



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4277

Introduced 1/28/2020, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that "public works" includes all projects that are located in a redevelopment project area as defined in the Tax Increment Allocation Redevelopment Act or an economic development project area as defined in the County Economic Development Project Area Property Tax Allocation Act and entail a business enterprise receiving a direct financial benefit from loans, grants, subsidies, incentives, or other direct benefit made available pursuant to the Tax Increment Allocation Redevelopment Act or the County Economic Development Project Area Property Tax Allocation Act. Excludes other types of projects from inclusion under "public works". Makes corresponding changes in the Freedom of Information Act. Effective January 1, 2020.

LRB101 14518 TAE 63413 b

1 AN ACT concerning employment.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record ~~Records~~ Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Portability and
20 Accountability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day and
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) ~~(ll)~~ Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) ~~(ll)~~ Information that is exempt from disclosure
11 under Section 70 of the Higher Education Student Assistance
12 Act.

13 (oo) Information the disclosure of which is restricted
14 and exempted under Section 2 of the Prevailing Wage Act.

15 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
16 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
17 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
18 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
19 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
20 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
21 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
22 10-12-18.)

23 Section 10. The Prevailing Wage Act is amended by changing
24 Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

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

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

1 authorized under Section 3 of the School Construction Bond Act,
2 funds for school infrastructure under Section 6z-45 of the
3 State Finance Act, and funds for transportation purposes under
4 Section 4 of the General Obligation Bond Act. "Public works"
5 also includes (i) all projects financed in whole or in part
6 with funds from the Department of Commerce and Economic
7 Opportunity under the Illinois Renewable Fuels Development
8 Program Act for which there is no project labor agreement; (ii)
9 all work performed pursuant to a public private agreement under
10 the Public Private Agreements for the Illiana Expressway Act or
11 the Public-Private Agreements for the South Suburban Airport
12 Act; and (iii) all projects undertaken under a public-private
13 agreement under the Public-Private Partnerships for
14 Transportation Act. "Public works" also includes all projects
15 at leased facility property used for airport purposes under
16 Section 35 of the Local Government Facility Lease Act. "Public
17 works" also includes the construction of a new wind power
18 facility by a business designated as a High Impact Business
19 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.
20 "Public works" does not include work done directly by any
21 public utility company, whether or not done under public
22 supervision or direction, or paid for wholly or in part out of
23 public funds. "Public works" also includes any corrective
24 action performed pursuant to Title XVI of the Environmental
25 Protection Act for which payment from the Underground Storage
26 Tank Fund is requested. "Public works" does not include

1 projects undertaken by the owner at an owner-occupied
2 single-family residence or at an owner-occupied unit of a
3 multi-family residence. "Public works" also includes all
4 projects in which the following 2 elements are met: (1) the
5 project is located in a redevelopment project area as defined
6 in the Tax Increment Allocation Redevelopment Act or an
7 economic development project area as defined in the County
8 Economic Development Project Area Property Tax Allocation Act;
9 and (2) a business enterprise receives a direct financial
10 benefit from loans, grants, subsidies, incentives, or other
11 direct benefit made available pursuant to the Tax Increment
12 Allocation Redevelopment Act or the County Economic
13 Development Project Area Property Tax Allocation Act. "Public
14 works" does not include work performed for soil and water
15 conservation purposes on agricultural lands, whether or not
16 done under public supervision or paid for wholly or in part out
17 of public funds, done directly by an owner or person who has
18 legal control of those lands. "Public works" also does not
19 include projects, including remodeling, altering, improving,
20 or repairing, at an owner-occupied single family residence,
21 single-family tract housing, or an owner-occupied multi-family
22 residence located in an a redevelopment project area or an
23 economic development project area. Notwithstanding the
24 foregoing, "public works" does not include the operation and
25 maintenance of a facility where the work is self-performed by
26 the owner. Any documentary materials or data relating to the

1 Tax Increment Allocation Redevelopment Act or the County
2 Economic Development Project Area Property Tax Allocation Act
3 received by any agent or employee of the Department of Labor
4 during an investigation shall be deemed to be confidential and
5 shall not be deemed public records to the extent that such
6 materials or data consist of financial information regarding
7 the operation of any business.

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

12 "Locality" means the county where the physical work upon
13 public works is performed, except (1) that if there is not
14 available in the county a sufficient number of competent
15 skilled laborers, workers and mechanics to construct the public
16 works efficiently and properly, "locality" includes any other
17 county nearest the one in which the work or construction is to
18 be performed and from which such persons may be obtained in
19 sufficient numbers to perform the work and (2) that, with
20 respect to contracts for highway work with the Department of
21 Transportation of this State, "locality" may at the discretion
22 of the Secretary of the Department of Transportation be
23 construed to include two or more adjacent counties from which
24 workers may be accessible for work on such construction.

25 "Public body" means the State or any officer, board or
26 commission of the State or any political subdivision or

1 department thereof, or any institution supported in whole or in
2 part by public funds, and includes every county, city, town,
3 village, township, school district, irrigation, utility,
4 reclamation improvement or other district and every other
5 political subdivision, district or municipality of the state
6 whether such political subdivision, municipality or district
7 operates under a special charter or not.

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

11 The terms "general prevailing rate of hourly wages",
12 "general prevailing rate of wages" or "prevailing rate of
13 wages" when used in this Act mean the hourly cash wages plus
14 annualized fringe benefits for training and apprenticeship
15 programs approved by the U.S. Department of Labor, Bureau of
16 Apprenticeship and Training, health and welfare, insurance,
17 vacations and pensions paid generally, in the locality in which
18 the work is being performed, to employees engaged in work of a
19 similar character on public works.

20 (Source: P.A. 100-1177, eff. 6-1-19.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2020.