



Sen. Michael E. Hastings

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1 AMENDMENT TO HOUSE BILL 3437

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3437, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "ARTICLE 1. INVESTING IN ILLINOIS WORKS TAX CREDIT ACT

6 Section 1-1. Short title. This Article may be cited as the  
7 Investing in Illinois Works Tax Credit Act. References in this  
8 Article to "this Act" mean this Article.

9 Section 1-3. Legislative findings. The General Assembly  
10 finds that:

11 Economic research indicates that registered apprenticeship  
12 programs have positive economic impacts, and countries with  
13 more widespread usage of apprenticeship programs have shown to  
14 be more successful at transitioning young workers into stable  
15 jobs, resulting in lower youth unemployment rates.

1       The demographics of registered apprenticeship programs in  
2       our State do not mirror the diversity of Illinoisans.  
3       According to data from the U.S. Department of Labor's Office  
4       of Apprenticeship, from 2000 through 2016, only 8.8% of all  
5       construction apprentices were African-American and 17.6% were  
6       Hispanic or Latino/Latina, while 69.6% were white.

7       In order to work toward a level playing field for all who  
8       seek the training and economic stability apprenticeships  
9       provide, Illinois created the Illinois Works Preapprenticeship  
10      Program, which funds preapprenticeship skills training through  
11      community-based organizations serving populations that have,  
12      historically, been met with barriers to entry or advancement  
13      in the workforce.

14      By targeting historically underutilized communities whose  
15      members seek to access the upward mobility and career  
16      advancement apprenticeships bring, the Illinois Works  
17      Preapprenticeship Program is one part of many State  
18      initiatives to increase diversity in apprenticeship programs  
19      and careers in the construction and building trades.

20      The Investing in Illinois Works Tax Credit expands the  
21      goals of the Illinois Works Preapprenticeship Program to  
22      private construction projects and highly skilled training  
23      programs by incentivizing contractors to utilize graduates of  
24      preapprenticeship programs funded by the Illinois Works  
25      Preapprenticeship Program who are also participants in or  
26      graduates of registered apprenticeship programs as part of

1 their skilled and trained workforces on projects at  
2 high-hazard facilities.

3 Section 1-5. Definitions. As used in this Act:

4 "Department" means the Department of Commerce and Economic  
5 Opportunity.

6 "Illinois Works Preapprenticeship Program" means a network  
7 of community-based, nonprofit organizations throughout  
8 Illinois that receive grant funding from the Illinois  
9 Department of Commerce and Economic Opportunity to recruit,  
10 prescreen, and provide preapprenticeship skill training to  
11 create a qualified, diverse pipeline of workers who are  
12 prepared for careers in the construction and building trades  
13 as prescribed in Section 20-15 of the Illinois Works Jobs  
14 Program Act.

15 "Owner or operator" has the meaning provided in Section 5  
16 of the Illinois Hazardous Materials Workforce Training Act.

17 "Qualifying employee" means a qualifying graduate who was  
18 continuously employed by the owner or operator or a contractor  
19 engaged by the owner or operator in Illinois during all 4  
20 reporting periods occurring in the calendar year directly  
21 preceding the calendar year in which the credit is claimed.

22 "Qualifying graduate" means an individual from an  
23 underrepresented population who has successfully completed a  
24 preapprenticeship program through the Illinois Works  
25 Preapprenticeship Program in compliance with the requirements

1 of Section 20-15 of the Illinois Works Jobs Programs Act and  
2 who either is a registered apprentice as defined under Section  
3 10-5 of the Illinois Hazardous Materials Workforce Training  
4 Act or has successfully completed a registered apprenticeship  
5 program as defined under Section 10-5 of the Illinois  
6 Hazardous Materials Workforce Training Act.

7 "Registered apprenticeship program" has the same meaning  
8 as provided in Section 10-5 of the Illinois Hazardous  
9 Materials Workforce Training Act.

10 "Reporting period" means the quarter for which a return is  
11 required to be filed under subsection (b) of Section 704A of  
12 the Illinois Income Tax Act.

13 "Skilled and trained workforce" has the same meaning  
14 provided in Section 10-5 of the Illinois Hazardous Materials  
15 Workforce Training Act.

