



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2918

Introduced 2/4/2014, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.855 new

Creates the Illinois Hazardous Materials Workforce Training Act. Provides that the Illinois 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, as defined in the Act, 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.

LRB098 17818 MGM 52941 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 Illinois Environmental Protection
8 Agency.

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

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

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

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

1 "Construction" means all work at a stationary source
2 involving laborers, workers or mechanics. "Construction"
3 includes any maintenance, repair, assembly, or disassembly
4 work performed on equipment whether owned, leased, or rented.

5 "Director" means the Director of the Illinois
6 Environmental Protection Agency.

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

14 "Prevailing hourly wage rate" has the same meaning as
15 "general prevailing rate of hourly wages" as defined in Section
16 2 of the Prevailing Wage Act.

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

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

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

1 from an approved apprenticeship program for the applicable
2 occupation;

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

6 (3) beginning on or after January 1, 2018, the worker
7 has completed, within the prior 2 calendar years, at least
8 20 hours of approved advanced safety training for workers
9 at high hazard facilities.

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

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

14 (2) beginning on January 1, 2015, at least 30% of the
15 skilled journeypersons are graduates of an apprenticeship
16 program for the applicable occupation;

17 (3) beginning on January 1, 2016, at least 45% of the
18 skilled journeypersons are graduates of an apprenticeship
19 program for the applicable occupation; and

20 (4) beginning on January 1, 2017, at least 60% of the
21 skilled journeypersons are graduates of an apprenticeship
22 program for the applicable occupation.

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

25 Section 10. Advanced safety training.

1 (a) The Agency shall develop by rule a curriculum of
2 approved advanced safety training for workers at high hazard
3 facilities. That training shall be available through the Agency
4 or instruction may be provided by an community college. The
5 Agency shall approve a curriculum in accordance with this
6 subsection (a) by January 1, 2016, and shall periodically
7 revise the curriculum to reflect current best practices. Upon
8 receipt of certification from the apprenticeship program or
9 community college, the Agency shall issue a certificate to a
10 worker who completes the approved training.

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

17 (c) The requirements of this Section shall not apply to
18 contracts awarded before January 1, 2015, unless the contract
19 is extended or renewed after that date.

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

26 (e) The "skilled and trained workforce" requirements under

1 this Section shall not apply to:

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

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

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

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

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

9 Section 25. The State Finance Act is amended by adding
10 Section 5.855 as follows:

11 (30 ILCS 105/5.855 new)

12 Sec. 5.855. The Illinois Hazardous Materials Workforce
13 Training Fund.

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