

1 AMENDMENT TO HOUSE BILL 46

2 AMENDMENT NO. _____. Amend House Bill 46, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Illinois Renewable Fuels Development Program Act.

7 Section 5. Findings and State policy. The General
8 Assembly recognizes that agriculture is a vital sector of the
9 Illinois economy and that an important growth industry for
10 the Illinois agricultural sector is renewable fuels
11 production. Renewable fuels produced from Illinois
12 agricultural products hold great potential for growing the
13 State's economy, reducing our dependence on foreign oil
14 supplies, and improving the environment by reducing harmful
15 emissions from vehicles. Illinois is the nation's leading
16 producer of ethanol, a clean, renewable fuel with significant
17 environmental benefits. The General Assembly finds that
18 reliable supplies of renewable fuels will be integral to the
19 long term energy security of the United States. The General
20 Assembly declares that it is the public policy of the State
21 of Illinois to promote and encourage the production and use
22 of renewable fuels as a means not only to improve air quality

1 in the State and the nation, but also to grow the
2 agricultural sector of the Illinois economy. To achieve these
3 public policy objectives, the General Assembly hereby
4 authorizes the creation and implementation of the Illinois
5 Renewable Fuels Development Program within the Department.

6 Section 10. Definitions. As used in this Act:

7 "Biodiesel" means a renewable diesel fuel derived from
8 biomass that is intended for use in diesel engines.

9 "Biodiesel blend" means a blend of biodiesel with
10 petroleum-based diesel fuel in which the resultant product
11 contains no less than 1% and no more than 99% biodiesel.

12 "Biomass" means non-fossil organic materials that have an
13 intrinsic chemical energy content. "Biomass" includes, but is
14 not limited to, soybean oil, other vegetable oils, and
15 ethanol.

16 "Department" means the Department of Commerce and
17 Community Affairs.

18 "Diesel fuel" means any product intended for use or
19 offered for sale as a fuel for engines in which the fuel is
20 injected into the combustion chamber and ignited by pressure
21 without electric spark.

22 "Director" means the Director of Commerce and Community
23 Affairs.

24 "Ethanol" means a product produced from agricultural
25 commodities or by-products used as a fuel or to be blended
26 with other fuels for use in motor vehicles.

27 "Fuel" means fuel as defined in Section 1.19 of the Motor
28 Fuel Tax Law.

29 "Gasohol" means motor fuel that is no more than 90%
30 gasoline and at least 10% denatured ethanol that contains no
31 more than 1.25% water by weight.

32 "Gasoline" means all products commonly or commercially
33 known or sold as gasoline (including casing head and

1 absorption or natural gasoline).

2 "Illinois agricultural product" means any agricultural
3 commodity grown in Illinois that is used by a production
4 facility to produce renewable fuel in Illinois, including,
5 but not limited to, corn, barley, and soy beans.

6 "Labor Organization" means any organization:

7 (1) in which construction trades, crafts, or labor
8 employees, or all or any of these participate; and

9 (2) that represents construction trades, crafts, or
10 labor employees, or any or all of these; and

11 (3) that exists for the purpose, in whole or in
12 part, of negotiating with the employers of construction
13 trades, crafts, or labor employees, or any or all of
14 these, terms and conditions of employment, including but
15 not limited to: wages, hours of work, overtime
16 provisions, fringe benefits, and the settlement of
17 grievances; and

18 (4) that participates in apprenticeship and
19 training approved and registered with the United States
20 Department of Labor's Bureau of Apprenticeship and
21 Training, in the State of Illinois.

22 "Majority blended ethanol fuel" means motor fuel that
23 contains no less than 70% and no more than 90% denatured
24 ethanol and no less than 10% and no more than 30% gasoline.

25 "Motor vehicles" means motor vehicles as defined in the
26 Illinois Vehicle Code and watercraft propelled by an internal
27 combustion engine.

28 "Owner" means any individual, sole proprietorship,
29 limited partnership, co-partnership, joint venture,
30 corporation, cooperative, or other legal entity that operates
31 or will operate a plant located within the State of Illinois.

32 "Plant" means a production facility that produces a
33 renewable fuel. "Plant" includes land, any building or other
34 improvement on or to land, and any personal properties deemed

1 necessary or suitable for use, whether or not now in
2 existence, in the processing of fuel from agricultural
3 commodities or by-products.

4 "Renewable fuel" means ethanol, gasohol, majority blended
5 ethanol fuel, biodiesel blend fuel, and biodiesel.

