

ESB 5993 - S AMD 490

By Senators King, Hobbs

ADOPTED 6/28/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 39.04.320 and 2015 c 225 s 36 are each amended to
4 read as follows:

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

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

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

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

23 (iv) For contracts advertised for bid on or after July 1,
24 (~~2009~~) 2015, and before July 1, 2020, for all public works by the
25 department of transportation estimated to cost (~~two~~) three million
26 dollars or more, all specifications shall require that no less than
27 fifteen percent of the labor hours be performed by apprentices.

28 (v) For contracts advertised for bid on or after July 1, 2020,
29 for all public works by the department of transportation estimated to
30 cost two million dollars or more, all specifications shall require
31 that no less than fifteen percent of the labor hours be performed by
32 apprentices.

1 (c)(i) This section does not apply to contracts advertised for
2 bid before January 1, 2008, for any public works by a school
3 district, or to any project funded in whole or in part by bond issues
4 approved before July 1, 2007.

5 (ii) For contracts advertised for bid on or after January 1,
6 2008, for all public works by a school district estimated to cost
7 three million dollars or more, all specifications shall require that
8 no less than ten percent of the labor hours be performed by
9 apprentices.

10 (iii) For contracts advertised for bid on or after January 1,
11 2009, for all public works by a school district estimated to cost two
12 million dollars or more, all specifications shall require that no
13 less than twelve percent of the labor hours be performed by
14 apprentices.

15 (iv) For contracts advertised for bid on or after January 1,
16 2010, for all public works by a school district estimated to cost one
17 million dollars or more, all specifications shall require that no
18 less than fifteen percent of the labor hours be performed by
19 apprentices.

20 (d)(i) For contracts advertised for bid on or after January 1,
21 2010, for all public works by a four-year institution of higher
22 education estimated to cost three million dollars or more, all
23 specifications must require that no less than ten percent of the
24 labor hours be performed by apprentices.

25 (ii) For contracts advertised for bid on or after January 1,
26 2011, for all public works by a four-year institution of higher
27 education estimated to cost two million dollars or more, all
28 specifications must require that no less than twelve percent of the
29 labor hours be performed by apprentices.

30 (iii) For contracts advertised for bid on or after January 1,
31 2012, for all public works by a four-year institution of higher
32 education estimated to cost one million dollars or more, all
33 specifications must require that no less than fifteen percent of the
34 labor hours be performed by apprentices.

35 (2) Awarding entities may adjust the requirements of this section
36 for a specific project for the following reasons:

37 (a) The demonstrated lack of availability of apprentices in
38 specific geographic areas;

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

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

7 (d) Other criteria the awarding entity deems appropriate, which
8 are subject to review by the office of the governor.

9 (3) The secretary of the department of transportation shall
10 adjust the requirements of this section for a specific project for
11 the following reasons:

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

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 (4) This section applies to public works contracts awarded by the
18 state, to public works contracts awarded by school districts, and to
19 public works contracts awarded by state four-year institutions of
20 higher education. However, this section does not apply to contracts
21 awarded by state agencies headed by a separately elected public
22 official.

23 (5)(a) The department of enterprise services must provide
24 information and technical assistance to affected agencies and collect
25 the following data from affected agencies for each project covered by
26 this section:

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

29 (ii) The name of each project;

30 (iii) The dollar value of each project;

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

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

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

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

38 (b) The department of labor and industries shall assist the
39 department of enterprise services in providing information and
40 technical assistance.

1 (6) The secretary of transportation shall establish an
2 apprenticeship utilization advisory committee, which shall include
3 statewide geographic representation and consist of equal numbers of
4 representatives of contractors and labor. The committee must include
5 at least one member representing contractor businesses with less than
6 thirty-five employees. The advisory committee shall meet regularly
7 with the secretary of transportation to discuss implementation of
8 this section by the department of transportation, including
9 development of the process to be used to adjust the requirements of
10 this section for a specific project. (~~The committee shall provide a
11 report to the legislature by January 1, 2008, on the effects of the
12 apprentice labor requirement on transportation projects and on the
13 availability of apprentice labor and programs statewide.~~)

14 (7) At the request of the senate labor, commerce, research and
15 development committee, the house of representatives commerce and
16 labor committee, or their successor committees, and the governor, the
17 department of enterprise services and the department of labor and
18 industries shall compile and summarize the agency data and provide a
19 joint report to both committees. The report shall include
20 recommendations on modifications or improvements to the apprentice
21 utilization program and information on skill shortages in each trade
22 or craft.

23 **Sec. 2.** RCW 39.12.026 and 2003 c 363 s 206 are each amended to
24 read as follows:

25 (1) In establishing the prevailing rate of wage under RCW
26 39.12.010, 39.12.015, and 39.12.020, all data collected by the
27 department of labor and industries may be used only in the county for
28 which the work was performed.

29 (2) (~~This section applies only to prevailing wage surveys
30 initiated on or after August 1, 2003.~~) The department of labor and
31 industries must provide registered contractors with the option of
32 completing a wage survey electronically.

33 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of
35 the state government and its existing public institutions, and takes
36 effect immediately."

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1 On page 1, line 1 of the title, after "projects;" strike the
2 remainder of the title and insert "amending RCW 39.04.320 and
3 39.12.026; and declaring an emergency."

EFFECT: The helmets to hardhats coordinator position is no longer created at the department of transportation. Changes the effective date from July 1, 2015, to immediately upon the governor's signature.

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