

1 **SSB 6062** - H AMD TO H COMM AMD (6062-S AMH APP H2996.1)401

2 By Representative Sherstad

WITHDRAWN 3-31-97

3 On page 134, after line 11, insert the following:

4 "Sec. 910. 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 any
33 state public works contract or state public building service
34 maintenance contract subject to this chapter entered into beginning
35 July 1, 1997, through June 30, 1999, with respect to the wages that

1 are paid during this period to persons performing services under
2 the contract.

3 **Sec. 911.** RCW 39.12.021 and 1989 c 12 8 are each amended to
4 read as follows:

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

14 (2) This section does not apply to any state public works
15 contract subject to this chapter entered into beginning July 1,
16 1997, through June 30, 1999, with respect to the wages that are
17 paid during this period to apprentice workers performing services
18 under the contract.

19 **Sec. 912.** RCW 39.12.030 and 1989 c 12 9 are each amended
20 to read as follows:

21 The specifications for every contract for the construction,
22 reconstruction, maintenance or repair of any public work to which
23 the state or any county, municipality, or political subdivision
24 created by its laws is a party, shall contain a provision stating
25 the hourly minimum rate of wage, not less than the prevailing rate
26 of wage except with respect to wages that are paid under state
27 contracts during the period beginning July 1, 1997, through June
28 30, 1999, which may be paid to laborers, workers, or mechanics in
29 each trade or occupation required for such public work employed in
30 the performance of the contract either by the contractor,
31 subcontractor or other person doing or contracting to do the whole
32 or any part of the work contemplated by the contract, and the
33 contract shall contain a stipulation that such laborers, workers,
34 or mechanics shall be paid not less than such specified hourly
35 minimum rate of wage.

1 **Sec. 913.** RCW 39.12.040 and 1991 c 15 1 are each amended to
2 read as follows:

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

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

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

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

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

37 (a) An awarding agency may authorize the contractor or
38 subcontractor to submit the statement of intent to pay prevailing

1 wages directly to the officer or person charged with the custody or
2 disbursement of public funds in the awarding agency without
3 approval by the industrial statistician of the department of labor
4 and industries. The awarding agency shall retain such statement of
5 intent to pay prevailing wages for a period of not less than three
6 years.

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

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

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

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

35 (3) This section does not apply to any state public works
36 contract or state public building service maintenance contract
37 subject to this chapter entered into during the period beginning
38 July 1, 1997, through June 30, 1999, with respect to statements of

1 intent to pay prevailing wages and affidavits of wages paid for the
2 wages that are paid during this period to persons performing
3 services under the contract."

4 Renumber the sections consecutively and correct internal references
5 and the title accordingly.

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