

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5922 HOUSE LABOR & COMMERCE

320

1 that has adequate, commercially-available food and housing that meet
2 the standards set out in (a) of this section.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29



6-1754J
Cramer
2/7/90

Original sponsor(s): Labor & Commerce Committee

1 IN THE HOUSE BY THE LABOR & COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 430 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring that overtime wages at one and
7 one-half times the regular rate of pay be paid for
8 certain work following the fifth consecutive day of
9 work; exempting certain line haul truck drivers from
10 the requirement for overtime wages; defining 'day'
11 and 'week' for overtime wages; removing certain
12 employees on public works projects from an exemption
13 from overtime wage requirements; and relating to food
14 and housing for certain workers on public works
15 projects at remote sites."

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

17 * Section 1. AS 23.10.060 is amended to read:

18 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) Except as provided
19 in (b) and (c) of this section, an [AN] employer who employs employees
20 engaged in commerce [,] or other business, or in the production of
21 goods or materials in the state [ALASKA] may not employ an employee
22 [NOT ACTING IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE,] for a
23 workweek longer than 40 hours or for more than eight hours a day.
24 This section does not apply to the employment of a person acting in a
25 supervisory capacity.

26 (b) If an [, EXCEPT THAT IF THE] employer finds it necessary to
27 employ an employee in excess of 40 hours a week or more than eight
28 hours a day, compensation for the overtime at the rate of one and
29 one-half times the regular rate of pay shall be paid.

1 (c) An employer who employs an employee for at least 40 hours of
2 *straight time* work in more than five consecutive days without a day off shall pay
3 compensation to the employee for the employee's hours of work on the
4 sixth and seventh consecutive days at the rate of one and one-half
5 times the regular rate of compensation. This subsection applies
6 regardless of the number of weeks in which the consecutive days worked
7 by the employee occur.

8 (d) This section [, AND THIS PROVISION] is considered included
9 in all contracts of employment.

10 (e) This section does not apply with respect to

11 (1) an employee employed by an employer employing less than
12 four employees in the regular course of business, as "regular course
13 of business" is defined by regulations of the commissioner; however,
14 this exemption does not apply to an employee who is employed on a
15 public works project for any day on which the employee performs work
16 on the project;

17 (2) [REPEALED

18 (3) REPEALED

19 (4)] an employee employed in handling, packing, storing,
20 pasteurizing, drying, preparing in their raw or natural state, or
21 canning agricultural or horticultural commodities for market, or in
22 making cheese or butter or other dairy products;

23 (3) [(5)] an employee of an employer engaged in small
24 mining operations where not more than 12 employees are employed, if
25 the employee is employed not in excess of 12 hours a day or 56 hours a
26 week during a period or periods of not more than 14 workweeks in the
27 aggregate in a calendar year during the mining season, as the season
28 is defined by the commissioner;

29 (4) [(6) REPEALED

1 (7) an employee engaged in agriculture;

2 (5) [(8)] an employee employed in connection with the
3 publication of a weekly, semiweekly, or daily newspaper with a circu-
4 lation of less than 1,000;

5 (6) [(9)] a switchboard operator employed in a public
6 telephone exchange that [WHICH] has fewer than 750 stations;

7 (7) [(10)] an employee of an employer engaged in the busi-
8 ness of operating taxicabs;

9 (8) [(11)] an employee in an otherwise exempted employment
10 or proprietor in a retail or service establishment engaged in handling
11 telegraphic, telephone, or radio messages for the public under an
12 agency or contract arrangement with a telegraph or communications
13 company where the telegraph message or communications revenue of the
14 agency does not exceed \$500 a month;

15 (9) [(12)] an employee employed as a seaman;

16 (10) [(13)] an employee employed in planting or tending
17 trees, cruising, or surveying, or bucking, or felling timber, or in
18 preparing or transporting logs or other forestry products to the mill,
19 processing plant, railroad, or other transportation terminal, if the
20 number of employees employed by the employer in the forestry or lum-
21 bering operations does not exceed 12;

22 (11) [(14)] an individual employed as an outside buyer of
23 poultry, eggs, cream, or milk in their raw or natural state;

24 (12) [(15)] casual employees as may be liberally defined by
25 regulations of the commissioner;

26 (13) [(16)] an employee of a hospital whose employment in-
27 cludes the provision of medical services;

28 (14) [(17)] work performed by an employee under a flexible
29 work hour plan if the plan is included as part of a collective

1 bargaining agreement;

2 (15) [(18)] work performed by an employee under a voluntary
3 flexible work hour plan if

4 (A) the employee and the employer have signed a writ-
5 ten agreement and the written agreement has been filed with the
6 department; and

7 (B) the department has issued a certificate approving
8 the plan which states the work is for 40 hours a week and not
9 more than 10 hours a day; for work over 40 hours a week or 10
10 hours a day under a flexible work hour plan not included as part
11 of a collective bargaining agreement, compensation at the rate of
12 one and one-half times the regular rate of pay shall be paid for
13 the overtime;

14 (16) an individual employed as a line haul truck driver for
15 a trip that exceeds 100 road miles one way if the compensation system
16 under which the truck driver is paid includes overtime pay for work in
17 excess of 40 hours a week and for more than eight hours a day and the
18 compensation system requires a rate of pay comparable to the rate of
19 pay required by this section.

