



General Assembly

**Amendment**

January Session, 2001

LCO No. 9019

Offered by:

REP. DELGOBBO, 70<sup>th</sup> Dist.  
REP. POWERS, 151<sup>st</sup> Dist.  
REP. BOUCHER, 143<sup>rd</sup> Dist.  
REP. SAWYER, 55<sup>th</sup> Dist.

REP. GREENE, 105<sup>th</sup> Dist.  
REP. PISCOPO, 76<sup>th</sup> Dist.  
REP. PRELLI, 63<sup>rd</sup> Dist.

To: Subst. House Bill No. 6978

File No. 857

Cal. No. 486

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING ANNUAL ADJUSTMENTS TO  
PREVAILING WAGES AND CONSTRUCTION OR REMODELING OF  
PUBLIC WORKS PROJECTS."**

1 After section 2, insert the following:

2 "Sec. 3. Subsection (f) of section 31-53 of the general statutes is  
3 repealed and the following is substituted in lieu thereof:

4 (f) Each employer subject to the provisions of this section [or section  
5 31-54] shall (1) keep, maintain and preserve such records relating to  
6 the wages and hours worked by each employee and a schedule of the  
7 occupation or work classification at which each mechanic, laborer or  
8 workman on the project is employed during each work day and week  
9 in such manner and form as the Labor Commissioner establishes to  
10 assure the proper payments due to such employees or employee

11 welfare funds under this section, [or section 31-54,] and (2) submit  
12 monthly to the contracting agency a certified payroll which shall  
13 consist of a complete copy of such records accompanied by a statement  
14 signed by the employer which indicates that (A) such records are  
15 correct; (B) the rate of wages paid to each mechanic, laborer or  
16 workman and the amount of payment or contributions paid or payable  
17 on behalf of each such employee to any employee welfare fund, as  
18 defined in subsection (h) of this section, are not less than the prevailing  
19 rate of wages and the amount of payment or contributions paid or  
20 payable on behalf of each such employee to any employee welfare  
21 fund, as determined by the Labor Commissioner pursuant to  
22 subsection (d) of this section, and not less than those required by the  
23 contract to be paid; (C) the employer has complied with the provisions  
24 of this section; [and section 31-54;] (D) each such employee is covered  
25 by a workers' compensation insurance policy for the duration of his  
26 employment, which shall be demonstrated by submitting to the  
27 contracting agency the name of the workers' compensation insurance  
28 carrier covering each such employee, the effective and expiration dates  
29 of each policy and each policy number; (E) the employer does not  
30 receive kickbacks, as defined in 41 USC 52, from any employee or  
31 employee welfare fund; and (F) pursuant to the provisions of section  
32 53a-157a, the employer is aware that filing a certified payroll which he  
33 knows to be false is a class D felony for which the employer may be  
34 fined up to five thousand dollars, imprisoned for up to five years, or  
35 both. This subsection shall not be construed to prohibit a general  
36 contractor from relying on the certification of a lower tier  
37 subcontractor, provided the general contractor shall not be exempted  
38 from the provisions of section 53a-157a if he knowingly relies upon a  
39 subcontractor's false certification. Notwithstanding the provisions of  
40 section 1-210, the certified payroll shall be considered a public record  
41 and every person shall have the right to inspect and copy such records  
42 in accordance with the provisions of section 1-212. The provisions of  
43 sections 31-59(a), 31-59(b), 31-66 and 31-69 which are not inconsistent  
44 with the provisions of this section [or section 31-54] shall apply to this  
45 section. Failing to file a certified payroll pursuant to subdivision (2) of

46 this subsection is a class D felony for which the employer may be fined  
47 up to five thousand dollars, imprisoned for up to five years, or both.

48 Sec. 4. Subsection (h) of section 31-53 of the general statutes is  
49 repealed and the following is substituted in lieu thereof:

50 (h) As used in this section [, section 31-54] and section 31-89a,  
51 "employee welfare fund" means any trust fund established by one or  
52 more employers and one or more labor organizations or one or more  
53 other third parties not affiliated with the employers to provide from  
54 moneys in the fund, whether through the purchase of insurance or  
55 annuity contracts or otherwise, benefits under an employee welfare  
56 plan; provided such term shall not include any such fund where the  
57 trustee, or all of the trustees, are subject to supervision by the  
58 Commissioner of Banking of this state or any other state or the  
59 Comptroller of the Currency of the United States or the Board of  
60 Governors of the Federal Reserve System, and "benefits under an  
61 employee welfare plan" means one or more benefits or services under  
62 any plan established or maintained for employees or their families or  
63 dependents, or for both, including, but not limited to, medical, surgical  
64 or hospital care benefits; benefits in the event of sickness, accident,  
65 disability or death; benefits in the event of unemployment, or  
66 retirement benefits.

