

# HOUSE BILL REPORT

## SHB 1728

---

As Passed House  
January 26, 1994

**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:** By House Committee on Judiciary (originally sponsored by Representative Appelwick; by request of Law Revision Commission.)

**Brief History:**

Reported by House Committee on:  
Judiciary, March 2, 1993, DPS;  
Passed House, March 11, 1993, 98-0;  
Passed House, January 26, 1994, 92-0.

---

### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

**Staff:** Margaret Allen (786-7191).

**Background:** With some exceptions, an existing statute requires a certain percentage of employees on all public works contracts to be Washington residents.

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

In 1982, the Washington Supreme Court declared the statute unconstitutional.

**Summary of Bill:** Residency requirements for employees on public works contracts are repealed.

A technical correction is made.

**Fiscal Note:** Not requested.

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

**Testimony For:** The unconstitutional statute should be repealed.

**Testimony Against:** None.

**Witnesses:** Marjorie Rombauer, Washington Law Revisions Commission; and Duke Schaub, Associated General Contractors of Washington.