16 "Tax credit certificate" means the certificate awarded by  
17 the Department under Section 1-20 of this Act.

18 "Underrepresented population" has the meaning provided in  
19 Section 20-10 of the Illinois Works Job Program Act.

20 Section 1-10. Credit amount. For taxable years beginning  
21 on or after January 1, 2023, subject to the limitations  
22 provided in this Act, an owner or operator may claim as a  
23 credit against the tax imposed under subsections (a) and (b)  
24 of Section 201 of the Illinois Income Tax Act an amount equal  
25 to the amount of Illinois income tax withheld from the

1 compensation paid to each qualifying employee and paid to the  
2 Department of Revenue, not to exceed \$2,500 per calendar year  
3 for each qualifying employee, as certified by the Department  
4 on a tax credit certificate awarded under this Act.

5 Section 1-15. Application process.

6 (a) An owner or operator may apply to the Department for a  
7 certificate to receive a credit under Section 1-10.

8 (b) The Department shall establish an application process  
9 to certify an owner or operator for the credit under Section  
10 1-10 as necessary for implementation of this Act. As part of  
11 the application process, the Department shall require the  
12 owner or operator to provide:

13 (1) the name, year, and name of the organization that  
14 sponsored or administered the program through which each  
15 qualifying employee completed his or her Illinois Works  
16 Preapprenticeship Program and apprenticeship program;

17 (2) the receipt provided to the worker by the  
18 Department of Labor stating that the qualifying employee  
19 has provided a certificate to the Department of Labor  
20 certifying that they have completed the minimum approved  
21 safety training required by the Illinois Hazardous  
22 Materials Workforce Training Act and when their  
23 certification in that training expires;

24 (3) the hours worked by the qualifying employee that  
25 go to meeting his or her apprenticeship requirements at

1 the time of the application;

2 (4) a signed affidavit from the owner or operator  
3 attesting that: (i) the qualifying employee was employed  
4 by the owner and operator or a contractor engaged by the  
5 owner or operator during all 4 reporting periods occurring  
6 during the calendar year preceding the calendar year in  
7 which the credit will be applied; (ii) the qualifying  
8 employee performed work in his or her prevailing wage  
9 classification for the duration of his or her employment  
10 in the calendar year preceding the calendar year in which  
11 the credit will be applied; (iii) the documents provided  
12 in the application are true; and (iv) the owner or  
13 operator will comply with all applicable laws; and

14 (5) any other material required by the Department.

15 Section 1-20. Credit awards.

16 (a) Upon satisfactory review, the Department shall issue a  
17 tax credit certificate stating the amount of the tax credit to  
18 which an owner or operator is entitled under this Act. Each  
19 certificate shall include a unique identifying number. The  
20 credit shall be claimed on the return for the taxable year  
21 during which the certificate is issued by the Department. The  
22 credit shall be equal to the amount shown on the certificate  
23 but may not reduce the taxpayer's obligation for any payment  
24 due under subsections (a) and (b) of Section 201 of the  
25 Illinois Income Tax Act to less than zero. For partners and

1 shareholders of Subchapter S corporations, there shall be  
2 allowed a credit under this subsection to be determined in  
3 accordance with the determination of income and distributive  
4 share of income under Sections 702 and 704 and Subchapter S of  
5 the Internal Revenue Code. If the amount of the credit exceeds  
6 the total payments due as described below, the excess may be  
7 carried forward and applied against the taxpayer's liability  
8 under subsections (a) and (b) of Section 201 of the Illinois  
9 Income Tax Act in the 5 succeeding taxable years. The credit  
10 shall be applied to the earliest taxable year for which there  
11 is a tax liability. If there are credits from more than one  
12 taxable year that are available to offset a liability, the  
13 earlier credit shall be applied first. No credit awarded under  
14 this Act shall be sold or otherwise transferred.

15 (b) The Department shall award not more than an aggregate  
16 of \$20,000,000 in total annual tax credits under this Act. If  
17 applications for a greater amount are received, credits shall  
18 be allowed on a first-come, first-served basis based on the  
19 date on which each properly completed application for  
20 certification is received by the Department. If more than one  
21 properly completed application for certification is received  
22 on the same day, the credits shall be awarded based on the time  
23 of submission for that particular day.

