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**SUBSTITUTE SENATE BILL 5733**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Haugen, Morton and Rasmussen)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to county road construction projects; and amending  
2 RCW 36.77.065.

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

4 **Sec. 1.** RCW 36.77.065 and 1980 c 40 s 1 are each amended to read  
5 as follows:

6 The board may cause any county road to be constructed or improved  
7 by day labor as provided in this section.

8 (1) As used in this section, "county road construction budget"  
9 means the aggregate total of those costs as defined by the budgeting,  
10 accounting, and reporting system for counties and cities and other  
11 local governments authorized under RCW 43.09.200 and 43.09.230 as  
12 prescribed in the state auditor's budget, accounting, and reporting  
13 manual's (BARS) road and street construction accounts 541.00 through  
14 541.90 in effect April 1, 1975: PROVIDED, That such costs shall not  
15 include those costs assigned to the preliminary engineering account  
16 541.11, right of way accounts 541.20 through 541.25, ancillary  
17 operations account 541.80, and ferries account 541.81 in the budget,  
18 accounting, and reporting manual.

1       (2) For counties with a population that equals or exceeds fifty  
2 thousand people, the total amount of day labor construction programs  
3 one county may perform annually shall total no more than the amounts  
4 determined in the following manner:

5       (a) Any county with a total annual county road construction budget  
6 of four million dollars or more may accumulate a day labor road  
7 construction budget equal to no more than eight hundred thousand  
8 dollars or fifteen percent of the county's total annual county road  
9 construction budget, whichever is greater.

10       (b) Any county with a total annual county road construction budget  
11 (~~over~~) of one million five hundred thousand dollars or more and less  
12 than four million dollars may accumulate a day labor road construction  
13 budget equal to not more than five hundred twenty-five thousand dollars  
14 or twenty percent of the county's total annual county road construction  
15 budget, whichever is greater.

16       (c) Any county with a total annual county road construction budget  
17 (~~over~~) of five hundred thousand dollars or more and less than one  
18 million five hundred thousand dollars may accumulate a day labor road  
19 construction budget equal to two hundred fifty thousand dollars or  
20 thirty-five percent of the county's total annual county road  
21 construction budget, whichever is greater.

22       (d) Any county with a total annual county road construction budget  
23 less than five hundred thousand dollars may accumulate a day labor road  
24 construction budget equal to two hundred fifty thousand dollars:  
25 PROVIDED, That any county with a total annual road construction budget  
26 of less than five hundred thousand dollars may, by resolution of the  
27 board at the time the county road construction budget is adopted, elect  
28 to construct or improve county roads by day labor in an amount not to  
29 exceed thirty-five thousand dollars on any one project, including  
30 labor, equipment, and materials; such election to be in lieu of the two  
31 hundred fifty thousand dollar limit provided for in this section,  
32 except that any project means a complete project and the division of  
33 any project into units of work or classes of work so as to permit  
34 construction by day labor is not authorized.

35       (3) For counties with a population of less than fifty thousand  
36 people, the total amount of day labor construction programs one county  
37 may perform annually may total no more than the amounts determined in  
38 the following manner:

1       (a) A county with a total annual county road construction budget of  
2 four million dollars or more may accumulate a day labor road  
3 construction budget equal to not more than eight hundred eighty  
4 thousand dollars or twenty-five percent of the county's total annual  
5 county road construction budget, whichever is greater;

6       (b) A county with a total annual county road construction budget of  
7 one million five hundred thousand dollars or more and less than four  
8 million dollars may accumulate a day labor road construction budget  
9 equal to not more than five hundred seventy-seven thousand dollars or  
10 thirty percent of the county's total annual county road construction  
11 budget, whichever is greater;

12       (c) A county with a total annual county road construction budget of  
13 five hundred thousand dollars or more and less than one million five  
14 hundred thousand dollars may accumulate a day labor road construction  
15 budget equal to two hundred seventy-five thousand dollars or forty-five  
16 percent of the county's total annual county road construction budget,  
17 whichever is greater;

18       (d) A county with a total annual county road construction budget  
19 less than five hundred thousand dollars may accumulate a day labor road  
20 construction budget equal to two hundred seventy-five thousand dollars.  
21 However, such a county may, by resolution of the board at the time the  
22 county road construction budget is adopted, elect instead to construct  
23 or improve county roads by day labor in an amount not to exceed thirty-  
24 eight thousand five hundred dollars on any one project, including  
25 labor, equipment, and materials. That election is in lieu of the two  
26 hundred seventy-five thousand dollar limit provided for in this  
27 section. As used in this section, "any project" means a complete  
28 project, and a county may not divide a project into units of work or  
29 classes of work so as to permit construction by day labor.

30       (4) Any county that adopts a county road construction budget  
31 unreasonably exceeding that county's actual road construction  
32 expenditures for the same budget year which has the effect of  
33 permitting the county to exceed the day labor amounts established in  
34 this section is in violation of the county road administration board's  
35 standards of good practice under RCW 36.78.020 and is in violation of  
36 this section. Any county, whose expenditure for day labor for road  
37 construction projects unreasonably exceeds the limits specified in this  
38 section, is in violation of the county road administration board's

1 standards of good practice under RCW 36.78.020 and is in violation of  
2 this section.

3       (~~(3)~~) (5) Notwithstanding any other provision in this section,  
4 whenever the construction work or improvement is the installation of  
5 electrical traffic control devices, highway illumination equipment,  
6 electrical equipment, wires, or equipment to convey electrical current,  
7 in an amount exceeding ten thousand dollars for any one project  
8 including labor, equipment, and materials, such work shall be performed  
9 by contract as in this chapter provided. This section means a complete  
10 project and does not permit the construction of any project by day  
11 labor by division of the project into units of work or classes of work.

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