



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3472

Introduced 2/24/2011, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

20 ILCS 620/6.5 new
20 ILCS 655/5.4.2 new
820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Economic Development Area Tax Increment Allocation Act and the Illinois Enterprise Zone Act. Provides that upon the request or approval of an enterprise zone or an economic development area (TIF), the public body shall send all applicable information to the State Comptroller's Office. Provides that a notice of request or approval of an enterprise zone or an economic development area (TIF) shall be posted on the website of the State Comptroller's Office within 5 business days of the receipt of approval. Amends the Prevailing Wage Act. Changes the definition of "public works".

LRB097 10795 AEK 51236 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Economic Development Area Tax Increment
5 Allocation Act is amended by adding Section 6.5 as follows:

6 (20 ILCS 620/6.5 new)

7 Sec. 6.5. Information sent to State Comptroller. Upon the
8 request or approval of an economic development area (TIF), the
9 public body shall send all applicable information to the State
10 Comptroller's Office. A notice of request or approval of an
11 economic development area (TIF) shall be posted on the website
12 of the State Comptroller's Office within 5 business days of the
13 receipt of approval.

14 Section 10. The Illinois Enterprise Zone Act is amended by
15 adding Section 5.4.2 as follows:

16 (20 ILCS 655/5.4.2 new)

17 Sec. 5.4.2. Information sent to State Comptroller. Upon the
18 request or approval of an enterprise zone, the public body
19 shall send all applicable information to the State
20 Comptroller's Office. A notice of request or approval of an
21 enterprise zone shall be posted on the website of the State

1 Comptroller's Office within 5 business days of the receipt of
2 approval.

3 Section 15. The Prevailing Wage Act is amended by changing
4 Section 2 as follows:

5 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

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

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

14 "Public works" means all fixed works constructed or
15 demolished by any public body, or paid for wholly or in part
16 out of public funds. "Public works" as defined herein includes
17 all projects financed in whole or in part with bonds, grants,
18 loans, or other funds made available by or through the State or
19 any of its political subdivisions, including but not limited
20 to: bonds issued under the Industrial Project Revenue Bond Act
21 (Article 11, Division 74 of the Illinois Municipal Code), the
22 Industrial Building Revenue Bond Act, the Illinois Finance
23 Authority Act, the Illinois Sports Facilities Authority Act, or
24 the Build Illinois Bond Act; loans or other funds made

1 available pursuant to the Build Illinois Act; or funds from the
2 Fund for Illinois' Future under Section 6z-47 of the State
3 Finance Act, funds for school construction under Section 5 of
4 the General Obligation Bond Act, funds authorized under Section
5 3 of the School Construction Bond Act, funds for school
6 infrastructure under Section 6z-45 of the State Finance Act,
7 and funds for transportation purposes under Section 4 of the
8 General Obligation Bond Act. "Public works" also includes (i)
9 all projects financed in whole or in part with funds from the
10 Department of Commerce and Economic Opportunity under the
11 Illinois Renewable Fuels Development Program Act for which
12 there is no project labor agreement and (ii) all work performed
13 pursuant to a public private agreement under the Public Private
14 Agreements for the Illiana Expressway Act. "Public works" also
15 includes all projects at leased facility property used for
16 airport purposes under Section 35 of the Local Government
17 Facility Lease Act. "Public works" also includes the
18 construction of a new wind power facility by a business
19 designated as a High Impact Business under Section 5.5(a)(3)(E)
20 of the Illinois Enterprise Zone Act. "Public works" does not
21 include work done directly by any public utility company,
22 whether or not done under public supervision or direction, or
23 paid for wholly or in part out of public funds. "Public works"
24 does not include projects undertaken by the owner at an
25 owner-occupied single-family residence or at an owner-occupied
26 unit of a multi-family residence. "Public works" also includes

1 all projects when the following 2 elements are met:

2 (1) the project is located in an enterprise zone as
3 defined in the Illinois Enterprise Zone Act, excluding
4 projects performed by a business enterprise located in an
5 enterprise zone where that business enterprise existed
6 prior to the adoption of an initiating ordinance pursuant
7 to subsection (a) of Section 5 of the Illinois Enterprise
8 Zone Act, or projects located in an economic development
9 project area as defined in the Economic Development Project
10 Area Tax Increment Allocation Act of 1995, excluding
11 projects performed by a business enterprise located in an
12 economic development project area where that business
13 enterprise existed prior to a municipality initiating an
14 economic development plan as defined in the Economic
15 Development Project Area Tax Increment Allocation Act of
16 1995, and

17 (2) the business enterprise derives a direct financial
18 benefit from loans, grants, subsidies, incentives, tax
19 credits, including but not limited to enterprise zone
20 investment tax credits, EZ Manufacturing Machinery and
21 Equipment (M, M & E) Sales Tax Exemptions, Utility Tax
22 Exemptions, jobs tax credits, enterprise zone property tax
23 abatement incentives, Cook county assessment reduction
24 incentives, tax abatement incentives under Section 18-165
25 of the Property Tax Code, or other direct financial benefit
26 made available pursuant to the Illinois Enterprise Zone Act

1 or the Economic Development Project Area.

2 Provided however, "public works" shall not include
3 projects, including remodeling, altering, improving, or
4 repairing, at an owner-occupied single family residence,
5 single-family tract housing, or an owner-occupied
6 multi-family residence located in an enterprise zone or an
7 economic development project area. Notwithstanding the
8 foregoing, "public works" shall not include the operation
9 and maintenance of a facility where the work is
10 self-performed by the owner. Any documentary materials or
11 data relating to the Illinois Enterprise Zone Act or
12 Economic Development Project Area Tax Increment Allocation
13 Act of 1995, received by any agent or employee of the
14 Department of Labor during an investigation shall be deemed
15 to be confidential and shall not be deemed public records
16 to the extent that such materials or data consist of
17 financial information regarding the operation of any
18 business.

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

23 "Locality" means the county where the physical work upon
24 public works is performed, except (1) that if there is not
25 available in the county a sufficient number of competent
26 skilled laborers, workers and mechanics to construct the public

1 works efficiently and properly, "locality" includes any other
2 county nearest the one in which the work or construction is to
3 be performed and from which such persons may be obtained in
4 sufficient numbers to perform the work and (2) that, with
5 respect to contracts for highway work with the Department of
6 Transportation of this State, "locality" may at the discretion
7 of the Secretary of the Department of Transportation be
8 construed to include two or more adjacent counties from which
9 workers may be accessible for work on such construction.

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

19 The terms "general prevailing rate of hourly wages",
20 "general prevailing rate of wages" or "prevailing rate of
21 wages" when used in this Act mean the hourly cash wages plus
22 fringe benefits for training and apprenticeship programs
23 approved by the U.S. Department of Labor, Bureau of
24 Apprenticeship and Training, health and welfare, insurance,
25 vacations and pensions paid generally, in the locality in which
26 the work is being performed, to employees engaged in work of a

1 similar character on public works.

2 (Source: P.A. 95-341, eff. 8-21-07; 96-28, eff. 7-1-09; 96-58,
3 eff. 1-1-10; 96-186, eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000,
4 eff. 7-2-10.)