

# SENATE BILL REPORT

## HB 1064

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As Reported By Senate Committee On:  
Government Operations, March 22, 1995

**Title:** An act relating to correcting unconstitutional provisions relating to resident employees on public works.

**Brief Description:** Correcting unconstitutional provisions relating to resident employees on public works.

**Sponsors:** Representatives Padden and Appelwick; by request of Law Revision Commission.

**Brief History:**

**Committee Activity:** Government Operations: 3/22/95 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, McCaslin and Winsley.

**Staff:** Rod McAulay (786-7754)

**Background:** Current law provides that state and local public works contracts must include a requirement that the contractors employ Washington residents. With certain exceptions, contractors must employ 95 percent or more Washington residents where more than 40 persons are employed and 90 percent Washington residents in cases where fewer than 40 persons are employed. Violation of this requirement is a misdemeanor.

The United States Supreme Court and the Washington Supreme Court have held that residency requirements are constitutional only if nonresidents are a "peculiar source of evil" which the legislation is reasonably designed to overcome. Economic protectionism is an insufficient reason for such legislation.

As part of its duties, the state Law Revision Commission is directed to recommend repeal of statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States. The commission is recommending the repeal of the law requiring that contractors employ Washington residents for state and local public works contracts.

**Summary of Bill:** Residency requirements for employees on public works contracts are repealed. A cross-reference to the repealed requirements is deleted.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill will clear unconstitutional and unenforced requirements from the RCW.

**Testimony Against:** None.

**Testified:** No one (written testimony submitted by Professor Rombauer of the Law Revision Commission (pro)).