20 (f) In this section,

21 (1) "day" means 24 consecutive hours;

22 (2) "public works" has the meaning given in AS 36.95.010;

23 (3) "week" means the period of time from a Sunday at 12:01
24 in the morning to the following Saturday at 12:00 midnight.

25 * Sec. 2. AS 23.10 is amended by adding a new section to read:

26 Sec. 23.10.440. FOOD AND HOUSING AT REMOTE SITES. (a) Except
27 as provided in (b) of this section, an employer shall provide food and
28 housing to an employee working at a public works project remote site.
29 The housing must meet safety and health standards for housing set out

1 in the Standards for Occupational and Industrial Structures adopted by
2 the department. The employer may not consider the cost of the food
3 and housing in setting wages for the employee or in meeting wage
4 requirements under AS 23.10.065 or AS 36.05.

5 (b) An employer who provides adequate transportation to employ-
6 ees is exempt from the requirement to provide food and housing under
7 (a) of this section. Transportation is adequate under this section if
8 it

9 (1) is available daily at reasonable hours to and from the
10 remote site to a location that provides access to adequate commer-
11 cially-available housing;

12 (2) takes no more than 30 minutes to transport the employee
13 from the departure point to the worksite; and

14 (3) meets applicable transportation safety standards.

15 (c) The requirements of this section are considered a part of
16 every contract for hire for a public works project in the state. The
17 advertised specifications for the public works project shall contain a
18 provision stating the requirement for providing food and housing at
19 remote sites.

20 (d) An employee may waive the employee's right to food and
21 housing under this section. An employer may not require an employee
22 to live in housing provided under this section.

23 (e) The department shall implement this section by regulation.

24 (f) In this section

25 (1) "employee" and "employer" have the meanings given in
26 AS 23.10.430;

27 (2) "public works" has the meaning given in AS 36.95.010;

28 (3) "remote" means a work site that is either more than 50
29 road miles or inaccessible by two-wheel-drive vehicles from a place

1 that has adequate, commercially-available food and housing that meet
2 the standards set out in (a) of this section.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

6-1754H
Cramer
2/6/90

Original sponsor(s): Labor & Commerce Committee

1 IN THE HOUSE

BY THE LABOR & COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 430 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting holders of certain permits or
7 licenses relating to big game hunting from the Alaska
8 Wage and Hour Act; requiring that overtime wages at
9 one and one-half times the regular rate of pay be
10 paid for certain work following the fifth consecutive
11 day of work; exempting certain line haul truck
12 drivers from the requirement for overtime wages;
13 defining 'day' and 'week' for overtime wages;
14 removing certain employees on public works projects
15 from an exemption from overtime wage requirements;
16 and relating to food and housing for construction
17 workers at remote construction sites."

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

19 * Section 1. AS 23.10.055 is amended to read:

20 Sec. 23.10.055. EXEMPTIONS. The provisions of AS 23.10.050 -
21 23.10.150 do not apply to

22 (1) an individual employed in agriculture, which includes
23 farming in all its branches and, among other things, includes the
24 cultivation and tillage of the soil, dairying, the production, culti-
25 vation, growing, and harvesting of any agricultural or horticultural
26 commodities, the raising of livestock, bees, fur-bearing animals, or
27 poultry, and any practices, including forestry and lumbering opera-
28 tions, performed by a farmer or on a farm as an incident to or in
29 conjunction with the farming operations, including preparation for

1 market, delivery to storage or to market or to carriers for transpor-
2 tation to market;

3 (2) an individual employed in the catching, trapping,
4 cultivating or farming, netting or taking of any kind of fish, shell-
5 fish, or other aquatic forms of animal and vegetable life;

6 (3) an individual employed in the hand picking of shrimp;

7 (4) an individual employed in domestic service, including a
8 baby-sitter, in or about a private home;

9 (5) an individual employed by the United States or by the
10 state or political subdivision of the state including prisoners not on
11 furlough detained or confined in prison facilities;

12 (6) an individual engaged in the activities of a nonprofit
13 religious, charitable, cemetery, or educational organization where the
14 employer-employee relationship does not, in fact, exist, and where
15 services rendered to the organization are on a voluntary basis;

16 (7) an employee engaged in the delivery of newspapers to
17 the consumer;

18 (8) an individual employed solely as a watchman or care-
19 taker of a plant or property that is not in productive use for a
20 period of four months or more;

21 (9) an individual employed in a bona fide executive, admin-
22 istrative, or professional capacity or in the capacity of an outside
23 salesman or a salesman who is employed on a straight commission basis;

24 (10) an individual employed in the search for placer or hard
25 rock minerals;

26 (11) an individual under 18 years of age employed on a
27 part-time basis not more than 30 hours in a week; or

28 (12) employment by a nonprofit educational or child care
29 facility to serve as a parent of children while the children are in

1 residence at the facility if the employment requires residence at the
2 facility and is compensated on a cash basis exclusive of room and
3 board at an annual rate of not less than

4 (A) \$10,000 for an unmarried person; or

5 (B) \$15,000 for a married couple;

6 (13) a person who

7 (A) holds a license or commercial use permit issued
8 under AS 08.54 while engaged in providing commercial services to
9 big game hunters; or

10 (B) is employed by a licensee or permit holder under
11 AS 08.54 while the person is engaged in providing or assisting to
12 provide commercial services to big game hunters.

