



HR0214

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HOUSE RESOLUTION

2 WHEREAS, The Southwestern Illinois Flood Prevention
3 District Council annually expends substantial sums in the
4 purchase of construction goods and services on projects that
5 are part of the regional levee system improvement project,
6 known as the Southwestern Illinois Flood Prevention Project;
7 and

8 WHEREAS, The Southwestern Illinois Flood Prevention
9 Project is primarily being built using public tax dollars, as
10 authorized by the Illinois General Assembly and the county
11 boards of Madison, St. Clair, and Monroe counties; and

12 WHEREAS, Those expenditures constitute a major investment
13 in the future of southwestern Illinois, and the Southwestern
14 Illinois Flood Prevention District Council will compete in the
15 private marketplace for these construction goods and services;
16 and

17 WHEREAS, The Southwestern Illinois Flood Prevention
18 Project is an urgent priority for the region because of the
19 impact on public safety and the area's economy; and

20 WHEREAS, Because of the urgent nature of the Southwestern
21 Illinois Flood Prevention Project, the Council desires to take

1 all necessary steps to minimize any delay in the construction
2 of the project; and

3 WHEREAS, Time lost due to labor conflicts and
4 jurisdictional disputes can cause serious delays in the
5 completion of the project and consequently cause an increase in
6 the cost of the construction project; and

7 WHEREAS, There are trade unions that are recognized by the
8 National Labor Relations Board, and which have as their primary
9 duties the negotiation of wages and hours, no-strike
10 agreements, and other matters on behalf of their members; the
11 unions also have control of the apprenticeship of new members
12 and the continued training of current members; and

13 WHEREAS, Project Labor Agreements can be of economic
14 benefit to property owners, including states and their
15 political subdivisions, for their major construction projects
16 (including a complex interrelated series of projects),
17 particularly those which extend for a substantial period of
18 time and involve a substantial number of construction
19 contractors and subcontractors or a substantial number of
20 construction trades and specialized craft workers; and

21 WHEREAS, Project Labor Agreements can facilitate the
22 timely and efficient completion of the regional levee system

1 improvement project by making available a ready and adequate
2 supply of highly trained and skilled craft workers; permitting
3 public and private owners and contractors to more accurately
4 predict project labor costs at the bidding stage; establishing
5 working conditions for all construction crafts for the duration
6 of the project; and providing a legally enforceable means of
7 assuring labor stability and labor peace over the life of such
8 project, thereby reducing the possibility of interruptions and
9 delays resulting from labor disputes; and

10 WHEREAS, The generally short-term nature of employment in
11 the construction industry makes post-hire collective
12 bargaining difficult and unrealistic; and

13 WHEREAS, The Board of Directors of the Southwestern
14 Illinois Flood Prevention District Council has adopted a
15 resolution requiring contractors working on the Project and
16 paid with local tax dollars to enter into Project Labor
17 Agreements; and

18 WHEREAS, If work is to be done on the Project by the United
19 States Army Corps of Engineers, there is a substantial required
20 local cost-share that will be provided from the proceeds of the
21 local sales tax authorized by the Illinois General Assembly;
22 and

1 WHEREAS, The President of the United States has issued
2 Executive Order 13502 to "encourage executive agencies to
3 consider requiring the use of project labor agreements in
4 connection with large-scale construction projects in order to
5 promote economy and efficiency in Federal procurement"; and

6 WHEREAS, The National Labor Relations Act allows for a
7 collective bargaining agreement between a labor organization
8 and an employer in the construction industry relating to the
9 contracting or subcontracting of work to be done at the site of
10 the construction, alteration, painting, or repair of a
11 building, structure, or other work; and

12 WHEREAS, The courts have upheld the right of states and
13 their subdivisions, as proprietors, to enter into construction
14 contracts, with project managers or general contractors, that
15 contain Project Labor Agreement provisions, and those courts
16 have found that Project Labor Agreement provisions are not
17 preempted by the National Labor Relations Act, the Employee
18 Retirement Income Security Act, or the Sherman Anti-Trust Act,
19 or by the Equal Protection or Due Process Clauses of the 14th
20 Amendment; therefore, be it

21 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
22 NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
23 we urge organizations that are entering into construction

1 contracts for work on the Southwestern Illinois Flood
2 Prevention Project, where that work is paid for wholly or
3 partially with public tax dollars, to require contractors to
4 sign and use Project Labor Agreements for those projects; and
5 be it further

6 RESOLVED, That this resolution is to apply to work done by
7 the United States Army Corps of Engineers on the Southwestern
8 Illinois Flood Prevention Project.