



Illinois Chapter

---

**Legislative Report from President & CEO  
Rob Winchester**

**Slow Start to What Likely Will be a Quiet 2010 Session...  
Unless there is a budget breakdown**

Governor Quinn kicked off the 2010 legislative session with a drawn out and unfocused State of the State message on January 13<sup>th</sup>. His nearly 90 minute talk was intended to be a safe re-election speech. However, it provided little vision or specific solutions to the State's budget or economic woes. It does not bode well for those hoping Illinois policy-makers will develop a plan to address these ailments. In fact, some legislators are concerned that Illinois could face an economic meltdown by April 1<sup>st</sup>. Billions of dollars in short term loans and payments all come due essentially at the same time. And, with a growing cash flow problem it could bring the State's financial house of cards tumbling down.

**Primary February 2<sup>nd</sup>...**The Governor and state lawmakers are spending the next few weeks on a campaign trail before they return to Springfield in early February. Most political observers, including myself, believe that Gov. Quinn will receive his party's nomination for Governor with a narrow victory over Comptroller Dan Haynes. As for the GOP side of the ledger, former Attorney General Jim Ryan holds a name-recognition edge. But, too many republican voters remain undecided at this writing to handicap any winner for their party's nomination. Former state party leader Andy McKenna, State Senator William Brady and State Senator Kirk Dillard also are in the hunt for the gubernatorial nod. I am fairly confident that State Treasurer Alexi Giannoulias and Congressman Mark Kirk will easily win their party nominations for United States Senator.

**A number of state legislators also face primary contests.** In any normal election year incumbency reigns supreme. However, 2010 is shaping up to be anything but a normal election year. Some incumbents facing tough challenges are: Rep. Ed Acevedo (D-Chicago); Rep. Cynthia Soto (D-Chicago); Rep. Ken Dunkin (D-Chicago); freshman Rep. Andre Thapedi; Rep. Kay Hatcher (R-Yorkville); Rep. Suzie Bassi (R-Palatine); Rep. Eddie Washington (D-Waukegan); Rep. Sandy Cole (R-Lake Villa); Rep. Eddie Jackson, Sr. (D-E. St. Louis); Sen. Tony Munoz (D-Chicago); Se. Heather Sterns (D-Chicago); and Chris Lauzen (R-Geneva). Winners of these primaries are in districts that should allow for easy campaigns for the winners in the fall.

**The February 2<sup>nd</sup> primary causes a slow start to legislative activities** in a year that everyone expects little other than passing a budget to happen anyway. Legislators are being advised that measures creating new programs or new spending are unlikely to advance this session. Both the Speaker of the House and the Senate President are committed to passing a budget and adjourning in early May, three weeks before the constitutional adjournment date of May 31<sup>st</sup>.

**Economic Development Task Force...**Lawmakers on both sides of the aisle are discussing what can be done to address Illinois' weak economic conditions. Rep. Lou Lang (D-Chicago) is leading a House Task Force on Economic Development created by Speaker Michael Madigan.

"This task force will act swiftly to identify legislative fixes that will help and encourage Illinois employers to hire new Illinois employees," indicated Re. Lang. For example, Lang cited state permit regulations that can delay new building and factory openings by several months as a potential target for reform.

"Without compromising employee safety, the task force will aim at obstacles that shackle an employer's ability to get new employees working quickly," said Lang. Task Force staff is interviewing witnesses who wish to speak at hearing sites that are being scheduled in major communities across the state.

### **Bills of Interest**

HB 4766, sponsored by Rep. Jim Sacia (R-Freeport), allows counties outside of Cook, DuPage, Kane, Lake, McHenry and Will to establish their **elevator safety inspection system**. This bill is in the House Rules Committee after being introduced on January 11, 2010.

SB 43, sponsored by Senate Majority Leader James Clayborne (D-Belleville) and in the House by Rep. John Fritchey (D-Chicago), which passed the Senate on a 34-21 last year, proposes to extend the Prevailing Wage Act to projects in an **Enterprise Zone (EZ) or a Tax Increment Finance District (TIF)**. As approved by the Senate, privately funded projects, except single or multi-family owner/occupied projects could be covered. For example, if the "business enterprise" was located in the EZ or TIF after is creation, any construction project including maintenance, must pay prevailing wages even if the project receives no TIF or EZ assistance. It makes numerous other administrative changes some of which will overturn recent court decisions protecting contractors. While this bill was held up by House Democrat Leadership for negotiations, no changes have been made to address ABC's opposition.