13 * Sec. 2. AS 23.10.060 is amended to read:

14 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) Except as provided
15 in (b) and (c) of this section, an [AN] employer who employs employees
16 engaged in commerce [,] or other business, or in the production of
17 goods or materials in the state [ALASKA] may not employ an employee
18 [NOT ACTING IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE,] for a
19 workweek longer than 40 hours or for more than eight hours a day.
20 This section does not apply to the employment of a person acting in a
21 supervisory capacity.

22 (b) If an [, EXCEPT THAT IF THE] employer finds it necessary to
23 employ an employee in excess of 40 hours a week or more than eight
24 hours a day, compensation for the overtime at the rate of one and
25 one-half times the regular rate of pay shall be paid.

26 (c) An employer who employs an employee for more than five
27 consecutive days ^{any of which is at least 6 hours,} without a day off shall pay compensation to the
28 employee for the employee's hours of work on the sixth and seventh
29 consecutive days at the rate of one and one-half times the regular

1 rate of compensation. This subsection applies regardless of the
2 number of weeks in which the consecutive days worked by the employee
3 occur.

4 (d) This section [, AND THIS PROVISION] is considered included
5 in all contracts of employment.

6 (e) This section does not apply with respect to

7 (1) an employee employed by an employer employing less than
8 four employees in the regular course of business, as "regular course
9 of business" is defined by regulations of the commissioner; however,
10 this exemption does not apply to an employee who is employed on a
11 public works project for any day on which the employee performs work
12 on the project;

13 (2) [REPEALED

14 (3) REPEALED

15 (4)! an employee employed in handling, packing, storing,
16 pasteurizing, drying, preparing in their raw or natural state, or
17 canning agricultural or horticultural commodities for market, or in
18 making cheese or butter or other dairy products;

19 (3) [(5)] an employee of an employer engaged in small
20 mining operations where not more than 12 employees are employed, if
21 the employee is employed not in excess of 12 hours a day or 56 hours a
22 week during a period or periods of not more than 14 workweeks in the
23 aggregate in a calendar year during the mining season, as the season
24 is defined by the commissioner;

25 (4) [(6) REPEALED

26 (7)] an employee engaged in agriculture;

27 (5) [(8)] an employee employed in connection with the
28 publication of a weekly, semiweekly, or daily newspaper with a circu-
29 lation of less than 1,000;

1 (6) [(9)] a switchboard operator employed in a public
2 telephone exchange that [WHICH] has fewer than 750 stations;

3 (7) [(10)] an employee of an employer engaged in the busi-
4 ness of operating taxicabs;

5 (8) [(11)] an employee in an otherwise exempted employment
6 or proprietor in a retail or service establishment engaged in handling
7 telegraphic, telephone, or radio messages for the public under an
8 agency or contract arrangement with a telegraph or communications
9 company where the telegraph message or communications revenue of the
10 agency does not exceed \$500 a month;

11 (9) [(12)] an employee employed as a seaman;

12 (10) [(13)] an employee employed in planting or tending
13 trees, cruising, or surveying, or bucking, or felling timber, or in
14 preparing or transporting logs or other forestry products to the mill,
15 processing plant, railroad, or other transportation terminal, if the
16 number of employees employed by the employer in the forestry or lum-
17 bering operations does not exceed 12;

18 (11) [(14)] an individual employed as an outside buyer of
19 poultry, eggs, cream, or milk in their raw or natural state;

20 (12) [(15)] casual employees as may be liberally defined by
21 regulations of the commissioner;

22 (13) [(16)] an employee of a hospital whose employment in-
23 cludes the provision of medical services;

24 (14) [(17)] work performed by an employee under a flexible
25 work hour plan if the plan is included as part of a collective bar-
26 gaining agreement;

27 (15) [(18)] work performed by an employee under a voluntary
28 flexible work hour plan if

29 (A) the employee and the employer have signed a

1 written agreement and the written agreement has been filed with
2 the department; and

3 (B) the department has issued a certificate approving
4 the plan which states the work is for 40 hours a week and not
5 more than 10 hours a day; for work over 40 hours a week or 10
6 hours a day under a flexible work hour plan not included as part
7 of a collective bargaining agreement, compensation at the rate of
8 one and one-half times the regular rate of pay shall be paid for
9 the overtime;

10 (16) an individual employed as a line haul truck driver for
11 a trip that exceeds 100 road miles one way if the compensation system
12 under which the truck driver is paid includes overtime pay for work in
13 excess of 40 hours a week or for more than eight hours a day and the
14 compensation system requires a rate of pay comparable to the rate of
15 pay required by this section.

