
HOUSE BILL 1728

State of Washington

53rd Legislature

1993 Regular Session

By Representative Appelwick; by request of Law Revision Commission

Read first time 02/05/93. Referred to Committee on Judiciary.

1 AN ACT Relating to correcting unconstitutional provisions relating
2 to resident employees on public works; amending RCW 39.16.005 and
3 39.16.030; and repealing RCW 39.16.020.

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

5 **Sec. 1.** RCW 39.16.005 and 1977 ex.s. c 187 s 1 are each amended to
6 read as follows:

7 In all contracts let by the state, or any department thereof, or
8 any county, city, town, municipality, or other political subdivision
9 for the erection, construction, alteration, demolition, or repair of
10 any public building, structure, bridge, highway, or any other kind of
11 public work or improvement, the contractor or subcontractor shall
12 ~~((employ ninety-five percent or more bona fide Washington residents as~~
13 ~~employees where more than forty persons are employed, and ninety~~
14 ~~percent or more bona fide Washington residents as employees where forty~~
15 ~~or less persons are employed: PROVIDED, That such limitations shall~~
16 ~~not apply to that portion of any contract in which a manufacturer's~~
17 ~~warranty on equipment is contingent upon the manufacturer's use of his~~
18 ~~own factory-trained personnel for installation or repair which places~~
19 ~~such equipment under warranty. The contractor shall))~~ pay the standard

1 prevailing wages for the specific type of construction as determined by
2 the United States department of labor in the city or county where the
3 work is being performed. ((The term "resident", as used in this
4 chapter, shall mean any person who has been a bona fide resident of the
5 state of Washington for a period of ninety days prior to such
6 employment: PROVIDED, That in contracts involving the expenditure of
7 federal aid funds this chapter shall not be enforced in such manner to
8 conflict with or be contrary to the federal statutes, rules, and
9 regulations prescribing a labor preference to honorably discharged
10 soldiers, sailors, and marines, or prohibiting as unlawful any other
11 preference or discrimination among the citizens of the United States:
12 PROVIDED FURTHER, That this section shall not apply to any employees
13 who are residents of any state bordering on the state of Washington if
14 such bordering state does not restrict the right of a resident of
15 Washington to be employed in the performance of all contracts let by
16 the bordering state, or any department thereof, or any county, city,
17 town, municipality, or other political subdivision for the erection,
18 construction, alteration, demolition, or repair of any public building,
19 structure, bridge, highway, or any other kind of public work or
20 improvement.))

21 **Sec. 2.** RCW 39.16.030 and 1943 c 246 s 3 are each amended to read
22 as follows:

23 The provisions of this chapter shall be written into every such
24 public contract((, including the following penalty. Any contractor or
25 subcontractor who shall employ a nonresident in excess of the
26 percentage preferences, excepting as herein permitted, shall have
27 deducted, for every violation, from the amount due him, the prevailing
28 wages which should have been paid to a displaced resident. The money
29 so deducted shall be retained by the public body for whom the contract
30 is being performed)).

31 NEW SECTION. **Sec. 3.** RCW 39.16.020 and 1977 ex.s. c 187 s 2 &
32 1943 c 246 s 2 are each repealed.

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