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ENGROSSED HOUSE BILL 1898

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State of Washington

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By Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

Read first time 01/31/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to apprenticeship utilization requirements on  
2 school district public works projects; and amending RCW 39.04.310 and  
3 39.04.320.

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

5 **Sec. 1.** RCW 39.04.310 and 2005 c 3 s 2 are each amended to read as  
6 follows:

7 The definitions in this section apply throughout this section and  
8 RCW 39.04.300 and 39.04.320 unless the context clearly requires  
9 otherwise.

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

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

14 (3) "Labor hours" means the total hours of workers receiving an  
15 hourly wage who are directly employed on the site of the public works  
16 project. "Labor hours" includes hours performed by workers employed by  
17 the contractor and all subcontractors working on the project. "Labor  
18 hours" does not include hours worked by foremen, superintendents,

1 owners, and workers who are not subject to prevailing wage  
2 requirements.

3 (4) "School district" has the same meaning as in RCW 28A.315.025.

4 (5) "State-approved apprenticeship training program" means an  
5 apprenticeship training program approved by the Washington state  
6 apprenticeship council.

7 **Sec. 2.** RCW 39.04.320 and 2006 c 321 s 2 are each amended to read  
8 as follows:

9 (1)(a) Except as provided in (b) and (c) of this subsection, from  
10 January 1, 2005, and thereafter, for all public works estimated to cost  
11 one million dollars or more, all specifications shall require that no  
12 less than fifteen percent of the labor hours be performed by  
13 apprentices.

14 (b)(i) This section does not apply to contracts advertised for bid  
15 before July 1, 2007, for any public works by the department of  
16 transportation.

17 (ii) For contracts advertised for bid on or after July 1, 2007, and  
18 before July 1, 2008, for all public works by the department of  
19 transportation estimated to cost five million dollars or more, all  
20 specifications shall require that no less than ten percent of the labor  
21 hours be performed by apprentices.

22 (iii) For contracts advertised for bid on or after July 1, 2008,  
23 and before July 1, 2009, for all public works by the department of  
24 transportation estimated to cost three million dollars or more, all  
25 specifications shall require that no less than twelve percent of the  
26 labor hours be performed by apprentices.

27 (iv) For contracts advertised for bid on or after July 1, 2009, for  
28 all public works by the department of transportation estimated to cost  
29 two million dollars or more, all specifications shall require that no  
30 less than fifteen percent of the labor hours be performed by  
31 apprentices.

32 (c)(i) This section does not apply to contracts advertised for bid  
33 before January 1, 2008, for any public works by a school district.

34 (ii) For contracts advertised for bid on or after January 1, 2008,  
35 for all public works by a school district estimated to cost three  
36 million dollars or more, all specifications shall require that no less  
37 than ten percent of the labor hours be performed by apprentices.

1        (iii) For contracts advertised for bid on or after January 1, 2009,  
2 for all public works by a school district estimated to cost two million  
3 dollars or more, all specifications shall require that no less than  
4 twelve percent of the labor hours be performed by apprentices.

5        (iv) For contracts advertised for bid on or after January 1, 2010,  
6 for all public works by a school district estimated to cost one million  
7 dollars or more, all specifications shall require that no less than  
8 fifteen percent of the labor hours be performed by apprentices.

9        (2) Awarding agency directors or school districts may adjust the  
10 requirements of this section for a specific project for the following  
11 reasons:

12        (a) The demonstrated lack of availability of apprentices in  
13 specific geographic areas;

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

17        (c) Participating contractors have demonstrated a good faith effort  
18 to comply with the requirements of RCW 39.04.300 and 39.04.310 and this  
19 section; or

20        (d) Other criteria the awarding agency director or school district  
21 deems appropriate, which are subject to review by the office of the  
22 governor.

23        (3) The secretary of the department of transportation shall adjust  
24 the requirements of this section for a specific project for the  
25 following reasons:

26        (a) The demonstrated lack of availability of apprentices in  
27 specific geographic areas; or

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

31        (4) This section applies (~~only~~) to public works contracts awarded  
32 by the state and to public works contracts awarded by school districts.  
33 However, this section does not apply to contracts awarded by state  
34 four-year institutions of higher education or state agencies headed by  
35 a separately elected public official.

36        (5)(a) The department of general administration must provide  
37 information and technical assistance to affected agencies and collect

1 the following data from affected agencies for each project covered by  
2 this section:

- 3 (i) The name of each apprentice and apprentice registration number;
- 4 (ii) The name of each project;
- 5 (iii) The dollar value of each project;
- 6 (iv) The date of the contractor's notice to proceed;
- 7 (v) The number of apprentices and labor hours worked by them,  
8 categorized by trade or craft;
- 9 (vi) The number of journey level workers and labor hours worked by  
10 them, categorized by trade or craft; and
- 11 (vii) The number, type, and rationale for the exceptions granted  
12 under subsection (2) of this section.

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

16 (6) The secretary of transportation shall establish an  
17 apprenticeship utilization advisory committee, which shall include  
18 statewide geographic representation and consist of equal numbers of  
19 representatives of contractors and labor. The committee must include  
20 at least one member representing contractor businesses with less than  
21 thirty-five employees. The advisory committee shall meet regularly  
22 with the secretary of transportation to discuss implementation of this  
23 section by the department of transportation, including development of  
24 the process to be used to adjust the requirements of this section for  
25 a specific project. The committee shall provide a report to the  
26 legislature by January 1, 2008, on the effects of the apprentice labor  
27 requirement on transportation projects and on the availability of  
28 apprentice labor and programs statewide.

29 (7) At the request of the senate labor, commerce, research and  
30 development committee, the house of representatives commerce and labor  
31 committee, or their successor committees, and the governor, the  
32 department of general administration and the department of labor and  
33 industries shall compile and summarize the agency data and provide a  
34 joint report to both committees. The report shall include  
35 recommendations on modifications or improvements to the apprentice  
36 utilization program and information on skill shortages in each trade or

1 craft.

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