16 (f) In this section,

17 (1) "day" means 24 consecutive hours;

18 (2) "week" means the period of time from a Sunday at 12:01
19 in the morning to the following Saturday at 12:00 midnight.

20 * Sec. 3. AS 23.10 is amended by adding a new section to read:

21 Sec. 23.10.440. FOOD AND HOUSING AT REMOTE CONSTRUCTION SITES.

22 (a) Except as provided in (b) of this section, an employer shall
23 provide food and housing to an employee working at a remote construc-
24 tion site. The housing must meet safety and health standards for
25 housing set out in the Standards for Occupational and Industrial
26 Structures adopted by the department. The employer may not consider
27 the cost of the food and housing in setting wages for the employee or
28 in meeting wage requirements under AS 23.10.065 or AS 36.05.

29 (b) An employer who provides adequate transportation to

1 employees is exempt from the requirement to provide food and housing
2 under (a) of this section. Transportation is adequate under this
3 section if it

4 (1) is available daily at reasonable hours to and from the
5 remote construction site to a location that provides access to ade-
6 quate commercially-available housing;

7 (2) takes no more than 30 minutes to transport the employee
8 from the departure point to the worksite; and

9 (3) meets applicable transportation safety standards.

10 (c) The requirements of this section are considered a part of
11 every contract for hire for a construction project in the state. The
12 advertised specifications for a construction contract that is partly
13 or wholly funded by state money shall contain a provision stating the
14 requirement for providing food and housing at remote construction
15 sites.

16 (d) An employee may waive the employee's right to food and
17 housing under this section. An employer may not require an employee
18 to live in housing provided under this section.

19 (e) The department shall implement this section by regulation.

20 (f) In this section

21 (1) "construction" means the on-site field surveying,
22 erection, rehabilitation, alteration, extension, or repair, including
23 painting or redecorating, of buildings, highways, or other improve-
24 ments to real property;

25 (2) "employee" and "employer" have the meanings given in
26 AS 23.10.430;

27 (3) "remote" means a work site that is either more than 50
28 road miles or inaccessible by two-wheel-drive vehicles from a place
29 that has adequate, commercially-available food and housing that meet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the standards set out in (a) of this section.

6-1754E
Cramer
12/22/89

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring that overtime wages at twice the
7 regular rate of pay be paid for certain work days and
8 work weeks; requiring that overtime wages at one and
9 one-half times the regular rate of pay be paid for
10 certain work following the fifth consecutive day of
11 work; defining 'day' and 'week' for overtime wages;
12 and relating to food and housing for construction
13 workers at remote construction sites."

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

15 * Section 1. AS 23.10.060 is amended to read:

16 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) Except as provided
17 in (b) and (c) of this section, an [AN] employer who employs employees
18 engaged in commerce [,] or other business, or in the production of
19 goods or materials in the state [ALASKA] may not employ an employee
20 [NOT ACTING IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE,] for a
21 workweek longer than 40 hours or for more than eight hours a day.
22 This section does not apply to the employment of a person acting in a
23 supervisory capacity.

24 (b) If an [, EXCEPT THAT IF THE] employer finds it necessary to
25 employ an employee in excess of 40 hours but not more than 60 hours a
26 week or more than eight but not more than 10 hours a day, compensation
27 for this [THE] overtime at the rate of one and one-half times the
28 regular rate of pay shall be paid. If an employer employs an employee
29 more than 60 hours a week or more than 10 hours a day, the employer

1 shall pay compensation for this overtime at the rate of two times the
2 regular rate of pay.

3 (c) An employer who employs an employee for more than five
4 consecutive days without a day off shall pay compensation to the
5 employee for the employee's hours of work on the consecutive days that
6 follow the fifth consecutive day at the rate required by (b) of this
7 section for those hours eligible for overtime payment under that
8 subsection and at the rate of one and one-half times the regular rate
9 of compensation for the regular hours of employment on those consecu-
10 tive days. This subsection applies regardless of the number of weeks
11 in which the consecutive days worked by the employee occur.

12 (d) This section [, AND THIS PROVISION] is considered included
13 in all contracts of employment.

