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SENATE BILL 5236

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State of Washington

59th Legislature

2005 Regular Session

By Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline; by request of Department of Labor & Industries

Read first time 01/18/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to providing additional funding to the prevailing  
2 wage program of the department of labor and industries by discontinuing  
3 the transfer of moneys from the public works administration account to  
4 the general fund-state account; and amending RCW 39.12.070 and  
5 39.12.080.

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

7 **Sec. 1.** RCW 39.12.070 and 1993 c 404 s 1 are each amended to read  
8 as follows:

9 The department of labor and industries may charge fees to awarding  
10 agencies on public works for the approval of statements of intent to  
11 pay prevailing wages and the certification of affidavits of wages paid.  
12 The department may also charge fees to persons or organizations  
13 requesting the arbitration of disputes under RCW 39.12.060. The amount  
14 of the fees shall be established by rules adopted by the department  
15 under the procedures in the administrative procedure act, chapter 34.05  
16 RCW. The fees shall apply to all approvals, certifications, and  
17 arbitration requests made after the effective date of the rules. All  
18 fees shall be deposited in the public works administration account.  
19 (~~On the fifteenth day of the first month of each quarterly period, an~~

1 ~~amount equalling thirty percent of the revenues received into the~~  
2 ~~public works administration account shall be transferred into the~~  
3 ~~general fund.))~~ The department may refuse to arbitrate for  
4 contractors, subcontractors, persons, or organizations which have not  
5 paid the proper fees. The department may, if necessary, request the  
6 attorney general to take legal action to collect delinquent fees.

7 The department shall set the fees permitted by this section at a  
8 level that generates revenue that is as near as practicable to the  
9 amount of the appropriation to administer this chapter, including, but  
10 not limited to, the performance of adequate wage surveys, and to  
11 investigate and enforce all alleged violations of this chapter,  
12 including, but not limited to, incorrect statements of intent to pay  
13 prevailing wage, incorrect certificates of affidavits of wages paid,  
14 and wage claims, as provided for in this chapter and chapters 49.48 and  
15 49.52 RCW. However, the fees charged for the approval of statements of  
16 intent to pay prevailing wages and the certification of affidavits of  
17 wages paid shall be no greater than twenty-five dollars.

18 **Sec. 2.** RCW 39.12.080 and 2001 c 219 s 3 are each amended to read  
19 as follows:

20 The public works administration account is created in the state  
21 treasury. The department of labor and industries shall deposit in the  
22 account all moneys received from fees or civil penalties collected  
23 under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the  
24 account(~~(, not including moneys transferred to the general fund~~  
25 ~~pursuant to RCW 39.12.070,))~~ may be made only for the purposes of  
26 administration of this chapter, including, but not limited to, the  
27 performance of adequate wage surveys, and for the investigation and  
28 enforcement of all alleged violations of this chapter as provided for  
29 in this chapter and chapters 49.48 and 49.52 RCW.

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