

Introduced: 2/14/69
Referred: Labor and
Management and
Judiciary

1 IN THE SENATE

BY PALMER, HAMMOND,
BUTROVICH AND BEGICH

2 SENATE BILL NO. 156

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to resident hiring guidelines for
7 certain employers; and providing for an effective
8 date."

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

10 * Section 1. AS 23.10 is amended by adding new sections to read:

11 ARTICLE 10. RESIDENT HIRING GUIDELINES FOR CERTAIN EMPLOYERS.

12 Sec. 23.10.420. APPLICATION. A person or subsidiary or subcon-
13 tractor to a person who holds a lease, permit or business license which
14 is a prerequisite to exploring for, developing, manufacturing, trans-
15 porting, refining, extracting, canning or selling a natural resource
16 of this state which in its natural state came from state owned lands or
17 waters shall meet the following requirements:

18 (1) Residents of the state shall comprise at least 85 per
19 cent of the working force engaged during any stage of the activity
20 contemplated by this section, which takes place in the state.

21 (2) Persons coming under this section shall, before the
22 10th of the month, file with the Department of Labor a schedule for the
23 previous month, setting out in detail the number of persons employed,
24 the type of work performed by each employee, the present address of
25 each employee and the number of months each employee has been in the
26 state.

27 Sec. 23.10.430. DUTIES OF DEPARTMENT. (a) The department shall
28 compile and publish a list of employers by activity which are covered
29 by secs. 420 - 440 of this chapter. This list shall be published

1 twice yearly in each of the four major newspapers in the state. The
2 first publication shall be placed not later than two months before
3 July 1, 1969.

4 (b) The department shall devise procedures for certifying those
5 persons who comply with the provisions of secs. 420 - 440 of this
6 chapter and like provisions for denying certification to those persons
7 who fail to comply. If a person fails to meet the requirements of
8 secs. 420 - 440 of this chapter the department shall conduct an informal
9 hearing with the person so failing and if the person shows by convincing
10 evidence that his failure to comply is due to an inadequacy of the local
11 labor market to supply the needed skills then the department shall grant
12 certification notwithstanding the persons failure to comply. A person
13 failing to comply and who is excused at a hearing shall be re-examined
14 six months after the hearing in which he was excused to determine the
15 continuing validity of the excuse, and shall be re-examined every six-
16 month period thereafter until he does comply with the provisions of
17 secs. 420 - 440 of this chapter. If the department determines that
18 failure to comply is not excusable then it shall give notice at this
19 time of a formal hearing to be held not later than two months after
20 the initial finding at which the person failing to comply must appear
21 and show cause why certification should not be denied. The de-
22 termination arrived at by the formal hearing shall be final. If the
23 decision is adverse to the person appearing at the formal hearing the
24 department shall deny certification and transmit this denial to the
25 department or agency responsible for granting the lease or issuing the
26 permit or business license.

27 Sec. 23.10.440. DUTIES OF OTHER DEPARTMENTS AND AGENCIES. Each
28 department or agency responsible for granting leases or issuing permits
29 or business licenses shall incorporate into every lease, permit or

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business license that is issued after the effective date of secs. 420 - 440 of this chapter to a person engaging in activity appearing on the list prepared under sec. 430 of this chapter, a provision setting out the requirements of secs. 420 - 440 of this chapter and a statement that the lease, permit or business license is subject to revocation upon failure to meet these requirements. If the department or agency concerned receives notice from the Department of Labor that certification has been denied to a person granted a lease or issued a permit or business license it shall revoke the lease, permit or business license of the person denied certification. A person having a lease, permit or business license revoked under secs. 420 - 440 of this chapter may again apply for a lease, permit or business license no sooner than six months after revocation. The department or agency concerned shall treat these applications as any other application received at the time and may not consider that property rights existed in the revoked lease, permit or business license.

* Sec. 2. This Act takes effect on May 1, 1969.