

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1898

60th Legislature
2007 Regular Session

Passed by the House April 14, 2007
Yeas 69 Nays 25

Speaker of the House of Representatives

Passed by the Senate April 6, 2007
Yeas 34 Nays 14

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1898** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1898

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

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, or
34 to any project funded in whole or in part by bond issues approved
35 before July 1, 2007.

36 (ii) For contracts advertised for bid on or after January 1, 2008,

1 for all public works by a school district estimated to cost three
2 million dollars or more, all specifications shall require that no less
3 than ten percent of the labor hours be performed by apprentices.

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

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

12 (2) Awarding agency directors or school districts may adjust the
13 requirements of this section for a specific project for the following
14 reasons:

15 (a) The demonstrated lack of availability of apprentices in
16 specific geographic areas;

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

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

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

26 (3) The secretary of the department of transportation shall adjust
27 the requirements of this section for a specific project for the
28 following reasons:

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

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

1 (5)(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 (6) The secretary of transportation shall establish an
19 apprenticeship utilization advisory committee, which shall include
20 statewide geographic representation and consist of equal numbers of
21 representatives of contractors and labor. The committee must include
22 at least one member representing contractor businesses with less than
23 thirty-five employees. The advisory committee shall meet regularly
24 with the secretary of transportation to discuss implementation of this
25 section by the department of transportation, including development of
26 the process to be used to adjust the requirements of this section for
27 a specific project. The committee shall provide a report to the
28 legislature by January 1, 2008, on the effects of the apprentice labor
29 requirement on transportation projects and on the availability of
30 apprentice labor and programs statewide.

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

1 utilization program and information on skill shortages in each trade or
2 craft.

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