



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB2987

Introduced 2/23/2011, by Rep. Patrick J. Verschoore

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 500/30-45

Creates the Project Labor Agreements Act. Requires a State department, agency, authority, board, or instrumentality under the control of the Governor to include a project labor agreement on a public works project when that department, agency, authority, board, or instrumentality determines that the agreement advances the State's interest. Requires the State department, agency, authority, board, or instrumentality to negotiate the project labor agreement in good faith with labor organizations in the construction industry. Sets out the terms to be included in the project labor agreement. Requires a finding setting forth the justification for using a project labor agreement. Amends the Illinois Procurement Code. Provides that the Illinois Procurement Code is subject to applicable provisions of the Project Labor Agreements Act. Effective immediately.

LRB097 07216 PJG 47323 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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 Project Labor Agreements Act.

6 Section 5. Findings.

7 (a) The State of Illinois has a compelling interest in  
8 awarding public works contracts so as to ensure the highest  
9 standards of quality and efficiency at the lowest responsible  
10 cost.

11 (b) A project labor agreement, which is a form of pre-hire  
12 collective bargaining agreement covering all terms and  
13 conditions of employment on a specific project, can ensure the  
14 highest standards of quality and efficiency at the lowest  
15 responsible cost on appropriate public works projects.

16 (c) The State of Illinois has a compelling interest that a  
17 highly skilled workforce be employed on public works projects  
18 to ensure lower costs over the lifetime of the completed  
19 project for building, repairs, and maintenance.

20 (d) Project labor agreements provide the State of Illinois  
21 with a guarantee that public works projects will be completed  
22 with highly skilled workers.

23 (e) Project labor agreements provide for peaceful,

1 orderly, and mutually binding procedures for resolving labor  
2 issues without labor disruption, preventing significant  
3 lost-time on construction projects.

4 (f) Project labor agreements allow public agencies to  
5 predict more accurately the actual cost of the public works  
6 project.

7 (e) The use of project labor agreements can be of  
8 particular benefit to complex construction projects.

9 Section 10. Public works projects. On a project-by-project  
10 basis, a State department, agency, authority, board, or  
11 instrumentality that is under the control of the Governor shall  
12 include a project labor agreement on a public works project  
13 when that department, agency, authority, board, or  
14 instrumentality has determined that the agreement advances the  
15 State's interests of cost, efficiency, quality, safety,  
16 timeliness, skilled labor force, labor stability, or the  
17 State's policy to advance minority-owned and women-owned  
18 businesses and minority and female employment.

19 Section 15. Public works projects funded with federal  
20 funds. When it has been determined that a project labor  
21 agreement is appropriate, and in furtherance of the President's  
22 Executive Order 13502, the State department, agency,  
23 authority, board, or instrumentality responsible for awarding  
24 the project may include a project labor agreement on a public

1 works project funded in whole or in part with federal funds.

2 Section 20. Negotiation of agreement. When it has been  
3 determined that a project labor agreement is appropriate for a  
4 particular public works project, the State department, agency,  
5 authority, board, or instrumentality responsible for awarding  
6 the project shall in good faith negotiate a project labor  
7 agreement with labor organizations engaged in the construction  
8 industry. If the State department, agency, authority, board, or  
9 instrumentality and the labor organizations engaged in the  
10 construction industry ("the parties") cannot agree to the terms  
11 of the project labor agreement, the Governor shall appoint a  
12 designee to assist the parties in reaching an agreement.

13 Section 25. Contents of agreement. Pursuant to this Act,  
14 any project labor agreement shall:

15 (a) Set forth effective, immediate, and mutually  
16 binding procedures for resolving jurisdictional labor  
17 disputes and grievances arising before the completion of  
18 work.

19 (b) Contain guarantees against strikes, lockouts,  
20 or similar actions.

21 (c) Ensure a reliable source of skilled and  
22 experienced labor.

23 (d) Further public policy objectives as to  
24 improved employment opportunities for minorities and women

1 in the construction industry to the extent permitted by  
2 State and federal law.

3 (e) Permit the selection of the lowest qualified  
4 responsible bidder, without regard to union or non-union  
5 status at other construction sites.

6 (f) Bind all contractors and subcontractors on the  
7 public works project through the inclusion of appropriate  
8 bid specifications in all relevant bid documents.

9 (g) Include such other terms as the parties deem  
10 appropriate.

11 Section 30. Publicly disclosed finding. Any decision to use  
12 a project labor agreement in connection with a public works  
13 project by a State department, agency, authority, board, or  
14 instrumentality shall be supported by a written, publicly  
15 disclosed finding by the department, agency, authority, board,  
16 or instrumentality, setting forth the justification for use of  
17 the project labor agreement.

18 Section 35. Compliance. All State departments, agencies,  
19 authorities, boards, and instrumentalities shall ensure that  
20 all public works projects are implemented in a manner  
21 consistent with the terms of this Act and are in full  
22 compliance with all statutes, regulations, and Executive  
23 Orders.

1 Section 40. Severability. Nothing in this Act shall be  
2 construed to contravene any state or federal law or to  
3 jeopardize the State's entitlement to federal funding. If any  
4 provision of this Act or its application to any person or  
5 circumstance is held invalid by any court of competent  
6 jurisdiction, this invalidity does not affect any other  
7 provision or application of this Act that can be given effect  
8 without the invalid provision or application. To achieve this  
9 purpose, the provisions of this Act are declared to be  
10 severable.

11 Section 45. The Illinois Procurement Code is amended by  
12 changing Section 30-45 as follows:

13 (30 ILCS 500/30-45)

14 Sec. 30-45. Other Acts. This Article is subject to  
15 applicable provisions of the following Acts:

16 (1) the Prevailing Wage Act;

17 (2) the Public Construction Bond Act;

18 (3) the Public Works Employment Discrimination Act;

19 (4) the Public Works Preference Act (repealed on June  
20 16, 2010 by Public Act 96-929);

21 (5) the Employment of Illinois Workers on Public Works  
22 Act;

23 (6) the Public Contract Fraud Act;~~and~~

24 (7) the Illinois Construction Evaluation Act;and

1                   (8) the Project Labor Agreements Act.

2                   (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised  
3                   10-19-10.)

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