

1 AN ACT concerning finance.

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

4 Section 1. Short title. This Act may be cited as the
5 Department of Natural Resources World Shooting and
6 Recreational Complex Act.

7 Section 5. Legislative intent. The General Assembly finds
8 that authorizing the Department of Natural Resources to enter
9 into a public-private partnership will allow the World
10 Shooting and Recreational Complex to become a fully
11 reactivated space in a timely manner and is in the best
12 interest of the State and the local community.

13 Section 10. Definitions.

14 "Contractor" means a person who has been selected to enter
15 or has entered into a public-private agreement with the
16 Department on behalf of the State for the development,
17 financing, management, or operation of the World Shooting and
18 Recreational Complex pursuant to this Act.

19 "Department" means the Department of Natural Resources.

20 "Director" means the Director of Natural Resources.

21 "Maintain" or "maintenance" includes ordinary maintenance,
22 repair, rehabilitation, capital maintenance, replacement, and

1 any other categories of maintenance that may be designated by
2 the Department.

3 "Offeror" means a person who responds to a request for
4 proposals under this Act.

5 "Operate" or "operation" means to do one or more of the
6 following: maintain, improve, equip, modify, or otherwise
7 operate.

8 "Person" means any individual, firm, association, joint
9 venture, partnership, estate, trust, syndicate, fiduciary,
10 corporation, or any other legal entity, group, or combination
11 thereof.

12 "Public-private agreement" means an agreement or contract
13 between the Department and the contractor on behalf of the
14 State and all schedules, exhibits, and attachments thereto,
15 entered into pursuant to a competitive request for proposals
16 process governed by this Act, for the financing, management
17 and operation of the World Shooting and Recreational Complex
18 under this Act.

19 "Revenues" means all revenues, including, but not limited
20 to, income, user fees, earnings, interest, lease payments,
21 allocations, moneys from the federal government, the State,
22 and units of local government, including, but not limited to,
23 federal, State, and local appropriations, grants, loans, lines
24 of credit, and credit guarantees; bond proceeds; equity
25 investments; service payments; or other receipts arising out
26 of or in connection with the financing, development,

1 management, or operation of the World Shooting and
2 Recreational Complex.

3 "World Shooting and Recreational Complex" means real
4 property in Sparta, Illinois, consisting of approximately
5 1,620 acres including a 117-acre lake, over 1,000 camping
6 sites, 120 trap houses, 2 sporting clays courses, 24
7 combination trap skeet fields, a cowboy action shooting area,
8 a vendor mall, and a restaurant.

9 Section 15. Authority to enter public-private agreement.
10 Notwithstanding any provision of law to the contrary, the
11 Department, on behalf of the State, may enter into a
12 public-private agreement to develop, finance, lease, manage,
13 and operate the World Shooting and Recreational Complex on
14 behalf of the State, pursuant to which the contractors may
15 receive certain revenues, including management or user fees in
16 consideration of the payment of moneys to the State for that
17 right.

18 Section 20. Engagement prior to request for proposals. The
19 Director or the Director's designee may, prior to soliciting
20 requests for proposals, enter into discussions with interested
21 persons in order to assess existing market conditions and
22 demands, provided that no such interested persons shall have
23 any role in drafting any request for proposals, nor shall any
24 request for proposal be provided to any interested person

1 prior to its general public distribution. The Director may
2 issue a request for qualifications that requests interested
3 persons to provide such information as the Director deems
4 necessary in order to evaluate the qualifications of such
5 interested persons. This may include, but is not limited to,
6 the ability of interested persons to acquire the property, as
7 determined by the Director. Such engagement and discussions
8 with interested persons are exempt from Sections 50-10.5,
9 50-39, 50-40, 50-45, and 50-50 of the Illinois Procurement
10 Code.

11 Section 25. Requests for proposals. If requests for
12 proposals are made by the Department, the Department shall
13 comply with the competitive request for proposals process
14 under Article 20 of the Illinois Procurement Code, rules
15 adopted under that Code, and this Act.

16 Section 30. Request for proposal process.

17 (a) The Department, on behalf of the State, may select a
18 contractor through a competitive request for proposals process
19 under Article 20 of the Illinois Procurement Code and rules
20 adopted under that Article of the Code.

21 (b) The competitive request for proposals process shall
22 solicit statements of qualification and proposals from
23 offerors.

24 (c) In addition to any requirements under Article 20 of

1 the Illinois Procurement Code, the competitive request for
2 proposals process may take into account the following
3 criteria:

4 (1) the offeror's plans for the World Shooting and
5 Recreational Complex project;

6 (2) the offeror's current and past business practices;
7 and

8 (3) the offeror's poor or inadequate past performance
9 in developing, financing, constructing, managing, or
10 operating other historic landmark properties or other
11 public assets.

12 Section 35. Provisions of the public-private agreement.

13 (a) The public-private agreement may include, but is not
14 limited to, the following:

15 (1) the powers, duties, responsibilities, obligations,
16 and functions of the Department and the contractor;

17 (2) compensation or payments to the Department, if
18 applicable;

19 (3) compensation or payments to the contractor, if
20 applicable;

21 (4) a provision specifying that the Department:

22 (A) has ready access to information regarding the
23 contractor's powers, duties, responsibilities,
24 obligations, and functions under the public-private
25 agreement;

1 (B) has the right to demand and receive
2 information from the contractor concerning any aspect
3 of the contractor's powers, duties, responsibilities,
4 obligations, and functions under the public-private
5 agreement; and

6 (C) has the authority to direct or countermand
7 decisions by the contractor at any time.

