



Rep. Lawrence Walsh, Jr.

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10100SB2140ham003

LRB101 09757 CPF 67926 a

1 AMENDMENT TO SENATE BILL 2140

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2140, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. If and only if Senate Bill 1407 of the 101st  
6 General Assembly becomes law in the form in which it passed the  
7 Senate, then the Illinois Hazardous Materials Workforce  
8 Training Act is amended by changing Section 5 and adding  
9 Section 22 as follows:

10 (101st G.A., SB1407 Engrossed, Sec. 5)

11 Sec. 5. Definitions. As used in this Act:

12 "Apprenticeable occupation" means an occupation in the  
13 building and construction trades for which training and  
14 apprenticeship programs have been approved by and registered  
15 with the U.S. Department of Labor, Bureau of Apprenticeship and  
16 Training.

1 "Apprenticeship program" means an applicable training and  
2 apprenticeship program approved by and registered with the U.S.  
3 Department of Labor, Bureau of Apprenticeship and Training.

4 "Approved advanced safety training for workers at high  
5 hazard facilities" means a curriculum of in-person classroom  
6 and laboratory instruction for approved advanced safety  
7 training established by rule by the Department.

8 "Building and construction trades council" means any labor  
9 organization that represents multiple construction trades and  
10 monitors or is attentive to compliance with public or workers'  
11 safety laws, wage and hour requirements, or other statutory  
12 requirements and negotiates and maintains collective  
13 bargaining agreements.

14 "Community college" means a college organized under the  
15 Public Community College Act.

16 "Construction" means all work at a stationary source  
17 involving laborers, workers or mechanics. "Construction"  
18 includes any maintenance, repair, assembly, or disassembly  
19 work performed on equipment whether owned, leased, or rented.

20 "Department" means the Department of Labor.

21 "Director" means the Director of Labor.

22 "Labor agreement" means a form of pre-hire collective  
23 bargaining agreement covering all terms and conditions of  
24 employment.

25 "Labor organization" means an organization that is the  
26 exclusive representative of an employer's employees recognized

1 or certified under the National Labor Relations Act.

2 "Owner or operator" means an owner or operator of a  
3 stationary source that is engaged in activities described in  
4 Code 324110, 325110, 325193, or 325199 of the 2017 North  
5 American Industry Classification System (NAICS), and has one or  
6 more covered processes that are required to prepare and submit  
7 a Risk Management Plan. "Owner or operator" does not include  
8 oil and gas extraction operations.

9 "Prevailing hourly wage rate" has the same meaning as  
10 "general prevailing rate of hourly wages" as defined in Section  
11 2 of the Prevailing Wage Act.

12 "Registered apprentice" means an apprentice registered in  
13 an applicable apprenticeship program for an apprenticeable  
14 occupation approved by, and registered with, the U.S.  
15 Department of Labor, Bureau of Apprenticeship and Training.

16 "Shift" means a set standard period of time an employer  
17 requires its employees to perform his or her work-related  
18 duties on a daily basis. For purposes of this definition, there  
19 may be multiple shifts per day.

20 "Skilled journeyman" means a worker who meets all of the  
21 following criteria:

- 22 (1) the worker either graduated from an approved  
23 apprenticeship program for the applicable occupation, or  
24 has at least as many hours of on-the-job experience in the  
25 applicable occupation that would be required to graduate  
26 from an approved apprenticeship program for the applicable

1 occupation;

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

5 (3) beginning on or after January 1, 2023, the worker  
6 has completed, within the prior 2 calendar years, at least  
7 20 hours of approved advanced safety training for workers  
8 at high hazard facilities.

9 "Skilled and trained workforce" means a workforce that  
10 meets all of the following criteria:

11 (1) all the workers are either registered apprentices  
12 or skilled journeypersons;

13 (2) beginning on July ~~January~~ 1, 2020, at least 45% of  
14 the skilled journeypersons are graduates of an  
15 apprenticeship program for the applicable occupation;

16 (3) beginning on July ~~January~~ 1, 2021, at least 60% of  
17 the skilled journeypersons are graduates of an  
18 apprenticeship program for the applicable occupation; and

19 (4) beginning on July ~~January~~ 1, 2022, at least 80% of  
20 the skilled journeypersons are graduates of an  
21 apprenticeship program for the applicable occupation.

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

24 (Source: 101st G.A., SB1407 Engrossed.)

25 (101st G.A., SB1407 Engrossed, Sec. 18 new)

1       Sec. 18. Enforcement. Any interested party may file a  
2 complaint with the Department of Labor against an owner,  
3 operator, or construction contractor covered under this Act if  
4 there is reasonable belief that the owner, operator, or  
5 construction contractor is in violation of this Act. Upon  
6 receiving the complaint, the Department of Labor shall request  
7 a copy of any contract at issue that was entered into between  
8 the owner, operator, or construction contractor to ensure that  
9 training requirements under this Act were included in the  
10 contract's terms. The Department of Labor shall request from  
11 the construction contractor a copy of the construction  
12 contractor's payroll, broken down by any registered apprentice  
13 and skilled journeyperson on the job site. If the Department of  
14 Labor finds that an owner, operator, or construction contractor  
15 has not complied with this Act, the Department shall refer the  
16 matter to the Attorney General for enforcement.

17           (101st G.A., SB1407 Engrossed, Sec. 22 new)

18       Sec. 22. Exemptions. This Act does not apply to any owner  
19 or operator that has an executed national or local labor  
20 agreement in effect pertaining to the performance of  
21 construction work at a given facility or site under the terms  
22 of the agreement. The labor agreement must be negotiated with  
23 and approved by a building and construction trades council that  
24 has geographic jurisdiction over the stationary source.

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law, or on the date Senate Bill 1407 of the 101st  
3 General Assembly takes effect, whichever is later."