



Sen. Michael E. Hastings

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LRB100 15658 MJP 38412 a

1 AMENDMENT TO SENATE BILL 2480

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2480 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Hazardous Materials Workforce Training Act.

6 Section 5. Definitions. As used in this Act:

7 "Apprenticeable occupation" means an occupation in the  
8 building and construction trades for which training and  
9 apprenticeship programs have been approved by and registered  
10 with the U.S. Department of Labor, Bureau of Apprenticeship and  
11 Training.

12 "Apprenticeship program" means an applicable training and  
13 apprenticeship program approved by and registered with the U.S.  
14 Department of Labor, Bureau of Apprenticeship and Training.

15 "Approved advanced safety training for workers at high  
16 hazard facilities" means a curriculum of in-person classroom

1 and laboratory instruction for approved advanced safety  
2 training established by rule by the Department.

3 "Community college" means a college organized under the  
4 Public Community College Act.

5 "Construction" means all work at a stationary source  
6 involving laborers, workers or mechanics. "Construction"  
7 includes any maintenance, repair, assembly, or disassembly  
8 work performed on equipment whether owned, leased, or rented.

9 "Department" means the Department of Labor.

10 "Director" means the Director of Labor.

11 "Owner or operator" means an owner or operator of a  
12 stationary source that is engaged in activities described in  
13 Code 324110 or 325110 of the 2012 North American Industry  
14 Classification System (NAICS), and has one or more covered  
15 processes that are required to prepare and submit a Risk  
16 Management Plan. "Owner or operator" does not include oil and  
17 gas extraction operations.

18 "Prevailing hourly wage rate" has the same meaning as  
19 "general prevailing rate of hourly wages" as defined in Section  
20 2 of the Prevailing Wage Act.

21 "Registered apprentice" means an apprentice registered in  
22 an applicable apprenticeship program for an apprenticeable  
23 occupation approved by, and registered with, the U.S.  
24 Department of Labor, Bureau of Apprenticeship and Training.

25 "Skilled journeyman" means a worker who meets all of the  
26 following criteria:

1           (1) the worker either graduated from an approved  
2           apprenticeship program for the applicable occupation, or  
3           has at least as many hours of on-the-job experience in the  
4           applicable occupation that would be required to graduate  
5           from an approved apprenticeship program for the applicable  
6           occupation;

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

10          (3) beginning on or after January 1, 2022, the worker  
11          has completed, within the prior 2 calendar years, at least  
12          20 hours of approved advanced safety training for workers  
13          at high hazard facilities.

14          "Skilled and trained workforce" means a workforce that  
15          meets all of the following criteria:

16               (1) all the workers are either registered apprentices  
17               or skilled journeypersons;

18               (2) beginning on January 1, 2019, at least 30% of the  
19               skilled journeypersons are graduates of an apprenticeship  
20               program for the applicable occupation;

21               (3) beginning on January 1, 2020, at least 45% of the  
22               skilled journeypersons are graduates of an apprenticeship  
23               program for the applicable occupation; and

24               (4) beginning on January 1, 2021, at least 60% of the  
25               skilled journeypersons are graduates of an apprenticeship  
26               program for the applicable occupation.

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

3 Section 10. Advanced safety training.

4 (a) The Department shall develop by rule a curriculum of  
5 approved advanced safety training for workers at high hazard  
6 facilities. That training shall be available through the  
7 Department or instruction may be provided by a community  
8 college. The Department shall approve a curriculum in  
9 accordance with this subsection (a) by January 1, 2020, and  
10 shall periodically revise the curriculum to reflect current  
11 best practices. Upon receipt of certification from the  
12 apprenticeship program or community college, the Department  
13 shall issue a certificate to a worker who completes the  
14 approved training.

15 (b) An owner or operator, when contracting for the  
16 performance of construction work at the stationary source,  
17 shall require that its contractors and any subcontractors use a  
18 skilled and trained workforce to perform all onsite work within  
19 an apprenticeable occupation in the building and construction  
20 trades.

21 (c) The requirements of this Section shall not apply to  
22 contracts awarded before January 1, 2019, unless the contract  
23 is extended or renewed after that date.

24 (d) The requirements of this Section shall not apply to the  
25 employees of the owner or operator of the stationary source or

1 prevent the owner or operator of the stationary source from  
2 using its own employees to perform any work that has not been  
3 assigned to contractors while the employees of the contractor  
4 are present and working.

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

7 (1) Contractors that have requested qualified workers  
8 from the local hiring halls that dispatch workers in the  
9 apprenticeable occupation and, due to workforce shortages,  
10 the contractor is unable to obtain sufficient qualified  
11 workers within 48 hours of the request, Saturdays, Sundays,  
12 and holidays excepted. This Act shall not prevent  
13 contractors from obtaining workers from any source.

14 (2) An emergency where compliance is impracticable;  
15 namely, an emergency requires immediate action to prevent  
16 harm to public health or safety or to the environment.  
17 However, the criteria shall apply as soon as the emergency  
18 is over or it becomes practicable for contractors to obtain  
19 a qualified workforce.

20 Section 15. The Illinois Hazardous Materials Workforce  
21 Training Fund. The Illinois Hazardous Materials Workforce  
22 Training Fund is created as a special fund in the State  
23 treasury, to which the Department shall deposit all moneys  
24 collected pursuant to Section 20 of this Act.

1           Section 20. Penalties. An owner or operator who violates  
2 the requirements of this Act shall be subject to a civil  
3 penalty not to exceed \$10,000 for each violation. Each day a  
4 violation of this Act occurs shall be considered a separate  
5 violation. The penalty may be recovered in a civil action  
6 brought by the Director in any circuit court. In the civil  
7 action, the Director shall be represented by the Attorney  
8 General. All moneys received by the Department as fees and  
9 civil penalties under this Act shall be deposited into the  
10 Illinois Hazardous Materials Workforce Training Fund, and  
11 shall be appropriated by the General Assembly to the Department  
12 for administration, investigation, and other expenses incurred  
13 in carrying out its powers and duties under this Act.

14           Section 25. The State Finance Act is amended by adding  
15 Section 5.886 as follows:

16           (30 ILCS 105/5.886 new)

17           Sec. 5.886. The Illinois Hazardous Materials Workforce  
18 Training Fund.

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