

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 penalties and providing for an
12 effective date."

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

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

23 b. As used in this Act, the term

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

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

29 (3) "contractor" means the contractor including any and

1 all sub-contractors.

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

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

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

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

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

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

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

29 Sec. 7. PUBLICATION. The commissioner of labor is authorized

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

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

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

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

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