
HOUSE BILL 1050

State of Washington

68th Legislature

2023 Regular Session

By Representatives Riccelli, Berry, Simmons, Ryu, Goodman, Reed, Ramel, Lekanoff, Pollet, Street, Doglio, Donaghy, Wylie, Santos, Ormsby, and Fosse

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1 AN ACT Relating to expanding apprenticeship utilization
2 requirements; amending RCW 39.04.320; and providing an effective
3 date.

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

5 **Sec. 1.** RCW 39.04.320 and 2018 c 244 s 1 are each amended to
6 read as follows:

7 (1)(a)(i) Except as provided in (b) through (d) of this
8 subsection, from January 1, 2005, and thereafter, for all public
9 works estimated to cost ~~((one million dollars))~~ \$1,000,000 or more,
10 all specifications ~~((shall))~~ must require that no less than
11 ~~((fifteen))~~ 15 percent of the labor hours be performed by
12 apprentices.

13 (ii) As of the effective date of this section, for all public
14 works contracts awarded by a municipality estimated to cost
15 \$1,000,000 or more, all specifications must require that no less than
16 15 percent of the labor hours be performed by apprentices.

17 (iii) As of the effective date of this section, for all
18 subcontractors on public works with an initial subcontract price of
19 \$200,000 or more, all specifications must require that no less than
20 15 percent of the labor hours be performed by apprentices.

1 (b) (i) This section does not apply to contracts advertised for
2 bid before July 1, 2007, for any public works by the department of
3 transportation.

4 (ii) For contracts advertised for bid on or after July 1, 2007,
5 and before July 1, 2008, for all public works by the department of
6 transportation estimated to cost (~~((five million dollars))~~) \$5,000,000
7 or more, all specifications (~~((shall))~~) must require that no less than
8 (~~((ten))~~) 10 percent of the labor hours be performed by apprentices.

9 (iii) For contracts advertised for bid on or after July 1, 2008,
10 and before July 1, 2009, for all public works by the department of
11 transportation estimated to cost (~~((three million dollars))~~) \$3,000,000
12 or more, all specifications (~~((shall))~~) must require that no less than
13 (~~((twelve))~~) 12 percent of the labor hours be performed by apprentices.

14 (iv) For contracts advertised for bid on or after July 1, 2015,
15 and before July 1, 2020, for all public works by the department of
16 transportation estimated to cost (~~((three million dollars))~~) \$3,000,000
17 or more, all specifications (~~((shall))~~) must require that no less than
18 (~~((fifteen))~~) 15 percent of the labor hours be performed by
19 apprentices.

20 (v) For contracts advertised for bid on or after July 1, 2020,
21 for all public works by the department of transportation estimated to
22 cost (~~((two million dollars))~~) \$2,000,000 or more, all specifications
23 (~~((shall))~~) must require that no less than (~~((fifteen))~~) 15 percent of
24 the labor hours be performed by apprentices. As of the effective date
25 of this section, for all subcontractors on public works by the
26 department of transportation with an initial subcontract price of
27 \$200,000 or more, all specifications must require that no less than
28 15 percent of the labor hours be performed by apprentices.

29 (c) (i) This section does not apply to contracts advertised for
30 bid before January 1, 2008, for any public works by a school
31 district, or to any project funded in whole or in part by bond issues
32 approved before July 1, 2007.

33 (ii) For contracts advertised for bid on or after January 1,
34 2008, for all public works by a school district estimated to cost
35 (~~((three million dollars))~~) \$3,000,000 or more, all specifications
36 (~~((shall))~~) must require that no less than (~~((ten))~~) 10 percent of the
37 labor hours be performed by apprentices.

38 (iii) For contracts advertised for bid on or after January 1,
39 2009, for all public works by a school district estimated to cost
40 (~~((two million dollars))~~) \$2,000,000 or more, all specifications

1 (~~shall~~) must require that no less than (~~twelve~~) 12 percent of the
2 labor hours be performed by apprentices.

3 (iv) For contracts advertised for bid on or after January 1,
4 2010, for all public works by a school district estimated to cost
5 (~~one million dollars~~) \$1,000,000 or more, all specifications
6 (~~shall~~) must require that no less than (~~fifteen~~) 15 percent of
7 the labor hours be performed by apprentices. For contracts advertised
8 for bid on or after the effective date of this section, for all
9 subcontractors on public works by a school district with an initial
10 subcontract price of \$200,000 or more, all specifications must
11 require that no less than 15 percent of the labor hours be performed
12 by apprentices.

13 (d) (i) For contracts advertised for bid on or after January 1,
14 2010, for all public works by a four-year institution of higher
15 education estimated to cost (~~three million dollars~~) \$3,000,000 or
16 more, all specifications must require that no less than (~~ten~~) 10
17 percent of the labor hours be performed by apprentices.

18 (ii) For contracts advertised for bid on or after January 1,
19 2011, for all public works by a four-year institution of higher
20 education estimated to cost (~~two million dollars~~) \$2,000,000 or
21 more, all specifications must require that no less than (~~twelve~~) 12
22 percent of the labor hours be performed by apprentices.

