

2021-22 Legislative Bill Activity – Week of 5/10/2021

Bill Number	Title (& short summary)	Sponsor	Current Bill Status
CPARB SPONSORED BILLS, SUPPORTED BILLS OR REQUESTING ACTIVITY			
ESB 5032	Reauthorization and Improvements to Alternative Public Works Contracting Procedures: <ul style="list-style-type: none"> • Extends the use of alternative public works contracting procedures until July 1, 2031. • Amends the duties and membership of the Capital Projects Advisory Review Board. • Amends the design-build, general contractor/construction manager, and job order contracting procedures. • Requires the Capital Projects Advisory Review Board to develop best practices for increasing and sustaining access to contracting opportunities in alternative public works for minority, women, and veteran-owned businesses, and small businesses, and report to the Legislature any recommendations for changes to the statute by June 30, 2022. 	Hasegawa, Warnick, Kuderer, C Wilson	Status Pending 5/10 Governor Signed
BILLS OF INTEREST – ACTIVE (changes highlighted)			
HB 1023	Concerning predesign requirements and thresholds. <ul style="list-style-type: none"> • Increases the threshold for non-higher education capital construction projects requiring predesign to \$10 million, which establishes the same threshold for all capital project types. • Provides the Office of Financial Management (OFM) the authority to waive some or all predesign requirements on capital projects exceeding the \$10 million threshold. • Requires the OFM to notify the legislative fiscal committees of any waivers. 	Steele, Thranger, Callan, Young	C 54, L 2021 Effective 7/25/2021 4/16 Governor Signed
SHB 1259	Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, 39.19.250, and 39.04.155 ; adding a new section to chapter 39.19 RCW; and repealing RCW 39.19.100 and 39.19.110. <ul style="list-style-type: none"> • Establishes an Audit and Review unit within the Office of Minority and Women's Business Enterprises (OMWBE) to detect and investigate fraud and violations pertaining to the certification of, and contracts with, minority- and women-owned businesses. • Repeals the Office of the Attorney General's authority to investigate and enforce compliance with minority- and women-owned businesses contract requirements. • Modifies requirements related to the small works roster and limited public works process, including increasing the cost thresholds for eligible projects under each process. • Requires the OMWBE to annually identify state agencies and educational institutions with low levels of participation by minority- and women-owned businesses in the execution of public contracts. 	Santos, Dolan, Ryu, Valdez, Fey, Ramel, Ortiz-Self, Hackney, Ramos, Kloba, Callan, Lekanoff, Macri, Gregerson, Slatter, Stonier, Harris-Talley	C 160, L 2021 Effective 7/25/2021 5/3 Governor Signed
SHB 1502	Concerning the procurement and design of electric ferries by counties. <ul style="list-style-type: none"> • Permits counties to use additional competitive bidding procedures for procurement and design of electric ferries. • Permits a county procuring an electric ferry to consider best value criteria in determining the lowest responsive and responsible bidder. • Exempts from public disclosure trade secrets or other proprietary information submitted by a bidder in connection with electric ferry procurement if the bidder specifically states in writing the reason for protection from disclosure and the county agrees that such protection is necessary. • Permits a county procuring an electric ferry to identify specific equipment and vendors without allowing substitutions, when such equipment selections will reduce cost and performance risk. • Requires the Washington State Department of Transportation's Office of Equal Opportunity to establish contract goals for county electric ferry vessel procurement in order to increase small business participation in ferry vessel procurement. 	Wylie, Griffey, Ramel, Paul, Lekanoff, Berry, Ortiz-Self, Hackney, Harris-Talley, Pollet	4/22 Delivered to the Governor 4/20 President Signed 4/13 Speaker Signed

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ESB 5356 Companion SHB 1391	Concerning prime contractor bidding submission requirements on public works contracts. <i>(Correcting the subcontractor listing bill from 2020 from "or" to "and" for the sublist one hour after bids and for the sublist within 48 hours after bids.)</i> • Changes submittal requirements for a prime contract bidder on contracts expected to cost \$1,000,000 or more for the construction or alteration of any public building or public work. • Makes technical corrections. (HB 1391) <i>Exempts design-build requests for proposals and general contractor/construction manager requests for proposals. Requires a report on subcontractors listing policies and practices by November 1, 2022.</i> (ESB 5356)	Short, Kuderer, Conway	C 103, L 21 Effective 7/25/21
