
SENATE BILL 5228

State of Washington 61st Legislature 2009 Regular Session

By Senators Haugen and Morton

Read first time 01/16/09. Referred to Committee on Transportation.

1 AN ACT Relating to recalculating day labor construction projects
2 and programs; and amending RCW 36.77.065.

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

4 **Sec. 1.** RCW 36.77.065 and 2005 c 162 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: PROVIDED, That
14 such costs shall not include those costs assigned to the right-of-way
15 account, ancillary operations account, (~~and that portion of the~~
16 ~~engineering account that is~~) preliminary engineering account, and
17 construction engineering account in the budget, accounting, and
18 reporting manual.

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

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

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

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

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

37 (b) The previous year's county motor vehicle fuel tax distribution

1 factor, as provided for in RCW 46.68.124(5), multiplied by the amount
2 listed in (a) of this subsection.

3 (3) For counties with a population ~~((of))~~ that equals or exceeds
4 twenty-five thousand, but is less than one hundred fifty thousand
5 people, the total amount of day labor construction programs one county
6 may perform annually ~~((may total))~~ shall be no more than the total of
7 the following amounts ((determined in the following manner)):

8 (a) ~~((A county with a total annual county road construction budget~~
9 ~~of four million dollars or more may accumulate a day labor road~~
10 ~~construction budget equal to not more than eight hundred eighty~~
11 ~~thousand dollars or twenty five percent of the county's total annual~~
12 ~~county road construction budget, whichever is greater;~~

13 (b) ~~A county with a total annual county road construction budget of~~
14 ~~one million five hundred thousand dollars or more and less than four~~
15 ~~million dollars may accumulate a day labor road construction budget~~
16 ~~equal to not more than five hundred seventy seven thousand dollars or~~
17 ~~thirty percent of the county's total annual county road construction~~
18 ~~budget, whichever is greater;~~

19 (c) ~~A county with a total annual county road construction budget of~~
20 ~~five hundred thousand dollars or more and less than one million five~~
21 ~~hundred thousand dollars may accumulate a day labor road construction~~
22 ~~budget equal to two hundred seventy five thousand dollars or forty five~~
23 ~~percent of the county's total annual county road construction budget,~~
24 ~~whichever is greater;~~

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

37 ~~(4))~~ One million two hundred fifty thousand dollars; and

1 (b) The previous year's county motor vehicle fuel tax distribution
2 factor, as provided for in RCW 46.68.124(5), multiplied by the amount
3 listed in (a) of this subsection.

4 (4) For counties with a population that is less than twenty-five
5 thousand people, the total amount of day labor construction programs
6 one county may perform annually shall be no more than the total of the
7 following amounts:

8 (a) Eight hundred thousand dollars; and

9 (b) The previous year's county motor vehicle fuel tax distribution
10 factor, as provided for in RCW 46.68.124(5), multiplied by the amount
11 listed in (a) of this subsection.

12 (5) Any county that adopts a county road construction budget
13 unreasonably exceeding that county's actual road construction
14 expenditures for the same budget year which has the effect of
15 permitting the county to exceed the day labor amounts established in
16 this section is in violation of the county road administration board's
17 standards of good practice under RCW 36.78.020 and is in violation of
18 this section. Any county, whose expenditure for day labor for road
19 construction projects unreasonably exceeds the limits specified in this
20 section, is in violation of the county road administration board's
21 standards of good practice under RCW 36.78.020 and is in violation of
22 this section.

23 ~~((+5))~~ (6) Notwithstanding any other provision in this section,
24 whenever the construction work or improvement is the installation of
25 electrical traffic control devices, highway illumination equipment,
26 electrical equipment, wires, or equipment to convey electrical current,
27 in an amount exceeding ten thousand dollars for any one project
28 including labor, equipment, and materials, such work shall be performed
29 by contract as in this chapter provided. This section means a complete
30 project and does not permit the construction of any project by day
31 labor by division of the project into units of work or classes of work.

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