

# 2019 Legislative Bill Activity – 5/8/2019

Bill Number	Title (& short summary)	Sponsor	Current Bill Status
<b>CPARB SPONSORED BILLS, SUPPORTED BILLS OR REQUESTING ACTIVITY</b>			
<a href="#">SHB 1295</a>	<b>Concerning public works contracting procedures –</b> <ul style="list-style-type: none"> <li>Removes limitations on design-build projects between two million and ten million dollars.</li> <li>Modifies evaluation criteria to include Office of Minority and Women's Business Enterprises (OMWBE) certified business utilization and reporting requirements as part of a signed design-build contract.</li> <li>Requires evaluation of a design-build proposal to include past utilization of OMWBE certified businesses.</li> <li>Requires a signed contract to include tracking and reporting of the use of OMWBE certified businesses and veteran certified businesses.</li> <li>Makes job order contracting available to any public entity.</li> <li>Requires evaluation criteria to include past performances of subcontractor inclusion plans.</li> <li>Raises the maximum amount for a work order from \$350,000 to \$500,000.</li> <li>Requires apprenticeship utilization program for any contract over \$350,000 and exceeding 600 hours in a single trade.</li> </ul>	Tharinger	<i>April 30 – Signed by the Governor</i>
Companion <a href="#">SB 5656</a>	<b>Concerning public works contracting procedures –</b> <ul style="list-style-type: none"> <li>Removes limitations on design-build projects between two million and ten million dollars.</li> <li>Modifies evaluation criteria to include Office of Minority and Women's Business Enterprises (OMWBE) certified business utilization and reporting requirements as part of a signed design-build contract.</li> <li>Requires apprenticeship utilization program for any contract over \$350,000 and exceeding 600 hours in a single trade.</li> <li>Makes job order contracting available to any public entity.</li> <li>Modifies public disclosure exemptions for certain information.</li> </ul>	Frocket	<i>Mar 18 - Senate Rules "X" file.</i>
<b>BILLS OF INTEREST – ACTIVE (changes highlighted)</b>			
<a href="#">SHB 1072</a>	<b>Enhancing the prevailing wage laws to ensure contractor and owner accountability and worker protection</b> <ul style="list-style-type: none"> <li>Raises penalties for failure to pay prevailing wages from the greater of \$1,000 or 20 percent of the total wage violation to the greater of \$5,000 or 50 percent of the total wage violation, and adds interest.</li> <li>Allows a contractor against whom the Department of Labor and Industries has begun an investigation, but not issued a notice of violation, to avoid further sanctions by paying the unpaid wages, interest, and a lesser penalty (limited to once within a five-year period).</li> <li>Defines "unpaid wages," extends the time period for filing prevailing wage complaints, and establishes a time frame for investigation of unpaid wages.</li> </ul>	Ormsby et al	<i>House Bill Died - Mar 21 - Referred to Rules 2 Consideration.</i>
Companion <a href="#">ESSB 5035</a>	<b>ESSB 5035</b> <b>Enhancing the prevailing wage laws to ensure contractor and owner accountability and worker protection</b> <ul style="list-style-type: none"> <li>Extends the time period for filing a prevailing wage complaint from 30 days to 60 days from the acceptance date of the public works project.</li> <li>Modifies the penalty structure for prevailing wage violations, including increasing the minimum penalty for a violation to \$5,000 or an amount equal to 50 percent of the prevailing wage violation, whichever is greater.</li> <li>Requires contractors to retain payroll records for three years and to submit certified payroll records at least once per month.</li> </ul>	Haseqawa et al	<i>Apr 25 – Delivered to Governor</i>
<a href="#">SHB 1359</a>	<b>Concerning local government procurement modernization and efficiency</b> <ul style="list-style-type: none"> <li>Authorizes a county to procure public works with a unit-priced contract and establishes bidding and other procedures for such contracts.</li> <li>Authorizes a water and sewer district to procure public works with a unit priced contract.</li> </ul>	Tharinger et al	<i>House Bill Died - Mar 21 - Referred to Rules 2 Consideration.</i>
Companion <a href="#">SSB 5418</a>			

