

Introduced: 5/11/84
Referred: Labor & Commerce

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 719

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rights of contractors on public
7 works projects."

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

9 * Section 1. AS 36.05.030(a) is amended to read:

10 (a) The Department of Labor shall [HAS THE AUTHORITY TO] deter-
11 mine the prevailing wage, and whether or not this chapter is being
12 violated. The department may when necessary for the enforcement of
13 this chapter

14 (1) conduct investigations and hold hearings concerning
15 wages and the performance by subcontractors under AS 36.05.095;

16 (2) compel the attendance of witnesses and the production
17 of books, papers and documents;

18 (3) adopt [PROMULGATE] regulations.

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

20 Sec. 36.05.095. CONTRACTORS AND SUBCONTRACTORS. (a) A contrac-
21 tor may ask the Department of Labor to investigate the performance of
22 a subcontractor if a person who has or claims to have an ownership
23 interest in the subcontractor has filed for wages under AS 36.05.040.
24 Within 10 days after receiving a request, the department shall in-
25 vestigate to determine whether there is reasonable cause to believe
26 that the subcontractor has substantially failed to perform the subcon-
27 tract.

28 (b) If the department has reasonable cause to believe that the
29 subcontractor has substantially failed to perform the subcontract, the

1 department may not withhold accrued payments from the contractor to
2 pay wages to the person with an ownership interest in the subcontractor
3 under AS 36.05.070, may not terminate the contractor's right to
4 proceed with the work under AS 36.05.080, and may not pay wages to the
5 person or include the contractor's name in a list prepared under
6 AS 36.05.090 because of the failure to pay the person with an owner-
7 ship interest in the subcontractor.