

HOUSE BILL NO. 155

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/5/03

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the submission of payroll information by contractors and
2 subcontractors performing work on a public construction contract; and providing for
3 an effective date."

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

5 * **Section 1.** AS 36.05.040 is amended to read:

6 **Sec. 36.05.040. Filing schedule of employees, wages paid, and other**
7 **information.** All contractors or subcontractors who perform work on a public
8 construction contract for the state or for a political subdivision of the state shall, before
9 the Friday of each week, file with the contracting agency [DEPARTMENT OF
10 LABOR] a sworn affidavit for the previous week, setting out in detail the number of
11 persons employed, wages paid, job classification of each employee, hours worked
12 each day and week, and other information on a form provided by [THAT] the
13 Department of Labor and Workforce Development [REQUIRES].

14 * **Sec. 2.** AS 36.05 is amended by adding a new section to read:

1 **Sec. 36.05.045. Affidavit of compliance.** (a) Before commencing work on a
2 public construction contract, each contractor or subcontractor shall file with the
3 Department of Labor and Workforce Development a notice of intent to pay prevailing
4 wages. Each contractor or subcontractor shall file the notice on a form provided by
5 the Department of Labor and Workforce Development, and shall submit a \$100 fee at
6 the time of filing.

7 (b) Upon completion of a contractor or subcontractor's work on the public
8 construction contract, each contractor or subcontractor shall file with the Department
9 of Labor and Workforce Development an affidavit of wages paid. Each contractor or
10 subcontractor shall file the affidavit on a form provided by the Department of Labor
11 and Workforce Development, and shall submit a \$100 fee at the time of filing.

12 (c) A contracting agency may not release final payment on a public
13 construction contract until it has received verification from the Department of Labor
14 and Workforce Development that

15 (1) the contractor and all subcontractors have complied with (a) and
16 (b) of this section;

17 (2) the Department of Labor and Workforce Development is not
18 conducting an investigation under AS 36.05.030; and

19 (3) the Department of Labor and Workforce Development has not
20 issued a notice of a violation of this chapter to the contractor or a subcontractor.

21 (d) Notwithstanding (a) of this section, a contractor or subcontractor that
22 began work on a public construction contract before July 1, 2003 but has not
23 completed the work before July 1, 2003 shall file a notice of intent to pay prevailing
24 wages on a form provided by the Department of Labor and Workforce Development.
25 The contractor or subcontractor shall file the notice no later than 30 days after the
26 Department of Labor and Workforce Development provides the contractor or
27 subcontractor with a copy of the notice form. The contractor or subcontractor is not
28 required to pay a fee for filing.

29 (e) A false statement made on a notice or affidavit required by this section is
30 punishable under AS 11.56.210.

31 * **Sec. 3.** AS 36.05 is amended by adding a new section to read:

1 **Sec. 36.05.900. Definition.** In this chapter, "contracting agency" means the
2 state or a political subdivision of the state that has entered into a public construction
3 contract with a contractor.

4 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 TRANSITION PROVISIONS: REGULATIONS. Notwithstanding sec. 6 of this Act,
7 the Department of Labor and Workforce Development may proceed to adopt regulations
8 necessary to implement the changes made by this Act. The regulations take effect under
9 AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant
10 statutory change.

11 * **Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

12 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect July 1, 2003.