



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0249

by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.891 new

Creates the Illinois Hazardous Materials Workforce Training Act. Provides that the Environmental Protection Agency shall develop by rule a curriculum of approved advanced safety training for workers at high hazard facilities. Provides that an owner or operator, when contracting for the performance of construction work at the stationary source, shall require that its contractors and any subcontractors use a skilled and trained workforce to perform all onsite work within an apprenticeable occupation in the building and construction trades. Provides a penalty for violation of the Act. Creates the Illinois Hazardous Materials Workforce Training Fund as a special fund in the State treasury. Makes corresponding changes in the State Finance Act. Effective immediately.

LRB101 05192 CPF 50204 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 "Agency" means the Environmental Protection Agency.

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

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

16 "Approved advanced safety training for workers at high
17 hazard facilities" means a curriculum of in-person classroom
18 and laboratory instruction for approved advanced safety
19 training established by rule by the Environmental Protection
20 Agency.

21 "Community college" means a college organized under the
22 Public Community College Act.

23 "Construction" means all work at a stationary source

1 involving laborers, workers or mechanics. "Construction"
2 includes any maintenance, repair, assembly, or disassembly
3 work performed on equipment whether owned, leased, or rented.

4 "Director" means the Director of the Environmental
5 Protection Agency.

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

13 "Prevailing hourly wage rate" has the same meaning as
14 "general prevailing rate of hourly wages" as defined in Section
15 2 of the Prevailing Wage Act.

16 "Registered apprentice" means an apprentice registered in
17 an applicable apprenticeship program for an apprenticeable
18 occupation approved by, and registered with, the U.S.
19 Department of Labor, Bureau of Apprenticeship and Training.

20 "Skilled journeyperson" 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 January 1, 2020, at least 30% of the
14 skilled journeypersons are graduates of an apprenticeship
15 program for the applicable occupation;

16 (3) beginning on January 1, 2021, at least 45% of the
17 skilled journeypersons are graduates of an apprenticeship
18 program for the applicable occupation; and

19 (4) beginning on January 1, 2022, at least 60% of the
20 skilled journeypersons are graduates of an apprenticeship
21 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 Section 10. Advanced safety training.

25 (a) The Agency shall develop by rule a curriculum of

1 approved advanced safety training for workers at high hazard
2 facilities. That training shall be available through the Agency
3 or instruction may be provided by a community college. The
4 Agency shall approve a curriculum in accordance with this
5 subsection (a) by January 1, 2021, and shall periodically
6 revise the curriculum to reflect current best practices. Upon
7 receipt of certification from the apprenticeship program or
8 community college, the Agency shall issue a certificate to a
9 worker who completes the approved training.

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

16 (c) The requirements of this Section shall not apply to
17 contracts awarded before January 1, 2020, unless the contract
18 is extended or renewed after that date.

19 (d) The requirements of this Section shall not apply to the
20 employees of the owner or operator of the stationary source or
21 prevent the owner or operator of the stationary source from
22 using its own employees to perform any work that has not been
23 assigned to contractors while the employees of the contractor
24 are present and working.

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

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

8 (2) An emergency where compliance is impracticable;
9 namely, an emergency requires immediate action to prevent
10 harm to public health or safety or to the environment.
11 However, the criteria shall apply as soon as the emergency
12 is over or it becomes practicable for contractors to obtain
13 a qualified workforce.

14 Section 15. The Illinois Hazardous Materials Workforce
15 Training Fund. The Illinois Hazardous Materials Workforce
16 Training Fund is created as a special fund in the State
17 treasury, to which the Agency shall deposit all moneys
18 collected pursuant to Section 20 of this Act.

19 Section 20. Penalties. An owner or operator who violates
20 the requirements of this Act shall be subject to a civil
21 penalty not to exceed \$10,000 for each violation. Each day a
22 violation of this Act occurs shall be considered a separate
23 violation. The penalty may be recovered in a civil action
24 brought by the Director in any circuit court. In the civil

1 action, the Director shall be represented by the Attorney
2 General. All moneys received by the Agency as fees and civil
3 penalties under this Act shall be deposited into the Illinois
4 Hazardous Materials Workforce Training Fund, and shall be
5 appropriated by the General Assembly to the Agency for
6 administration, investigation, and other expenses incurred in
7 carrying out its powers and duties under this Act.

8 Section 25. The State Finance Act is amended by adding
9 Section 5.891 as follows:

10 (30 ILCS 105/5.891 new)

11 Sec. 5.891. The Illinois Hazardous Materials Workforce
12 Training Fund.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.