



Sen. Michael E. Hastings

**Filed: 2/21/2019**

10100SB1407sam001

LRB101 09790 CPF 56154 a

1 AMENDMENT TO SENATE BILL 1407

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1407 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 2017 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 "Shift" means a set standard period of time an employer  
26 requires its employees to perform his or her work-related

1 duties on a daily basis. For purposes of this definition, there  
2 may be multiple shifts per day.

3 "Skilled journeyperson" means a worker who meets all of the  
4 following criteria:

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

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

14 (3) beginning on or after January 1, 2023, the worker  
15 has completed, within the prior 2 calendar years, at least  
16 20 hours of approved advanced safety training for workers  
17 at high hazard facilities.

18 "Skilled and trained workforce" means a workforce that  
19 meets all of the following criteria:

20 (1) all the workers are either registered apprentices  
21 or skilled journeypersons;

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

25 (3) beginning on January 1, 2021, at least 60% of the  
26 skilled journeypersons are graduates of an apprenticeship

1 program for the applicable occupation; and

2 (4) beginning on January 1, 2022, at least 80% of the  
3 skilled journeypersons are graduates of an apprenticeship  
4 program for the applicable occupation.

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

7 Section 10. Advanced safety training.

8 (a) The Department shall develop by rule a curriculum of  
9 approved advanced safety training for workers at high hazard  
10 facilities. That training shall be available through the  
11 Department or instruction may be provided by a community  
12 college or United States Department of Labor apprenticeship  
13 program. The Department shall approve a curriculum in  
14 accordance with this subsection (a) by January 1, 2021, and  
15 shall periodically revise the curriculum to reflect current  
16 best practices. Upon receipt of certification from the  
17 apprenticeship program or community college, the Department  
18 shall issue a certificate to a worker who completes the  
19 approved training.

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

1 (c) The requirements of this Section shall not immediately  
2 apply to contracts awarded before January 1, 2020, unless the  
3 contract is extended or renewed after that date. Contracts  
4 awarded before January 1, 2020 shall meet the requirements of  
5 this Section no later than January 1, 2021.

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

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

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

19 (2) An emergency where compliance is impracticable;  
20 namely, an emergency requires immediate action to prevent  
21 imminent harm to public health or safety or to the  
22 environment. Within 14 days of an emergency, the Attorney  
23 General's Workers Rights Bureau, in conjunction with the  
24 Illinois Department of Labor, must certify that the  
25 emergency warranted noncompliance with this Act. The  
26 employer must provide necessary documentation of the

1 emergency to the Attorney General's Workers Rights Bureau  
2 and the Illinois Department of Labor.

3 Section 15. The Illinois Hazardous Materials Workforce  
4 Training Fund. The Illinois Hazardous Materials Workforce  
5 Training Fund is created as a special fund in the State  
6 treasury, to which the Department shall deposit all moneys  
7 collected pursuant to Section 20 of this Act.

8 Section 20. Penalties. An owner or operator who violates  
9 the requirements of this Act shall be subject to a minimum  
10 civil penalty of \$10,000 for each violation. Each shift a  
11 violation of this Act occurs shall be considered a separate  
12 violation. The penalty may be recovered in a civil action  
13 brought by the Director in any circuit court. In the civil  
14 action, the Director shall be represented by the Attorney  
15 General. All moneys received by the Department as fees and  
16 civil penalties under this Act shall be deposited into the  
17 Illinois Hazardous Materials Workforce Training Fund, and  
18 shall be appropriated by the General Assembly to the Department  
19 for administration, investigation, and other expenses incurred  
20 in carrying out its powers and duties under this Act.

21 Section 25. The State Finance Act is amended by adding  
22 Section 5.891 as follows:

1 (30 ILCS 105/5.891 new)

2 Sec. 5.891. The Illinois Hazardous Materials Workforce  
3 Training Fund.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".