

WSR 21-13-159
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 22, 2021, 3:55 p.m.]

Subject of Possible Rule Making: Prevailing wage intent and affidavit filing fees, updates to chapter 296-127 WAC, Prevailing wage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 193, Laws of 2019, SB 5566; and RCW 39.12.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering adopting rules to amend chapter 206-127 WAC, Prevailing wage, in order to implement the legislative changes made within 2019's Prevailing wage program fees—Determination—Limit Act (chapter 193, Laws of 2019, SB 5566).

The words "or less" were added after the law's statement: "However, the fees charged for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid shall be forty dollars" and another sentence added to the statute stating: "For the 2019-2021 biennium, the fees shall not be more than twenty dollars."

The rules still refer to the filing fee set in RCW 39.12.070, but the statute no longer sets a precise filing fee and the biennium is ending. In order for L&I to continue to process and approve or certify the intent and affidavit forms, rule making is required to set the intent and affidavit filing fees that will be charged after the end of the 2019-2021 biennium.

L&I will also file an emergency rule (CR-103E) on July 1, 2021, and effective immediately, to ensure these requirements are in place before the 2019-2021 biennium ends while permanent rule making is occurring.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: L&I will develop the rule language with input from stakeholders. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's rule-making activity website at <https://www.lni.wa.gov/rulemaking-activity/?query=296-127> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, L&I, Prevailing Wage Program, P.O. Box 44540, Olympia, WA 98504-4540, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@lni.wa.gov.

June 22, 2021
Joel Sacks
Director