8 (5) the authority of the contractor to impose user
9 fees and the amounts of those fees;

10 (6) a provision governing the deposit and allocation
11 of revenues, including user fees;

12 (7) a provision governing rights to real and personal
13 property of the State, the Department, the contractor, and
14 other third parties;

15 (8) rights and remedies of the Department if the
16 contractor defaults or otherwise fails to comply with the
17 terms of the agreement; and

18 (9) all other terms, conditions, and provisions
19 acceptable to the Department that the Department deems
20 necessary and proper and in the public interest.

21 Section 40. Labor.

22 (a) A public-private agreement related to the World
23 Shooting and Recreational Complex pertaining to the building,
24 altering, repairing, maintaining, improving, or demolishing of
25 the Complex shall require the contractor and all

1 subcontractors to comply with the requirements of Section
2 30-22 of the Illinois Procurement Code as they apply to
3 responsible bidders, including, but not limited to, all
4 applicable provisions of the Prevailing Wage Act, and to
5 present satisfactory evidence of that compliance to the
6 Department, unless the project is federally funded and the
7 application of those requirements would jeopardize the receipt
8 or use of federal funds in support of the project.

9 (b) A public-private agreement related to the World
10 Shooting and Recreational Complex pertaining to the building,
11 altering, repairing, maintaining, improving, or demolishing
12 the Complex shall require the contractor and all
13 subcontractors to enter into a project labor agreement used by
14 the Capital Development Board.

15 Section 45. Term of agreement; reversion of property to
16 the Department.

17 (a) The term of any public-private agreement entered into
18 under this Act shall be no less than 25 years and no more than
19 99 years.

20 (b) The Department may terminate the contractor's
21 authority and duties under the public-private agreement on the
22 date set forth in the public-private agreement. The Department
23 may also terminate the public-private agreement pursuant to
24 any clause or condition as set forth in the public-private
25 agreement.

1 (c) Upon termination of the public-private agreement, the
2 authority, and duties of the contractor under this Act cease,
3 except for those duties and obligations that extend beyond the
4 termination, as set forth in the public-private agreement, and
5 all interests in the World Shooting and Recreational Complex
6 shall revert to the Department.

7 Section 50. The Prevailing Wage Act is amended by changing
8 Section 2 as follows:

9 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

16 As used in this Act, unless the context indicates
17 otherwise:

18 "Public works" means all fixed works constructed or
19 demolished by any public body, or paid for wholly or in part
20 out of public funds. "Public works" as defined herein includes
21 all projects financed in whole or in part with bonds, grants,
22 loans, or other funds made available by or through the State or
23 any of its political subdivisions, including but not limited
24 to: bonds issued under the Industrial Project Revenue Bond Act

1 (Article 11, Division 74 of the Illinois Municipal Code), the
2 Industrial Building Revenue Bond Act, the Illinois Finance
3 Authority Act, the Illinois Sports Facilities Authority Act,
4 or the Build Illinois Bond Act; loans or other funds made
5 available pursuant to the Build Illinois Act; loans or other
6 funds made available pursuant to the Riverfront Development
7 Fund under Section 10-15 of the River Edge Redevelopment Zone
8 Act; or funds from the Fund for Illinois' Future under Section
9 6z-47 of the State Finance Act, funds for school construction
10 under Section 5 of the General Obligation Bond Act, funds
11 authorized under Section 3 of the School Construction Bond
12 Act, funds for school infrastructure under Section 6z-45 of
13 the State Finance Act, and funds for transportation purposes
14 under Section 4 of the General Obligation Bond Act. "Public
15 works" also includes (i) all projects financed in whole or in
16 part with funds from the Environmental Protection Agency under
17 the Illinois Renewable Fuels Development Program Act for which
18 there is no project labor agreement; (ii) all work performed
19 pursuant to a public private agreement under the Public
20 Private Agreements for the Illiana Expressway Act or the
21 Public-Private Agreements for the South Suburban Airport Act;
22 (iii) all projects undertaken under a public-private agreement
23 under the Public-Private Partnerships for Transportation Act
24 or the Department of Natural Resources World Shooting and
25 Recreational Complex Act; and (iv) all transportation
26 facilities undertaken under a design-build contract or a

1 Construction Manager/General Contractor contract under the
2 Innovations for Transportation Infrastructure Act. "Public
3 works" also includes all projects at leased facility property
4 used for airport purposes under Section 35 of the Local
5 Government Facility Lease Act. "Public works" also includes
6 the construction of a new wind power facility by a business
7 designated as a High Impact Business under Section
8 5.5(a)(3)(E) and the construction of a new utility-scale solar
9 power facility by a business designated as a High Impact
10 Business under Section 5.5(a)(3)(E-5) of the Illinois
11 Enterprise Zone Act. "Public works" also includes electric
12 vehicle charging station projects financed pursuant to the
13 Electric Vehicle Act and renewable energy projects required to
14 pay the prevailing wage pursuant to the Illinois Power Agency
15 Act. "Public works" does not include work done directly by any
16 public utility company, whether or not done under public
17 supervision or direction, or paid for wholly or in part out of
18 public funds. "Public works" also includes construction
19 projects performed by a third party contracted by any public
20 utility, as described in subsection (a) of Section 2.1, in
21 public rights-of-way, as defined in Section 21-201 of the
22 Public Utilities Act, 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 that exceed 15 aggregate miles of new fiber optic
26 cable, performed by a third party contracted by any public

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.