
SECOND SUBSTITUTE HOUSE BILL 1065

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Capital Budget (originally sponsored by Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to apprenticeship utilization requirements on
2 public works projects; and adding new sections to chapter 39.04 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A well-trained construction trades work
5 force is critical to the ability of the state of Washington to
6 construct public works. Studies of the state's work force highlight
7 population trends that, without a concerted effort to offset them, will
8 lead to an inadequate supply of skilled workers in the construction
9 industry. State government regularly constructs public works. The
10 efficient and economical construction of public works projects will be
11 harmed if there is not an ample supply of trained construction workers.
12 Apprenticeship training programs are particularly effective in
13 providing training and experience to individuals seeking to enter or
14 advance in the work force. By providing for apprenticeship utilization
15 on public works projects, state government can create opportunities for
16 training and experience that will help assure that a trained work force
17 will be available in sufficient numbers in the future for the
18 construction of public works.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout sections 1 through 3 of this act unless the context clearly
3 requires otherwise.

4 (1) "Apprentice" means an apprentice enrolled in a state-approved
5 apprenticeship training program.

6 (2) "Apprentice utilization requirement" means the requirement that
7 the appropriate percentage of labor hours be performed by apprentices.

8 (3) "Labor hours" means the total hours of workers receiving an
9 hourly wage who are directly employed on the site of the public works
10 project. "Labor hours" includes hours performed by workers employed by
11 the contractor and all subcontractors working on the project. "Labor
12 hours" does not include hours worked by foremen, superintendents,
13 owners, and workers who are not subject to prevailing wage
14 requirements.

15 (4) "State-approved apprenticeship training program" means an
16 apprenticeship training program approved by the Washington state
17 apprenticeship council.

18 NEW SECTION. **Sec. 3.** (1) From July 1, 2003, through December 31,
19 2003, for all public works estimated to cost two million dollars or
20 more, all specifications shall require that no less than twelve percent
21 of the labor hours be performed by apprentices.

22 (2) From January 1, 2004, and thereafter, for all public works
23 estimated to cost one million dollars or more, all specifications shall
24 require that no less than fifteen percent of the labor hours be
25 performed by apprentices.

26 (3) Awarding agency directors shall adjust the requirements of this
27 section for a specific project if a bidder asserts one or more of the
28 following reasons:

29 (a) The demonstrated lack of availability of apprentices in
30 specific geographic areas;

31 (b) A disproportionately high ratio of material costs to labor
32 hours, which does not make feasible the required minimum levels of
33 apprentice participation;

34 (c) Participating contractors have demonstrated a good faith effort
35 to comply with the requirements of this act; or

36 (d) Other criteria the awarding agency director deems appropriate.

1 (4) If the awarding agency director disputes the validity of the
2 asserted reason for adjusting the requirements of this section for a
3 specific project, the awarding agency director has the burden of
4 establishing that the asserted reason was not valid.

5 (5) A contractor must make reasonable efforts to apply the
6 apprentice utilization percentage requirements listed in subsections
7 (1) and (2) of this section so that the appropriate percentage of labor
8 hours in each separate craft or trade is performed by apprentices in
9 that craft or trade.

10 (6) This section applies only to public works contracts awarded by
11 the state and the institutions of higher education as defined in RCW
12 28B.10.016. However, this section does not apply to contracts awarded
13 by state agencies headed by a separately elected public official and
14 the department of transportation.

15 (7)(a) The department of general administration must provide
16 information and technical assistance to affected agencies and collect
17 the following data from affected agencies for each project covered by
18 this section:

19 (i) The number of apprentices and labor hours worked by them,
20 categorized by trade or craft;

21 (ii) The number of journey level workers and labor hours worked by
22 them, categorized by trade or craft; and

23 (iii) The number, type, and rationale for the exceptions granted
24 under subsection (3) of this section.

25 (b) By January 1, 2004, and each year thereafter, the department of
26 general administration shall compile and summarize the agency data and
27 provide reports to the senate commerce and trade committee, the house
28 of representatives commerce and labor committee, or their successor
29 committees, and the governor. The report shall include recommendations
30 on modifications or improvements to the apprentice utilization program.

31 (8) By January 1, 2004, and each year thereafter, the department of
32 labor and industries must report to the senate commerce and trade
33 committee, the house of representatives commerce and labor committee,
34 or their successor committees, and the governor on skill shortages in
35 each trade or craft.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
2 added to chapter 39.04 RCW.

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