

1 **SSB 6063** - H AMD TO CB COMM AMD (6063-S AMH CB H3072.1)472

2 By Representative Sherstad

WITHDRAWN 4-4-97

3 On page 140, after line 19 of the amendment, insert the  
4 following:

5 "Sec. 718. RCW 39.12.020 and 1989 c 12 7 are each amended  
6 to read as follows:

7 (1) The hourly wages to be paid to laborers, workers, or  
8 mechanics, upon all public works and under all public building  
9 service maintenance contracts of the state or any county,  
10 municipality or political subdivision created by its laws, shall be  
11 not less than the prevailing rate of wage for an hour's work in the  
12 same trade or occupation in the locality within the state where  
13 such labor is performed. For a contract in excess of ten thousand  
14 dollars, a contractor required to pay the prevailing rate of wage  
15 shall post in a location readily visible to workers at the job  
16 site: PROVIDED, That on road construction, sewer line, pipeline,  
17 transmission line, street, or alley improvement projects for which  
18 no field office is needed or established, a contractor may post the  
19 prevailing rate of wage statement at the contractor's local office,  
20 gravel crushing, concrete, or asphalt batch plant as long as the  
21 contractor provides a copy of the wage statement to any employee on  
22 request:

23 ((+1)) (a) A copy of a statement of intent to pay prevailing  
24 wages approved by the industrial statistician of the department of  
25 labor and industries under RCW 39.12.040; and

26 ((+2)) (b) The address and telephone number of the industrial  
27 statistician of the department of labor and industries where a  
28 complaint or inquiry concerning prevailing wages may be made.

29 (2) This chapter shall not apply to workers or other persons  
30 regularly employed on monthly or per diem salary by the state, or  
31 any county, municipality, or political subdivision created by its  
32 laws.

33 (3) Subsection (1) of this section does not apply to any  
34 state contract entered into during the fiscal biennium ending June  
35 30, 1999.

1           **Sec. 719.** RCW 39.12.021 and 1989 c 12 8 are each amended to  
2 read as follows:

3           (1) Apprentice workers employed upon public works projects for  
4 whom an apprenticeship agreement has been registered and approved  
5 with the state apprenticeship council pursuant to chapter 49.04  
6 RCW, must be paid at least the prevailing hourly rate for an  
7 apprentice of that trade. Any worker for whom an apprenticeship  
8 agreement has not been registered and approved by the state  
9 apprenticeship council shall be considered to be a fully qualified  
10 journey level worker, and, therefore, shall be paid at the  
11 prevailing hourly rate for journey level workers.

12           (2) This section does not apply to any state contract entered  
13 into during the fiscal biennium ending June 30, 1999.

14           **Sec. 720.** RCW 39.12.030 and 1989 c 12 9 are each amended  
15 to read as follows:

16           (1) The specifications for every contract for the  
17 construction, reconstruction, maintenance or repair of any public  
18 work to which the state or any county, municipality, or political  
19 subdivision created by its laws is a party, shall contain a  
20 provision stating the hourly minimum rate of wage, not less than  
21 the prevailing rate of wage which may be paid to laborers, workers,  
22 or mechanics in each trade or occupation required for such public  
23 work employed in the performance of the contract either by the  
24 contractor, subcontractor or other person doing or contracting to  
25 do the whole or any part of the work contemplated by the contract,  
26 and the contract shall contain a stipulation that such laborers,  
27 workers, or mechanics shall be paid not less than such specified  
28 hourly minimum rate of wage.

29           (2) This section does not apply to any state contract entered  
30 into during the fiscal biennium ending June 30, 1999.

