

HOUSE BILL NO. 209

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 3/25/97

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act regulating the use of pre-hire project labor agreements for public**
2 **construction projects by the state and political subdivisions of the state."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.35.125 (project labor agreements).

6 *** Sec. 2.** AS 29.35 is amended by adding a new section to read:

7 **Sec. 29.35.125. Limitation on project labor agreements.** (a) A municipality
8 may enter into or require a contractor on a public construction project to enter into a
9 pre-hire project labor agreement for a public construction project with a labor
10 organization only in accordance with AS 36.90.300.

11 (b) In this section, "public construction" has the meaning given in
12 AS 36.95.010.

13 (c) This section applies to home rule and general law municipalities.

14 *** Sec. 3.** AS 36.90 is amended by adding a new section to read:

Article 4. Project Labor Agreements.

Sec. 36.90.300. Project labor agreements. (a) The state or a political subdivision of the state may not enter into a pre-hire project labor agreement for a public construction project with a labor organization or require a contractor on a public construction project to enter into a pre-hire agreement with a labor organization unless the state or political subdivision has entered written findings, supported by clear and convincing evidence, that

(1) the proposed project labor agreement will result in greater employment opportunities for state residents on the project, whether or not the residents are members of a labor organization, than would result if there were no project labor agreement;

(2) the proposed project labor agreement will result in significant identifiable cost savings that would not otherwise be available to the state or political subdivision;

(3) the proposed project labor agreement will ensure greater safety to persons employed on the project than would result if there were no project labor agreement;

(4) but for the existence of a project labor agreement, the project would be subjected to significant labor unrest;

(5) the size and complexity of the project is significantly greater than public projects ordinarily constructed by the state or a political subdivision; and

(6) the proposed project labor agreement is consistent with the principles underlying applicable competitive bidding statutes.

(b) The terms of a project labor agreement on a public construction project may not require

(1) a contractor to use a job referral system operated by a labor organization in connection with the hiring of employees for the public construction project;

(2) a contractor to recognize a labor organization as the exclusive bargaining representative for employees on the public construction project;

(3) a person employed on the public construction project to become a

1 member in good standing of a labor organization or to pay periodic fees or dues to a
2 labor organization as a condition of employment;

3 (4) a contractor to make contributions on behalf of an employee to a
4 benefit fund designated by a labor organization unless the employee on whose behalf
5 the contributions are made directs the contractor to do so;

6 (5) a contractor to comply with regulations, agreements, or policies of
7 a labor organization that regulate the number or proportion of apprentices or helpers
8 employed on a public construction project; or

9 (6) a contractor to comply with jurisdictional rules or practices of a
10 labor organization in connection with the work on a public construction project.

11 (c) In this section,

12 (1) "contractor" includes the state or a political subdivision of the state
13 if the state or political subdivision is acting as a contractor on a public construction
14 project;

15 (2) "state" means

16 (A) a department, institution, board, commission, division,
17 authority, public corporation, or other administrative unit of the executive
18 branch, including the University of Alaska and the Alaska Railroad
19 Corporation;

20 (B) a committee, division, or administrative unit of the
21 legislative branch, including the Alaska Legislative Council, the leadership of
22 each house, and the office of the ombudsman;

23 (C) an administrative unit of the judicial branch, including the
24 Alaska Judicial Council and the Commission on Judicial Conduct.