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	<ul style="list-style-type: none"> <li>Authorizes county public transportation authorities, public transportation benefit areas, and regional transit authorities to enter into unit priced contract for public works.</li> </ul> <p><b>SSB 5418</b>  <b>Concerning local government procurement modernization and efficiency</b></p> <ul style="list-style-type: none"> <li>Allows counties of any population to create a purchasing department.</li> <li>Allows counties and water-sewer districts to procure public works with a unit priced contract.</li> <li>Increases the small works roster process and limited public works project cost thresholds to \$350k and \$50k respectively.</li> <li>Requires a municipality soliciting competitive bids for public works to disclose all bids received within two business days of bid opening.</li> <li>Extends the date by which a bidder may protest to two business days after a municipality discloses all bids received.</li> <li>Increases public works contract thresholds for public utility districts, second class cities and towns, first class cities, and fire protection districts.</li> <li>For limited public works, state agencies and authorized local governments must equitably distribute opportunities among contractors willing to perform work in a geographic area (changed from attempting to equitably distribute.)</li> <li>Allows a second class city or town to award certain competitive public works contracts to a bid within 5 percent of the lowest bid until July 2022.</li> <li><b>Requires CPARB to study of local government public works contracting processes by December 2020.(New Sec. 16)</b></li> </ul>	Takko et al	<i>Apr 26 Delivered to Governor.</i>
<b>DEAD BILLS</b>			
<a href="#">SHB 1006</a>	<p><b>Adopting new requirements for locating underground facilities, including positive response, minimum marking standards, adopting a new process for coordinating large projects, and requiring new and replacement facilities to be locatable</b></p> <ul style="list-style-type: none"> <li>Creates a utilities and excavator work group charged with making recommendations for updating the Damage Prevention Act.</li> <li>Requires the Utilities Transportation Commission (UTC) to convene the work group consisting of various members, including but not limited to, facility operators, excavators, insurance companies, and other private and public entities with underground facilities.</li> <li>Requires the work group must meet a minimum of four times and produce a report with recommendations to the Governor and Legislature by December 1, 2019.</li> <li>Requires the Department of Commerce, in consultation with the UTC, to hire a facilitator to moderate the work group meetings.</li> <li>Appropriates up to \$50,000 from the State General Fund to the UTC for the sole purpose of employing the facilitator and producing a final report.</li> </ul>	Appleton	<i>House Bill Died Feb 22 – Passed Substitute and referred to Appropriations. No further action.</i>
<a href="#">HB 1202</a>	<p><b>Public Works and procurement</b></p> <ul style="list-style-type: none"> <li>Relating to ensuring fairness and compliance with public works and procurement practices</li> <li>Requires OMWBE to annually identify state agencies and educational institutions with low levels of participation by minority- and women-owned businesses in public contracts.</li> <li>Establishes an investigation unit within the OMWBE.</li> <li>Repeals the Office of the Attorney General's authority to investigate and enforce compliance with minority- and women-owned businesses contract requirements.</li> <li>Modifies the small-works roster and limited public works process requirements.</li> </ul>	Gregerson et al	<i>House Bill Died Feb 8 – Passed and referred to Appropriations. No further action.</i>

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<a href="#">SHB 1395</a> Companion <a href="#">HB 5565</a>	<b>SHB 1395</b> <b>Concerning direct contractor liability for payment of wages and benefits</b> <ul style="list-style-type: none"> <li>Allows the L&amp;I to enforce against a direct contractor unpaid wages owed by a subcontractor.</li> <li>Allows a third party owed fringe or other benefit payments or contributions by a subcontractor to bring a civil action against a direct contractor.</li> <li>Allows an interested party to bring a civil action against a direct contractor or subcontractor for wages owed, including against the direct contractor for wages owed by a subcontractor, after 30 days' notice to the direct contractor and subcontractor.</li> </ul>	Pellicciotti et al  Takko et al	<i>House Bill Died - Mar 21 - Referred to Rules 2 Consideration.</i>  <i>Senate Bill Died – Feb 15 – Public Hearing - Senate Committee on Labor &amp; Commerce</i>
<a href="#">HB 1418</a> Companion <a href="#">SSB 5458</a>	<b>Expanding access to building trades apprenticeships</b> <ul style="list-style-type: none"> <li>Establishes the Regional Apprenticeship Pathways program to create an apprenticeship preparation program that provides dual credit and prepares individuals for registered apprenticeship programs in the building trades.</li> </ul> <b>SSB 5458</b> <b>Expanding access to building trades apprenticeships</b> <ul style="list-style-type: none"> <li>Requires Marysville School District to collaborate with Everett Community College, Arlington School District, and other stakeholders to develop a regional apprenticeship pathways program establishing an apprenticeship preparation program to prepare individuals for apprenticeships in the construction and building trades.</li> </ul>	Tharinger et al  Hobbs et al	<i>House Bill Died after Jan 30 public hearing in the House Committee on College &amp; Workforce Development. No further action.</i>  <i>Senate Bill Died Mar 18 - Senate Rules "X" file.</i>
<a href="#">HB 1570</a> Companion <a href="#">SSB 5456</a>	<b>HB 1570</b> <b>Requiring the use of American or recycled steel products on certain public works</b> Requires public works contracts to include a provision requiring that all steel products used or supplied in the performance of the contract and in any related subcontract must be: <ul style="list-style-type: none"> <li>Produced in the United States, at a facility regulated by the United States environmental protection agency; or</li> <li>Produced in a country where more than sixty-five percent of that country's total crude steel output is produced by means of electric arc furnaces that use postconsumer scrap steel material as the major feedstock.</li> </ul> <b>SSB 5456</b> <b>Requiring the use of American or recycled steel products on certain public works</b> Requires public works contracts to include a provision requiring that all steel products used or supplied in the performance of the contract and in any related subcontract must be: <ul style="list-style-type: none"> <li>Produced in the United States, at a facility regulated by the United States environmental protection agency; or</li> <li>Produced in a country where more than sixty-five percent of that country's total crude steel output is produced by means of electric arc furnaces that use postconsumer scrap steel material as the major feedstock.</li> </ul>	Ormsby        Keiser	<i>House Bill Died - Jan 24 First reading, referred to Capital Budget.</i>        <i>Senate Bill Died - Feb 22 – Referred to Transportation</i>
<a href="#">HB 1571</a> Companion <a href="#">SB 5457</a>	<b>HB 1571</b> <b>Naming of subcontractors by prime contract bidders on public works contracts</b> Requires bid documents for public works projects over \$1 million to include names of all subcontractors.  <b>SB 5457</b> <b>Naming of subcontractors by prime contract bidders on public works contracts</b> Requires each prime contract bidder to submit, as part of the bid on a public works contract, the names of the subcontractors that the bidder will subcontract with for work performed by contractors required to be registered as described in chapter 18.27 RCW.	Ormsby        Haseqawa	<i>House Bill Died after Jan 29 Public Hearing in the House committee on Capital Budget</i>        <i>Senate Bill Died Mar 18 - Senate Rules "X" file.</i>

