

23 (D) the business intends to construct new  
24 transmission facilities or upgrade existing  
25 transmission facilities at designated locations in  
26 Illinois, for which construction commenced not sooner

1 than July 1, 2001. For the purposes of this Section,  
2 "transmission facilities" means transmission lines  
3 with a voltage rating of 115 kilovolts or above,  
4 including associated equipment, that transfer  
5 electricity from points of supply to points of  
6 delivery and that transmit a majority of the  
7 electricity generated by a new electric generating  
8 facility designated as a High Impact Business in  
9 accordance with this Section. The term "placed in  
10 service" has the same meaning as described in  
11 subsection (h) of Section 201 of the Illinois Income  
12 Tax Act; or

13 (E) the business intends to establish a new wind  
14 power facility at a designated location in Illinois  
15 and the municipality in which the wind power facility  
16 will be located (or the county in which the wind power  
17 facility will be located, if the facility will be  
18 located in an unincorporated area of the county)  
19 approves, in writing, the designation of the business  
20 as a high impact business. For purposes of this  
21 Section, "new wind power facility" means a newly  
22 constructed electric generation facility, a newly  
23 constructed expansion of an existing electric  
24 generation facility, or the replacement of an existing  
25 electric generation facility, including the demolition  
26 and removal of an electric generation facility

1           irrespective of whether it will be replaced, placed in  
2           service or replaced on or after July 1, 2009, that  
3           generates electricity using wind energy devices, and  
4           such facility shall be deemed to include any permanent  
5           structures associated with the electric generation  
6           facility and all associated transmission lines,  
7           substations, and other equipment related to the  
8           generation of electricity from wind energy devices.  
9           For purposes of this Section, "wind energy device"  
10          means any device, with a nameplate capacity of at  
11          least 0.5 megawatts, that is used in the process of  
12          converting kinetic energy from the wind to generate  
13          electricity; ~~or~~

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

1 electricity using photovoltaic cells and (ii) has a  
2 nameplate capacity that is greater than 5,000  
3 kilowatts, and such facility shall be deemed to  
4 include all associated transmission lines,  
5 substations, energy storage facilities, and other  
6 equipment related to the generation and storage of  
7 electricity from photovoltaic cells; ~~or~~

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

1 agreement at that location; for the purposes of this  
2 Section, "fertilizer plant" means a newly constructed  
3 or upgraded plant utilizing gas used in the production  
4 of anhydrous ammonia and downstream nitrogen  
5 fertilizer products for resale; for the purposes of  
6 this Section, "prevailing wage" means the hourly cash  
7 wages plus fringe benefits for training and  
8 apprenticeship programs approved by the U.S.  
9 Department of Labor, Bureau of Apprenticeship and  
10 Training, health and welfare, insurance, vacations and  
11 pensions paid generally, in the locality in which the  
12 work is being performed, to employees engaged in work  
13 of a similar character on public works; this paragraph  
14 (F) applies only to businesses that submit an  
15 application to the Department within 60 days after  
16 July 25, 2013 (the effective date of Public Act  
17 98-109); ~~or~~

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

22 "Cultured cell material food production facility"  
23 means a facility (i) at which cultured animal cell  
24 food is developed using animal cell culture  
25 technology, (ii) at which production processes occur  
26 that include the establishment of cell lines and cell

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

12 "New cultured cell material food production  
13 facility" means a newly constructed cultured cell  
14 material food production facility that is placed in  
15 service on or after June 7, 2023 (the effective date of  
16 Public Act 103-9) or a newly constructed expansion of  
17 an existing cultured cell material food production  
18 facility, in a controlled environment, when the  
19 improvements are placed in service on or after June 7,  
20 2023 (the effective date of Public Act 103-9); or

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

26 (I) the business intends to establish a new

1 battery energy storage solution facility at a  
2 designated location in Illinois. As used in this  
3 paragraph (I):

