

1 IN THE HOUSE

BY MESSRS. GREUEL, FISHER AND RADER

2

HOUSE BILL NO. 59 .

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIRST LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act to extend the prevailing wage scale

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to laborers and mechanics employed by con-

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tractors and subcontractors in the con-

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struction, alteration or repair of public

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buildings, or public works of the State of

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Alaska or any of its political subdivisions;

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terminating such contracts for violation

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and completing the work by the government;

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authorizing a means of requiring the pay-

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ment of such wages; authorizing regulations;

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and providing for an effective date."

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

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Section 1. (1) RATES OF WAGES FOR LABORERS AND MECHANICS ON

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PUBLIC CONTRACTS: ~~FEDERAL CONTRACTS EXEMPTED~~ The advertised specifications for every con-

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tract in excess of two thousand (\$2,000.00) dollars to which the

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State of Alaska or a political subdivision thereof is a party, for

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the construction, alteration, and/or repair, including painting

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and decorating of public buildings or public works of the State or

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a political subdivision thereof, which requires or involves the

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employment of mechanics, laborers, or field surveyors shall contain

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a provision stating the minimum wages to be paid various classes

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of laborers, mechanics, or field surveyors, which wages shall be

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determined by the office of the Commissioner of Labor and shall be

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based upon wages prevailing for the corresponding classes of

1 Laborers, mechanics, or field surveyors employed on projects of
2 a character similar to the contract work in the borough, city,
3 village, or other subdivision of the State in which the work is to
4 be performed. Every contract for public works in the State or any
5 of its political subdivisions ~~shall contain stipulations that:~~ *with population in excess of _____ respectively,*

6 (a) [(1)] The contractor or his subcontractors shall pay all
7 employees unconditionally and not less than once a week;

8 (b) [(2)] Wages shall be not less than those stated in the
9 advertised specifications, regardless of any contractual relation-
10 ship which may be alleged to exist between the contractor or
11 subcontractors and such laborers, mechanics, or field surveyors;

12 (c) [(3)] The scale of wages to be paid shall be posted by
13 the contractor in a prominent and easily accessible place at the
14 site of the work;

15 (d) [(4)] The State, or any political subdivision thereof, *with a population in excess of _____*
16 may withhold so much of the accrued payments as may be necessary
17 to pay to laborers, mechanics, or field surveyors employed by the
18 contractor or any subcontractors, the difference between (a) the
19 rates of wages required by the contract to be paid laborers,
20 mechanics, or field surveyors on the work, and (b) the rates of
21 wages in fact received by such laborers, mechanics or field
22 surveyors.

23 (2) (See and it)
Sec. 2. TERMINATION OF WORK ON FAILURE TO PAY AGREED WAGES:

24 COMPLETION OF WORK BY GOVERNMENT. Every contract within the
25 scope of Section 1 of this Act shall contain the further provision
26 that in the event it is found that any laborer, mechanic, or
27 field surveyor employed by the contractor or any subcontractors
28 has been or is being paid a rate of wages less than the rate of
29 wages required by the contract to be paid as aforesaid, the State

1 or its political subdivisions concerned, whether state or local
2 may, by written notice to the contractor, terminate his right to
3 proceed with the work or such part of the work as to which there
4 has been a failure to pay said required wages and to prosecute
5 the work to completion by contract or otherwise, and the contrac-
6 tor and his sureties shall be liable to the state or its political
7 subdivision for any excess costs occasioned thereby.

8 Sec. 3. PAYMENT OF WAGES FROM WITHHELD PAYMENTS: LISTING
9 CONTRACTORS VIOLATING CONTRACTS. The state disbursing officer in
10 the case of a state contract, ~~and the local fiscal officer in the~~
11 case of a local political subdivision contract, ~~is authorized and~~
12 directed to pay directly to laborers, mechanics or field surveyors
13 from any accrued payments withheld under the terms of the contract
14 any wages found to be due laborers, mechanics or field surveyors
15 pursuant to Section 1. ~~The~~ state disbursing officer or [the] local
16 fiscal officer is further authorized and is directed to distri-
17 bute to all departments of the state government and to all local
18 governmental bodies, a list giving the names of persons or firms
19 found to have disregarded their obligations to employees and sub-
20 contractors. No contract shall be awarded to the persons or
21 firms appearing on this list or to any firm, corporation, part-
22 nership, or association in which such person or firms have an
23 interest until three years have elapsed from the date of publica-
24 tion of the list containing the names of such persons or firms.

25 If the accrued payments withheld under the terms of the con-
26 tract, as aforesaid, are insufficient to reimburse all the labor-
27 ers, mechanics, or field surveyors with respect to whom there
28 has been a failure to pay the wages required pursuant to Section
29 1, such laborers, mechanics or field surveyors shall have the

1 right of action and/or of intervention against the contractor and
2 his sureties conferred by law upon persons furnishing labor or
3 materials, and in such proceedings it shall be no defense that such
4 laborers, mechanics or field surveyors accepted or agreed to
5 accept less than the required rate of wages or voluntarily made
6 refunds.

7 Sec. 4. EFFECT ON OTHER LAWS OF ALASKA. This Act shall not
8 be construed to supercede or impair any authority otherwise
9 granted by state law to provide for the establishment of specific
10 wage rates.

11 Sec. 5. APPLICATION OF ACT TO CONTRACTS ENTERED INTO WITH-
12 OUT ADVERTISING FOR PROPOSALS. The fact that any public contract
13 authorized by any Act is entered into upon a cost-plus-a-fixed-
14 fee basis or otherwise, without advertising for proposals, shall
15 not be construed to render inapplicable the provisions of this
16 Act, if it would otherwise be applicable to such contract.

17 Sec. 6. REGULATIONS GOVERNING CONTRACTORS AND SUBCONTRACTORS.
18 The Commissioner of Labor shall make reasonable regulations for
19 contractors and subcontractors engaged in the construction, pro-
20 secution, completion or repair of public buildings, public works
21 or buildings or works, including a provision that each contractor
22 and subcontractor shall furnish weekly a sworn affidavit with res-
23 spect to the wages paid each employee during the preceding week.

24 Sec. 7. EFFECTIVE DATE. This Act shall take effect imme-
25 diately upon its passage and approval or upon its becoming law
26 without such approval, but shall not affect any contract then
27 existing or any contract that may thereafter be entered into pur-
28 suant to invitations for bids that are outstanding on such effec-
29 tive date.

(Handwritten initials)