31           **Sec. 721.** RCW 39.12.040 and 1991 c 15 1 are each amended to  
32 read as follows:

33           (1) Except as provided in subsection (2) of this section,  
34 before payment is made by or on behalf of the state, or any county,  
35 municipality, or political subdivision created by its laws, of any  
36 sum or sums due on account of a public works contract, it shall be

1 the duty of the officer or person charged with the custody and  
2 disbursement of public funds to require the contractor and each and  
3 every subcontractor from the contractor or a subcontractor to  
4 submit to such officer a "Statement of Intent to Pay Prevailing  
5 Wages". For a contract in excess of ten thousand dollars, the  
6 statement of intent to pay prevailing wages shall include:

7 (a) The contractor's registration certificate number; and

8 (b) The prevailing rate of wage for each classification of  
9 workers entitled to prevailing wages under RCW 39.12.020 and the  
10 estimated number of workers in each classification.

11 Each statement of intent to pay prevailing wages must be  
12 approved by the industrial statistician of the department of labor  
13 and industries before it is submitted to said officer. Unless  
14 otherwise authorized by the department of labor and industries,  
15 each voucher claim submitted by a contractor for payment on a  
16 project estimate shall state that the prevailing wages have been  
17 paid in accordance with the prefiled statement or statements of  
18 intent to pay prevailing wages on file with the public agency.  
19 Following the final acceptance of a public works project, it shall  
20 be the duty of the officer charged with the disbursement of public  
21 funds, to require the contractor and each and every subcontractor  
22 from the contractor or a subcontractor to submit to such officer an  
23 "Affidavit of Wages Paid" before the funds retained according to  
24 the provisions of RCW 60.28.010 are released to the contractor.  
25 Each affidavit of wages paid must be certified by the industrial  
26 statistician of the department of labor and industries before it is  
27 submitted to said officer.

28 (2) As an alternate to the procedures provided for in  
29 subsection (1) of this section, for public works projects of two  
30 thousand five hundred dollars or less:

31 (a) An awarding agency may authorize the contractor or  
32 subcontractor to submit the statement of intent to pay prevailing  
33 wages directly to the officer or person charged with the custody or  
34 disbursement of public funds in the awarding agency without  
35 approval by the industrial statistician of the department of labor  
36 and industries. The awarding agency shall retain such statement of  
37 intent to pay prevailing wages for a period of not less than three  
38 years.

1 (b) Upon final acceptance of the public works project, the  
2 awarding agency shall require the contractor or subcontractor to  
3 submit an affidavit of wages paid. Upon receipt of the affidavit  
4 of wages paid, the awarding agency may pay the contractor or  
5 subcontractor in full, including funds that would otherwise be  
6 retained according to the provisions of RCW 60.28.010. Within  
7 thirty days of receipt of the affidavit of wages paid, the awarding  
8 agency shall submit the affidavit of wages paid to the industrial  
9 statistician of the department of labor and industries for  
10 approval.

11 (c) A statement of intent to pay prevailing wages and an  
12 affidavit of wages paid shall be on forms approved by the  
13 department of labor and industries.

14 (d) In the event of a wage claim and a finding for the  
15 claimant by the department of labor and industries where the  
16 awarding agency has used the alternative process provided for in  
17 subsection (2) of this section, the awarding agency shall pay the  
18 wages due directly to the claimant. If the contractor or  
19 subcontractor did not pay the wages stated in the affidavit of  
20 wages paid, the awarding agency may take action at law to seek  
21 reimbursement from the contractor or subcontractor of wages paid to  
22 the claimant, and may prohibit the contractor or subcontractor from  
23 bidding on any public works contract of the awarding agency for up  
24 to one year.

25 (e) Nothing in this section shall be interpreted to allow an  
26 awarding agency to subdivide any public works project of more than  
27 two thousand five hundred dollars for the purpose of circumventing  
28 the procedures required by RCW 39.12.040(1).

29 (3) This section does not apply to any state contract entered  
30 into during the fiscal biennium ending June 30, 1999."

31 Renumber the sections consecutively and correct internal references  
32 accordingly.

**EFFECT:** The requirement to pay prevailing wages on state  
public works projects does not apply to contracts entered into  
during the 1997-99 fiscal biennium.