24 Section 1-25. Penalties; recapture.

25 (a) False or fraudulent claims for credits under this Act

1 may be subject to penalties as provided under Sections 3-5 or  
2 3-6 of the Uniform Penalty and Interest Act, as applicable.

3 (b) If the Department determines that an owner or operator  
4 who has received a credit under this Act does not comply with  
5 the requirements of this Act or that a certification the owner  
6 or operator made in his or her application are false, the  
7 Department may initiate recapture procedures against the owner  
8 or operator and, after notice and an opportunity for hearing,  
9 recapture the entire credit amount awarded under any tax  
10 credit certificate under issued under this Act. The Department  
11 shall notify the Department of Revenue of any credits  
12 recaptured under this subsection.

13 (c) If a previously awarded credit is required to be  
14 recaptured under subsection (b), the tax due under subsections  
15 (a) and (b) of Section 201 of the Illinois Income Tax Act shall  
16 be increased by the amount of the recaptured credit in the  
17 taxable year during which recapture is required.

18 Section 1-30. Rulemaking. The Department shall adopt rules  
19 for the implementation and administration of this Act. In  
20 order to provide for the expeditious and timely implementation  
21 of this Act, the Department and the Department of Revenue may  
22 adopt emergency rules. The adoption of emergency rules  
23 authorized by this Section is deemed to be necessary for the  
24 public interest, safety, and welfare.



1 ARTICLE 5. ACCESS TO APPRENTICESHIP ACT

2 Section 5-1. Short title. This Article may be cited as the  
3 Access to Apprenticeship Act. References in this Article to  
4 "this Act" mean this Article.

5 Section 5-5. Restrictions on application requirements.  
6 Notwithstanding any law to the contrary, in order to ensure  
7 fair and equal access to apprenticeship programs, no  
8 application for a preapprenticeship or apprenticeship program,  
9 whether run by the State, a community-based organization, a  
10 community college, a public university, a private employer, a  
11 union, or joint labor-management program, may require a  
12 recommendation from a union member or any other person as a  
13 condition of acceptance to the preapprenticeship or  
14 apprenticeship program. An intent to hire letter from a  
15 signatory contractor shall not be considered a recommendation  
16 for purposes of this Act.

17 Section 5-97. Severability. The provisions of this Act are  
18 severable under Section 1.31 of the Statute on Statutes.

19 ARTICLE 10. ILLINOIS HAZARDOUS MATERIALS WORKFORCE TRAINING  
20 ACT

21 Section 10-1. Short title. This Article may be cited as

1 the Illinois Hazardous Materials Workforce Training Act.  
2 References in this Article to "this Act" mean this Article.

3 Section 10-3. Legislative findings. The General Assembly  
4 recognizes its duty to protect the health and safety of the  
5 public. The General Assembly finds that this legislation is  
6 consistent with that duty. Facilities such as refineries and  
7 chemical plants are inherently dangerous and present  
8 substantial risk to workers and communities. According to the  
9 U.S. Bureau of Labor Statistics data from 2003-2018, 418  
10 deaths have occurred in the refining and chemical industries  
11 (51 and 366 respectively) nationwide. Research supports the  
12 finding that registered construction apprenticeship programs  
13 are correlated with higher workplace safety due to the quality  
14 of safety, the skills training provided, and adherence to  
15 required federal standards. Moreover, the State of Illinois  
16 has recognized that registered apprenticeship programs provide  
17 substantial economic value to the State and serve as an  
18 important pathway for workers to enter the industry. The  
19 absence of area wage standards, especially in hazardous  
20 industries such as refining and chemical production,  
21 incentivizes the use of less-skilled, low-wage workers and  
22 increases the risk of danger to the public. The General  
23 Assembly recognizes and affirms that maintaining area wage  
24 standards prioritizes the use of better trained and  
25 higher-skilled workers while contributing to the State's

1 economic growth.

