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**HOUSE BILL 2087**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Schmidt and Leavitt

Prefiled 01/02/24.

1 AN ACT Relating to establishing procedures for submitting and  
2 reviewing objections regarding the formation and revision of  
3 apprenticeship programs and standards; adding a new section to  
4 chapter 49.04 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Engrossed  
7 Second Substitute Senate Bill No. 5600 (chapter 156, Laws of 2022)  
8 was signed into law with the stated intent that apprenticeship  
9 programs seeking state registration receive prompt consideration with  
10 minimum delay for more apprenticeship opportunities to be available  
11 for workers and employers. The legislature also recognizes that the  
12 state supreme court has recognized the right of competitors to object  
13 to the approval of apprenticeship programs. However, the current  
14 process for reviewing and ruling on those objections has become  
15 bogged down by unnecessary delays in spite of the considerable  
16 efforts and expertise of the department of labor and industries.  
17 Therefore, the legislature intends to establish consistent and  
18 efficient standards for adjudicating competitor objections,  
19 acknowledging the due process rights of competitors, while also  
20 discouraging frivolous claims designed to delay or discourage  
21 businesses and labor organizations from developing apprenticeship

1 programs. Further, these new standards properly rely upon the  
2 department of labor and industries to provide guidance and expertise  
3 to the Washington state apprenticeship and training council in  
4 assessing objections. The legislature intends for these changes to  
5 support workers, labor organizations, and businesses throughout the  
6 state.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.04  
8 RCW to read as follows:

9 (1) A competitor may object to the approval of a new  
10 apprenticeship committee, proposed standards, or proposed revisions  
11 to existing program standards, if the committee or standards do not  
12 conform to the rules adopted pursuant to this chapter.

13 (2) For the apprenticeship council to consider an objection made  
14 under this section, the competitor must have standing based on  
15 standards established by the department, and must file the objection  
16 in writing and in a form accepted by the department at least 20  
17 calendar days prior to the meeting where the committee or standards  
18 are scheduled to be reviewed by the apprenticeship council. The  
19 written objection must include details regarding which specific  
20 aspects of the application do not conform to the rules adopted  
21 pursuant to this chapter. The department shall notify the program  
22 sponsor and the apprenticeship council within two business days of  
23 receiving the objection.

24 (3) At the meeting, the apprenticeship council shall determine  
25 whether the competitor has standing to object to the application,  
26 based on standards established by the department. If the council  
27 determines that the competitor has standing, the council may:

28 (a) Provide the applicant, competitor, and the department an  
29 opportunity to explain their views on the objection and application,  
30 and then the council may rule on the application and the objection;  
31 or

32 (b) Grant the program sponsor 30 calendar days after the meeting  
33 to submit a written rebuttal to the objection, and hold a special  
34 meeting of the council prior to its next regularly scheduled meeting.

35 (4) (a) If the apprenticeship council deferred action to allow for  
36 a rebuttal by the program sponsor under subsection (3) (b) of this  
37 section, the department shall investigate and evaluate the objection  
38 and rebuttal and provide a report to the apprenticeship council prior  
39 to the special meeting. The report must include a recommendation to

1 the apprenticeship council on how it should rule on the objection  
2 based on the rules adopted pursuant to this chapter.

3 (b) At the special meeting, the apprenticeship council shall  
4 provide the applicant, competitor, and the department an opportunity  
5 to explain their views on the objection and application. The council  
6 shall rule on the objection.

7 (c) At the discretion of the council, the special meeting may be  
8 conducted virtually. If requested by the applicant, the council may  
9 grant additional time to the applicant to file a rebuttal and delay  
10 the date of the special meeting.

11 (5) At the next regularly scheduled meeting following the special  
12 meeting held under subsection (3)(b) of this section, the  
13 apprenticeship council shall take action on the application and  
14 provide a specific written explanation of its decision.

15 (6) The apprenticeship council may require a competitor to pay  
16 the applicant's reasonable attorneys' fees and costs for the rebuttal  
17 and special meeting under subsection (3)(b) of this section if the  
18 council finds that the competitor's objection was not substantially  
19 justified.

20 (7) The adjudicative process under this section is not subject to  
21 chapter 34.05 RCW.

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