

AN ACT concerning finance.

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

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

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

Section 10. Definitions.

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

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 30. Request for proposal process.

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

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

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

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

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

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

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

Section 35. Provisions of the public-private agreement.

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

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

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

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

(4) a provision specifying that the Department:

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

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

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

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

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

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

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

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

Section 40. Labor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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