2 Section 10-5. Definitions. As used in this Act:

3 "Apprenticeable occupation" means an occupation in the  
4 building and construction trades for which training and  
5 apprenticeship programs have been approved by and registered  
6 with the United States Department of Labor's Employment and  
7 Training Administration.

8 "Building and construction trades council" means any labor  
9 organization that represents multiple construction trades and  
10 monitors or is attentive to compliance with public or workers'  
11 safety laws, wage and hour requirements, or other statutory  
12 requirements and negotiates and maintains collective  
13 bargaining agreements.

14 "Construction" means all work at a stationary source  
15 involving laborers, workers, or mechanics, including any  
16 maintenance, repair, assembly, or disassembly work performed  
17 on equipment whether owned, leased, or rented.

18 "Department" means the Department of Labor.

19 "Director" means the Director of Labor.

20 "Labor agreement" means a form of prehire collective  
21 bargaining agreement covering all terms and conditions of  
22 employment.

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

1 1935.

2 "Minimum approved safety training for workers at  
3 high-hazard facilities" means a minimum 30-hour OSHA Outreach  
4 Training Program for the Construction Industry class  
5 consisting of a curriculum of OSHA-designated training topics  
6 with training performed by an authorized OSHA Outreach  
7 Training Program Trainer and that is intended to provide  
8 workers with information about their rights, employer  
9 responsibilities, safety and health hazards a worker may  
10 encounter on a work site, as well as how to identify, abate,  
11 avoid, and prevent job-related hazards by emphasizing hazard  
12 identification, avoidance, control, and prevention.

13 "OSHA" means the United States Department of Labor's  
14 Occupational Safety and Health Administration.

15 "Owner or operator" means an owner or operator of a  
16 stationary source that is engaged in activities described in  
17 Code 324110, 325110, 325193, or 325199 of the 2017 North  
18 American Industry Classification System (NAICS), and has one  
19 or more covered processes that are required to prepare and  
20 submit a Risk Management Plan. "Owner or operator" does not  
21 include oil and gas extraction operations.

22 "Prevailing hourly wage rate" means hourly wages plus  
23 fringe benefits that are equal to or greater than the  
24 prevailing wage rate for the occupation in the locality in  
25 which the work is being performed, as published by the  
26 Illinois Department of Labor, and may include apprentice wage

1 rate scales as filed with the United States Department of  
2 Labor by an apprenticeship program.

3 "Registered apprentice" means an apprentice registered in  
4 an applicable apprenticeship program for an apprenticeable  
5 occupation approved by and registered with the United States  
6 Department of Labor's Employment and Training Administration  
7 and who is being paid at least a rate equivalent to the  
8 prevailing hourly wage rate for an apprentice of his or her  
9 experience level, as permitted by this Act, in the applicable  
10 occupation and locality.

11 "Registered apprenticeship program" means an applicable  
12 training and apprenticeship program that is approved by and  
13 registered with the United States Department of Labor's  
14 Employment and Training Administration.

15 "Shift" means a set standard period of time an employer  
16 requires its employees to perform his or her work-related  
17 duties on a daily basis. For purposes of this definition,  
18 there may be multiple shifts per day.

19 "Skilled journeyperson" means a worker who meets all of  
20 the following criteria:

- 21 (1) the worker either graduated from a registered  
22 apprenticeship program for the applicable occupation or  
23 has at least as many hours of on-the-job experience in the  
24 applicable occupation as would be required to graduate  
25 from a registered apprenticeship program for the  
26 applicable occupation;

1           (2) the worker is being paid at least a rate  
2           equivalent to the prevailing hourly wage rate for a  
3           journeyperson in the applicable occupation and locality;  
4           and

5           (3) beginning on or after July 1, 2024, the worker has  
6           completed, within the prior 3 calendar years, minimum  
7           approved safety training for workers at high-hazard  
8           facilities and has filed a certificate of completion with  
9           the Department.

