

**WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING**

**January 9, 2019 @ Noon**

**JANUARY MEETING**  
**STOEL RIVES LLP**  
**600 University Street, Suite 3600**  
**Seattle, WA 98101**  
**Cascade Conference Room**

**CALL IN INFORMATION**  
Dial In # is: 1-866-577-9294  
Participant Code: 501655  
*Moderator Code: 5016559*

**AGENDA**

1. Welcome – J. Piskel
2. Approval of December 2018 minutes – J. Piskel (See Attachment 1)
3. Financial Report – J. Beyerlein
4. Midyear Meeting/CLE – R. English
5. Winter Forum – B. Reed
6. Deskbook – R. English
7. Legislative Bill Referrals – J. Piskel (See Attachment 2)
8. Spring CLE in Spokane – Profit Split – J. Piskel (See Attachment 3)
9. WSBA Open Sections Night in Seattle set for January 31, 2019 – J. Piskel
10. Writing Competition – S. Millstein/A. Hardwick
11. Meeting Date/Time – J. Piskel
12. For the Good of the Order

Construction Law Section  
Meeting Minutes  
December 11, 2018

Jason Piskel  
Jennifer Beyerlein  
Amber Hardwick  
Brett Hill  
Alex Jouravlev  
Bart Reed  
Rob Crick

Ron English  
Colm Nelson  
Rick Wetmore  
Seth Millstein  
Athan Tramountanas  
John Evans

Not participating: Bryce Sinner; Paige Spratt, Lena Holohan, Zak Tomlinson, Todd Henry, Eleen Trang, WSBA

The meeting commenced at 12:15 pm at the law offices of Stoel Rives, and recessed about 12: 55 p.m. Jason Piskel chaired. Ron English took the minutes.

Discussion

1. Welcome: Jason noted we are starting 15 minutes late due to a room conflict.
2. Approval of November Minutes - Minutes for November were presented and approved except that the meeting concluded at precisely 1 p.m. and Brett is presenting at the CLE on Spearin, not Bart. Thanks to Colm for preparing the November minutes.
3. Financial Report: Jennifer has nothing new to report. Jason reported that he has spoken to WSBA and we currently have 524 members.
4. Midyear Meeting/June 2019 CLE: Ron reported that we have two presentations on the “doctrines” topic and need 2-4 more. Amber and Bart will present on *Spearin/Atherton* issues and mitigation of damages (subject to Bart confirming it will not interfere with pending litigation he is involved in). Colm volunteered to present on *Severin*, force majeure or another topic as needed. Council members suggested contacting Jim Nagle (*Severin* or federal doctrines) and Doug Oles (implied warranties) as presenters.

The Council also discussed subjects to suggest to the Judicial panel, including how to construe documents, excluding evidence and advice from the appellate perspective (noting Judge Andrus is now on the Court of Appeals).

Jennifer confirmed that Lane Powell can handle administrative matters for the seminar, such as registration, CLE application, etc. Brett reported that Henry Spieker (McMillen Jacobs) will sponsor the social hour following the seminar. Lane Powell has a separate conference room for the event.

5. Winter Forum: Bart reported it will at Cutter's on March 14, with a presentation on ADA issues pertinent to construction lawyers. Lean Research will sponsor. Jason will contact WSBA to arrange for the \$750 deposit for Cutter's and send out a "save the date" to the list serve.
6. Deskbook: Ron reported that WSBA is completing the table of citations and index, and is projecting the Deskbook will be published in January. Publicity will be provided by WSBA, but we should include list serv updates, as well as in the newsletter and at the June seminar. sMembers noted that CLE credit is not available until the year of publication, even though the work was done as long ago as 2016. Members also discussed when an update should occur. Ron suggested that we should prepare one for 2020.
7. Spring CLE: The seminar is set for March 22, 2019 in Spokane. Jason reported that speakers have been lined up, with the agenda set, for CLE credit of 6.5 hours,. It will include case law and legislative updates, with presentations promoting the Deskbook. John Guin will do an ethics presentation. We are partnering with the Spokane Bounty Bar, and have not yet determined the location or how to split expenses.
8. Open Sections Night: Colm and Amber and Alex will attend on January 31, at WSBA.
9. Writing Competition: Seth and Amber reported that we will launch in January. An outreach budget of \$1,000 has been set. The deadline for submittals in late March, to work around finals at the various schools. The winner is to be announced at June CLE.
10. For the Good of the Order: Jason noted that Brett will be working as Legislative Liaison with WSBA. Brett will provide an update the next two meetings.