14 (e) This section does not apply with respect to

15 (1) an employee employed by an employer employing less than
16 four employees in the regular course of business, as "regular course
17 of business" is defined by regulations of the commissioner;

18 (2) [REPEALED

19 (3) REPEALED

20 (4) an employee employed in handling, packing, storing,
21 pasteurizing, drying, preparing in their raw or natural state, or
22 canning agricultural or horticultural commodities for market, or in
23 making cheese or butter or other dairy products;

24 (3) [(5)] an employee of an employer engaged in small
25 mining operations where not more than 12 employees are employed, if
26 the employee is employed not in excess of 12 hours a day or 56 hours a
27 ~~week during a period or periods of not more than 14 workweeks in the~~
28 aggregate in a calendar year during the mining season, as the season
29 is defined by the commissioner;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(4) [(6) REPEALED

(7)] an employee engaged in agriculture;

(5) [(8)] an employee employed in connection with the publication of a weekly, semiweekly, or daily newspaper with a circulation of less than 1,000;

(6) [(9)] a switchboard operator employed in a public telephone exchange that [WHICH] has fewer than 750 stations;

(7) [(10)] an employee of an employer engaged in the business of operating taxicabs;

(8) [(11)] an employee in an otherwise exempted employment or proprietor in a retail or service establishment engaged in handling telegraphic, telephone, or radio messages for the public under an agency or contract arrangement with a telegraph or communications company where the telegraph message or communications revenue of the agency does not exceed \$500 a month;

(9) [(12)] an employee employed as a seaman;

(10) [(13)] an employee employed in planting or tending trees, cruising, or surveying, or bucking, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by the employer in the forestry or lumbering operations does not exceed 12;

(11) [(14)] an individual employed as an outside buyer of poultry, eggs, cream, or milk in their raw or natural state;

(12) [(15)] casual employees as may be liberally defined by regulations of the commissioner;

(13) [(16)] ~~an employee of a hospital whose employment includes the provision of medical services;~~

(14) [(17)] work performed by an employee under a flexible

1 work hour plan if the plan is included as part of a collective bar-
2 gaining agreement;

3 (15) [(18)] work performed by an employee under a voluntary
4 flexible work hour plan if

5 (A) the employee and the employer have signed a writ-
6 ten agreement and the written agreement has been filed with the
7 department; and

8 (B) the department has issued a certificate approving
9 the plan which states the work is for 40 hours a week and not
10 more than 10 hours a day; for work over 40 hours a week or 10
11 hours a day under a flexible work hour plan not included as part
12 of a collective bargaining agreement, compensation at the rate of
13 one and one-half times the regular rate of pay shall be paid for
14 the overtime.

15 (f) In this section,

16 (1) "day" means 24 consecutive hours;

17 (2) "week" means the period of time from a Sunday at 12:01
18 in the morning to the following Saturday at 12:00 midnight.

19 * Sec. 2. AS 23.10 is amended by adding a new section to read:

20 Sec. 23.10.440. FOOD AND HOUSING AT REMOTE CONSTRUCTION SITES.

21 (a) Except as provided in (b) of this section, an employer or con-
22 tractor shall provide food and housing to an employee working at a
23 remote construction site. The housing must meet safety and health
24 standards for housing set out in the Standards for Occupational and
25 Industrial Structures adopted by the department. The employer or
26 contractor may not consider the cost of the food and housing in set-
27 ting ~~wages for the employee or in meeting wage requirements~~ under
28 AS 23.10.065 or AS 36.05.

29 (b) An employer or contractor who provides adequate

1 transportation to employees is exempt from the requirement to provide
2 food and housing under (a) of this section. Transportation is ade-
3 quate under this section if it

4 (1) is available daily at reasonable hours to and from the
5 remote construction site to a location that provides access to ade-
6 quate commercially-available housing;

7 (2) takes no more than 30 minutes to transport the employee
8 from the departure point to the worksite; and

9 (3) meets applicable transportation safety standards.

10 (c) The requirements of this section are considered a part of
11 every contract for hire for a construction project in the state. The
12 advertised specifications for a construction contract that is partly
13 or wholly funded by state money shall contain a provision stating the
14 requirement for providing food and housing at remote construction
15 sites.

16 (d) An employee may waive the employee's right to food and
17 housing under this section. An employer may not require an employee
18 to live in housing provided under this section.

19 (e) The department shall implement this section by regulation.

20 (f) In this section

21 (1) "construction" means the on-site field surveying,
22 erection, rehabilitation, alteration, extension, or repair, including
23 painting or redecorating, of buildings, highways, or other improve-
24 ments to real property;

25 (2) "remote" means a work site that is either more than 50
26 road miles or inaccessible by two-wheel-drive vehicles from a place
27 ~~that has adequate, commercially-available food and housing that meet~~
28 the standards set out in (a) of this section.

29

6-1754A
Cramer
11/21/89

BY THE LABOR AND COMMERCE COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring that overtime wages at twice the
7 regular rate of pay be paid for certain work days and
8 work weeks; and defining 'day' and 'week' for over-
9 time wages."

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

11 * Section 1. AS 23.10.060 is amended to read:

12 Sec. 23.10.060. PAYMENT FOR OVERTIME. (a) Except as provided
13 in (b) of this section, an [AN] employer who employs employees engaged
14 in commerce [,] or other business, or in the production of goods or
15 materials in the state [ALASKA] may not employ an employee [NOT ACTING
16 IN A SUPERVISORY CAPACITY, EITHER MALE OR FEMALE,] for a workweek
17 longer than 40 hours or for more than eight hours a day. This section
18 does not apply to the employment of a person acting in a supervisory
19 capacity.