6 Section 15. Illinois Renewable Fuels Development Program.

7 (a) The Department must develop and administer the
8 Illinois Renewable Fuels Development Program to assist in the
9 construction, modification, alteration, or retrofitting of
10 renewable fuel plants in Illinois. The recipient of a grant
11 under this Section must:

12 (1) be constructing, modifying, altering, or
13 retrofitting a plant in the State of Illinois;

14 (2) be constructing, modifying, altering, or
15 retrofitting a plant that has annual production capacity
16 of no less than 30,000,000 gallons of renewable fuel per
17 year; and

18 (3) enter into a project labor agreement as
19 prescribed by Section 25 of this Act.

20 (b) Grant applications must be made on forms provided by
21 and in accordance with procedures established by the
22 Department.

23 (c) The Department must give preference to applicants
24 that use Illinois agricultural products in the production of
25 renewable fuel at the plant for which the grant is being
26 requested.

27 Section 20. Grants. Subject to appropriation from the
28 General Revenue Fund, the Director is authorized to award
29 grants to eligible applicants. The annual aggregate amount of
30 grants awarded shall not exceed \$15,000,000.

31 Section 25. Project labor agreements.

1 (a) The project labor agreement must include the
2 following:

3 (1) provisions establishing the minimum hourly wage
4 for each class of labor organization employee;

5 (2) provisions establishing the benefits and other
6 compensation for each class of labor organization
7 employee; and

8 (3) provisions establishing that no strike or
9 disputes will be engaged in by the labor organization
10 employees.

11 The owner of the plant and the labor organizations shall have
12 the authority to include other terms and conditions as they
13 deem necessary.

14 (b) The project labor agreement shall be filed with the
15 Director in accordance with procedures established by the
16 Department. At a minimum, the project labor agreement must
17 provide the names, addresses, and occupations of the owner of
18 the plant and the individuals representing the labor
19 organization employees participating in the project labor
20 agreement. The agreement must also specify the terms and
21 conditions required in subsection (a).

22 Section 30. Administration of the Act; rules. The
23 Department shall administer this Act and shall adopt any
24 rules necessary for that purpose.

25 Section 905. The Prevailing Wage Act is amended by
26 changing Sections 2, 3, and 4 as follows:

27 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

28 Sec. 2. This Act applies to the wages of laborers,
29 mechanics and other workers employed in any public works, as
30 hereinafter defined, by any public body and to anyone under
31 contracts for public works.

1 As used in this Act, unless the context indicates
2 otherwise:

3 "Public works" means all fixed works constructed for
4 public-use by any public body, other than work done directly
5 by any public utility company, whether or not done under
6 public supervision or direction, or paid for wholly or in
7 part out of public funds. "Public works" as defined herein
8 includes all projects financed in whole or in part with bonds
9 issued under the Industrial Project Revenue Bond Act (Article
10 11, Division 74 of the Illinois Municipal Code), the
11 Industrial Building Revenue Bond Act, the Illinois
12 Development Finance Authority Act, the Illinois Sports
13 Facilities Authority Act, or the Build Illinois Bond Act, and
14 all projects financed in whole or in part with loans or other
15 funds made available pursuant to the Build Illinois Act.
16 "Public works" also includes all projects financed in whole
17 or in part with funds from the Department of Commerce and
18 Community Affairs under the Illinois Renewable Fuels
19 Development Program Act for which there is no project labor
20 agreement.

21 "Construction" means all work on public works involving
22 laborers, workers or mechanics.

23 "Locality" means the county where the physical work upon
24 public works is performed, except (1) that if there is not
25 available in the county a sufficient number of competent
26 skilled laborers, workers and mechanics to construct the
27 public works efficiently and properly, "locality" includes
28 any other county nearest the one in which the work or
29 construction is to be performed and from which such persons
30 may be obtained in sufficient numbers to perform the work and
31 (2) that, with respect to contracts for highway work with the
32 Department of Transportation of this State, "locality" may at
33 the discretion of the Secretary of the Department of
34 Transportation be construed to include two or more adjacent

1 counties from which workers may be accessible for work on
2 such construction.

3 "Public body" means the State or any officer, board or
4 commission of the State or any political subdivision or
5 department thereof, or any institution supported in whole or
6 in part by public funds, ~~authorized--by--law--to--construct~~
7 ~~public---works---or--to--enter--into--any--contract--for--the~~
8 ~~construction-of-public-works,~~ and includes every county,
9 city, town, village, township, school district, irrigation,
10 utility, reclamation improvement or other district and every
11 other political subdivision, district or municipality of the
12 state whether such political subdivision, municipality or
13 district operates under a special charter or not.