DEAD BILLS			
ESHB 1056	Open Public Meeting notice requirements and declared emergencies: • Allows a public agency to hold meetings of its governing body remotely, or with limited in-person attendance after a declared emergency. • Requires that the public be allowed to listen in, in real time and at no cost to meetings that are held remotely or with limited in-person attendance. • Requires all public agencies, except for certain special purpose districts, cities, and towns to post agendas online for regular meetings and for special meetings held remotely or with limited in-person attendance.	Pollet, Goehner, Kloba, Lekanoff Leavitt, Senn Callan, Fey	3/18 Passed to Rules for 2 nd Reading 3/17 Exec Session; State Govt & Elec 3/42 Exec Session; State Gov & Elec 2/12 Public Hearing St Gov & Elec 1/28 1 st read – to St Gov & Elections 1/22 PASSED House
SHB 1103 Companion SB 5366	Improving environmental and social outcomes with the production of building materials. <i>(Environmental product declaration (EPD) reporting by contractors and send to Commerce) for projects larger than 25,000 sf new or renovation of occupied or conditioned space >50% of assessed value)</i> • Requires firms selected for large construction or building renovation contracts to provide an Environmental Product Declaration (EPD) and labor data for at least 90 percent of the weight of covered materials used in the project (primary reporting requirements). • Provides alternative reporting requirements for firms that cannot fulfill the primary reporting requirements on the grounds of hardship. • Directs the University of Washington College of Built Environment to create a publicly accessible database, with projects anonymized, to report the collected data. • Directs the Department of Commerce to submit a report to the Legislature summarizing the collected data by January 1, 2025.	Duerr, Shewmake, Fitzgibbon, Bateman, Ramel, Ryu, Kloba, Macri SB 5366 Stanford, Das, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Saldaña, Wellman	2/18 Referred to Appropriations 2/17 Exec Session – Cap Budget - Substitute 1/26 Pub Hearing – Cap Budget 1/11 1 st Reading referred to Cap Budget Comm 1/7 Pre-filed SB 5366 1/28 1 st read – State Gov. & Elections
HB 1180	Concerning public testimony at public meetings, including virtual meetings. • Authorizes meetings of a governing body to be held virtually, with realtime public attendance over the phone, through the Internet, or through a personal electronic device. • Limits the suspension of notice requirements during an emergency that requires expedited action by the governing body to no longer than 14 days. • Requires governing bodies to provide time for public comment during meetings, and requires public comment to be allowed in-person, over the phone, or through the submission of written comment in advance of the meeting during when a meeting is held virtually. <i>(Amends RCW 42.30.020 to add a new section (5) "Virtual setting" means a computer program that allows the members of the governing body to interact with people attending the meeting using video conferencing technology and allows the public to watch the meeting at the same time using the internet, calling in by telephone or use of a personal electronic device remotely.)</i>	Kraft, Sutherland	2/12 Exec Session – Local Govt 1/26 Public Hearing Local Government 1/13 1 st read – Local Government
SHB 1264	Establishing an equity impact statement for legislative proposals. • Requires that, by November 15, 2021, the Office of Financial Management (OFM) establish procedures, guidelines, and content and format requirements for the Equity Impact Statement (EIS), by July 1, 2022.	Thai, Morgan, Senn, Berry, Valdez, Simmons, Ramel, Ortiz-Self, Davis, Peterson, Wylie, Callan, Lekanoff,	2/15 Referred to Appropriations 2/11 Exec Session – Labor, Comm & Tribal Affairs 1st substitute 2/4 Exec Session – St Gov & Tribal Rel. no action

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Companion SB 5274	<ul style="list-style-type: none"> Requires that, by January 1, 2022, agencies and the OFM to prepare and provide, upon request, an EIS on certain for legislative proposals that create or amend statutes on housing or health care policies, beginning January 1, 2023. Requires that, by January 1, 2024, agencies and the OFM to prepare and provide, upon request, an EIS on certain for legislative proposals that create or amend statutes on elementary and secondary education policy, beginning January 1, 2024 in six additional policy areas. Requires that, by January 1, 2025, agencies and the OFM to prepare and provide, upon request, an EIS on any for legislative proposals that create or amend statutes on tax policy and two additional policies as selected by the OFM, on which a fiscal note is requested or at the request of a legislator beginning January 1, 2025. Requires that, beginning January 1, 2027, and every odd-numbered years thereafter, agencies and the OFM prepare and provide, upon request, an EIS for legislative proposals in three additional policy areas as selected by the OFM, until all matters subject to legislation are included. 	