

HOUSE BILL NO. HB0117

Apprenticeship training program.

Sponsored by: Representative(s) Connolly, Bonner, Goggles,
Wallis and Zwonitzer, Dn. and Senator(s)
Hastert

A BILL

for

1 AN ACT relating to apprenticeship programs; adding
2 definitions; creating the apprenticeship training account;
3 providing for payments by contractors and subcontractors
4 into the account as specified; requiring report;
5 authorizing rulemaking; providing for penalties; providing
6 for enforcement; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 16-6-903 through 16-6-905 are created
11 to read:

12

13 **16-6-903. Contractors; subcontractors; payments.**

14

15 (a) A contractor that is awarded a procurement
16 contract for a covered project shall provide to the agency

1 responsible for the project, as a condition of receiving
2 the contract, written verification that:

3

4 (i) The contractor will participate in an
5 apprenticeship training program for each covered craft in
6 which it will employ persons for the covered project; or

7

8 (ii) The contractor will make payments to the
9 account in the amount required by subsection (e) of this
10 section.

11

12 (b) The written verification required under subsection
13 (a) of this section shall be provided by a contractor to
14 the agency responsible for the project before the
15 contractor commences performance under the procurement
16 contract.

17

18 (c) A subcontractor that performs work valued at one
19 hundred thousand dollars (\$100,000.00) or more for a
20 covered project shall provide to the agency responsible for
21 the project written verification that:

22

1 (i) The subcontractor will participate in an
2 apprenticeship training program for each covered craft in
3 which it will employ persons for the covered project; or

4
5 (ii) The subcontractor will make payments to the
6 account in the amount required by subsection (e) of this
7 section.

8
9 (d) The written verification required under subsection
10 (c) of this section shall be provided by a subcontractor to
11 the agency responsible for the project before the
12 subcontractor commences performance under the procurement
13 contract.

14
15 (e) A contractor or subcontractor who elects to make
16 payments into the account pursuant to paragraph (a)(ii) or
17 (c)(ii) of this section shall make regular financial
18 contributions for each covered craft during the term of the
19 covered project at the rate of twenty-five cents (\$.25) per
20 hour for each employee in each covered craft who is
21 employed by the contractor or subcontractor on the covered
22 project.

23

1 (f) If the director determines that a contractor or
2 subcontractor for a covered project has made contributions
3 to an apprenticeship training program at rates lower than
4 those required by this section, the contractor or
5 subcontractor shall make payments to the account for the
6 difference between its contribution and the contribution
7 rate required by this article.

8

9 (g) Payments made to the account in accordance with
10 subsection (a) or (c) of this section shall be made on a
11 monthly basis.

12

13 (h) A contractor or subcontractor that makes
14 contributions to the account may request that its
15 contributions be directed to a specific apprenticeship
16 training program or workforce development program.

17

18 (j) The director shall make a good-faith effort to
19 accommodate requests received in accordance with subsection
20 (h) of this section.

21

22 (k) A contractor shall report all apprenticeship
23 payments made under this section on any prevailing wage
24 payroll records as required.

1

2 (m) Beginning September 1, 2011, the department shall
3 report by September 1 of each year to the joint labor,
4 health and social services and the joint minerals, business
5 and economic development interim committees on the
6 expenditures from the account, including the programs
7 supported pursuant to this article. The report shall
8 include summaries of the populations served, including
9 efforts to target economically disadvantaged, displaced
10 workers, women, younger workers, older workers, disabled
11 workers and workers who have previously been incarcerated.

12

13 **16-6-904. Apprenticeship training account; reports.**

14

15 (a) There is created the apprenticeship training
16 account. All funds collected by the department shall be
17 deposited in the account created by this section. Interest
18 earned by the account shall be retained in the account.
19 The account is appropriated for use and expenditure by the
20 department for the costs of administering the programs
21 under this article. Itemized vouchers shall be submitted
22 to the department for approval. Upon approval, a warrant
23 for the payment of each voucher shall be issued by the

1 state auditor for payment from the apprenticeship training
2 account.

3

4 (b) Notwithstanding any other provision of law, any
5 unexpended funds within the account shall not revert to the
6 general fund.

7

8 (c) The department shall use funds in the account to
9 promote apprenticeship training programs and other
10 workforce development programs in Wyoming's public
11 secondary schools and community colleges that assist
12 students in preparing for and entering apprenticeship
13 training programs.

14

15 **16-6-905. Penalties; rulemaking; enforcement.**

16

17 (a) Any person, firm or corporation that is found to
18 have willfully made a false or fraudulent representation or
19 omission regarding a material fact in connection with a
20 covered project as required by this article shall be liable
21 for a civil penalty in an amount of up to one thousand
22 dollars (\$1,000.00) for each employee and for each
23 falsified record. For purposes of this subsection,
24 "willfully" means representations or omissions known to be

1 false or made with deliberate ignorance or reckless
2 disregard for their truth or falsity.

3

4 (b) All penalties collected pursuant to subsection (a)
5 of this section shall be paid to the state treasurer and
6 credited as provided in W.S. 8-1-109.

7

8 (c) The director shall promulgate rules and
9 regulations necessary to carry out the purposes of this
10 article.

11

12 (d) The director may file suit to enforce this article
13 in any court of competent jurisdiction.

14

15 (e) If the department prevails in an action filed
16 under subsection (d) of this section, the contractor or
17 subcontractor shall pay the amount required by subsection
18 (a) of this section, including interest, reasonable
19 attorney fees and court costs.

20

21 **Section 2.** W.S. 16-6-901(a) by creating new
22 paragraphs (vi) through (ix) is amended to read:

23

24 **16-6-901. Definitions.**

1

2 (a) As used in this act, unless the context clearly
3 requires otherwise:

4

5 (vi) "Account" means the state apprenticeship
6 training account established under W.S. 16-6-904;

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8 (vii) "Covered craft" means a classification of
9 workers listed in the prevailing wage determination
10 applicable to the covered project;

11

12 (viii) "Covered project" means a contract for the
13 construction of a public work, that is bid at two hundred
14 fifty thousand dollars (\$250,000.00) or more;

15

16 (ix) "Director" means the director of the
17 department of workforce services.

18

19 **Section 3.** This act is effective July 1, 2010.

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21

(END)