14 The terms "general prevailing rate of hourly wages",
15 "general prevailing rate of wages" or "prevailing rate of
16 wages" when used in this Act mean the hourly cash wages plus
17 fringe benefits for training and apprenticeship programs
18 approved by the U.S. Department of Labor, Bureau of
19 Apprenticeship and Training, health and welfare, insurance,
20 vacations and pensions paid generally, in the locality in
21 which the work is being performed, to employees engaged in
22 work of a similar character on public works.

23 (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01;
24 92-16, eff. 6-28-01.)

25 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

26 Sec. 3. Not less than the general prevailing rate of
27 hourly wages for work of a similar character on public works
28 in the locality in which the work is performed, and not less
29 than the general prevailing rate of hourly wages for legal
30 holiday and overtime work, shall be paid to all laborers,
31 workers and mechanics employed by or on behalf of any public
32 body engaged in the construction of public works. Only such
33 laborers, workers and mechanics as are directly employed by

1 contractors or subcontractors in actual construction work on
2 the site of the building or construction job, and laborers,
3 workers and mechanics engaged in the transportation of
4 materials and equipment to or from the site, but not
5 including the transportation by the sellers and suppliers or
6 the manufacture or processing of materials or equipment, in
7 the execution of any contract or contracts for public works
8 with any public body shall be deemed to be employed upon
9 public works. The wage for a tradesman performing maintenance
10 is equivalent to that of a tradesman engaged in construction.
11 (Source: P.A. 83-443.)

12 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)
13 Sec. 4. The public body awarding any contract for public
14 work or otherwise undertaking any public works, shall
15 ascertain the general prevailing rate of hourly wages in the
16 locality in which the work is to be performed, for each craft
17 or type of worker or mechanic needed to execute the contract,
18 and where the public body performs the work without letting a
19 contract therefor, shall ascertain the prevailing rate of
20 wages on a per hour basis in the locality, and such public
21 body shall specify in the resolution or ordinance and in the
22 call for bids for the contract, that the general prevailing
23 rate of wages in the locality for each craft or type of
24 worker or mechanic needed to execute the contract or perform
25 such work, also the general prevailing rate for legal holiday
26 and overtime work, as ascertained by the public body or by
27 the Department of Labor shall be paid for each craft or type
28 of worker needed to execute the contract or to perform such
29 work, and it shall be mandatory upon the contractor to whom
30 the contract is awarded and upon any subcontractor under him,
31 and where the public body performs the work, upon the public
32 body, to pay not less than the specified rates to all
33 laborers, workers and mechanics employed by them in the

1 execution of the contract or such work; provided, however,
2 that if the public body desires that the Department of Labor
3 ascertain the prevailing rate of wages, it shall notify the
4 Department of Labor to ascertain the general prevailing rate
5 of hourly wages for work under contract, or for work
6 performed by a public body without letting a contract as
7 required in the locality in which the work is to be
8 performed, for each craft or type of worker or mechanic
9 needed to execute the contract or project or work to be
10 performed. Upon such notification the Department of Labor
11 shall ascertain such general prevailing rate of wages, and
12 certify the prevailing wage to such public body. The public
13 body awarding the contract shall cause to be inserted in the
14 contract a stipulation to the effect that not less than the
15 prevailing rate of wages as found by the public body or
16 Department of Labor or determined by the court on review
17 shall be paid to all laborers, workers and mechanics
18 performing work under the contract. It shall also require in
19 all such contractor's bonds that the contractor include such
20 provision as will guarantee the faithful performance of such
21 prevailing wage clause as provided by contract. All bid
22 specifications shall list the specified rates to all
23 laborers, workers and mechanics in the locality for each
24 craft or type of worker or mechanic needed to execute the
25 contract. If the Department of Labor revises the prevailing
26 rate of hourly wages to be paid by the public body, the
27 revised rate shall apply to such contract, and the public
28 body shall be responsible to notify the contractor and each
29 subcontractor, of the revised rate. Two or more investigatory
30 hearings under this Section on the issue of establishing a
31 new prevailing wage classification for a particular craft or
32 type of worker shall be consolidated in a single hearing
33 before the Department. Such consolidation shall occur
34 whether each separate investigatory hearing is conducted by a

1 public body or the Department. The party requesting a
2 consolidated investigatory hearing shall have the burden of
3 establishing that there is no existing prevailing wage
4 classification for the particular craft or type of worker in
5 any of the localities under consideration.

6 It shall be mandatory upon the contractor or construction
7 manager to whom a contract for public works is awarded to
8 post, at a location on the project site of the public works
9 that is easily accessible to the workers engaged on the
10 project, the prevailing wage rates for each craft or type of
11 worker or mechanic needed to execute the contract or project
12 or work to be performed. A failure to post a prevailing wage
13 rate as required by this Section is a violation of this Act.

14 (Source: P.A. 92-783, eff. 8-6-02.)

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