

Original sponsor: Ray

Offered: 3/15/72
Referred: Labor & Management

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 286

J. & M.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public works contracts; and pro-
7 viding for an effective date."

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

9 * Section 1. AS 36.10.010 is amended to read:

10 Sec. 36.10.010. EMPLOYMENT PREFERENCE. In the performance of
11 contracts let by the state, boroughs, cities and school districts
12 for construction, repair, preliminary surveys, engineering studies,
13 architectural work, planning, financial and bond consultation, mainten-
14 ance work or any other retention of services necessary to complete
15 any given project [OR MAINTENANCE WORK], 95 per cent residents shall
16 be employed where they are available and qualified. If 10 or fewer
17 persons are employed under the contract, then 90 per cent residents
18 shall be employed where they are available and qualified. In all
19 cases of public works projects, preference shall be given to residents.

20 * Sec. 2. AS 36.10.070 is amended by adding a new subsection to read:

21 (b) When residents other than laborers but included in sec. 10
22 of this chapter are unavailable the potential employer shall notify
23 the commissioner of labor of the type and number of persons needed.
24 The commissioner of labor shall investigate the facts and designate
25 the number of nonresidents, if any, who may be employed and for what
26 period.

27 * Sec. 3. AS 36.10 is amended by adding new sections to read:

28 Sec. 36.10.075. DUTIES OF COMMISSIONER OF LABOR. The commissioner
29 of labor shall promulgate regulations necessary to carry out the

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1 provisions of this chapter including but not limited to the method,
2 time and content of reporting by employers covered by this chapter and
3 reporting provisions permitting on-going supervision by the Department
4 of Labor on all public works projects covered by this chapter.

5 Sec. 36.10.076. DUTIES OF EMPLOYER. An employer covered by the
6 provisions of this chapter shall notify, in a manner prescribed by the
7 Department of Labor, the Department of Labor periodically regarding
8 planned public works.

9 * Sec. 4. AS 36.10.090 is amended by adding new subsections to read:

10 (b) An employer covered by the provisions of this chapter who
11 is found to be in violation of these provisions may be required, in the
12 case of a local government or school district, to forfeit all or part
13 of the state aid made available for the project in which the violation
14 occurs and in addition may be denied up to 12 months of state revenue
15 sharing or public school foundation money. A state department or agency
16 head found to be in violation of this chapter may be required to for-
17 feit his position.

18 (c) A person or governmental entity covered by the provisions of
19 (b) of this section who is not satisfied by a decision of the Department
20 of Labor may, as the final administrative process, appeal the decision
21 to a committee consisting of the commissioners of public works, labor
22 and administration. The commissioner of public works is the chairman
23 of the committee. A quorum for conducting business is three members
24 and any decision made must be supported by a majority of the committee
25 members. The committee may, upon a showing of hardship, waive all or
26 any part of the penalty provisions of this chapter.

27 * Sec. 5. This Act takes effect on the day after its passage and approval
28 or on the day it becomes law without approval.
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