4 "New battery energy storage solution facility"  
5 means a newly constructed battery energy storage  
6 facility, a newly constructed expansion of an existing  
7 battery energy storage facility, or the replacement of  
8 an existing battery energy storage facility that  
9 stores electricity using battery devices and other  
10 means. "New battery energy storage solution facility"  
11 includes any permanent structures associated with the  
12 new battery energy storage facility and all associated  
13 transmission lines, substations, and other equipment  
14 that is related to the storage and transmission of  
15 electric power and that has a capacity of not less than  
16 20 megawatt and storage capability of not less than 40  
17 megawatt hours of energy; or

18 (J) the business intends to construct a new high  
19 voltage direct current converter station at a  
20 designated location in Illinois. As used in this  
21 paragraph, "high voltage direct current converter  
22 station" has the same meaning given to that term in  
23 Section 1-10 of the Illinois Power Agency Act; or

24 (K) the business intends to construct a new high  
25 voltage direct current converter station facility at a  
26 designated location in Illinois. As used in this

1 paragraph, "high voltage direct current converter  
2 station" has the same meaning given to that term in  
3 Section 1-10 of the Illinois Power Agency Act; and

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

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

1 shall be applicable to investments in qualified property as  
2 set forth in subdivision (a) (3) (A) of this Section.

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

22 (b-6) Businesses designated as High Impact Businesses on  
23 or before the effective date of this amendatory Act of the  
24 104th General Assembly ~~pursuant to subdivision (a) (3) (E),~~  
25 ~~(a) (3) (E-5), (A) (3) (I), or (a) (3) (J) of this Section~~ shall  
26 qualify for the exemptions described in Section 51 of the

1 Retailers' Occupation Tax Act; any business so designated as a  
2 High Impact Business being, for purposes of this Section, a  
3 "Wind Energy Business".

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

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

18 (d) Existing ~~Except for businesses contemplated under~~  
19 ~~subdivision (a) (3) (E), (a) (3) (E 5), (a) (3) (G), (a) (3) (H),~~  
20 ~~(A) (3) (I), (a) (3) (J), or (a) (3) (K) 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 businesses contemplated under~~

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

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

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

25 (h) Prior to designating a business, the Department shall  
26 provide the members of the General Assembly and Commission on

1 Government Forecasting and Accountability with a report  
2 setting forth the terms and conditions of the designation and  
3 guarantees that have been received by the Department in  
4 relation to the proposed business being designated.

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

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

24 As used in this subsection (i):

25 "High Impact Business construction jobs credit" means an  
26 amount equal to 50% (or 75% if the High Impact Business

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

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

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

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

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

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

26 (2) 35% or more of the families with children in the

1 area are living below 130% of the poverty line, according  
2 to the latest American Community Survey;

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

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

12 (j) (Blank).

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

22 In order to receive credit for construction expenses, the  
23 company must provide the Department with evidence that a  
24 certified third-party executed an Agreed-Upon Procedure (AUP)  
25 verifying the construction expenses or accept the standard  
26 construction wage expense estimated by the Department.

1           Upon review of the final project scope, timeline, budget,  
2           and AUP, the Department shall issue a tax credit certificate  
3           reflecting a percentage of the total construction job wages  
4           paid throughout the completion of the project.

5           (k) Upon 7 business days' notice, each taxpayer shall make  
6           available to each State agency and to federal, State, or local  
7           law enforcement agencies and prosecutors for inspection and  
8           copying at a location within this State during reasonable  
9           hours, the report under subsection (j-5).

10          (l) The changes made to this Section by Public Act  
11          102-1125, other than the changes in subsection (a), apply to  
12          High Impact Businesses that submit applications on or after  
13          February 3, 2023 (the effective date of Public Act 102-1125).

14          (Source: P.A. 103-9, eff. 6-7-23; 103-561, eff. 1-1-24;  
15          103-595, eff. 6-26-24; 103-605, eff. 7-1-24; 103-1066, eff.  
16          2-20-25; 104-6, eff. 6-16-25; revised 12-12-25.)

