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**SUBSTITUTE SENATE BILL 6347**

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**State of Washington**                      **60th Legislature**                      **2008 Regular Session**

**By** Senate Transportation (originally sponsored by Senator Morton)

READ FIRST TIME 02/12/08.

1            AN ACT Relating to day labor projects for small counties; and  
2 amending RCW 36.77.065 and 36.77.070.

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

4            **Sec. 1.** RCW 36.77.065 and 2005 c 162 s 1 are each amended to read  
5 as follows:

6            The board may cause any county road to be constructed or improved  
7 by day labor as provided in this section.

8            (1) As used in this section, "county road construction budget"  
9 means the aggregate total of those costs as defined by the budgeting,  
10 accounting, and reporting system for counties and cities and other  
11 local governments authorized under RCW 43.09.200 and 43.09.230 as  
12 prescribed in the state auditor's budget, accounting, and reporting  
13 manual's (BARS) road and street construction accounts: PROVIDED, That  
14 such costs shall not include those costs assigned to the right-of-way  
15 account, ancillary operations account, and that portion of the  
16 engineering account that is preliminary engineering in the budget,  
17 accounting, and reporting manual.

18            (2) For counties with a population that equals or exceeds fifty

1 thousand people, the total amount of day labor construction programs  
2 one county may perform annually shall total no more than the amounts  
3 determined in the following manner:

4 (a) Any county with a total annual county road construction budget  
5 of four million dollars or more may accumulate a day labor road  
6 construction budget equal to no more than eight hundred thousand  
7 dollars or fifteen percent of the county's total annual county road  
8 construction budget, whichever is greater.

9 (b) Any county with a total annual county road construction budget  
10 of one million five hundred thousand dollars or more and less than four  
11 million dollars may accumulate a day labor road construction budget  
12 equal to not more than five hundred twenty-five thousand dollars or  
13 twenty percent of the county's total annual county road construction  
14 budget, whichever is greater.

15 (c) Any county with a total annual county road construction budget  
16 of five hundred thousand dollars or more and less than one million five  
17 hundred thousand dollars may accumulate a day labor road construction  
18 budget equal to two hundred fifty thousand dollars or thirty-five  
19 percent of the county's total annual county road construction budget,  
20 whichever is greater.

21 (d) Any county with a total annual county road construction budget  
22 less than five hundred thousand dollars may accumulate a day labor road  
23 construction budget equal to two hundred fifty thousand dollars:  
24 PROVIDED, That any county with a total annual road construction budget  
25 of less than five hundred thousand dollars may, by resolution of the  
26 board at the time the county road construction budget is adopted, elect  
27 to construct or improve county roads by day labor in an amount not to  
28 exceed thirty-five thousand dollars on any one project, including  
29 labor, equipment, and materials; such election to be in lieu of the two  
30 hundred fifty thousand dollar limit provided for in this section,  
31 except that any project means a complete project and the division of  
32 any project into units of work or classes of work so as to permit  
33 construction by day labor is not authorized.

34 (3) For counties with a population of less than fifty thousand but  
35 more than twenty-two thousand people, the total amount of day labor  
36 construction programs one county may perform annually may total no more  
37 than the amounts determined in the following manner:

1 (a) A county with a total annual county road construction budget of  
2 four million dollars or more may accumulate a day labor road  
3 construction budget equal to not more than eight hundred eighty  
4 thousand dollars or twenty-five percent of the county's total annual  
5 county road construction budget, whichever is greater;

6 (b) A county with a total annual county road construction budget of  
7 one million five hundred thousand dollars or more and less than four  
8 million dollars may accumulate a day labor road construction budget  
9 equal to not more than five hundred seventy-seven thousand dollars or  
10 thirty percent of the county's total annual county road construction  
11 budget, whichever is greater;

12 (c) A county with a total annual county road construction budget of  
13 five hundred thousand dollars or more and less than one million five  
14 hundred thousand dollars may accumulate a day labor road construction  
15 budget equal to two hundred seventy-five thousand dollars or forty-five  
16 percent of the county's total annual county road construction budget,  
17 whichever is greater;

18 (d) A county with a total annual county road construction budget  
19 less than five hundred thousand dollars may accumulate a day labor road  
20 construction budget equal to two hundred seventy-five thousand dollars.  
21 However, such a county may, by resolution of the board at the time the  
22 county road construction budget is adopted, elect instead to construct  
23 or improve county roads by day labor in an amount not to exceed thirty-  
24 eight thousand five hundred dollars on any one project, including  
25 labor, equipment, and materials. That election is in lieu of the two  
26 hundred seventy-five thousand dollar limit provided for in this  
27 section. As used in this section, "any project" means a complete  
28 project, and a county may not divide a project into units of work or  
29 classes of work so as to permit construction by day labor.

30 (4) Day labor construction programs in counties with a population  
31 of twenty-two thousand or less are not subject to the restrictions  
32 under this section.

33 (5) Any county that adopts a county road construction budget  
34 unreasonably exceeding that county's actual road construction  
35 expenditures for the same budget year which has the effect of  
36 permitting the county to exceed the day labor amounts established in  
37 this section is in violation of the county road administration board's  
38 standards of good practice under RCW 36.78.020 and is in violation of

1 this section. Any county, whose expenditure for day labor for road  
2 construction projects unreasonably exceeds the limits specified in this  
3 section, is in violation of the county road administration board's  
4 standards of good practice under RCW 36.78.020 and is in violation of  
5 this section.

6 ~~((5) Notwithstanding any other provision in this section,)~~ (6)  
7 Whenever the construction work or improvement is the installation of  
8 electrical traffic control devices, highway illumination equipment,  
9 electrical equipment, wires, or equipment to convey electrical current,  
10 in an amount exceeding ten thousand dollars for any one project  
11 including labor, equipment, and materials, such work shall be performed  
12 by contract as in this chapter provided. This section means a complete  
13 project and does not permit the construction of any project by day  
14 labor by division of the project into units of work or classes of work.

15 **Sec. 2.** RCW 36.77.070 and 1983 c 3 s 81 are each amended to read  
16 as follows:

17 If the board determines that any construction should be performed  
18 by day labor, and the estimated cost of the work exceeds twenty-five  
19 hundred dollars, it shall cause to be published in one issue of a  
20 newspaper of general circulation in the county, a brief description of  
21 the work to be done and the county road engineer's estimate of the cost  
22 thereof. At the completion of such construction, the board shall cause  
23 to be published in one issue of such a newspaper a similar brief  
24 description of the work together with an accurate statement of the true  
25 and complete cost of performing such construction by day labor.

26 Failure to make the required publication shall subject each county  
27 commissioner to a fine of one hundred dollars for which he shall be  
28 liable individually and upon his official bond and the prosecuting  
29 attorney shall prosecute for violation of the provisions of this  
30 section and RCW 36.77.065.

31 Day labor construction programs in counties with a population of  
32 twenty-two thousand or less are not subject to the restrictions under  
33 this section.

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