

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1087

Chapter 348, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

MINORITY AND WOMEN-OWNED BUSINESSES--REPORTS

EFFECTIVE DATE: 07/26/09

Passed by the House April 18, 2009
Yeas 85 Nays 12

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2009
Yeas 40 Nays 6

BRAD OWEN

President of the Senate

Approved May 6, 2009, 1:39 p.m., with
the exception of Sections 1 and 3 which
are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1087 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1087

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kenney, Pettigrew, Hasegawa, Darneille, Chase, Nelson, Sullivan, Dickerson, Hudgins, White, and Upthegrove

Prefiled 01/08/09. Read first time 01/12/09. Referred to Committee on Community & Economic Development & Trade.

1 AN ACT Relating to improving the effectiveness of the office of
2 minority and women's business enterprises; amending RCW 39.19.041; and
3 adding new sections to chapter 43.41 RCW.

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

5 ****NEW SECTION. Sec. 1. A new section is added to chapter 43.41 RCW***
6 ***to read as follows:***

7 ***(1) The office shall, in consultation with the office of minority***
8 ***and women's business enterprises and any advisory committee, develop a***
9 ***strategic plan to improve the effectiveness of all state agencies in***
10 ***carrying out the purposes of chapter 39.19 RCW, including assisting***
11 ***small minority and women's business enterprises in competing for and***
12 ***receiving state contracts and otherwise succeeding in this state. The***
13 ***plan must be updated at least annually and must include timelines and,***
14 ***at a minimum, strategies to:***

15 ***(a) Facilitate communication with and among minority and women's***
16 ***business enterprises on contracting with the state, including providing***
17 ***for a central depository of information accessible to small businesses***
18 ***and to individual contracting agencies and officers;***

1 ***(b) Increase the effectiveness of existing outreach from the office***
2 ***of minority and women's business enterprises to small businesses,***
3 ***including publicizing the value of certification under chapter 39.19***
4 ***RCW, and increase outreach by individual agencies;***

5 ***(c) Streamline the statewide certification process under chapter***
6 ***39.19 RCW;***

7 ***(d) Focus technical assistance to small businesses and certified***
8 ***firms;***

9 ***(e) Provide an effective training program to contracting officers***
10 ***at all state agencies on the certification process in chapter 39.19 RCW***
11 ***and ways to increase the role of minority and women-owned businesses in***
12 ***state contracting;***

13 ***(f) Address barriers to inclusion of certified firms in the state***
14 ***procurement process;***

15 ***(g) Increase selection of firms certified under chapter 39.19 RCW***
16 ***as prime contractors and subcontractors in contracts awarded by state***
17 ***agencies and educational institutions; and***

18 ***(h) Develop accountability measures to use in reporting progress by***
19 ***state agencies and educational institutions in achieving the purposes***
20 ***of this chapter.***

21 ***(2) The office must report on the strategic plan and its assessment***
22 ***of progress to the governor and the appropriate committees of the***
23 ***legislature, with a preliminary report by September 1, 2009, and annual***
24 ***reports beginning December 1, 2009. The report must include relevant***
25 ***fiscal information.***

**Sec. 1 was vetoed. See message at end of chapter.*

26 **NEW SECTION. Sec. 2.** A new section is added to chapter 43.41 RCW
27 to read as follows:

28 ***(1) For the purpose of annual reporting on progress required by***
29 ***section 1 of this act, each state agency and educational institution***
30 ***shall submit data to the office and the office of minority and women's***
31 ***business enterprises on the participation by qualified minority and***
32 ***women-owned and controlled businesses in the agency's or institution's***
33 ***contracts and other related information requested by the director. The***
34 ***director of the office of minority and women's business enterprises***
35 ***shall determine the content and format of the data and the reporting***
36 ***schedule, which must be at least annually.***

1 (2) The office must develop and maintain a list of contact people
2 at each state agency and educational institution that is able to
3 present to hearings of the appropriate committees of the legislature
4 its progress in carrying out the purposes of chapter 39.19 RCW.

5 (3) The office must submit a report aggregating the data received
6 from each state agency and educational institution to the legislature
7 and the governor.

8 *Sec. 3. RCW 39.19.041 and 1995 c 269 s 1302 are each amended to
9 read as follows:

10 (1) The director may establish ((ad hoc advisory committees, as
11 necessary,)) advisory committees on various aspects of minority and
12 women's business enterprises on an ad hoc basis to assist in the
13 development of policies to carry out the purposes of this chapter and
14 to provide the director with policy advice on current issues.

15 (2) The advisory committees may meet as often as necessary.

16 (3) Advisory committee membership:

17 (a) Must be as diverse and representative as possible of businesses
18 certified under this chapter unless such a requirement would reduce the
19 number of members with relevant knowledge and experience;

20 (b) Should include organizations that represent minority and women-
21 owned businesses;

22 (c) Should reflect statewide geographic distribution of small
23 businesses; and

24 (d) May include nonvoting representatives of state and local
25 government.

*Sec. 3 was vetoed. See message at end of chapter.

Passed by the House April 18, 2009.

Passed by the Senate April 13, 2009.

Approved by the Governor May 6, 2009, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 8, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 1 and 3, Engrossed House Bill
1087 entitled:

"AN ACT Relating to improving the effectiveness of the office of
minority and women's business enterprises."

Engrossed House Bill 1087 requires the Office of Financial Management
(OFM), in consultation with the Office of Minority and Women's
Business Enterprises (OMWBE), to develop a strategic plan to improve
the effectiveness of all state agencies in carrying out the purposes
of Chapter 39.19 RCW.

I agree with the intended purpose of this bill, which is to provide
for increased participation by minority and women-owned and

controlled businesses in public works projects and in providing goods and services to state government. However, OFM was not provided the financial resources necessary to carry-out requirements of Section 1 of this bill. Therefore, I am vetoing Section 1.

Section 3 prescribes the structure of advisory committees that may be established by OMWBE. The proposed language is unnecessarily prescriptive. In fact OMWBE has established an advisory committee that meets the criteria outlined in Section 3. The committee has been meeting since September 2008. As a result, I am also vetoing Section 3.

While I am vetoing Sections 1 and 3 of this bill, I am signing Section 2 because it supports my efforts to achieve supplier diversity. I am also directing OFM to assist OMWBE in identifying ways of increasing participating of minority and women-owned and controlled business in providing services to the state.

For these reasons, I have vetoed sections Veto Sections 1 and 3 of Engrossed House Bill 1087. With the exception of Sections 1 and 3, Engrossed House Bill 1087 is approved."