67 Sec. 5. Section 7-112 of the general statutes is repealed and the  
68 following is substituted in lieu thereof:

69 The provisions of sections 31-52 [,] and 31-53 [and 31-54] shall apply  
70 to the construction, remodeling or repair of any public building by any  
71 political subdivision of this state or any of its agents.

72 Sec. 6. Section 31-55 of the general statutes is repealed and the  
73 following is substituted in lieu thereof:

74 Every contractor or subcontractor performing work for the state  
75 subject to the provisions of section 31-53 [or 31-54] shall post the  
76 prevailing wages as determined by the Labor Commissioner in

77 prominent and easily accessible places at the site of work or at such  
78 place or places as are used to pay its employees their wages.

79 Sec. 7. Section 31-76m of the general statutes is repealed and the  
80 following is substituted in lieu thereof:

81 Notwithstanding any other provisions of the general statutes, if the  
82 Labor Commissioner imposes a fine or civil penalty under the  
83 provisions of section 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-52, 31-  
84 53, [31-54,] 31-69, 31-69a, 31-76 or 31-76a, as a result of a violation  
85 initially reported by a municipal official, the commissioner shall,  
86 within thirty days after collecting such fine or penalty, remit one-half  
87 of the amount collected to such municipality.

88 Sec. 8. Subsection (b) of section 51-164n of the general statutes is  
89 repealed and the following is substituted in lieu thereof:

90 (b) Notwithstanding any provision of the general statutes to the  
91 contrary, any person who is alleged to have committed (1) a violation  
92 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-18, 7-  
93 35, 7-41, 7-83, 7-104, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-  
94 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-  
95 170aa, 12-292, 12-326g, subsection (4) of section 12-408, subsection (3),  
96 (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,  
97 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,  
98 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section  
99 13b-42, section 13b-90, 13b-221, 13b-224, 13b-292, 13b-336, 13b-337, 13b-  
100 338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section  
101 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a,  
102 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,  
103 section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66,  
104 section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section  
105 14-97a, subsection (c) of section 14-100a, section 14-100b, 14-103a, 14-  
106 106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation as  
107 specified in subsection (f) of section 14-164i, section 14-219 specified in  
108 subsection (e) of said section, subsection (b) of section 14-227a, section

109 14-240, 14-249, 14-250, subsection (a), (b) or (c) of section 14-261a,  
110 section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278, 14-279,  
111 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,  
112 14-321, 14-325a, 14-326, 14-330, 14-332a, subdivision (1), (2) or (3) of  
113 section 14-386a, section 15-33, subsection (a) of section 15-115, section  
114 16-256, 16-256e, 16a-15, 16a-22, subsection (a) or (b) of section 16a-22h,  
115 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
116 17b-131, 17b-137, 17b-407, 17b-451, 17b-734, subsection (b) of section  
117 17b-736, 19a-30, 19a-33, 19a-39, 19a-87, subsection (b) of section 19a-  
118 87a, section 19a-91, 19a-105, 19a-107, 19a-108, 19a-215, 19a-219, 19a-222,  
119 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336,  
120 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231,  
121 20-257, 20-265, 20-324e, subsection (a) of section 20-341, section 20-341i,  
122 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-  
123 76a, 21a-21, 21a-25, 21a-26, 21a-30, 21a-31, subsection (a) of section 21a-  
124 37, section 21a-46, 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-  
125 79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-  
126 15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b,  
127 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-  
128 100, 22-111o, 22-123, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326,  
129 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-  
130 391, 22-413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of section  
131 22a-250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-  
132 37, 23-38, 23-46, 23-61b, subsection (a) or (b) of section 23-65, section  
133 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,  
134 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,  
135 26-141, 26-207, 26-215, 26-221, 26-222, 26-224a, 26-227, 26-230, 26-234,  
136 26-267, 26-269, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-  
137 210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3,  
138 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25,  
139 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-  
140 51k, 31-52, 31-52a, [31-54,] subsection (a) or (c) of section 31-69, section  
141 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of  
142 section 31-273, section 31-288, 36a-787, 42-230, 44-3, 45a-450, 45a-634,  
143 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-

144 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or  
145 (b) of section 53-211, section 53-212a, 53-249a, 53-252, 53-264, 53-301,  
146 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-  
147 450, or (2) a violation under the provisions of chapter 268, or (3) a  
148 violation of any regulation adopted in accordance with the provisions  
149 of section 12-484, 12-487 or 13b-410, shall follow the procedures set  
150 forth in this section.

151 Sec. 9. Section 31-54 of the general statutes is repealed."