



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: County Road Administration Board	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Expedited Rule Making
(1) Date of adoption: July 11, 2002	

(2) Purpose: Amends WAC 136 Chapter 18 Standards of Good Practice – Day Labor Construction. Amends Chapter 136-18 by adding new section 085 Determination day labor compliance by the county road administration board. Identifies a list for the county road administration board to consider when determining if a county has unreasonably exceeded its statutory day labor limit for the proceeding calendar year, as indicated in RCW 36.77.065(d).

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC 136 Chapter 18
 Suspended:

(4) Statutory authority for adoption: 36.79
 Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)
 Adopted under notice filed as WSR 02-11-119 on May 21, 2002 (date).
 Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY
 Under RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:
 Yes No If Yes, explain:

(6) Effective date of rule:		CODE REVISER USE ONLY	
Permanent Rules <input checked="" type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____*		Emergency Rules <input type="checkbox"/> Immediately <input type="checkbox"/> Later (specify) _____	
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)			
Name (Type or Print) JAY P. WEBER			
Signature <i>Jay P. Weber</i>			
Title Executive Director	Date 8/9/2002		

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 136-18-085 Determination of day labor compliance by the county road administration board. At its second regular meeting of each calendar year, the county road administration board shall determine if any county has unreasonably exceeded its statutory day labor limit for the preceding calendar year, as indicated in RCW 36.77.065. In determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible day labor limit violation in writing to the county road administration board?

(2) What is the amount of the excess day labor expenditure compared to the total annual county road construction expenditure for the same time period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in exceeding the statutory day labor limit?

(4) What is the past record of the county regarding day labor compliance?