

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST

2 HOUSE BILL NO. 233

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act exempting from the state prevailing  
7 wage law those contracts to which the fed-  
8 eral government or the smaller political  
9 subdivisions of the state are parties;  
10 amending Ch. , SLA 1959; and providing  
11 for an effective date."

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

13 Section 1. Sec. 1 of Ch. , SLA 1959 is hereby amended to  
14 read as follows:

15 Section 1. (1) RATES OF WAGES FOR LABORERS AND MECHAN-  
16 ICS ON PUBLIC CONTRACTS: FEDERAL CONTRACTS EXEMPTED. The  
17 advertised specifications for every contract in excess of  
18 two thousand (\$2,000.00)dollars to which the State of Alaska  
19 or a political subdivision thereof with a population in ex-  
20 cess of \_\_\_\_\_ is a party, for the construction, alteration,  
21 and/or repair, including painting and decorating of public  
22 buildings or public works of the state or a political sub-  
23 division thereof, which requires or involves the employment  
24 of mechanics, laborers, or field surveyors shall contain a  
25 provision stating the minimum wages to be paid various classes  
26 of laborers, mechanics, or field surveyors, which wages shall  
27 be determined by the office of the Commissioner of Labor and  
28 shall be based upon wages prevailing for the corresponding  
29 classes of laborers, mechanics, or field surveyors employed

1 on projects of a character similar to the contract work in  
2 the borough, city, village, or other subdivision of the state  
3 in which the work is to be performed. Every contract for  
4 public works in the state or any of its political subdivisions,  
5 with populations in excess of \_\_\_\_\_, respectively, shall  
6 contain stipulations that:

7 (a) [(1)] The contractor or his subcontrac-  
8 tors shall pay all employees unconditionally and not  
9 less than once a week;

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

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

18 (d) [(4)] The state, or any political subdi-  
19 vision thereof, with a population in excess of \_\_\_\_\_,  
20 may withhold so much of the accrued payments as may be  
21 necessary to pay to laborers, mechanics, or field sur-  
22 veyors employed by the contractor or any subcontractors,  
23 the difference between (i) [(A)] the rates of wages re-  
24 quired by the contract to be paid laborers, mechanics,  
25 or field surveyors on the work and (ii) [(B)] the rates  
26 of wages in fact received by such laborers, mechanics or  
27 field surveyors.

28 (2) The provisions of this Act shall in no way ap-  
29 ply to public contracts of the state or political subdivisions;

1 thereof to which the United States is also a party, either by  
2 grant or by loan, and which fall within the provisions of  
3 Sections 276a, and 276c, Title 40, U.S.C.A.

4 Sec. 2. Sec. 3 of Ch. , SLA 1959 is hereby amended to read  
5 as follows:

6 Sec. 3. PAYMENT OF WAGES FROM WITHHELD PAYMENTS: LIST-  
7 ING CONTRACTORS VIOLATING CONTRACTS. The state disbursing  
8 officer in the case of a state contract within the scope  
9 hereof, and the local fiscal officer in the case of a local  
10 political subdivision contract within the scope hereof, is  
11 authorized and directed to pay directly to laborers, mechanics  
12 or field surveyors from any accrued payments withheld under  
13 the terms of the contract any wages found to be due laborers,  
14 mechanics or field surveyors pursuant to Section 1. Such  
15 [THE] state disbursing office or [THE] local fiscal officer  
16 is further authorized and is directed to distribute to all  
17 departments of the state government and to all local govern-  
18 mental bodies, a list giving the names of persons or firms  
19 found to have disregarded their obligations to employees and  
20 subcontractors. No contract shall be awarded to the persons  
21 or firms appearing on this list or to any firm, corporation,  
22 partnership, or association in which such person or firms  
23 have an interest until three years have elapsed from the date  
24 of publication of the list containing the names of such per-  
25 sons or firms.

26 If the accrued payments withheld under the terms of the  
27 contract, as aforesaid, are insufficient to reimburse all the  
28 laborers, mechanics, or field surveyors with respect to whom  
29 there has been a failure to pay the wages required pursuant

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

8 Sec. 3. Sec. 6 of Ch. , SLA 1959 is hereby amended to read  
9 as follows:

10 Sec. 6. REGULATIONS GOVERNING CONTRACTORS AND SUBCON-  
11 TRACTORS. The Commissioner of Labor shall make reasonable  
12 regulations for contractors and subcontractors engaged in the  
13 construction, prosecution, completion or repair of public  
14 buildings, public works or buildings or works, including a  
15 provision that each contractor and subcontractor shall fur-  
16 nish weekly a sworn affidavit with respect to the wages paid  
17 each employee during the preceding week; provided, that, in  
18 the event any public contract is exempt from the provisions  
19 of this Act, contractors and subcontractors engaged in such  
20 exempt contracts shall not be required by the commissioner to  
21 furnish such weekly affidavits or any affidavits with respect  
22 to wages paid on such contracts.

23 Sec. 4. This Act shall take effect immediately upon its  
24 passage and approval or upon its becoming law without such approval  
25 and shall operate retrospectively with respect to contracts here-  
26 tofore falling within the provisions of Ch. , SLA 1959 and here-  
27 by made exempt therefrom.