10          "Skilled and trained workforce" means a workforce that  
11          meets all of the following criteria:

12           (1) all the workers are either registered apprentices  
13           or skilled journeypersons;

14           (2) beginning on July 1, 2023, at least 45% of the  
15           skilled journeypersons are graduates of an apprenticeship  
16           program for the applicable occupation;

17           (3) beginning on July 1, 2024, at least 60% of the  
18           skilled journeypersons are graduates of an apprenticeship  
19           program for the applicable occupation; and

20           (4) beginning on July 1, 2025, at least 80% of the  
21           skilled journeypersons are graduates of an apprenticeship  
22           program for the applicable occupation.

23          "Stationary source" means that term as it is defined under  
24          Section 39.5 of the Environmental Protection Act.

25          Section 10-10. Minimum approved safety training.

1           (a) A person who has completed minimum approved safety  
2 training for workers at high-hazard facilities shall file his  
3 or her certificate of completion with the Department in a  
4 manner prescribed by the Department.

5           (b) The owner or operator, when contracting for the  
6 performance of construction work at the stationary source,  
7 shall require that its contractors and any subcontractors use  
8 a skilled and trained workforce to perform all onsite work  
9 within an apprenticeable occupation in the building and  
10 construction trades, and shall include this requirement in any  
11 and all contracts executed between an owner or operator and a  
12 contractor or subcontractor.

13           (c) The requirements of this Section shall not immediately  
14 apply to contracts awarded before July 1, 2023, unless the  
15 contract is extended or renewed after that date. Contracts  
16 awarded before July 1, 2023 shall meet the requirements of  
17 this Section no later than July 1, 2024.

18           (d) The requirements of this Section shall only apply to  
19 the skilled and trained workforce, contracted with an owner or  
20 operator to perform construction work at the stationary source  
21 site.

22           (e) The skilled and trained workforce requirements under  
23 this Section shall not apply to:

24               (1) Contractors that have requested qualified workers  
25 from the local hiring halls that dispatch workers in the  
26 apprenticeable occupation and that, due to workforce

1 shortages, are unable to obtain sufficient qualified  
2 workers within 48 hours of the request, Saturdays,  
3 Sundays, and holidays excepted. This Act shall not prevent  
4 contractors from obtaining workers from any source.

5 (2) An emergency where compliance is impracticable;  
6 namely, an emergency requiring immediate action to prevent  
7 imminent harm to public health or safety or to the  
8 environment. Within 3 days of an emergency resulting in a  
9 failure to comply with this Act, the owner or operator  
10 must notify the Department that such an event occurred and  
11 provide documentation supporting its claim that compliance  
12 was impracticable. Within 14 days of receiving such  
13 documentation, the Department must issue a finding of  
14 whether or not the emergency warranted noncompliance with  
15 this Act. An owner's or operator's failures to notify the  
16 Department of an emergency as required shall constitute a  
17 violation of this Act.

18 Section 10-12. Violations of Section 10-10. Any  
19 interested party may file a complaint with the Department  
20 against an owner, operator, or construction contractor covered  
21 under this Act if there is reasonable belief that the owner,  
22 operator, or construction contractor is in violation of  
23 Section 10-10 of this Act.

24 Section 10-15. Enforcement. The Director of Labor or his



1 or her authorized representative may interview workers,  
2 administer oaths, take or cause to be taken the depositions of  
3 witnesses, and require by subpoena the attendance and  
4 testimony of witnesses and the production of all books,  
5 records, and other evidence relative to the matter under  
6 investigation or hearing, including any contract entered into  
7 between the owner or operator and construction contractor, and  
8 a transcript of the contractor's payroll, broken down by  
9 classification and skill level. Such subpoena shall be signed  
10 and issued by the Director or his or her authorized  
11 representative.

12 Upon request by the Director of Labor or his or her deputy  
13 or agent, records shall be copied and submitted for evidence  
14 at no cost to the Department. Every employer upon request  
15 shall furnish to the Director or his or her authorized  
16 representative, on demand, a sworn statement of the accuracy  
17 of the records. Any employer who refuses to furnish a sworn  
18 statement of the records is in violation of this Act.

19 In case of failure of any person to comply with any  
20 subpoena lawfully issued under this Section or on the refusal  
21 of any witness to produce evidence or to testify to any matter  
22 regarding which he or she may be lawfully interrogated, it is  
23 the duty of any circuit court, upon application of the  
24 Director of Labor or his or her authorized representative, to  
25 compel obedience by proceedings for contempt, as in the case  
26 of disobedience of the requirements of a subpoena issued by

1 such court or a refusal to testify therein. The Director may  
2 certify official acts.

