
SENATE BILL 6580

State of Washington

56th Legislature

2000 Regular Session

By Senators Horn, Haugen, McCaslin, Johnson, Deccio and T. Sheldon

Read first time 01/19/2000. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to the prevailing wage exemption for cities with a
2 population of under five thousand; and amending RCW 39.12.030 and
3 39.12.040.

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

5 **Sec. 1.** RCW 39.12.030 and 1989 c 12 s 9 are each amended to read
6 as follows:

7 The specifications for every contract for the construction,
8 reconstruction, maintenance or repair of any public work to which the
9 state or any county, municipality, or political subdivision created by
10 its laws is a party, shall contain a provision stating the hourly
11 minimum rate of wage, not less than the prevailing rate of wage, except
12 as provided in RCW 39.12.040(3), which may be paid to laborers,
13 workers, or mechanics in each trade or occupation required for such
14 public work employed in the performance of the contract either by the
15 contractor, subcontractor or other person doing or contracting to do
16 the whole or any part of the work contemplated by the contract, and the
17 contract shall contain a stipulation that such laborers, workers, or
18 mechanics shall be paid not less than such specified hourly minimum
19 rate of wage.

1 **Sec. 2.** RCW 39.12.040 and 1991 c 15 s 1 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (2) of this section, before
4 payment is made by or on behalf of the state, or any county,
5 municipality, or political subdivision created by its laws, of any sum
6 or sums due on account of a public works contract, it shall be the duty
7 of the officer or person charged with the custody and disbursement of
8 public funds to require the contractor and each and every subcontractor
9 from the contractor or a subcontractor to submit to such officer a
10 "Statement of Intent to Pay Prevailing Wages". For a contract in
11 excess of ten thousand dollars, the statement of intent to pay
12 prevailing wages shall include:

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

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

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

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

36 (a) An awarding agency may authorize the contractor or
37 subcontractor to submit the statement of intent to pay prevailing wages
38 directly to the officer or person charged with the custody or
39 disbursement of public funds in the awarding agency without approval by

1 the industrial statistician of the department of labor and industries.
2 The awarding agency shall retain such statement of intent to pay
3 prevailing wages for a period of not less than three years.

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

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

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

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

30 (3) In cities of populations not exceeding five thousand, no
31 statement of intent to pay prevailing wages is required when the work
32 to be performed on behalf of the city is contracted through the small
33 works roster.

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