

SB3027



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3027

Introduced 2/4/2010, by Sen. James T. Meeks

SYNOPSIS AS INTRODUCED:

New Act

Creates the Fairness in Public Construction Act. Requires that the State or a State agency or instrumentality ensure that its construction contracts or grants do not include the use of specifications, labor agreements, or other documents that are not neutral as to a bidder's, contractor's, or subcontractor's agreements with labor organizations on the same project or related projects.

LRB096 18468 JAM 33847 b

A BILL FOR

1 AN ACT concerning public construction.

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 Fairness in Public Construction Act.

6 Section 5. Purpose. The purpose of this Act is to fulfill
7 the State's proprietary objectives in maintaining and
8 promoting the economical, nondiscriminatory, and efficient
9 expenditures of public funds in connection with publicly funded
10 or assisted construction projects. Nothing in this Act shall
11 prohibit employers or other parties covered by the National
12 Labor Relations Act from entering into agreements or engaging
13 in any other activity arguably protected by law, nor shall any
14 aspect of this Act be interpreted in such a way as to interfere
15 with the labor relations of parties covered by the National
16 Labor Relations Act.

17 Section 10. Definition. For purposes of this Act, the term
18 "project labor agreement" means a multi-employer, multi-union
19 pre-hire agreement designed to systemize labor relations at a
20 construction site that is required by the State or a political
21 subdivision of the State as a condition of a bid specification
22 for a construction project, thereby insuring that all

1 contractors and subcontractors on a project comply with the
2 terms of a union-only agreement.

3 Section 15. Fairness required. The State, any agency of the
4 State, or any instrumentality thereof, when engaged in
5 procuring or letting contracts for construction of a project,
6 shall ensure that bid specifications, project labor
7 agreements, and other controlling documents entered into,
8 required, or subject to approval by the State, agency, or
9 instrumentality do not:

10 (1) require or prohibit any bidder, offeror, contractor, or
11 subcontractor to enter into or adhere to agreements with one or
12 more labor organizations on the same or related projects; or

13 (2) discriminate against any bidder, offeror, contractor,
14 or subcontractor for entering into or refusing to enter into or
15 to remain signatory or otherwise adhere to agreements with one
16 or more labor organizations on the same or related construction
17 projects.

18 Section 20. Application to grants. The State, any agency of
19 the State, or any instrumentality thereof shall not issue
20 grants or enter into cooperative agreements for construction
21 projects with the condition requiring that bid specifications,
22 project labor agreements, or other controlling documents
23 pertaining to the grant or cooperative agreement contain any of
24 the elements specified in Section 15.

1 Section 25. Exercise of authority. The State, any agency of
2 the State, or any instrumentality thereof shall exercise such
3 authority as may be required to preclude a grant recipient or
4 party to a cooperative agreement from imposing any of the
5 elements specified in Section 15 in connection with any grant
6 or cooperative agreement awarded or entered into. Nothing in
7 this Act shall prohibit contractors or subcontractors from
8 voluntarily entering into agreements described in Section 15.