

WORKFORCE DEVELOPMENT IN THE SKILLED TRADES

ACT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to labor provided by an apprentice for a public works project.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ for certain public works projects:
 - requires that a specified amount of labor be performed by an apprentice;
 - establishes other requirements for a contract between a government entity and a contractor relating to labor provided by an apprentice; and
 - provides exceptions to the apprentice labor requirement under certain circumstances.

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) "Governmental entity" means:

39 (a) a political subdivision; or

40 (b) the state.

41 (4) (a) "Labor hour" means an hour of construction work performed by an individual
42 receiving an hourly wage.

43 (b) "Labor hour" includes an hour of work performed by:

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

45 (ii) an individual employed by a subcontractor.

46 (c) "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 project" means the same as that term is defined in Section [34-30-14](#).

52 (7) "Short-term project" means a project that is scheduled to be completed within three
53 months after the day on which work begins on the project.

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

55 **34-30-202. Labor provided by an apprentice.**

56 (1) Subsection (2) applies to each public works project:

57 (a) for which a governmental entity enters into a contract on or after July 1, 2022; and

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

59 (2) Except as provided in Subsection (3)(a), a governmental entity shall include in a
60 contract for a public works project described in Subsection (1):

61 (a) an apprenticeship utilization requirement that requires apprentices complete at least
62 10% of:

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

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

65 (b) that each contractor and subcontractor provide to the governmental entity quarterly
66 or, if a short-term project, at completion of the short-term project, a payroll report that certifies:

67 (i) for each worker performing one or more labor hours:

68 (A) the worker's name and trade;

69 (B) the number of hours the worker worked; and

70 (C) whether the worker is a journey-level worker or an apprentice; and

71 (ii) for the quarter or the short-term project, the percentage of the total labor hours
72 completed by the contractor's or subcontractor's apprentices:

73 (A) from each trade; and

74 (B) from all trades.

75 (3) Subsection (2)(a) does not apply to a public works project if:

76 (a) the site of the public works project is in a geographic area in which there is a lack
77 of available apprentices;

78 (b) the public works project meets the cost threshold described in Subsection (1)(b) due
79 to high material costs, but requires limited labor hours; or

80 (c) the governmental entity demonstrates a good faith effort to comply with the
81 requirements described in Subsection (2)(a).