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Subcommittee on Assembly Bill 143
March 17, 2003

The Labor Commissioner offered an amendment (Exhibit A) that outlines changes to A.B. 143 that appear to satisfy all of the concerns raised during the March 12, 2003, hearing before the Assembly Committee on Commerce and Labor. Items 3 and 4 on Exhibit A were also proposed by the Carpenter's Union (Exhibit B). The Carpenter's Union made two other recommendations:

1. Include a provision to indicate the provisions of subsection 3 of Section 7 of the bill (page 5) regarding a decrease of the wages of an employee do not apply to public works projects subject to the prevailing wage provisions of NRS 338.020. The Labor Commissioner opined that this exemption was not necessary since the provisions of NRS 608.100 are generic provisions that would be superceded by the specific provisions in Chapter 338 of NRS.
2. Add back in to the bill the provision making it a misdemeanor for a person to violate the provisions of NRS 608.100. The Commissioner noted that Section 9, on page 6, lines 9-12, makes it a misdemeanor to violate the provisions of NRS 608.005 to 608.195, inclusive, which includes NRS 608.100.

Garth Sevdalis, a Reno resident, proposed amending Section 16 of the bill (page 8) to prevent employers from entering into agreements not to hire each other's employees.

All other provisions in the bill appear to be non-controversial.

1083

SUBCOMMITTEE Commerce & Labor
DATE: 3/24/03 EXHIBIT C
SUBMITTED BY: Vance Hughey, LCB

Office of the Labor Commissioner
Terry Johnson, Labor Commissioner

PROPOSED AMENDMENTS TO AB 143

1. Page 2, Line 41: Delete the words "*may impose*" and insert the words "*can enforce*" so that Subsection 3 of Sec. 2 reads as follows:

Before the Labor Commissioner can enforce an administrative penalty against a person who violates a labor law or regulation, the Labor Commissioner must provide the person with notice and an opportunity for a hearing as set forth in NRS 607.207.

2. Page 5, Line 30: Delete the words "*Within a reasonable time*" and insert the words "*Not fewer than 7 days*"
3. Page 5, Line 33: Delete the word "*and*" and insert the word "*or*"
4. Page 5, Line 34: Delete the words "*any other*" and insert the word "*the*"



**Northern Nevada
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March 17, 2003

Dear Assemblyman Ocegura, Assemblyman Parks and Assemblyman Beers:

On behalf of the Carpenters/Contractors Cooperation Committee (C/CCC), we are submitting the following changes and comments to Assembly Bill 143, which will be heard on Monday March 17th, in the scheduled subcommittee.

Section 7, subsection 3

3. ~~{Any person violating the provisions of this section shall be guilty of a misdemeanor.}~~ *It is unlawful for any employer who has the legal authority to decrease the wage, salary or compensation of an employee to implement such a decrease unless:*

(a) Within a reasonable time before the employee performs any work at the decreased wage, salary or compensation, the employer provides the employee with written notice of the decrease; ~~and or~~

(b) The employer complies with ~~any other~~ the requirements relating to the decrease that are imposed on the employer pursuant to the provisions of any collective bargaining agreement or any contract between the employer and the employee.

(c) NRS 338.020 is exempt from this subsection

4. Any person violating the provisions of this section shall be guilty of a misdemeanor.

The modifications to subsection 2 (a) and (b) address some of the concerns that were raised during the hearing on March 10th by interested parties. Moreover, the addition of (c) is proposed to ensure that the prevailing wages laws are not circumvented. Lastly, the inclusion of a new subsection 4 is to clarify the penalties for violating this section.

Sincerely,

Charlie Nahorniak, Representative
Carpenters/Contractors Cooperation Committee Northern Nevada