3 If the Department finds that an owner, operator, or  
4 construction contractor has not complied with this Act, the  
5 Department shall refer the matter to the Attorney General for  
6 enforcement.

7 Section 10-20. Exemptions. This Act does not apply to any  
8 owner or operator that has an executed national or local labor  
9 agreement in effect pertaining to the performance of  
10 construction work at a given facility or site under the terms  
11 of the agreement. The labor agreement must be negotiated with  
12 and approved by a local building and construction trades  
13 council that has geographic jurisdiction over the stationary  
14 source.

15 Section 10-21. Reporting.

16 (a) Any registered apprenticeship program or contractor  
17 subject to this Act shall file an annual report with the  
18 Department of Commerce and Economic Opportunity and the  
19 Illinois Works Review Panel, in the form and manner required  
20 by the Department of Commerce and Economic Opportunity, within  
21 6 months after the effective date of this Act and by January 31  
22 of each year thereafter. The report shall contain the  
23 following information:

24 (1) A report submitted by an applicable registered

1 apprenticeship program providing minimum approved safety  
2 training for workers in high-hazard facilities shall  
3 contain the following information:

4 (A) A description of the registered apprenticeship  
5 program's recruitment efforts and screening efforts  
6 and a general description of training efforts.

7 (B) The number of individuals who (i) applied to,  
8 (ii) participated in, and (iii) completed the minimum  
9 approved safety training for workers at high-hazard  
10 facilities in the prior calendar year, broken down by  
11 race, ethnicity, gender, jurisdiction, apprentice or  
12 journeyperson level, age, and veteran status.

13 (C) The demographic data of the county where the  
14 registered apprenticeship program is located.

15 (D) A statement of the registered apprenticeship  
16 program's minimum diversity goal, which shall equal  
17 the demographic makeup of its jurisdiction, the  
18 demographic makeup of the participants and graduates  
19 of the registered apprenticeship program, and a  
20 comparison of whether the demographic makeup of the  
21 participants of the apprenticeship program who are  
22 working at the high-hazard facility are meeting that  
23 goal.

24 (E) An action plan to increase or maintain  
25 diversity to meet or exceed the stated minimum  
26 diversity goal. An action plan may include, but shall

1 not be limited to, taking the following actions if the  
2 diversity goal is not met:

3 (i) Providing information on this Act for all  
4 high schools and field offices of the Department  
5 of Employment Security in the jurisdiction.

6 (ii) Entering into a joint agreement with the  
7 Department of Employment Security for outreach and  
8 employment services.

9 (iii) Entering into a joint agreement with  
10 educational institutions or an approved Illinois  
11 Works Preapprenticeship Program established under  
12 subsection (a) of Section 20-15 of the Illinois  
13 Works Jobs Program Act to enhance recruitment  
14 efforts.

15 (iv) Evaluating and eliminating experience  
16 requirements that may pose barriers to recruiting  
17 or admitting diverse individuals as apprentices,  
18 when feasible.

19 (2) A report submitted by a contractor who employs  
20 workers operating in high-hazard facilities shall contain  
21 the following information:

22 (A) A description of the contractor's recruitment  
23 efforts and screening efforts and a general  
24 description of training efforts.

25 (B) The number of workers employed by the  
26 contractor to work in high-hazard facilities in the

1 prior calendar year, broken down by race, ethnicity,  
2 gender, jurisdiction, apprentice or journeyperson  
3 level, age, and veteran status.

4 (C) The demographic data of the county where the  
5 majority of the contractor's high-hazard facility work  
6 was performed in the last calendar year.

7 (D) A statement of the contractor's minimum  
8 diversity goal, which shall equal the demographic  
9 makeup of its jurisdiction, and whether the  
10 demographic makeup of the workers employed by the  
11 contractor to work at the high-hazard facility is  
12 meeting that goal.