NEXT MEETING IS JANUARY 9  
AT STOEL RIVES

END OF MINUTES

 Reply all |  Delete Junk | 

ATTACHMENT 2

## CONSTRUCTION LAW SECTION ACTION: Legislative Bill Referrals - \*\*RESPONSE REQUESTED\*\*

RJ Russell Johnson <Russellj@wsba.org>    Reply all |   
 Tue 12/11/2018, 2:59 PM  
 Jason T. Piskel; Sanjay Walvekar <Sanjayw@wsba.org>; Eleen Trang <Eleent@wsba. >

Const Law Section

Greetings,

The following bills have been identified as being of interest/concern to your Section members' area of practice. Please follow the processes described below and respond with **one of the three options** and any feedback:

**PLEASE CHOOSE 1 OF THESE 3 OPTIONS WHEN RESPONDING:**

- **Option 1:** *We do not find this bill to be of interest or relevance to our Section*
- **Option 2:** *We would like this bill tracked but have no position at this time*
- **Option 3:** *We have followed the WSBA legislative bill process and are taking a position of \_\_\_\_\_ on Bill # \_\_\_\_\_.*

Please 'Reply All' when responding.

**SECTION(S): Construction Law, RPPT**

**BILL #: HB 1001**

**SHORT TITLE: Concerning service contract providers**

**PUBLIC HEARING:** None

**DEADLINE: Tuesday, December 18**

**NOTES:**

**YOUR OPTION:**

**SECTION(S): Construction Law, RPPT**

**BILL #: HB 1006**

**SHORT TITLE: 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**

**PUBLIC HEARING:** None

**DEADLINE: Tuesday, December 18**

**NOTES:**

**YOUR OPTION:**

**SECTION(S): Construction Law, RPPT**

**BILL #: HB 1031**

**SHORT TITLE: Reducing government imposed obligations associated with bulkhead maintenance or repairs**

**PUBLIC HEARING:** None

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**YOUR OPTION:****TAKING POSITIONS ON BILLS**

Before taking a position on a bill, a WSBA Section/entity must:

- Determine if the bill meets GR 12.1; and
- The executive committee of a WSBA Section/entity must vote and reach 75 percent or more consensus.

**Potential Bill Positions**

- Support: further action may be required, but not necessary.
- Concerns: further action required, including outlining specific concerns and offering alternative language.
- Opposed (ONLY if no alternative language can be identified): further action required, including an explanation of opposition.
- Neutral
- No position

**WSBA Legislative Bill Process upon receiving this email (non-WSBA request bills)**

- *WSBA entities* provide feedback to the Outreach & Legislative Affairs staff within 48 hours of email; WSBA entities may take a position if necessary (see below).
- *WSBA Outreach & Legislative Affairs staff* recommend next steps to WSBA entities; communicate with legislators, staff, and relevant stakeholders.
- *BOG Legislative Committee* and/or *WSBA Outreach & Legislative Affairs staff* authorize WSBA entities' legislative action via the WSBA Legislation and Court Rule Comment Policy.

I appreciate your time and expertise in determining if the bills have an impact on your Section and if additional follow-up is required.

Thank you,



**Russell Johnson | Outreach and Legislative Affairs Coordinator**

Washington State Bar Association | 206.733.5947 | [russellj@wsba.org](mailto:russellj@wsba.org)

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | [www.wsba.org](http://www.wsba.org)

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact [adamr@wsba.org](mailto:adamr@wsba.org).

Reply all | Delete | Junk | ...

# CONSTRUCTION LAW SECTION ACTION: Legislative Bill Referrals - \*\*RESPONSE REQUESTED\*\*

RJ Russell Johnson <Russellj@wsba.org>

Thu 12/20/2018, 12:24 PM

Jason T. Piskel; bhill@ac-lawyers.com; athant@omwlaw.com; alh@gyseattle.com; +2 more

Reply all |

Const Law Section

Greetings,

The following bills have been identified as being of interest/concern to your Section members' area of practice. Please follow the processes described below and respond with **one of the three options** and any feedback:

**PLEASE CHOOSE 1 OF THESE 3 OPTIONS WHEN RESPONDING:**

- **Option 1:** *We do not find this bill to be of interest or relevance to our Section*
- **Option 2:** *We would like this bill tracked but have no position at this time*
- **Option 3:** *We have followed the WSBA legislative bill process and are taking a position of \_\_\_\_\_ on Bill # \_\_\_\_\_.*

Please 'Reply All' when responding.