20 (b) If an [, EXCEPT THAT IF THE] employer finds it necessary to
21 employ an employee in excess of 40 hours but not more than 60 hours a
22 week or more than eight but not more than 10 hours a day, compensation
23 for this [THE] overtime at the rate of one and one-half times the
24 regular rate of pay shall be paid. If an employer employs an employee
25 more than 60 hours a week or more than 10 hours a day, the employer
26 shall pay compensation for this overtime at the rate of two times the
27 regular rate of pay.

28 (c) This section [, AND THIS PROVISION] is considered included
29 in all contracts of employment.

1 (d) This section does not apply with respect to

2 (1) an employee employed by an employer employing less than
3 four employees in the regular course of business, as "regular course
4 of business" is defined by regulations of the commissioner;

5 (2) [REPEALED

6 (3) REPEALED

7 (4) an employee employed in handling, packing, storing,
8 pasteurizing, drying, preparing in their raw or natural state, or
9 canning agricultural or horticultural commodities for market, or in
10 making cheese or butter or other dairy products;

11 (3) [(5)] an employee of an employer engaged in small
12 mining operations where not more than 12 employees are employed, if
13 the employee is employed not in excess of 12 hours a day or 56 hours a
14 week during a period or periods of not more than 14 workweeks in the
15 aggregate in a calendar year during the mining season, as the season
16 is defined by the commissioner;

17 (4) [(6) REPEALED

18 (7)] an employee engaged in agriculture;

19 (5) [(8)] an employee employed in connection with the
20 publication of a weekly, semiweekly, or daily newspaper with a circu-
21 lation of less than 1,000;

22 (6) [(9)] a switchboard operator employed in a public
23 telephone exchange that [WHICH] has fewer than 750 stations;

24 (7) [(10)] an employee of an employer engaged in the busi-
25 ness of operating taxicabs;

26 (8) [(11)] an employee in an otherwise exempted employment
27 or proprietor in a retail or service establishment engaged in handling
28 telegraphic, telephone, or radio messages for the public under an
29 agency or contract arrangement with a telegraph or communications

1 company where the telegraph message or communications revenue of the
2 agency does not exceed \$500 a month;

3 (9) [(12)] an employee employed as a seaman;

4 (10) [(13)] an employee employed in planting or tending
5 trees, cruising, or surveying, or bucking, or felling timber, or in
6 preparing or transporting logs or other forestry products to the mill,
7 processing plant, railroad, or other transportation terminal, if the
8 number of employees employed by the employer in the forestry or lum-
9 bering operations does not exceed 12;

10 (11) [(14)] an individual employed as an outside buyer of
11 poultry, eggs, cream, or milk in their raw or natural state;

12 (12) [(15)] casual employees as may be liberally defined by
13 regulations of the commissioner;

14 (13) [(16)] an employee of a hospital whose employment in-
15 cludes the provision of medical services;

16 (14) [(17)] work performed by an employee under a flexible
17 work hour plan if the plan is included as part of a collective bar-
18 gaining agreement;

19 (15) [(18)] work performed by an employee under a voluntary
20 flexible work hour plan if

21 (A) the employee and the employer have signed a writ-
22 ten agreement and the written agreement has been filed with the
23 department; and

24 (B) the department has issued a certificate approving
25 the plan which states the work is for 40 hours a week and not
26 more than 10 hours a day; for work over 40 hours a week or 10
27 hours a day under a flexible work hour plan not included as part
28 of a collective bargaining agreement, compensation at the rate of
29 one and one-half times the regular rate of pay shall be paid for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the overtime.

(e) In this section,

(1) "day" means 24 consecutive hours;

(2) "week" means 168 consecutive hours.

HB

431

HOUSE COMMITTEE REPORT

(7)
Date Referred: January 19, 1990

FURTHER REFERRALS:
TRANSPORTATION
FINANCE

Date of Committee Action: 1/23/90

The LABOR & COMMERCE considered: HB 431

HOUSE BILL NO. 431 APPROP: TOURISM MARKETING

"An Act making special and supplemental appropriations for international airport marketing, domestic tourism marketing, and the 1990 International Travel Fair; and providing for an effective date."

