

**APPRENTICESHIP ON PUBLIC WORKS REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: Michael S. Kennedy

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**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;
- ▶ makes technical and conforming changes; and
- ▶ 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

**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

29 RENUMBERS AND AMENDS:

30 **34-30-101**, (Renumbered from 34-30-1, as enacted by Laws of Utah 1969, Chapter 85)

31 **34-30-102**, (Renumbered from 34-30-8, as enacted by Laws of Utah 1969, Chapter 85)

32 **34-30-103**, (Renumbered from 34-30-9, as last amended by Laws of Utah 2018,  
33 Chapter 148)

34 **34-30-104**, (Renumbered from 34-30-13, as last amended by Laws of Utah 2016,  
35 Chapter 348)

36 **34-30-105**, (Renumbered from 34-30-14, as last amended by Laws of Utah 2023,  
37 Chapter 16)



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

40 Section 1. Section **34-30-101**, which is renumbered from Section 34-30-1 is  
41 renumbered and amended to read:

42 **Part 1. Employment on Public Works Projects**

43 ~~[34-30-1]~~. **34-30-101. Citizens to be given preference -- Provision to be**  
44 **included in contracts.**

45 (1) In employing workmen in the construction of public works by the state or any  
46 county or municipality, or by persons contracting with the state or any county or municipality,  
47 preference shall be given citizens of the United States, or those having declared their intention  
48 of becoming citizens.

49 (2) In each contract for the construction of public works a provision shall be inserted to  
50 the effect that, if the provisions of this section are not complied with, the contract shall be void.

51 Section 2. Section **34-30-102**, which is renumbered from Section 34-30-8 is  
52 renumbered and amended to read:

53 ~~[34-30-8]~~. **34-30-102. Forty-hour work week -- Overtime at one and one-half**  
54 **regular rate.**

55 (1) Forty hours shall constitute a working week on all works and undertakings carried  
56 on by the state, county, or municipal governments, or by any officer of the state or of any  
57 county or municipal government.

58 (2) Any persons, corporation, firm, contractor, agent, manager, or foreman, who shall

59 require or contract with any person to work upon such works or undertakings longer than 40  
60 hours in one week shall pay such employees at a rate not less than one and one-half times the  
61 regular rate at which he is employed.

62 Section 3. Section **34-30-103**, which is renumbered from Section 34-30-9 is  
63 renumbered and amended to read:

64 ~~[34-30-9]~~. **34-30-103. Violation of chapter -- Failure to keep or produce**  
65 **records -- Misdemeanor.**

66 Any officer, agent or representative of the state, or of any political subdivision, district  
67 or municipality of it who shall violate, or omit to comply with any of the provisions of this  
68 chapter, and any contractor or subcontractor, or agent or representative thereof, doing such  
69 public work, who shall neglect to keep, or cause to be kept, an accurate record of the names,  
70 occupation and actual wages paid to each laborer, workman and mechanic employed by him or  
71 her, in connection with this public work or who shall refuse to allow access to same at any  
72 reasonable hour to any person authorized to inspect same under this chapter is guilty of a class  
73 B misdemeanor.

74 Section 4. Section **34-30-104**, which is renumbered from Section 34-30-13 is  
75 renumbered and amended to read:

76 ~~[34-30-13]~~. **34-30-104. Compliance with federal requirements.**

77 Notwithstanding any other provision in this chapter to the contrary, the governor of the  
78 state of Utah may, in the governor's discretion, elect to suspend the provisions of this chapter in  
79 whole or in part if it becomes necessary to do so in order to comply with requirements imposed  
80 by the government of the United States, in order for the state of Utah to remain eligible for  
81 participation in programs which are financed in whole or in part by the United States  
82 government.

83 Section 5. Section **34-30-105**, which is renumbered from Section 34-30-14 is  
84 renumbered and amended to read:

85 ~~[34-30-14]~~. **34-30-105. Public works -- Wages.**

86 (1) For purposes of this section:

87 (a) "Political subdivision" means a county, city, town, school district, special district,  
88 special service district, public corporation, institution of higher education of the state, public  
89 agency of any political subdivision, or other entity that expends public funds for construction,

90 maintenance, repair or improvement of public works.

