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March 14, 2003

Dear Assemblyman Oceguera, Assemblyman Parks and Assemblyman Beers,

We, the Southwest Regional Council of Carpenters, wish to enter the following amendments and comments for your consideration on AB 143, which is to be heard in your scheduled sub-committee meeting on Monday March 17th.

AB 141

Section 2 subsection 2 (b) and subsection 5 - Explanation: Matters in (1) *green bold italic underlining* is new language proposed in this amendment; (2) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment.

2. To establish a prevailing wage in each county, including Carson City, the Labor Commissioner shall, annually *bi-annually*, survey contractors who have performed work in the county. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 5 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would ~~[support]~~ *substantiate support* a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

5. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented~~[,] and any matters officially noticed;~~ the Labor Commissioner shall determine the prevailing wage.

We can concur with the rest of the changes proposed in AB 141 with the exception of the amendments as stated above. We have included the verbiage "bi-annually" to section 2 even though this had not been addressed in the existing Bill. On more than one occasion during the interim we have raised this issue with both industry representatives and the Labor Commissioner and did not receive any adverse comments. Since there are budget shortages and the annual survey requires extensive staff time and resources we felt this would be beneficial to all involved.

In Section 2 subsection (b) we still feel that the word "support" should not be changed! We believe that subsection (a) addresses the need of substantiating that a different wage prevails and that subsection (b) addresses additional evidence that may be presented to support the prior.

In all our biggest concern is with the proposed language to Section 5. We feel adamantly that this verbiage should be removed in its entirety. If you remember from the Labor Commissioners

testimony during the hearing he would not state for the record that this was not his attempt to obtain records from other public sources that are currently not used in the determination of the prevailing wage! Our concern is that he is moving to circumvent the existing process that uses the wage surveys to determine the prevailing wage by accessing unreliable and/or unverifiable information that may or may not be available to the public for review. We are concerned that this is being done to undermine the determination during the hearing process. If Mr. Johnson feels that the system is flawed than we would recommend that he work during the interim with all the interested parties to reach consensus on those concerns and not hastily implement a change in Statute without allowing input from those most affected. Therefore we believe that this section should revert to the existing language, as it exists currently in Statutes.

We would respectfully request that these proposals, especially that related to Section 5, be recommended to the full committee. Mr. Steve Muchicko – District Representative for the Southwest Regional Council of Carpenters will be present during the subcommittee hearings should you need any clarification.

Respectfully Submitted,

Lori Ashton – Representative
Southwest Regional Council of Carpenters