

funds.

Notwithstanding provisions of RCW 41.40.120(4), the coverage under such private plan shall not exclude such employees from simultaneous coverage under the Washington public employees retirement system.

NEW SECTION. Sec. 2. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

---

CHAPTER 28

[Substitute House Bill No. 8]

PUBLIC WORKS--RESIDENT EMPLOYEES

AN ACT Relating to resident employees on public works; adding a new section to chapter 39.16 RCW; and repealing section 1, chapter 246, Laws of 1943 and RCW 39.16.C10.

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

NEW SECTION. Section 1. There is added to chapter 39.16 RCW a new section to read as follows:

In all contracts let by the state, or any department thereof, or any county, city or town for the erection, construction, alteration, demolition or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor or subcontractor shall employ ninety-five percent or more bona fide Washington residents as employees where more than forty persons are employed, and ninety percent or more bona fide Washington residents as employees where forty or less persons are employed, except that any contractor or subcontractor may employ not more than five persons without regard to the residency requirements stated herein in the performance of any such contract: PROVIDED, That the state of the residence of the contractor or subcontractor provides reciprocal rights to Washington contractors or subcontractors. The contractor shall pay the standard prevailing wages for the specific type of construction as determined by the United States department of labor in the city or county where the work is being performed. The term "resident", as used in this chapter, shall mean any person who has been a bona fide resident of the state of Washington for a period of ninety days prior to such employment: PROVIDED, That in contracts

involving the expenditure of federal aid funds this chapter shall not be enforced in such manner to conflict with or be contrary to the federal statutes, rules and regulations prescribing a labor preference to honorably discharged soldiers, sailors and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

NEW SECTION. Sec. 2. Section 1, chapter 246, Laws of 1943 and RCW 39.16.010 are each hereby repealed.

Passed the House February 11, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 29

[Engrossed House Bill No. 38]

MOTOR VEHICLE DRIVER'S LICENSES--PROCEDURE

AN ACT Relating to motor vehicles and operators' licenses; providing for a limitation on stays pending appeal in cases of physical or mental disability; amending section 36, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.329; amending section 37, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.332; amending section 38, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.333; and amending section 39, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.334.

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

Section 1. Section 36, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.329 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal; PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the