

APPRENTICESHIP UTILIZATION ACT

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to labor for public works projects provided by an apprentice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ for certain public works projects:
 - requires that at least a specified amount of labor be performed by an apprentice;

and

- establishes other requirements for a contract between a government entity and a contractor related to apprentices; and

- ▶ provides exceptions to the minimum amount of labor for a public works project that is required to be performed by an apprentice.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-30-201, Utah Code Annotated 1953



28 [34-30-202](#), Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **34-30-201** is enacted to read:

32 **Part 2. Apprenticeships**

33 **34-30-201. Definitions.**

34 As used in this part:

35 (1) "Apprentice" means the same as that term is defined in Section [35A-6-102](#).

36 (2) "Apprenticeship utilization requirement" means a requirement related to the amount
37 of labor performed by an apprentice.

38 (3) "Government entity" means:

39 (a) a political subdivision; or

40 (b) the state.

41 (4) (a) "Labor hour" means an hour of work on the site of a public works project
42 performed by an individual receiving an hourly wage to provide construction work on the site,
43 including:

44 (i) an individual employed by the contractor; or

45 (ii) an individual employed by a subcontractor.

46 (b) "Labor hour" does not include an hour of work performed by:

47 (i) a foreman;

48 (ii) a superintendent; or

49 (iii) the company owner of a general contractor or subcontractor.

50 (5) "Political subdivision" means the same as that term is defined in Section [34-30-14](#).

51 (6) "Public works" or "public works project" means the same as that term is defined in
52 Section [34-30-14](#).

53 Section 2. Section **34-30-202** is enacted to read:

54 **34-30-202. Labor provided by an apprentice.**

55 (1) A government entity is subject to Subsection (2) for each public works project:

56 (a) for which the government entity enters into a contract on or after July 1, 2020; and

57 (b) that is estimated to cost \$500,000 or more.

58 (2) For a public works project described in Subsection (1), a government entity shall

59 require in a contract for the public works project that:

60 (a) except as provided in Subsection (3)(a), apprentices complete at least 15% of:

61 (i) the total labor hours performed by workers from each trade; and

62 (ii) the total labor hours performed by each contractor and subcontractor; and

63 (b) each contractor and subcontractor provide to the government entity a payroll report

64 at least monthly that certifies, for each worker performing one or more labor hours, the

65 worker's:

66 (i) name;

67 (ii) trade;

68 (iii) number of hours worked; and

69 (iv) whether the worker is a journey-level worker or an apprentice.

70 (3) A government entity is exempt from:

71 (a) the requirements described in Subsection (2)(a) for a specific public works project

72 if:

73 (i) the site of the public works projects is in a geographic area in which there is a lack

74 of available apprentices;

75 (ii) the public works project meets the cost threshold described in Subsection (1)(b)

76 due to high materials costs, but requires limited labor hours; or

77 (iii) the government entity demonstrates a good faith effort to comply with the

78 requirements described in this section; and

79 (b) the requirements described in this section, if the government entity has an

80 apprenticeship utilization requirement for a public works project that is equal to or exceeds the

81 apprenticeship utilization requirement described in this section.