- RECOMMENDATIONS:
- be replaced with _____ the same title
 - have attached amendment(s) a new title
 - do pass
 - do not pass
 - no recommendation
 - individual recommendations
 - additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S): APPROVES PREVIOUS: (Date/Dept)

(Dept)

- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

(Finkelstein)
(Collins)
Dave Souley

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
Mark Boyer		X	
Karen A. Leman		✓	

Chairman's Signature



ALASKA VISITORS ASSOCIATION

501 West Northern Lights, Suite 201 • Anchorage, Alaska 99503

Tel: (907) 276-6663 • Fax: (907) 258-4036

1989-90

Executive Officers

President

Robert Dindinger
Alaska Travel Adventures
Juneau, Alaska

1st Vice-President

Ray Pedersen
Princess Tours
Seattle, Washington

2nd Vice-President

Bob Berto
Southeast Stevedoring
Ketchikan, Alaska

Vice-President/
Government Relations

Robert Jacobsen
Wings of Alaska
Juneau, Alaska

Secretary

Terry Underwood
Holland America
Line-Westours
Seattle, Washington

Treasurer

Cheri McGuire
Quinnat Landing Hotel
King Salmon, Alaska

Board of Directors

Larry Anderson
MarkAir

Captain Jim Binkley
Alaska Riverboat
Discovery

Dennis Brandon
Westmark Hotels

Tom Dow
NANA/Tour Arctic

Bill Elander
Anchorage Convention
& Visitors Bureau

Bob Engelbrecht
TEMSCO Helicopters

Janet Halvarson
Fairbanks Convention
& Visitors Bureau

Tim Kirschbaum
Kirschbaum Corporate
Marketing

Len Laurance
Salmon Falls Resort

Lynn Leary
Frontier Flying Service

Alan LeMaster
Gakona Junction Village

John Litten
Sitka Tours

Linda McLaughlin
Delta Airlines

Ralph Nestor
Travel Industry
Management, UAF

David Palmer
Alaska Airlines

Brad Phillips
Phillips Cruises & Tours

Tom Watson
Kodiak Island Convention
& Visitors Bureau

Richard West
Alaska Sightseeing

January 23, 1990

Honorable Dave Donley

Chairman

House Labor and Commerce Committee

P.O. Box Y

Juneau, Alaska 99811

Dear Representative Donley:

You have asked me, as President of the Alaska Visitors Association to comment on the need for a two million dollar special and supplemental appropriation to the Alaska Tourism Marketing Council.

As has been well established, the Alaska tourism marketing program has lost substantial impact in the domestic market since 1985. While we as a destination have increased our domestic advertising expenditures by 2.5%, all other States have increased their advertising expenditures by 51.9% and total promotional expenditures by 66.8%. Our foreign competitors have increased their advertising expenditures during the same period by 53.6%. Our major competitors in the domestic market for U.S. visitors remains: Hawaii, Canada, Europe, and Mexico.

Specifically, Canada is outspending Alaska 3 to 1 after receiving a 39% budget increase in 1988. Hawaii is outspending Alaska 4.5 to 1 after receiving a budget increase of 33% in 1989. During the last four years, Alaska's share of voice in the domestic market place has declined 45%. Our television advertising program has decreased from exposure .21 markets to only 12 markets. Newspaper special Alaska sections have decreased from 35 to 25.

With new destinations coming on line in Eastern Europe that are of high interest to American consumers, Alaska can little afford to take a passive approach to tourism marketing.

In light of these facts, it is not surprising that while the potential for growth in Alaska's visitor industry remains high, we have been in virtually a no growth mode since the summer of 1986. It is estimated that the target market (those people matching the profile of Alaska visitors) will expand by over 30% during the 1990's. However, increased potential means nothing unless the necessary tools are put in place to allow Alaska to reap this valuable harvest.

While the cooperative marketing effort as managed by the ATMC is effective, efficient, and highly regarded in the travel community, the reach of their efforts must be extended. We would propose the immediate funding of the following supplemental programs:

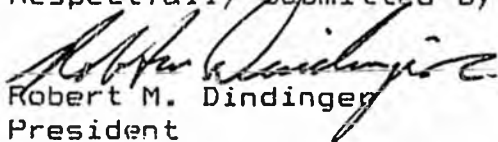
1. Extension of the existing television program to all "B" markets. The "B" markets are those with high potential relative to their current delivery of Alaska visitors. Increased efforts in these markets will allow for greater penetration of the Alaska message. Approximate cost \$600,000.
2. A direct mail effort to pickup the estimated 50,000 shortfall in current year inquiry levels. Inquiry generation is currently running 12% behind last years pace. Supplementing this program will allow for full distribution of the "Official State Vacation Planners" which have already been printed. These planners are of little value if not distributed prior to the upcoming season. Approximate cost \$450,000.
3. Extension of the Newspaper advertising program to regain the lost Alaska Travel Sections. These travel sections which appear in the Sunday Travel Supplements of most major newspapers can provide almost immediate return to Alaska operators. Approximate cost \$100,000.
4. Early funding of new television commercials. Unless the development of new commercials are funded early, we will once again be battling September weather during filming and will need to delay airing for editing and post production work. Approximate cost \$550,000.
5. Funding of a special public relations effort to deal with the adverse publicity that will be generated by the "First Anniversary of the Oil Spill" and the current adverse publicity being generated by Redoubt Volcano. Approximate cost \$300,000.