13 (E) An action plan to increase or maintain  
14 diversity to meet or exceed the stated minimum  
15 diversity goal. An action plan may include but not  
16 limited to, taking the following actions if the  
17 diversity goal is not met:

18 (i) Providing information on this Act for all  
19 high schools and field offices of the Department  
20 of Employment Security in the jurisdiction.

21 (ii) Entering into a joint agreement with the  
22 Department of Employment Security for outreach and  
23 employment services.

24 (iii) Entering into a joint agreement with  
25 educational institutions or approved Illinois  
26 Works Preapprenticeship Programs established under

1 subsection (a) of Section 20-15 of the Illinois  
2 Works Jobs Program Act in the jurisdiction to  
3 enhance recruitment efforts.

4 (iv) Evaluating and eliminating experience  
5 requirements that may pose barriers to recruiting  
6 or admitting diverse individuals as apprentices  
7 when feasible.

8 (b) The Department of Commerce and Economic Opportunity  
9 shall review the annual reports and, in consultation with the  
10 Illinois Works Review Panel, conduct an assessment of whether  
11 the reports meet the requirements of this Act.

12 (c) If the Department of Commerce and Economic Opportunity  
13 concludes that a report submitted under this Section does not  
14 meet or is unlikely to meet the minimum diversity goal under  
15 subparagraph (D) of paragraph (1) of subsection (a) or (a)  
16 subparagraph (D) of paragraph (2) of subsection (a) within 12  
17 months after filing its report, or that the action plan was not  
18 followed, the Department of Commerce and Economic Opportunity,  
19 in consultation with the Illinois Works Review Panel, shall  
20 recommend that the action plan be revised to provide  
21 additional steps and opportunities for minority participation.

22 (d) If the Department of Commerce and Economic  
23 Opportunity, in consultation with the Illinois Works Review  
24 Panel, concludes that the applicable registered apprenticeship  
25 program providing workers in a high-hazard facility or the  
26 contractor operating at a high-hazard facility failed to

1 follow its action plan under subsection subparagraph (E) of  
2 paragraph (1) of subsection (a), subparagraph (E) of paragraph  
3 (2) of subsection (a), paragraph (5) of subsection (a), or the  
4 recommended changes to its action plan provided by the  
5 Department of Commerce and Economic Opportunity and the  
6 Illinois Works Review Panel under subsection (b) within 12  
7 months after filing the entity's report, the Department of  
8 Commerce and Economic Opportunity may refer the matter to the  
9 Department for investigation and enforcement.

10 (e) It is a violation of this Act for an applicable  
11 registered apprenticeship program providing workers in a  
12 high-hazard facility to fail to submit a report as required by  
13 this Act. The Department of Commerce and Economic Opportunity  
14 shall refer such violations to the Director of the Department  
15 investigation and enforcement.

16 (f) For reporting purposes, the jurisdiction is the  
17 Illinois county where the applicable apprenticeship and  
18 training program, approved by and registered with the U.S.  
19 Department of Labor's Office of Apprenticeship, is located.  
20 For a contractor, the jurisdiction is the county where the  
21 contractor's workers perform the majority of work in a  
22 high-hazard facility within the last calendar year.

23 Section 10-25. Penalties; noncompliant reporting;  
24 reinstatement.

25 (a) Except as provided in subsection (b), an owner or

1 operator who violates the requirements of this Act shall be  
2 subject to a minimum civil penalty of \$10,000 for each  
3 violation. The Department shall consider the gravity of the  
4 violation in determining the amount of the penalty. Each shift  
5 a violation of this Act occurs shall be considered a separate  
6 violation. The penalty may be recovered in a civil action  
7 brought by the Director in any circuit court. In the civil  
8 action, the Director shall be represented by the Attorney  
9 General. All moneys received by the Department as fees and  
10 civil penalties under this Act, other than moneys collected as  
11 unpaid or underpaid wages plus a 5% monthly penalty as  
12 provided in subsection (b), shall be deposited into the  
13 Illinois Works Fund to be used to recruit, prescreen, and  
14 provide preapprenticeship skills training for which  
15 participants may attend free of charge and receive a stipend  
16 to create a qualified, diverse pipeline of workers who are  
17 prepared to work in high-hazard facilities.

