

1 IN THE HOUSE

BY MESSRS. JOSEPHSON,
ORBECK AND RADER

2 HOUSE BILL NO. 192

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to wages paid to laborers
7 and mechanics employed under contracts for
8 public works."

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

10 * Section 1. AS 36.05.070 is amended by adding new subsections
11 to read:

12 (d) As used in secs. 70 - 120 of this chapter, "wages"
13 and "minimum wages" include

14 (1) the basic hourly rate of pay; and

15 (2) the amount of the rate of contribution
16 irrevocably made by a contractor or subcontractor to a
17 trustee or to a third person pursuant to a fund, plan or
18 program for medical or hospital care, retirement or death
19 pensions, compensation for injuries or illness resulting from
20 occupational activity, or insurance to provide any of the
21 foregoing, for unemployment benefits, life insurance,
22 disability and sickness insurance, or accident insurance,
23 vacation and holiday pay, defraying costs of apprenticeship
24 or other similar programs, or for other bona fide fringe
25 benefits, but only if the contractor or subcontractor is not
26 required by other federal, state or local law to provide any
27 of these benefits; and

28 (3) the amount of the rate of costs to the con-
29 tractor or subcontractor which may be reasonably anticipated

1 in providing benefits to laborers and mechanics pursuant to
2 an enforceable commitment to carry out a financially re-
3 sponsible plan or program which was communicated in writing
4 to the laborers and mechanics affected, for medical or
5 hospital care, retirement or death pensions, compensation
6 for injuries or illness resulting from occupational activity,
7 or insurance to provide any of the foregoing, for unemploy-
8 ment benefits, life insurance, disability and sickness
9 insurance, or accident insurance, vacation and holiday pay,
10 defraying costs of apprenticeship or other similar programs,
11 or for other bona fide fringe benefits, but only if the
12 contractor or subcontractor is not required by other federal,
13 state or local law to provide any of these benefits.

14 (e) The obligation of a contractor or subcontractor to
15 make payment in accordance with the prevailing wage determi-
16 nation of the Department of Labor as required under secs.
17 70 - 120 of this chapter may be discharged by

18 (1) making payments in cash; or

19 (2) making contributions of a type specified in
20 (d)(2) of this section; or

21 (3) assuming an enforceable commitment to bear the
22 costs of a plan or program of a type specified in (d)(3) of
23 this section; or

24 (4) any combination of the means of discharge
25 listed in (1) - (3) of this subsection if the aggregate of
26 the payments in cash, contributions, and costs is not less
27 than the rate of pay prescribed in (d)(1) of this section
28 plus the amounts prescribed in (d)(2) and (3) of this section.

29 * Sec. 2. AS 36.05 is amended by adding a new section to read:

1 Sec. 36.05.075. DETERMINATION OF OVERTIME WAGES.
2 In determining the overtime pay for a laborer or mechanic
3 employed under a contract within the scope of sec. 70 of this
4 chapter, his regular or basic hourly rate of pay, or other
5 alternative upon which the overtime compensation is computed,
6 is the rate computed under sec. 70(d)(1) of this chapter,
7 except that if the amount of payment, contributions, or costs
8 incurred with respect to him exceeds the prevailing wage
9 applicable to him under secs. 70 - 120 of this chapter, the
10 regular or basic hourly rate of pay shall be computed by
11 deducting from the amount of payments, contributions, or
12 costs actually incurred with respect to him, the amount of
13 contributions or costs of the types specified in sec. 70(d)
14 (2) and (3) of this chapter actually incurred with respect to
15 him or the amount determined under sec. 70(d)(2) and (3) of
16 this chapter but not actually paid, whichever amount is
17 greater.

18 * Sec. 3. This Act shall not affect any contract in effect
19 on the effective date of this Act or any contract entered into
20 pursuant to invitations for bids which are outstanding on the
21 effective date of this Act.
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