

# HOUSE BILL REPORT

## HB 1728

---

As Reported By House Committee On:  
Judiciary

**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:** Representative Appelwick; by request of Law Revision Commission.

**Brief History:**

Reported by House Committee on:  
Judiciary, March 2, 1993, DPS.

---

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**Summary of Substitute Bill:** Residency requirements for employees on public works contracts are repealed.

A technical correction is made.

**Substitute Bill Compared to Original Bill:** Provisions governing residency requirements for employees on public works contracts are repealed rather than amended.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** 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**Testimony For:** The unconstitutional statute should be repealed.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.