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<a href="#">HB 1514</a>	<b>Establishing wage liens</b> <ul style="list-style-type: none"> <li>Creates a statutory wage lien for claims on unpaid wages.</li> <li>Creates procedures for establishing, foreclosing, extinguishing, and prioritizing wage liens.</li> </ul>	Tharinger	<i>House Bill Died after majority passing in House Appropriations on 3-1.</i>
<a href="#">SB 5169</a>	<b>Ensuring the neutrality of public employers and state contractors with regard to employees exercising their rights to collectively bargain</b> <ul style="list-style-type: none"> <li>Addresses unfair labor practices and the neutrality of public employers and state contractors with regard to employees exercising their collective bargaining rights.</li> </ul>	Haseqawa	<i>Senate Bill Died - Jan 15 First reading, referred to Labor &amp; Commerce.</i>
<a href="#">SB 5527</a>	<b>SB 5527</b> <b>Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability</b> <ul style="list-style-type: none"> <li>Washington is a technology leader on a national and global level;</li> <li>Automated decision systems are rapidly being adopted to make or assist in core decisions in a variety of government and business functions; and</li> <li>The automated decision systems are often deployed without public knowledge, are unregulated, and vendors selling the systems may require restrictive contractual provisions that undermine government transparency and accountability.</li> <li>Requires the chief privacy officer to adopt rules regarding the development, procurement, and use of automated decision systems by a public agency.</li> </ul>	Haseqawa et al	<i>Senate Bill Died - Jan 23 First reading, referred to Environment, Energy, &amp; Technology.</i>
Companion <a href="#">SHB 1655</a>	<b>SHB 1655</b> <b>Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability</b> <ul style="list-style-type: none"> <li>Directs the Office of the Chief Information Officer to report to the Legislature with an algorithmic impact inventory that provides certain information about automated decision systems used by state agencies.</li> <li>Requires the Chief Privacy Officer to adopt rules regarding the use of automated decision systems by state agencies.</li> <li>Expands Washington's Law Against Discrimination to prohibit discrimination by automated decision systems.</li> </ul>	Hudgins, Shea, et al	<i>House Bill Died Feb 22 – Referred to Appropriations.</i>
<a href="#">SB 5618</a>	<b>Concerning public works bid limits</b> <ul style="list-style-type: none"> <li>Increase small works roster from \$300k to \$500k</li> <li>OFM must set new limits every 5 years</li> </ul>	Wagoner	<i>Senate Bill Died Feb 5 Public hearing in the Senate Committee on Local Government. No further action.</i>
<a href="#">SB 5702</a>	<b>Concerning the fairness of public works bidding</b> <ul style="list-style-type: none"> <li>Requires a municipality soliciting competitive bids for public works to disclose all bids received within two business days of bid opening.</li> <li>Extends the date by which a bidder may protest to two business days after a municipality discloses all bids received.</li> </ul>	Warnick	<i>Senate Bill Died Feb 14 Public hearing in the Senate Committee on Local Government. No further action.</i>
<a href="#">SB 5762</a>	<b>Concerning state contracts with veteran-owned businesses</b> <ul style="list-style-type: none"> <li>Encourages state agencies to award 3 percent of all public works and procurement of goods and services to certified veteran-owned businesses.</li> </ul>	Haseqawa	<i>Senate Bill Died Mar 18 - Senate Rules "X" file.</i>