The Alaska Visitors Association is certain that a program can be put in place this year to generate greater economic activity, and employment during the coming season. It is estimated that successful execution of this effort could generate 16,000 additional visitors spending over \$30,000,000 and generating an additional 300 jobs for Alaskans this season. Combined with the need to create greater understanding of Alaska by U.S. citizens so the adverse publicity regarding the Oil Spill and Redoubt Volcano can be put in proper perspective, and the need to get an early start on the replacement of our five year old

television commercials so that Alaska can be shown at its' best, underlines the need for immediate and decisive action.

We support House Bill No. 431 and ask the members of the Alaska Legislature to do the same.

Respectfully Submitted by


Robert M. Dindinger
President



Representative Dave Donley, Chair House Labor & Commerce Committee

DATE: Jan. 23, 1990

PLACE: Room 17

SUBJECT OF MEETING:

HB: 368
431
355

HB: 146
309

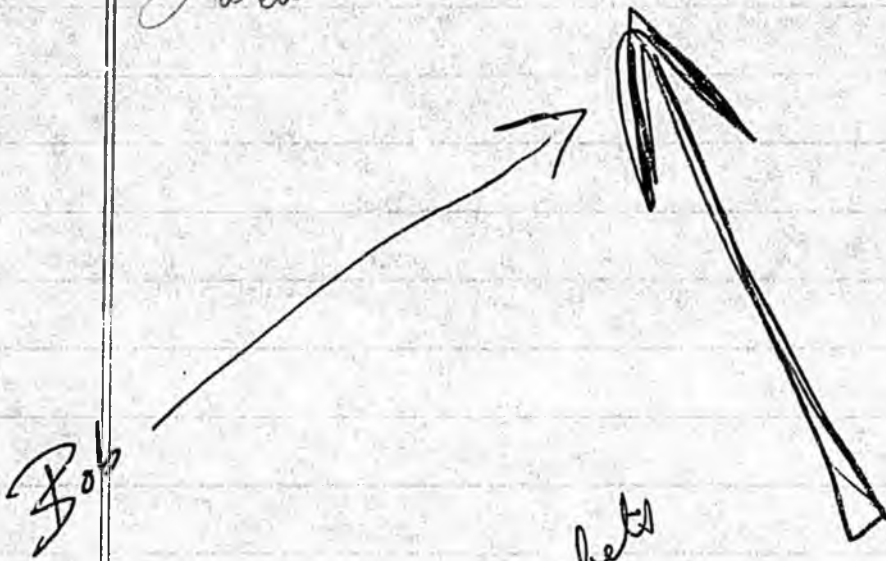
Proposed Legislation

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT WHICH BILL?
Mitzi Barker	AHEC	PO Box 101020 Anchorage	99510	684-9465	521-1900	(Y) N	HB 308
Don Koch	DIV. INSURANCE	P.O. Box D JUNO	99811	465-2577	465 2577	(Y) N	HB 355
STAN GARLINGTON	"	"	"	—	465 2595	Y (N)	"
Tom Wright	Rep Swackhammer	Box V Juneau	99811	2687	2687	Y (N)	HB 368
Rep CE Swackhammer	"	"	"	#	2687	(Y) N	HB 368
Dana Brookway	DIV TOURISM	BOX E. JUNEAU	99811	465-2012 →		Y (N)	HB 431
Jay Frank	Allstate State Farm	One Sealaska Pl Suite 303 Juneau 99801			586-5912	(Y) N	HB 333
Randall P. Burns	Dept. of Commerce Div of Occupational Licensing	P.O. BOX D-21C Juneau 99811	99811	465-2535 →		(Y) N	HB 146
AKILA HART	CAP. INFO GROUP	Box 210845 Anchorage 99501		465-3466 →		Y (N)	HB 355
Pete Cirkson	Div of Tourism	Box E 99811	99811	465 2012 →		Y (N)	431
Cynthia Monroe	Environmental Lobby	PO BOX				Y N	

Dave —

pls ask for a copy of his written statement.

Drew



600,000 "B" markets
450,000 → vacation
planner
100,000 → newspapers
advertising
TV production
\$550,000 → publ relations effort
oil spill / redoubt

Funding Information: General Fund \$4,000,000
Other Funds - 0 -
\$4,000,000

BY THE LABOR & COMMERCE COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 431

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making special and supplemental appropriations for international airport marketing, domestic tourism marketing, and the 1990 International Travel Fair; and providing for an effective date."

7

8

9

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

11 * Section 1. The sum of \$1,800,000 is appropriated from the general
12 fund to the Division of Tourism for international ^{tourism} ~~airport~~ marketing for the
13 fiscal year ending June 30, 1990.

14 * Sec. 2. The sum of \$2,000,000 is appropriated from the general fund
15 to the Alaska Tourism Marketing Council for a domestic tourism marketing
16 program for the fiscal year ending June 30, 1990.

17 * Sec. 3. The sum of \$200,000 is appropriated from the general fund to
18 the Alaska Tourism Marketing Council for the 1990 International Travel Fair
19 for the fiscal year ending June 30, 1990.

20 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

Tourism
AK International Airport ~~Marketing~~ ^{Marketing} ~~Council~~
COUNCIL