

1 IN THE HOUSE

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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, city, and school district
9 construction, repair, preliminary surveys,
10 engineering studies, and maintenance work;
11 providing for an effective date."

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

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

22 b. As used in this Act, the term

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

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

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

1 c. Apprentices must be properly registered apprentices in
2 their particular craft.

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

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

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

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

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

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

28 Sec. 7. PUBLICATION. The commissioner of labor is authorized
29 and directed to distribute to all departments and agencies of the

1 state government and to all local governments a list of the names
2 of persons or firms convicted of violation of this Act. No con-
3 tract shall be awarded to any person or firm appearing on such
4 list or to any firm, corporation, partnership or association in
5 which such persons or firms have an interest until after a period
6 of three years has elapsed from the date of publication of the
7 list containing the names of such persons or firms.

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

13 b. Any contractor or agent of such contractor who violates
14 any provision of this Act shall be deemed guilty of a misdemeanor,
15 and upon conviction shall be fined the sum of not more than \$500.00
16 or imprisoned for not more than 90 days, or both.

17 Sec. 9. EFFECTIVE DATE. This Act takes effect on the day
18 after its passage and approval or upon its becoming law without
19 such approval.
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