**SECTION(S):** Construction Law, RPPT , Taxation Law

**BILL #:** SB 5025

**SHORT TITLE:** Creating sales and use and excise tax exemptions for self-help housing development

**PUBLIC HEARING:** None

**DEADLINE:** Thursday, December 27

**NOTES:**

**YOUR OPTION:**

**TAKING POSITIONS ON BILLS**

Before taking a position on a bill, a WSBA Section/entity must:

- Determine if the bill meets GR 12.2; and
- The executive committee of a WSBA Section/entity must vote and reach 75 percent or more consensus.

**Potential Bill Positions**

- Support: further action may be required, but not necessary.
- Concerns: further action required, including outlining specific concerns and offering alternative language.
- Opposed (ONLY if no alternative language can be identified): further action required, including an explanation of opposition.
- Neutral
- No position

Reply all | Delete | Junk | ...

WSBA entities may take a position if necessary (see below).

- *WSBA Outreach & Legislative Affairs staff* recommend next steps to WSBA entities; communicate with legislators, staff, and relevant stakeholders.
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Reply all | Delete | Junk | ...

RE: CONSTRUCTION LAW SECTION ACTION: Legislative Bill Referrals - \*\*RESPONSE REQUESTED\*\*

RJ Russell Johnson <Russellj@wsba.org> Thu 12/27/2018, 2:15 PM Jason T. Piskel; bhill@ac-lawyers.com; athant@omwlaw.com; alh@gyseattle.com; +2 more

Const Law Section

Action Items

One additional bill:

SECTION(S): Construction Law, RPPT, Taxation Law, Administration Law

BILL #: SB 5051

SHORT TITLE: Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand

PUBLIC HEARING: None

DEADLINE: Thursday, January 10

NOTES:

YOUR OPTION:



Russell Johnson | Outreach and Legislative Affairs Coordinator

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From: Russell Johnson

Sent: Thursday, December 27, 2018 1:58 PM

To: 'jason@pyklawyers.com' <jason@pyklawyers.com>; 'bhill@ac-lawyers.com' <bhill@ac-lawyers.com>; 'athant@omwlaw.com' <athant@omwlaw.com>; 'alh@gyseattle.com' <alh@gyseattle.com>

Cc: Sanjay Walvekar <sanjayw@wsba.org>; Eleen Trang <Eleent@wsba.org>

Subject: CONSTRUCTION LAW SECTION ACTION: Legislative Bill Referrals - \*\*RESPONSE REQUESTED\*\*

Greetings,

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Reply all | Delete | Junk | ...

- **Option 2:** *We would like this bill tracked but have no position at this time*
- **Option 3:** *We have followed the WSBA legislative bill process and are taking a position of \_\_\_\_\_ on Bill # \_\_\_\_\_.*

Please 'Reply All' when responding.

**SECTION(S): Construction Law, RPPT, CDR**

**BILL #:** SB 5030

**SHORT TITLE:** **Concerning service contract providers**

**PUBLIC HEARING:** None

**DEADLINE:** Thursday, January 10

**NOTES:**

**YOUR OPTION:**

**SECTION(S): Construction Law, Labor & Employment**

**BILL #:** SB 5035

**SHORT TITLE:** **Enhancing the prevailing wage laws to ensure contractor and owner accountability and worker protection – By request of the Attorney General**

**PUBLIC HEARING:** None

**DEADLINE:** Thursday, January 10

**NOTES:**

**YOUR OPTION:**

- TAKING POSITIONS ON BILLS**
- Before taking a position on a bill, a WSBA Section/entity must:
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**Potential Bill Positions**

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Jason,

As to location, Gonzaga has a student competition that entire week. So, they don't have any space for us. But, I have reserved the Spokane County Commissioner's Hearing Theater which won't cost anything. Is that space acceptable?

As for cost, below is what we've been charging for a 6-hour program.

\$127 – SCBA members (\$132)

\$142 – non SCBA members (\$147)

\$92 - govt., legal aid, and YLD members (\$97)

\$22 – staff & students

Highlighted amounts are an alternative rate since this seminar is 6.5 hours. What do you think of charging these rates? Also, do we want to have the "member" rate also apply to WSBA Construction Law Section members?