

CHAPTER 246.

[H. B. 123.]

PREFERENCE FOR WASHINGTON RESIDENTS ON
PUBLIC CONTRACTS.

AN ACT relating to percentage preferences for Washington residents on public contracts for general construction, demolition, alteration or repair; excepting when in conflict with Federal laws; defining the term resident; providing for the payment of prevailing wages; and prescribing civil and criminal penalties for violations thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. 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, subcontractor, or person in charge thereof, shall employ ninety-five per cent (95%) or more *bona fide* Washington residents as employees where more than fifty (50) persons are employed, and ninety per cent (90%) or more where fifty (50) or less are employed; and 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 act, shall mean any person who has been a *bona fide* resident of the State of Washington for a period of ninety (90) days prior to such employment: *Provided*, That in contracts involving the expenditure of Federal Aid Funds this act 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.

Preference for state residents required.

Minimum percentages fixed.

Pay prevailing wage.

"Resident" defined.

Not to conflict with federal acts.

Procedure
where state
residents
not available.

SEC. 2. In the event a sufficient number of Washington residents shall not be available the contractor or subcontractor shall immediately notify the public body with whom the contract has been executed of such facts, and shall state the number of non-residents needed. The public body shall immediately investigate the facts and if the conditions are as stated the public body shall, by a written order, designate the number of non-residents and the period for which they may be employed: *Provided*, That should residents become available within the period, such residents shall be immediately employed and the period shortened consistent with the supply of resident labor.

Proviso.

Contracts
to carry
provisions.

SEC. 3. The provisions of this act shall be written into every such public contract, including the following penalty. Any contractor or subcontractor who shall employ a non-resident in excess of the percentage preferences, excepting as herein permitted, shall have deducted, for every violation, from the amount due him, the prevailing wages which should have been paid to a displaced resident. The money so deducted shall be retained by the public body for whom the contract is being performed.

Penalty

SEC. 4. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Passed the House March 10, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.