

SENATE BILL REPORT

SB 6537

As Reported by Senate Committee On:
Governmental Operations, February 6, 2014

Title: An act relating to the certification of minority and women's business enterprises.

Brief Description: Concerning the certification of minority and women's business enterprises.

Sponsors: Senator Roach.

Brief History:

Committee Activity: Governmental Operations: 2/06/14 [DPS].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 6537 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Conway and McCoy.

Staff: Sam Thompson (786-7413)

Background: The Office of Minority and Women's Business Enterprises (OMWBE) certifies businesses owned and controlled by minorities, women, and socially and economically disadvantaged persons for participation in several public works and procurement programs. The programs are intended to increase participation by certified businesses. A local government entity or state-created public corporation having reason to believe that a business should not have been certified may petition OMWBE for reconsideration on the basis that OMWBE rules were improperly applied or material facts relating to a certification application are untrue. The petitioner carries the burden of persuasion. The certified business is notified and has an opportunity to respond. After review, OMWBE must issue a decision granting or denying the petition. If OMWBE grants the petition, it may revoke, suspend, or refuse to renew the certification, or impose sanctions. An OMWBE decision may be appealed.

Summary of Bill (Recommended Substitute): In addition to a local government entity or state-created public corporation, a person having reason to believe that a particular business should not have been certified may petition OMWBE for reconsideration. Person is defined in OMWBE statutes to include individuals, partnerships, associations, organizations,

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corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Substitute): The title is changed to "An Act Relating to the investigative and certification authority of the office of minority and women's business enterprises."

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Individuals should be able to petition OMWBE for reconsideration of a certification. The OMWBE supports the bill. The Washington State Department of Transportation (WSDOT) supports the bill and believes that it will create a more transparent process to ensure compliance with current standards. The title of the bill should be expanded to accommodate potential later addition of provisions regarding OMWBE investigative authority.

Persons Testifying: PRO: Senator Roach, prime sponsor; Amanda Migchelbrink, OMWBE; Brenda Nnambi, WSDOT.