91 (b) "Public works" or "public works project" means a building, road, street, sewer,  
92 storm drain, water system, irrigation system, reclamation project, or other facility owned or to  
93 be contracted for by the state or a political subdivision, and that is to be paid for in whole or in  
94 part with tax revenue paid by residents of the state.

95 (2) (a) Except as provided in Subsection (2)(b) or as required by federal or state law,  
96 the state or any political subdivision that contracts for the construction, maintenance, repair, or  
97 improvement of public works may not require that a contractor, subcontractor, or material  
98 supplier or carrier engaged in the construction, maintenance, repair, or improvement of public  
99 works pay its employees:

100 (i) a predetermined amount of wages or wage rate; or

101 (ii) a type, amount, or rate of employee benefits.

102 (b) Subsection (2)(a) does not apply when federal law requires the payment of  
103 prevailing or minimum wages to persons working on projects funded in whole or in part by  
104 federal funds.

105 (3) The state or any political subdivision that contracts for the construction,  
106 maintenance, repair, or improvement of public works may not require that a contractor,  
107 subcontractor, or material supplier or carrier engaged in the construction, maintenance, repair  
108 or improvement of public works execute or otherwise become a party to any project labor  
109 agreement, collective bargaining agreement, prehire agreement, or any other agreement with  
110 employees, their representatives, or any labor organization as a condition of bidding,  
111 negotiating, being awarded, or performing work on a public works project.

112 (4) This section applies to any contract executed after May 1, 1995.

113 Section 6. Section **34-30-201** is enacted to read:

114 **Part 2. Apprenticeships**

115 **34-30-201. Definitions.**

116 As used in this part:

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

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

120 (3) "Governmental entity" means:

121 (a) a political subdivision; or  
122 (b) the state.  
123 (4) (a) "Labor hour" means an hour of construction work performed by an individual  
124 receiving an hourly wage.

125 (b) "Labor hour" includes an hour of work performed by:  
126 (i) an individual employed by the contractor; or  
127 (ii) an individual employed by a subcontractor.  
128 (c) "Labor hour" does not include an hour of work performed by:

129 (i) a foreman;  
130 (ii) a superintendent; or  
131 (iii) the company owner of a general contractor or subcontractor.

132 (5) "Political subdivision" means the same as that term is defined in Section  
133 [34-30-105](#).

134 (6) "Pubic works project" means the same as that term is defined in Section [34-30-105](#).

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

137 Section 7. Section **34-30-202** is enacted to read:

138 **34-30-202. Labor provided by an apprentice.**

139 (1) Except as provided in Subsection (2), a government entity shall include in a  
140 contract for a public works project:

141 (a) an apprenticeship utilization requirement that requires apprentices complete at least  
142 10% of:

143 (i) the total labor hours performed by workers from each trade; and  
144 (ii) the total labor hours performed by each contractor and subcontractor; and

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

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

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

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

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

151 (ii) for the quarter or the short-term project, the percentage of the total labor hours

152 completed by the contractor's or subcontractor's apprentices:

153 (A) from each trade; and

154 (B) from all trades.

155 (2) (a) Subsection (1) does not apply to a public works project if:

156 (i) a government entity entered into a contract for the public works project before July  
157 1, 2024; or

158 (ii) the public works project is estimated to cost less than \$500,000.

159 (b) Subsection (1)(a) does not apply to a public works project if:

160 (i) the site of the public works project is in a geographic area in which there is a lack of  
161 available apprentices;

162 (ii) the public works project is estimated to cost more than \$500,000 due to high  
163 material costs, but requires limited labor hours; or

164 (iii) the governmental entity demonstrates a good faith effort to comply with the  
165 requirements described in Subsection (1)(a).

166 Section 8. **Effective date.**

167 This bill takes effect on May 1, 2024.