

November 10th, 2016

To the Honorable Members of  
The Illinois Senate,  
99th General Assembly:

Today I return Senate Bill 1281 with specific recommendations for change.

The bill would require the Illinois Environmental Protection Agency to adopt rules pertaining to corrosion prevention projects carried out on community water supplies that are fully funded by the State. The rules would set standards to protect water supplies from contamination caused by corroding materials, such as paint. The bill would also authorize the Illinois Department of Transportation to adopt similar rules for projects carried out on bridges.

Local governments and utilities that carry out corrosion prevention projects should already conform to industry-leading standards. I appreciate the sponsors' interest in protecting our water supplies from contamination; but regardless of this bill, State agencies and local communities should continue to work together to protect our public health.

The bill was held by the Senate on a motion to reconsider for over a year because of questions about the bill's intent and implementation. I am returning the bill to address some of those questions.

First, the bill requires community water suppliers to use "protective coatings personnel" to carry out corrosion prevention and mitigation work but does not define that term. The changes recommended below would provide a definition.

Second, the bill provides that "[a]ny contractors providing services covered by this [bill] shall comply with Section 30-22 of the Illinois Procurement Code." If a contract is procured by the State, it should comply with all applicable provisions of the Procurement Code, not just Section 30-22 (which applies Responsible Bidder requirements). If a project is procured by a local government or community water supplier, it should comply with all procurement

rules applicable to that entity. In the latter case, providing that a contractor “shall comply with . . . the Illinois Procurement Code” is unclear, because the Procurement Code does not necessarily apply by its own terms and is not amended by this bill. The changes recommended below would resolve this ambiguity.

Finally, if a contractor is subject to Responsible Bidder requirements, we should ensure that the apprenticeship and training programs are open to all persons, including especially persons from minority and disadvantaged communities, women, and veterans. Too often participation in our workforce training programs is not reflective of the diversity of our state or the communities most in need of good-paying jobs. The unemployment rate for minority persons is still significantly and unacceptably higher than the statewide unemployment rate. The changes below would encourage greater participation, inclusion, and opportunity.

I again thank the sponsors for their interest in protecting our water supplies and encourage community water suppliers, State agencies, and other stakeholder to implement best practices to protect our public health.

Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 1281, entitled “AN ACT concerning regulation”, with the following specific recommendations for change:

On page 3, immediate below line 23, by inserting the following:

““Protective coatings personnel” means personnel employed or retained by a contractor providing services covered by this Section to carry out corrosion prevention or mitigation methods or inspections.”; and

On page 3, by deleting line 26; and

On page 4, by replacing lines 1 through 4 with the following:

“(d) Each contract procured pursuant to the Illinois Procurement Code for the provision of services covered by this Section (1) shall comply with applicable provisions of the Illinois Procurement Code and (2) shall include provisions for reporting participation by minority persons (as defined by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act), females (as defined by Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act), and veterans (as defined by Section 45-57 of the Illinois Procurement Code) in apprenticeship and training programs in which the contractor or its subcontractors participate. The requirements of this Section do not apply to an individual licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Act of 1989.”.

With these changes, Senate Bill 1281 will have my approval. I respectfully request your concurrence.

Sincerely,

Bruce Rauner  
GOVERNOR