18 (b) In addition to the penalty provisions of subsection  
19 (a), if the Department finds that a contractor or owner or  
20 operator failed to pay the prevailing rate of wages to  
21 construction workers at a stationary source as required under  
22 this Act, the Department shall have the ability to recover  
23 unpaid or underpaid wages, plus a 5% monthly penalty, on  
24 behalf of and payable to the workers. Wages owed may be  
25 recovered in a civil action brought by the Director in any  
26 circuit court. In a civil action, the Director shall be



1 represented by the Attorney General.

2 (c) Notwithstanding subsections (a) and (b), if the  
3 Department of Commerce and Economic Opportunity, in  
4 consultation with the Illinois Works Review Panel, refer a  
5 violation of Section 10-21 to the Department for investigation  
6 and enforcement, the Department shall provide reasonable  
7 notice of noncompliance to the violator within 90 days after  
8 the violation and inform the violator that the violator has 45  
9 days to comply with Section 10-21 without penalty. If the  
10 noncompliance is not remedied, the violator shall be in  
11 violation of this Act and may be deemed unfit to provide  
12 workers or operate at high-hazard facilities for a period of  
13 up to one year. If the Department determines that the violator  
14 has remedied the violation and is in compliance with Section  
15 10-21, the Department shall have 45 days to reinstate the  
16 authorization for the violator to provide workers or operate  
17 at high-hazard facilities. The Department may not unreasonably  
18 withhold reinstatement under this subsection when the  
19 applicable registered apprenticeship program providing workers  
20 in high-hazard facilities or the contractor operating at  
21 high-hazard facilities is found to be in compliance with  
22 Section 10-21.

23 Section 10-97. Severability. The provisions of this Act  
24 are severable under Section 1.31 of the Statute on Statutes.

1 ARTICLE 15. AMENDATORY PROVISIONS

2 Section 15-5. The Illinois Administrative Procedure Act is  
3 amended by adding Section 5-45.8 as follows:

4 (5 ILCS 100/5-45.8 new)

5 Sec. 5-45.8. Emergency rulemaking. To provide for the  
6 expeditious and timely implementation of this amendatory Act  
7 of the 102nd General Assembly, the Department of Commerce and  
8 Economic Opportunity shall, and the Department of Revenue may,  
9 adopt emergency rules. The adoption of emergency rules  
10 authorized by this Section is deemed to be necessary for the  
11 public interest, safety, and welfare.

12 This Section is repealed on January 1, 2026.

13 Section 15-10. The Illinois Income Tax Act is amended by  
14 adding Section 232 as follows:

15 (35 ILCS 5/232 new)

16 Sec. 232. The Investing in Illinois Works Tax Credit. An  
17 eligible taxpayer who has been awarded a credit by the  
18 Department of Commerce and Economic Opportunity under Section  
19 1-20 of the Investing in Illinois Works Tax Credit Act may  
20 claim a credit against the taxes imposed under subsections (a)  
21 and (b) of Section 201 of this Act for amounts due during the  
22 first taxable year in which a tax credit certificate was

1 awarded. The credit shall be equal to the amount shown on the  
2 certificate. For partners and shareholders of Subchapter S  
3 corporations, there shall be allowed a credit under this  
4 subsection to be determined in accordance with the  
5 determination of income and distributive share of income under  
6 Sections 702 and 704 and Subchapter S of the Internal Revenue  
7 Code. The credit may not reduce the taxpayer's tax due under  
8 subsections (a) and (b) of Section 201 to less than zero.  
9 However, if the amount of the credit exceeds the total tax due  
10 for the taxable year, the excess credit may be carried forward  
11 and applied against the taxpayer's liability under subsections  
12 (a) and (b) of Section 201 in the 5 succeeding taxable years.  
13 The credit shall be applied to the earliest taxable year for  
14 which there is a tax liability. If there are credits from more  
15 than one reporting period that are available to offset the  
16 liability, the earlier credit shall be applied first.

17 ARTICLE 99. EFFECTIVE DATE

18 Section 99-99. Effective date. This Act takes effect  
19 January 1, 2023."