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HOUSE BILL 1028

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State of Washington

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By Representatives Conway, Hankins, Sells, Simpson, Wood, Campbell, Santos, Green, McIntire, Morrell, Kenney, B. Sullivan, McCoy, Hasegawa, Chase and Ormsby; by request of Governor Locke

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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 this section and sections 1 and 3 of this act unless the  
3 context clearly 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 January 1, 2005, and thereafter,  
19 for all public works estimated to cost one million dollars or more, all  
20 specifications shall require that no less than fifteen percent of the  
21 labor hours be performed by apprentices.

22        (2) Awarding agency directors may adjust the requirements of this  
23 section for a specific project for the following reasons:

24        (a) The demonstrated lack of availability of apprentices in  
25 specific geographic areas;

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

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

31        (d) Other criteria the awarding agency director deems appropriate,  
32 which are subject to review by the office of the governor.

33        (3) This section applies only to public works contracts awarded by  
34 the state. However, this section does not apply to contracts awarded  
35 by state four-year institutions of higher education, state agencies  
36 headed by a separately elected public official, or the department of  
37 transportation.

1 (4)(a) The department of general administration must provide  
2 information and technical assistance to affected agencies and collect  
3 the following data from affected agencies for each project covered by  
4 this section:

5 (i) The name of each apprentice and apprentice registration number;

6 (ii) The name of each project;

7 (iii) The dollar value of each project;

8 (iv) The date of the contractor's notice to proceed;

9 (v) The number of apprentices and labor hours worked by them,  
10 categorized by trade or craft;

11 (vi) The number of journey level workers and labor hours worked by  
12 them, categorized by trade or craft; and

13 (vii) The number, type, and rationale for the exceptions granted  
14 under subsection (2) of this section.

15 (b) The department of labor and industries shall assist the  
16 department of general administration in providing information and  
17 technical assistance.

18 (5) At the request of the senate commerce and trade committee, the  
19 house of representatives commerce and labor committee, or their  
20 successor committees, and the governor, the department of general  
21 administration and the department of labor and industries shall  
22 compile and summarize the agency data and provide a joint report to  
23 both committees. The report shall include recommendations on  
24 modifications or improvements to the apprentice utilization program and  
25 information on skill shortages in each trade or craft.

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

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