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

19                 (820 ILCS 130/2)

20          Sec. 2. This Act applies to the wages of laborers,  
21          mechanics, and other workers employed in any public works, as  
22          hereinafter defined, by any public body and to anyone under  
23          contracts for public works. This includes any maintenance,  
24          repair, assembly, or disassembly work performed on equipment

1 whether owned, leased, or rented.

2 As used in this Act, unless the context indicates  
3 otherwise:

4 "Public works" means all fixed works constructed or  
5 demolished by any public body, or paid for wholly or in part  
6 out of public funds. "Public works" as defined herein includes  
7 all projects financed in whole or in part with bonds, grants,  
8 loans, or other funds made available by or through the State or  
9 any of its political subdivisions, including, but not limited  
10 to: bonds issued under the Industrial Project Revenue Bond Act  
11 (Article 11, Division 74 of the Illinois Municipal Code), the  
12 Industrial Building Revenue Bond Act, the Illinois Finance  
13 Authority Act, the Illinois Sports Facilities Authority Act,  
14 or the Build Illinois Bond Act; loans or other funds made  
15 available pursuant to the Build Illinois Act; loans or other  
16 funds made available pursuant to the Riverfront Development  
17 Fund under Section 10-15 of the River Edge Redevelopment Zone  
18 Act; or funds from the Fund for Illinois' Future under Section  
19 6z-47 of the State Finance Act, funds for school construction  
20 under Section 5 of the General Obligation Bond Act, funds  
21 authorized under Section 3 of the School Construction Bond  
22 Act, funds for school infrastructure under Section 6z-45 of  
23 the State Finance Act, and funds for transportation purposes  
24 under Section 4 of the General Obligation Bond Act. "Public  
25 works" also includes all federal construction projects  
26 administered or controlled by a public body if the prevailing

1 rate of wages is equal to or greater than the prevailing wage  
2 determination by the United States Secretary of Labor for the  
3 same locality for the same type of construction used to  
4 classify the federal construction project. "Public works" also  
5 includes (i) all projects financed in whole or in part with  
6 funds from the Environmental Protection Agency under the  
7 Illinois Renewable Fuels Development Program Act for which  
8 there is no project labor agreement; (ii) all work performed  
9 pursuant to a public private agreement under the Public  
10 Private Agreements for the Illiana Expressway Act or the  
11 Public-Private Agreements for the South Suburban Airport Act;  
12 (iii) all projects undertaken under a public-private agreement  
13 under the Public-Private Partnerships for Transportation Act  
14 or the Department of Natural Resources World Shooting and  
15 Recreational Complex Act; and (iv) all transportation  
16 facilities undertaken under a design-build contract or a  
17 Construction Manager/General Contractor contract under the  
18 Innovations for Transportation Infrastructure Act. "Public  
19 works" also includes all projects at leased facility property  
20 used for airport purposes under Section 35 of the Local  
21 Government Facility Lease Act. "Public works" also includes  
22 the construction of a new wind power facility by a business  
23 designated on or before the effective date of this amendatory  
24 Act of the 104th General Assembly as a High Impact Business or  
25 ~~under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone~~  
26 ~~Act~~, the construction of a new utility-scale solar power

1 facility by a business designated on or before the effective  
2 date of this amendatory Act of the 104th General Assembly as a  
3 High Impact Business under ~~Section 5.5(a)(3)(E-5)~~ of the  
4 Illinois Enterprise Zone Act, the construction of a new  
5 battery energy storage solution facility by a business  
6 designated as a High Impact Business under Section  
7 5.5(a)(3)(I) of the Illinois Enterprise Zone Act, and the  
8 construction of a high voltage direct current converter  
9 station by a business designated as a High Impact Business  
10 under Section 5.5(a)(3)(J) of the Illinois Enterprise Zone  
11 Act. "Public works" also includes electric vehicle charging  
12 station projects financed pursuant to the Electric Vehicle Act  
13 and renewable energy projects required to pay the prevailing  
14 wage pursuant to the Illinois Power Agency Act. "Public works"  
15 also includes power washing projects by a public body or paid  
16 for wholly or in part out of public funds in which steam or  
17 pressurized water, with or without added abrasives or  
18 chemicals, is used to remove paint or other coatings, oils or  
19 grease, corrosion, or debris from a surface or to prepare a  
20 surface for a coating. "Public works" also includes all  
21 electric transmission systems projects subject to the Electric  
22 Transmission Systems Construction Standards Act. "Public  
23 works" does not include work done directly by any public  
24 utility company, whether or not done under public supervision  
25 or direction, or paid for wholly or in part out of public  
26 funds. "Public works" also includes construction projects