Macri, Bronsoske, Slatter, Ramos, Berg, Harris-Talley, Pollet, Gregerson, Riccelli	<p>1/28 Exec Session – Gov & Tribal Relations. 1/25 Pub Hearing – St Gov & Tribal Rel. @ 1:30 pm 1/18 1st Reading, referred to Gov & Tribal Relations</p> <p>SB 5274 1/19 1st Read – State Govt & Elections</p>
HB 1280	<p>Concerning greenhouse gas emissions reductions in the design of public facilities.</p> <ul style="list-style-type: none"> Declares that it is the public policy of the state to ensure that greenhouse gas emissions reduction practices are included in the design of major publicly owned or leased facilities, and that the use of all-electric energy systems and at least one renewable energy or combined heat and power system is considered. Requires life-cycle cost analysis guidelines developed by the Department of Enterprise Services for public facilities to include provisions that identify all-electric energy systems as a system alternative. <p><i>(This bill amends the existing requirements for energy life-cycle cost analysis (ELCCA) of new, remodeled and expanded major public facilities to include evaluation of GHG emissions by specifying at least one energy system analyzed will be an all-electric option.)</i></p>	Ramel, Duerr, Bateman, Fitzgibbon, Berry, Peterson, Goodman, Hackney, Fram, Macri, Pollet, Harris-Talley	<p>4/10 Placed on 2nd Reading 3/24 Passed to Rules for 2nd Reading 3/23 Exec Session; Environment, Energy & Technology - Pass 3/18 Public Hearing; Environment, Energy & Technology 3/12 1st Reading, referred to Env, Energy & Tech. 3/9 Rules Susp.; Placed on 3rd Reading, Passed 3/2 Rules Relieved – Placed on 2nd Reading 2/22 Referred to Rules to Review 2/19 Exec Session Capital Budget – Pass 2/17 Public Hearing – Capital Budget 2/9 Referred to Capital Budget 2/5 Exec Session Env & Energy 2/4 Exec Session Env & Energy action 1/29 Public Hearing Env & Energy 1/19 1st Read to Environment & Energy</p>
HB 1288	<p>Restoring the fair treatment of underserved groups in public employment, education, and contracting. <i>(Repeals I-200 and makes technical corrections to statutes that reference it, including portions of RCW 39.10.)</i></p>	Santos, Hackney, Fitzgibbon, Peterson, Valdez, Thai, Fey, Bergquist, Ormsby, wPollet	<p>1/19 1st Read – referred to Civil Rights & Judiciary</p>
HB 1308	<p>Expanding apprenticeship utilization requirements. <i>(Apprenticeship required on all projects over \$200k)</i></p> <ul style="list-style-type: none"> Requires public works contracts awarded by a municipality that cost more than \$1 million to include specifications that no less than 15 percent of the labor hours be performed by apprentices. Requires public works contracts that cost \$200,000 or more for subcontractors to include specifications that no less than 15 percent of the labor hours be performed by apprentices. Requires municipalities to monitor and report their apprentice utilization hours by contractor. 	Riccelli, Ramel, Bateman, Fitzgibbon, Valdez, Hackney, Bergquist, Ormsby, Pollet, Slatter	<p>2/2 Public Hearing – Capital Budget 1/19 1st reading – referred to Cap Budget Comm.</p>
ESHB 1329	<p>Concerning public meeting accessibility and participation.</p> <ul style="list-style-type: none"> Requires local governments, with some exceptions, to provide for remote access to meetings of their governing bodies. Requires local governments, with some exceptions, to record and post recordings of meetings online for at least six months. Requires a governing body to accept public comment before taking a final action on a substantive matter. Encourages public agencies to provide for remote access to meetings of their governing bodies, and to record and post recordings of meetings online for at least six months. Requires governing bodies to provide an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations. 	Wicks, Pollet, Taylor, Ryu, Wylie, Shewmake, Bateman, Lovick, Fey, Morgan, Lekanoff, Harris-Talley, Peterson	<p>4/6 Placed on 2nd Read by Rules 3/25 Passed to Rules for 2nd Reading 3/24 Exec Session; State Gov & Elect - Passed 3/19 Public Hearing; State Gov & Elect 3/2 1st Reading; Referred to State Gov & Elections 2/26 1st Sub Adopted, Rules Suspended; Placed on 3rd Reading - Passed 2/24 Rules Relieved. Placed on 2nd Reading 2/15 Exec Session – Local Govt Substitute - Referred to Rules 2/12 Exec Session – Local Govt - no action</p>