23 (iii) For contracts advertised for bid on or after January 1,
24 2012, for all public works by a four-year institution of higher
25 education estimated to cost (~~one million dollars~~) \$1,000,000 or
26 more, all specifications must require that no less than (~~fifteen~~)
27 15 percent of the labor hours be performed by apprentices. For
28 contracts advertised for bid on or after the effective date of this
29 section, for all subcontractors on public works by a four-year
30 institution of higher education with an initial subcontract price of
31 \$200,000 or more, all specifications must require that no less than
32 15 percent of the labor hours be performed by apprentices.

33 (2) Awarding entities may adjust the requirements of this section
34 for a specific project for the following reasons:

35 (a) The demonstrated lack of availability of apprentices in
36 specific geographic areas;

37 (b) A disproportionately high ratio of material costs to labor
38 hours, which does not make feasible the required minimum levels of
39 apprentice participation;

1 (c) Participating contractors have demonstrated a good faith
2 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
3 and this section; or

4 (d) Other criteria the awarding entity deems appropriate, which
5 are subject to review by the office of the governor.

6 (3) The secretary of the department of transportation shall
7 adjust the requirements of this section for a specific project for
8 the following reasons:

9 (a) The demonstrated lack of availability of apprentices in
10 specific geographic areas; or

11 (b) A disproportionately high ratio of material costs to labor
12 hours, which does not make feasible the required minimum levels of
13 apprentice participation.

14 (4)(a) This section applies to public works contracts awarded by
15 the state, to public works contracts awarded by school districts,
16 (~~and~~) to public works contracts awarded by state four-year
17 institutions of higher education, and to public works contracts
18 awarded by a municipality. However, this section does not apply to
19 contracts awarded by state agencies headed by a separately elected
20 public official.

21 (b) Within existing resources, awarding agencies and
22 municipalities are responsible for monitoring apprenticeship
23 utilization hours by contractor. There must be a specific line item
24 in the contract specifying that apprenticeship utilization goals
25 should be met, monetary incentives for meeting the goals, monetary
26 penalties for not meeting the goals, and an expected cost value to be
27 included in the bid associated with meeting the goals. The awarding
28 agency and municipality must report the apprenticeship utilization by
29 contractor and subcontractor to the supervisor of apprenticeship at
30 the department of labor and industries by final project acceptance.
31 The electronic reporting system that is being developed by the
32 department of labor and industries may be used for either or both
33 monitoring and reporting apprenticeship utilization hours.

34 (c) In lieu of the monetary penalty and incentive requirements
35 specified in (b) of this subsection, the Washington state department
36 of transportation may use its three strike system for ensuring
37 compliance including the allowance for a good faith effort.

38 (5)(a) The department of enterprise services must provide
39 information and technical assistance to affected agencies and

1 municipalities, and collect the following data from affected agencies
2 and municipalities for each project covered by this section:

3 (i) The name of each apprentice and apprentice registration
4 number;

5 (ii) The name of each project;

6 (iii) The dollar value of each project;

7 (iv) The date of the contractor's notice to proceed;

8 (v) The number of apprentices and labor hours worked by them,
9 categorized by trade or craft;

10 (vi) The number of journey level workers and labor hours worked
11 by them, categorized by trade or craft; and

12 (vii) The number, type, and rationale for the exceptions granted
13 under subsection (2) of this section.

14 (b) The department of labor and industries shall assist the
15 department of enterprise services in providing information and
16 technical assistance.

17 (6) The secretary of transportation shall establish an
18 apprenticeship utilization advisory committee, which (~~shall~~) must
19 include statewide geographic representation and consist of equal
20 numbers of representatives of contractors and labor. The committee
21 must include at least one member representing contractor businesses
22 with less than (~~thirty-five~~) 35 employees. The advisory committee
23 shall meet regularly with the secretary of transportation to discuss
24 implementation of this section by the department of transportation,
25 including development of the process to be used to adjust the
26 requirements of this section for a specific project.

27 (7) At the request of the senate labor, commerce, research and
28 development committee, the house of representatives commerce and
29 labor committee, or their successor committees, and the governor, the
30 department of enterprise services and the department of labor and
31 industries shall compile and summarize the agency and municipality
32 data and provide a joint report to both committees. The report
33 (~~shall~~) must include recommendations on modifications or
34 improvements to the apprentice utilization program and information on
35 skill shortages in each trade or craft.

36 (8) All contracts subject to this section must include
37 specifications that a contractor or subcontractor may not be required
38 to exceed the apprenticeship utilization requirements of this
39 section.

1 (9) This section establishes the minimum apprenticeship
2 utilization requirements on public works contracts awarded by a
3 municipality. Any standards or requirements relating to
4 apprenticeship utilization established by any applicable local law or
5 ordinance that are more favorable to apprentices than the minimum
6 requirements under this section are not affected by this section and
7 those more favorable laws apply and may be enforced as provided by
8 law.

9 NEW SECTION. Sec. 2. Section 1 of this act takes effect July 1,
10 2024.

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