

CORRECTION

Re: SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 146 (Finance)

CORRECTION

Please discard SCS CSSH B 146 (Finance) and replace with this corrected version.

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Original sponsor: Brown by request

Offered: 5/3/82
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 146 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to payment procedures on certain
7 public contracts."

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

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

10 CHAPTER 90. MISCELLANEOUS PROVISIONS.

11 Sec. 36.90.001. PUBLIC CONSTRUCTION CONTRACT PAYMENTS. (a) The
12 state shall initiate procedures to pay the contractor under a public
13 construction or public work contract within 15 days after the contractor
14 submits to the state a bill for materials or services and a sworn state-
15 ment that all employees employed on the project by the contractor and
16 all subcontractors have been paid not less than the established prevail-
17 ing rate of pay as determined and published by the Department of Labor.

18 (b) If the state fails to make a payment due the contractor under
19 this section within 30 days after receiving a contractor's billing, the
20 state shall pay interest to the contractor under AS 45.45.010(a) on the
21 amount due.

22 (c) The state or a political subdivision of the state is liable to
23 a contractor registered under AS 08.18 for interest at the rate provided
24 in AS 45.45.010(a) on retainage on a contract for public works or public
25 construction. Interest on retainage accrues from the date of approval
26 of a pay estimate until the date of payment to the contractor. A con-
27 tract provision purporting to waive the interest provisions of this
28 subsection is void as contrary to public policy.

29 (d) A political subdivision that has a population of 500 or less

1 is exempt from the payment of interest provided in (c) of this section.

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

3 Sec. 36.95.010. DEFINITIONS. In this title [AS 36.05 - 36.25]
4 unless the context requires otherwise

5 (1) "contractor" means the contractor including subcontrac-
6 tors performing work necessary to facilitate public construction;

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

17 (3) "public construction" or "public works" means the on-site
18 field surveying, erection, rehabilitation, alteration, extension or
19 repair, including painting or redecorating of buildings, highways or
20 other improvements to real property under contract for the state, a
21 political subdivision of the state, or a regional school board with
22 respect to an educational facility under AS 14.08.161;

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

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

29 (6) "state or a political subdivision of the state" means any

1 state department, state agency, state university, borough, city, village,
2 school district or other state subdivision;

3 (7) "wages" includes fringe benefits;

4 (8) "retainage" means money withheld from a contractor until
5 completion of a contract or satisfaction of other contingency as evi-
6 denced by approval of the applicable pay estimate.

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