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	<ul style="list-style-type: none"> Allows the public comment requirement to be satisfied by accepting oral testimony at a meeting, or by providing an opportunity for written testimony to be submitted prior to the meeting. Requires governing bodies, upon the request of an individual who, because of disability, limited mobility, or other reason, will find physical attendance at a meeting difficult, to provide an opportunity for remote oral comment for that individual if feasible, and if oral public comment from other members of the public will be accepted at the meeting. 		1/29 Exec Session – No action 1/26 Public Hearing Local Government 1/20 1 st reading – Local Government
SHB 1391 Companion to ESB 5356	Concerning prime contractor bidding submission requirements on public works contracts. <i>(Correcting the subcontractor listing bill from 2020 from “or” to “and” for the sublist one hour after bids and for the sublist within 48 hours after bids.)</i> <ul style="list-style-type: none"> Changes submittal requirements for a prime contract bidder on contracts expected to cost \$1,000,000 or more for the construction or alteration of any public building or public work. Makes technical corrections. (HB 1391) <i>Exempts design-build requests for proposals and general contractor/construction manager requests for proposals. Requires a report on subcontractors listing policies and practices by November 1, 2022. (ESB 5356)</i>	Goehner, Senn, Pollet	3/1 1 st Reading; Referred to Housing & Local Govt 2/25 Rules Suspended; 3 rd Reading Passed 2/23 Rules Relieved. Placed on 2 nd Reading 2/22 Referred to Rules to Review 2/17 Exec Session – Cap Budget – Substitute 2/9 Public Hearing - Capital Budget 1/27 1 st read Referred to Capital Budget
SSB 5116	Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability. <ul style="list-style-type: none"> Requires public agencies to develop an algorithmic accountability report that meet certain requirements on the use of automated decision systems (ADS). Specifies minimum requirements when an agency develops, procures, or uses an ADS. Prohibits an agency from using ADS or equipment incorporating artificial intelligence-enabled profiling under certain conditions. Requires the Washington state chief information officer to adopt rules regarding the development, procurement, and use of ADS by a public agency. Requires the algorithmic accountability review office inventory, review algorithmic accountability reports, post certain information on its website, and conduct audits for ADS. Expands Washington's Law Against Discrimination to prohibit discrimination by automated decision systems. Delays facial recognition statutory provisions to July 1, 2026. 	Hasegawa, Hunt, Kuderer, C.Wilson	2/8 Referred to Ways & Means 2/5 Exec Session – St Gov & Elections Substitution 1/20 Pub Hearing – St Gov & Elections 1/11 1 st Reading – referred to Gov & Elections 1/8 Pre-filed
SB 5278	Concerning the protection of construction worker wages and benefits. <ul style="list-style-type: none"> Authorizes the Department of Labor and Industries to enforce against a direct contractor unpaid wages owed by a subcontractor. Authorizes a third-party owed fringe or other benefit payments or contributions by a subcontractor to bring a civil action against a direct contractor. Authorizes an interested party to bring a civil action against a direct contractor or subcontractor for wages owed by a subcontractor. 	Stanford, Kuderer, Conway, Das, Hasegawa, Lovelett, Nguyen, Nobles, Saldana, C Wilson	2/3 Public Hearing Labor/Comm. & Tribal Affairs 1/19 1 st Reading – referred to Labor/Commerce/ & Tribal Affairs
SSB 5333	Concerning void and unenforceable clauses in construction contracts related to delays caused by the COVID-19 pandemic emergency proclamations. <ul style="list-style-type: none"> Prohibits clauses in construction contracts a public works contract from waiving, releasing, or extinguishing the rights of a contractor to damages or an equitable adjustment arising out of a delay in performance caused by the COVID-19 pandemic emergency proclamations. 	Holy, L Wilson	3/17 Senate Rules “X” file. 3/3 Placed on 2 nd Reading by Rules Committee 2/22 Exec Session – Ways & Means – Pass; Passed to Rules for 2 nd Reading 2/18 Public Hearing Ways & Means 2/12 Referred to Ways & Means 2/11 Exec Session – Labor/Comm & Tribal Affairs Substitution 2/1 Exec Session - Labor/Comm & Tribal Affairs 1/28 Public Hearing - Labor/Comm & Tribal Affairs 1/22 1 st Read – Labor/Comm & Tribal Affairs
SB 5458	Concerning public contracts with small businesses.	Wagoner	2/15 1 st Reading, Govt & Elections

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