

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5097**

59th Legislature  
2005 Regular Session

Passed by the Senate February 2, 2005  
YEAS 27 NAYS 19

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**President of the Senate**

Passed by the House February 16, 2005  
YEAS 58 NAYS 40

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5097** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5097**

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Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senators Kohl-Welles, Kline, Rasmussen,  
Franklin, Roach and Pridemore; by request of Governor Locke)

READ FIRST TIME 1/31/2005.

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

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

5            NEW SECTION.    **Sec. 1.** A well-trained construction trades work  
6 force is critical to the ability of the state of Washington to  
7 construct public works. Studies of the state's work force highlight  
8 population trends that, without a concerted effort to offset them, will  
9 lead to an inadequate supply of skilled workers in the construction  
10 industry. State government regularly constructs public works. The  
11 efficient and economical construction of public works projects will be  
12 harmed if there is not an ample supply of trained construction workers.  
13 Apprenticeship training programs are particularly effective in  
14 providing training and experience to individuals seeking to enter or  
15 advance in the work force. By providing for apprenticeship utilization  
16 on public works projects, state government can create opportunities for  
17 training and experience that will help assure that a trained work force  
18 will be available in sufficient numbers in the future for the  
19 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 labor, commerce, research and  
19 development committee, the house of representatives commerce and labor  
20 committee, or their successor committees, and the governor, the  
21 department of general administration and the department of labor and  
22 industries shall compile and summarize the agency data and provide a  
23 joint report to both committees. The report shall include  
24 recommendations on modifications or improvements to the apprentice  
25 utilization program and information on skill shortages in each trade or  
26 craft.

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

29 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 immediately.

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