

**HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 37 (FINANCE)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/21/91**

**Referred: Rules**

**Sponsor(s): SENATORS MENARD, Rodey, Collins**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to food and housing for construction workers at remote construction sites  
2 on certain state highway and airport construction projects and to employment of those  
3 domiciled within the vicinity of the project; and providing for an effective date."

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

5 \* Section 1. AS 36.90 is amended by adding a new section to read:

6           Sec. 36.90.110. FOOD AND HOUSING AT REMOTE STATE CONSTRUCTION  
7 SITES. (a) Except as provided in (b) and (c) of this section, the state shall require that a  
8 contractor provide food and housing to an employee of the contractor working on a state highway  
9 or airport construction project at a remote construction site. The contractor may not consider the  
10 cost of the food and housing in setting wages for the employee or in meeting wage requirements  
11 under AS 23.10.065 or AS 36.05.

12           (b) Before the award of a state highway or airport construction contract, the state shall  
13 estimate the length of active, on-site workdays required to complete the project, and the number  
14 of contractor employees required at peak employment periods. If the estimate indicates that the

1 project will require fewer than 60 continuous calendar days of active on-site work or fewer than  
2 15 contractor employees at peak employment periods, the project is exempt from the requirement  
3 to provide food and housing set out in (a) of this section.

4 (c) A contractor who provides adequate transportation to employees is exempt from the  
5 requirement to provide food and housing set out in (a) of this section for those employees for  
6 whom the transportation is provided. Transportation is adequate under this subsection if it

7 (1) transports the employee from the departure point to the work site in 60  
8 minutes or less or if the employer pays wages to the employee for time spent travelling to the  
9 work site in excess of 60 minutes; return transportation shall be provided on the same basis;

10 (2) is available each workday at times reasonably close to the beginning and  
11 ending of each work shift;

12 (3) begins from and returns to a departure point that is central to either a location  
13 where commercially available food and lodging establishments exist or which is the domicile of  
14 the employee; and

15 (4) meets applicable transportation safety standards.

16 (d) Unless a state construction contract for highway or airport construction is exempt  
17 under (b) or (c) of this section, the specifications for the contract must contain a provision setting  
18 out the requirement for providing food and housing at remote construction sites and the optional  
19 provisions for transportation services. When this provision is required in a contract, the contract  
20 must designate the site and include relevant permits for the housing. The specifications must also  
21 require that the contractor utilize persons whose domicile is located within the vicinity of the  
22 project to the maximum extent permitted by law.

23 (e) The Department of Transportation and Public Facilities shall implement this section  
24 by regulation.

25 (f) In this section,

26 (1) "airport" means an area of land or water that is used or intended for use for  
27 the landing and take-off, movement, or parking of aircraft, and the appurtenant areas that are used  
28 or intended for use for airport buildings or other airport facilities or rights-of-way, together with  
29 airport buildings and facilities located at the location;

30 (2) "domicile" means the principal place of residence of an individual during the  
31 90 days before employment on the state construction project;

1 (3) "highway" includes a primary or secondary highway, road, street, trail, walk,  
2 bridge, tunnel, drainage structure and other similar or related structure or facility, and  
3 right-of-way thereof, and further includes a ferry system, whether operated solely inside the state  
4 or to connect with a Canadian highway, and any related facility;

5 (4) "remote" means a work site that is either more than 50 road miles from or  
6 inaccessible by two-wheel drive vehicles from a location that has commercial food and lodging  
7 establishments adequate to accommodate the work force of the state construction project;

8 (5) "state construction" means the on-site field surveying, erection, rehabilitation,  
9 alteration, extension, or repair, including painting or redecorating, of buildings, highways, or  
10 other improvements to real property, under contract for the state.

11 \* Sec. 2. This Act does not apply to a contract for a state highway or airport construction project that  
12 was entered into before September 1, 1991.

13 \* Sec. 3. This Act takes effect September 1, 1991.