

1 IN THE HOUSE

BY MESSRS. CASHEL, GREUEL,
FISHER, REED, AND HANSEN

2 HOUSE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for preference in employ-
7 ment for Alaska residents in contracts for
8 state, borough, municipal, and school con-
9 struction, repair, preliminary surveys,
10 engineering studies, and maintenance work."

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

12 Section 1. EMPLOYMENT PREFERENCE. a. In the preference of
13 contracts let by the state, borough, municipal and school for con-
14 struction, repair, preliminary surveys, engineering studies or
15 maintenance work, 95% Alaska residents must be employed where such
16 are available and qualified; except where 10 or less persons are
17 employed under such contract, in which case 90% Alaska residents
18 must be employed where such are available and qualified; Provided
19 that in all cases of public works projects, preference must be
20 given to Alaska residents.

21 b. As used in this Act, the term

22 (1) "resident" means any person who has actually resided
23 in Alaska for not less than one year prior to the time of his
24 employment on any public works project;

25 (2) "qualified" means one who, except for apprentices,
26 is a journeyman mechanic in his particular trade;

27 (3) "contractor" means the contractor including any and
28 all sub-contractors.

29 c. Apprentices must be properly registered apprentices in

1 their particular craft.

2 d. In any reduction of work force, resident workers, except
3 supervisory personnel, shall be terminated last.

4 Sec. 2. APPLICATION TO FEDERAL CONTRACTS. In contracts in-
5 volving expenditure of federal aid funds, this Act shall not be
6 enforced in any manner that conflicts with federal statutes giving
7 preference to veterans or prohibiting other preferences or dis-
8 criminations among United States citizens.

9 Sec. 3. EMPLOYMENT OF ALIENS. Contractors shall not employ
10 aliens upon state, borough, municipal or school public works pro-
11 jects unless the alien worker has in good faith declared his in-
12 tention of becoming a citizen, and further meets the residence
13 requirement set out in Section 1 hereof.

14 Sec. 4. EMPLOYMENT OF PRISONERS. No prisoner currently
15 serving sentence in a penal or correctional institution shall be
16 employed on any public works project subject to the provisions of
17 this Act.

18 Sec. 5. UNAVAILABILITY OF RESIDENT WORKERS. a. When resi-
19 dent labor is unavailable, the contractor shall inform the commis-
20 sioner of labor of the number of additional workers needed. The
21 commissioner of labor shall investigate the facts and designate
22 the number of non-residents that may be employed and for what
23 period.

24 b. If resident workers become available in the meantime,
25 they shall be immediately employed and the periods of employment
26 of non-resident workers shall be shortened.

27 Sec. 6. ACT INCORPORATED IN CONTRACTS. The provisions of
28 this Act and the following penalty shall be deemed to be included
29 into every public works contract let after the effective date

1 hereof.

2 Sec. 7. PUBLICATION. The commissioner of labor is authorized
3 and directed to distribute to all departments and agencies of the
4 state government and to all local governments a list of the names
5 of persons or firms convicted of violation of this Act. No con-
6 tract shall be awarded to any person or firm appearing on such
7 list or to any firm, corporation, partnership or association in
8 which such persons or firms have an interest until after a period
9 of three years has elapsed from the date of publication of the
10 list containing the names of such persons or firms.

11 Sec. 8. PENALTY. a. Every contractor violating any pro-
12 vision of this Act shall have deducted from amounts due him under
13 the contract the prevailing wages which should have been paid to
14 a displaced resident, such amounts shall be retained by the con-
15 tracting agency.

16 b. Any contractor or agent of such contractor who violates
17 any provision of this Act shall be deemed guilty of a misdemeanor,
18 and upon conviction shall be fined the sum of not less than \$50.00
19 nor more than \$500.00 or imprisoned for not less than 10 days nor
20 more than 90 days, or both.

21 Sec. 9. EFFECTIVE DATE. This Act takes effect on the day
22 after its passage and approval or upon its becoming law without
23 such approval.

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