1 performed by a third party contracted by any public utility,  
2 as described in subsection (a) of Section 2.1, in public  
3 rights-of-way, as defined in Section 21-201 of the Public  
4 Utilities Act, whether or not done under public supervision or  
5 direction, or paid for wholly or in part out of public funds.  
6 "Public works" also includes construction projects that exceed  
7 15 aggregate miles of new fiber optic cable, performed by a  
8 third party contracted by any public utility, as described in  
9 subsection (b) of Section 2.1, in public rights-of-way, as  
10 defined in Section 21-201 of the Public Utilities Act, whether  
11 or not done under public supervision or direction, or paid for  
12 wholly or in part out of public funds. "Public works" also  
13 includes any corrective action performed pursuant to Title XVI  
14 of the Environmental Protection Act for which payment from the  
15 Underground Storage Tank Fund is requested. "Public works"  
16 also includes all construction projects involving fixtures or  
17 permanent attachments affixed to light poles that are owned by  
18 a public body, including street light poles, traffic light  
19 poles, and other lighting fixtures, whether or not done under  
20 public supervision or direction, or paid for wholly or in part  
21 out of public funds, unless the project is performed by  
22 employees employed directly by the public body. "Public works"  
23 also includes work performed subject to the Mechanical  
24 Insulation Energy and Safety Assessment Act. "Public works"  
25 also includes the removal, hauling, and transportation of  
26 biosolids, lime sludge, and lime residue from a water

1 treatment plant or facility and the disposal of biosolids,  
2 lime sludge, and lime residue removed from a water treatment  
3 plant or facility at a landfill. "Public works" also includes  
4 sewer inspection projects that use a closed-circuit television  
5 to identify issues in a sewer system, such as cracks in pipes,  
6 root intrusion, blockages, or other structural damage. "Public  
7 works" does not include projects undertaken by the owner at an  
8 owner-occupied single-family residence or at an owner-occupied  
9 unit of a multi-family residence. "Public works" does not  
10 include work performed for soil and water conservation  
11 purposes on agricultural lands, whether or not done under  
12 public supervision or paid for wholly or in part out of public  
13 funds, done directly by an owner or person who has legal  
14 control of those lands.

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

19 "Locality" means the county where the physical work upon  
20 public works is performed, except (1) that if there is not  
21 available in the county a sufficient number of competent  
22 skilled laborers, workers and mechanics to construct the  
23 public works efficiently and properly, "locality" includes any  
24 other county nearest the one in which the work or construction  
25 is to be performed and from which such persons may be obtained  
26 in sufficient numbers to perform the work and (2) that, with

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

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

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

18 The terms "general prevailing rate of hourly wages",  
19 "general prevailing rate of wages" or "prevailing rate of  
20 wages" when used in this Act mean the hourly cash wages plus  
21 full journeyman annualized fringe benefits for training and  
22 apprenticeship programs registered with the Office of  
23 Apprenticeship within the U.S. Department of Labor's  
24 Employment and Training Administration with full journeymen  
25 annualized fringe benefits for 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. 103-8, eff. 6-7-23; 103-327, eff. 1-1-24;  
4 103-346, eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff.  
5 8-4-23; 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25; 104-17,  
6 eff. 7-1-26 (see Section 35-5 of P.A. 104-434 for effective  
7 date of P.A. 104-17); 104-23, eff. 6-30-25; 104-160, eff.  
8 8-14-25; revised 12-2-25.)

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