
HOUSE BILL 2768

State of Washington

58th Legislature

2004 Regular Session

By Representatives Hudgins, Romero, Simpson, G., Moeller, Chase, Rockefeller, Conway and Kagi

Read first time 01/20/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to requiring state contracts be performed by
2 citizens of the United States or persons authorized by federal law to
3 work in the United States; amending RCW 43.19.1932; adding a new
4 section to chapter 28B.10 RCW; adding a new section to chapter 39.04
5 RCW; adding a new section to chapter 47.28 RCW; creating new sections;
6 and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. It is essential that
9 the legislature and state agencies spend tax dollars in a manner that
10 is both responsible and consistent with the economic interests of the
11 state and the nation. The legislature and state agencies should,
12 therefore, consider indirect benefits that may be achieved when
13 entering into contracts for public works, personal services, purchased
14 services, information services, and highway design and construction.
15 Such benefits include, but are not limited to, job creation, capital
16 investment, and economic stimulus.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW
18 to read as follows:

1 HIGHER EDUCATION. All work under a public works, personal
2 services, purchased services, or information services contract that is
3 entered into by the state under this chapter, or under any subcontract
4 awarded under such a contract, must be performed by citizens of the
5 United States or persons authorized by federal law to work in the
6 United States.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04 RCW
8 to read as follows:

9 PUBLIC WORKS. All work under a public works contract that is
10 entered into by the state under this chapter, or under any subcontract
11 awarded under such a contract, must be performed by citizens of the
12 United States or persons authorized by federal law to work in the
13 United States.

14 **Sec. 4.** RCW 43.19.1932 and 1989 c 185 s 2 are each amended to read
15 as follows:

16 (1) Except as provided in subsection (2) of this section, the
17 department of corrections shall be exempt from the following provisions
18 of this chapter in respect to goods or services purchased or sold
19 pursuant to the operation of correctional industries: RCW 43.19.180,
20 43.19.190, 43.19.1901, 43.19.1905, 43.19.1906, 43.19.1908, 43.19.1911,
21 43.19.1913, 43.19.1915, 43.19.1917, 43.19.1919, 43.19.1921, 43.19.1925,
22 and 43.19.200.

23 (2) All work under a public works, personal services, purchased
24 services, or information services contract that is entered into by the
25 department of corrections, or under any subcontract awarded under such
26 a contract, must be performed by citizens of the United States or
27 persons authorized by federal law to work in the United States.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.28 RCW
29 to read as follows:

30 DEPARTMENT OF TRANSPORTATION. All work under a public works,
31 personal services, purchased services, information services, or highway
32 design and construction contract that is entered into by the state
33 under this chapter, or under any subcontract awarded under such a
34 contract, must be performed by citizens of the United States or persons
35 authorized by federal law to work in the United States.

1 NEW SECTION. **Sec. 6.** SEVERABILITY. If any provision of this act
2 or its application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 7.** FEDERAL SEVERABILITY. If any part of this
6 act is found to be in conflict with federal requirements that are a
7 prescribed condition to the allocation of federal funds to the state,
8 the conflicting part of this act is inoperative solely to the extent of
9 the conflict and with respect to the agencies directly affected, and
10 this finding does not affect the operation of the remainder of this act
11 in its application to the agencies concerned. Rules adopted under this
12 act must meet federal requirements that are a necessary condition to
13 the receipt of federal funds by the state.

14 NEW SECTION. **Sec. 8.** CAPTIONS. Captions used in this act are not
15 any part of the law.

16 NEW SECTION. **Sec. 9.** APPLICABILITY. This act shall not apply to
17 contracts entered into before July 1, 2005.

18 NEW SECTION. **Sec. 10.** EFFECTIVE DATE. This act is necessary for
19 the immediate preservation of the public peace, health, or safety, or
20 support of the state government and its existing public institutions,
21 and takes effect immediately.

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