Introduced: 2/9/78
Referred: Labor & Management

IN THE HOUSE BY HAYES BY REQUEST

HOUSE BILL NO. 770

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to arbitration."

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

* Section 1. AS 36 is amended by adding a new chapter to read:

CHAPTER 30. ARBITRATION.

Sec. 36.30.010. ARBITRATION REQUIRED. (a) Every contract executed by the state or a political subdivision of the state for construction of a public works project shall contain a provision requiring arbitration of claims or disputes arising under the contract if such claims or disputes cannot be settled within a reasonable time in accordance with administrative review procedures, if any, contained in the contract. The required arbitration shall be in accordance with the Construction Industry Rules of the American Arbitration Association in effect at the time of the arbitration, unless the parties agree to the application of other rules.

(b) If a contract required by this section to contain a mandatory arbitration provision does not contain such a provision, either party to the contract may treat it for all purposes as if it, in fact, contained such a provision, and may initiate legal proceedings under AS 09.43.020 to compel arbitration.

* Sec. 2. AS 36.95.010 is amended to read:

Sec. 36.95.010. DEFINITIONS. In chs. 5 - 30 [25] of this title unless the context requires otherwise

(1) "contractor" means the contractor including the subcontractor;

(2) "laborer, mechanic, or field surveyor" means a person who engages in work which is basically physical or unskilled in nature; or who engages in work, requiring the use of tools or machines, which basically consists of the shaping and working of materials into some type of structure, machine or other object; or who engages in outdoor tasks related to the operation of finding and delineating contour, dimensions, position, topography, as of any part of the earth's surface, by preparation of measured plan or description of any area or other portion of country or of road or line through any area or other portion of country;

(3) "public construction" or "public works" means the on-site erection, rehabilitation, alteration, extension or repair, including painting or redecorating buildings, highways or other improvements to real property under contract for the state or a political subdivision of the state;

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

(5) "resident" means a person who maintains his domicile in the state: domicile is the true and permanent home of a person from which he has no present intention of removing and to which he intends to return whenever he is away;

(6) "state or a political subdivision of the state" means any state department, state agency, state university, borough, city, village, school district or other state subdivision;

(7) "wages" includes fringe benefits.