SB 2540, sponsored by Sen. AJ Wilhelmi (D-Joliet), amends the **Home Repair and Remodeling Act** providing that any person who suffers actual damage as a result of a violation of the Act may bring an action pursuant to the Consumer Fraud and Deceptive Business Practices Act. It also eliminates language making it unlawful for any person engaged in business of home repairs and remodeling to remodel or make repairs or charge for remodeling or repair work before obtaining a signed contract or work order. Introduced on January 12, 2010, it is in the Senate Committee on Assignments.

SB 2549, sponsored by Sen. Susan Garrett (D-Lake Forest), amends the **Illinois Plumbing License Law** to include rainwater harvesting distribution systems required by the Illinois Plumbing Code. It requires the Illinois Department of Public Health to adopt and publish a minimum code of standards for rainwater harvesting collection systems. This bill also has been sent to the Senate Committee on Assignments after introduction on January 13, 2010.

SJR 35, sponsored by Sen. Toi Hutchinson (D-Olympia Fields) and Rep. Will Burns (D-Chicago), after passing the Senate on a partisan 33-21 vote last year has been held by the House sponsor. SJR 35 indicates the legislatures support for the provisions of the **Employee Free Choice Act/Card Check**, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorization cards designated the union they wish to represent them, provide for first contract mediation and arbitration, and establish meaningful penalties for violations of a worker's freedom to choose a union. This issue remains in the House Rules Committee.

### **New Laws of Interest**

**Equal Pay Act:** Extends various time frames under the Illinois law for employers to retain employment records. *HB 3654/PA96-467*: effective August 14, 2009

**Public Works Demolition:** Adds demolition of public works to the Prevailing Wage Act. *HB 952/PA 96-186*: effective January 1, 2010

**Prevailing Wage Notice:** Amends the Prevailing Wage Act. When a public body covered by the Act has awarded work to a contractor without a public bid, they must provide the contractor with written notice indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers and mechanics performing work on the project. The same notice must be provided if a contractor hires a subcontractor. The changes to the Prevailing Wage Act holds public bodies financially responsible for any interest, penalties or fines assessed by the Illinois Department of Labor if they fail to provide proper written notification to a contractor that a project is subject to the Prevailing Wage Act. Similarly, contractors that fail to notify their subcontractors that a project is subject to prevailing wage requirements will be held responsible for any interest, penalties or fines assessed by the Department. However, regardless of whether or not they were properly notified, contractors that fail to pay the proper wages to their workers are still responsible for all back wages owed to those workers. *HB163/PA 96-437*: effective January 1, 2010

**Prevailing Wage Expansion:** Extends the Prevailing Wage law by defining "Public Works" to include 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. *SB223/PA 96-58*: effective January 1, 2010

**Required bid level increased:** Increases the required need for bids on municipal projects funded by a special tax or assessment from \$500 to \$10,000. *HB 159/PA 96-138*: effective August 7, 2009

**Commercial Building Code:** After July 1, 2011 all newly constructed commercial buildings in non-code jurisdictions prior to occupancy are to be inspected by an inspector meeting Capital Development Board (CDB) standards and certifying that the property is deemed to have met CDB building codes. *SB 138/PA 96-704*

**Minority set aside bills:** Prohibits a contractor to cure a deficiency in their state bid regarding minority subcontractor work. *SB 351/PA 96-706*: effective August 29, 2009

**Illinois employers use of the federal E-verify program:** Amends the Illinois Privacy in the Workplace Act eliminating the law's prohibition of Illinois employer use of e-verify. The legislation was the result of federal litigation that challenged Illinois' authority to regulate in the area of immigration. *SB 1133/PA 96-623*: effective January 1, 2010

Members are reminded that use of the federal e-verify system also extends certain requirements under Illinois' Privacy in the Workplace Act and Human Rights Act.

**Unemployment Insurance:** Makes various changes to eligibility for UI benefits. *SB 1350/PA 96-30*: effective June 30, 2009

**Unpaid Leave for Domestic Violence:** Amends the Victims Economic Security and Safety Act (VESSA), reduces the size of employer required to provide leave for employees who are victims of domestic violence or sexual abuse or have a family member who is a victim of domestic violence or sexual abuse. *SB 1770/PA 96-635*: effective August 24, 2009