

1 **SHB 2258 - H AMD 484 WITHDRAWN 4-8-97**

2 By Representative Sherstad

3 On page 119, after line 2, insert the following:

4 "Sec. 901. RCW 39.12.020 and 1989 c 12 7 are each amended  
5 to read as follows:

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

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

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

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

32 (3) Subsection (1) of this section does not apply to state  
33 common school construction contracts funded with moneys  
34 appropriated under section 512, chapter . . . , Laws of 1997  
35 (section 512 of this act).

1           **Sec. 902.** 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 state common school  
13 construction contracts funded with moneys appropriated under  
14 section 512, chapter . . . , Laws of 1997 (section 512 of this act).

15           **Sec. 903.** RCW 39.12.030 and 1989 c 12 9 are each amended  
16 to read as follows:

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

30           (2) This section does not apply to state common school  
31 construction contracts funded with moneys appropriated under  
32 section 512, chapter . . . , Laws of 1997 (section 512 of this act).

33           **Sec. 904.** RCW 39.12.040 and 1991 c 15 1 are each amended to  
34 read as follows:

35           (1) Except as provided in subsection (2) of this section,  
36 before payment is made by or on behalf of the state, or any county,

1 municipality, or political subdivision created by its laws, of any  
2 sum or sums due on account of a public works contract, it shall be  
3 the duty of the officer or person charged with the custody and  
4 disbursement of public funds to require the contractor and each and  
5 every subcontractor from the contractor or a subcontractor to  
6 submit to such officer a "Statement of Intent to Pay Prevailing  
7 Wages". For a contract in excess of ten thousand dollars, the  
8 statement of intent to pay prevailing wages shall include:

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

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

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

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

33 (a) An awarding agency may authorize the contractor or  
34 subcontractor to submit the statement of intent to pay prevailing  
35 wages directly to the officer or person charged with the custody or  
36 disbursement of public funds in the awarding agency without  
37 approval by the industrial statistician of the department of labor  
38 and industries. The awarding agency shall retain such statement of

1 intent to pay prevailing wages for a period of not less than three  
2 years.

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

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

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

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

31 (3) This section does not apply to state common school  
32 construction contracts funded with moneys appropriated under  
33 section 512, chapter . . . , Laws of 1997 (section 512 of this  
34 act)."

35 Renumber the sections consecutively, correct internal references  
36 accordingly, and correct the title.

**EFFECT:** The requirement to pay prevailing wages on public works projects does not apply to state common school construction projects funded with moneys appropriated in the supplemental operating budget.