HOUSE BILL 2491

State of Washington   **64th Legislature**   **2016 Regular Session**

By Representatives Manweller, Condotta, Magendanz, and Wilson

Read first time 01/14/16. Referred to Committee on Labor & Workplace Standards.

1   AN ACT Relating to state preemption of local wage laws and
2 contracts; amending RCW 49.46.120; adding a new section to chapter
3 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new
4 section to chapter 36.01 RCW; adding a new section to chapter 53.08
5 RCW; and adding a new chapter to Title 49 RCW.

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

7   NEW SECTION. **Sec. 1.**   (1) The state of Washington hereby
8 occupies and preempts the entire field regarding wages and hours of
9 work within the boundaries of the state. A city, town, county, or
10 port district may not require, enforce, or otherwise regulate by
11 means of charter, ordinance, regulation, rule, resolution, or
12 contract, including purchase agreement, payment of wages or hours of
13 work for private employers. Any such provisions or terms shall not be
14 adopted or agreed to and are preempted and unenforceable. The state
15 preemption created in this section applies to all charters,
16 ordinances, regulations, rules, and resolutions regulating payment of
17 wages and hours of work for private employers adopted by a city,
18 town, county, or port district before or after the effective date of
19 this section. Any term in a contract or purchase agreement regarding
20 payment of wages or hours of work entered into after the effective
21 date of this section is void and unenforceable.

1   (2) Subsection (1) of this section does not apply to any local
2 laws, ordinances, administrative directives, contracts, or policies
3 that affect only the employees of the city, town, county, or port
4 district.
5   (3) This section does not impair any provision of a collective
6 bargaining agreement in effect on the effective date of this section.
7   (4) The preemption created in this section shall be broadly
8 construed.

9   **Sec. 2.** RCW 49.46.120 and 1961 ex.s. c 18 s 4 are each amended
10 to read as follows:
11   This chapter establishes a minimum standard for wages and working
12 conditions of all employees in this state, unless exempted herefrom,
13 and is in addition to and supplementary to any other federal((,)) or
14 state((, or local)) law ((or ordinance)), or any rule or regulation
15 issued thereunder. Any standards relating to wages, hours, or other
16 working conditions established by any applicable federal((,)) or
17 state((, or local)) law ((or ordinance)), or any rule or regulation
18 issued thereunder, which are more favorable to employees than the
19 minimum standards applicable under this chapter, or any rule or
20 regulation issued hereunder, shall not be affected by this chapter
21 and such other laws, or rules or regulations, shall be in full force
22 and effect and may be enforced as provided by law.

23   NEW SECTION. **Sec. 3.** Section 1 of this act constitutes a new
24 chapter in Title 49 RCW.

25   NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21
26 RCW to read as follows:
27   Section 1 of this act governs the authority of a city or town to
28 regulate private employers and to contract regarding wages or hours
29 of work.

30   NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21
31 RCW to read as follows:
32   Section 1 of this act governs the authority of a city or town to
33 regulate private employers and to contract regarding wages or hours
34 of work.

1   NEW SECTION. **Sec. 6.** A new section is added to chapter 36.01
 2 RCW to read as follows:
 3   Section 1 of this act governs the authority of a county to
 4 regulate private employers and to contract regarding wages or hours
 5 of work.

 6   NEW SECTION. **Sec. 7.** A new section is added to chapter 53.08
 7 RCW to read as follows:
 8   Section 1 of this act governs the authority of a port district to
 9 regulate private employers and to contract regarding wages or hours
10 of work.

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