MINUTES OF THE MEETING OF THE SENATE COMMITTEE ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION NEVADA STATE LEGISLATURE March 9, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 2:02 p.m., Monday, March 9, 1981, in Room 131 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman Senator Jean Ford, Vice Chairman Senator Keith Ashworth Senator Gene Echols Senator Virgil Getto Senator James Kosinski Senator Sue Wagner

STAFF MEMBERS PRESENT:

Frank Daykin, Legislative Counsel Anne Lage, Committee Secretary

SENATE BILL NO. 76

Changes various requirements respecting wages and progress payments on public works projects.

Senator Cliff McCorkle testified that the purpose of the interim study which he chaired was an attempt to come up with the causes and solutions to the reasons for the high cost of state public works. Testimony indicated that state and federal prevailing wage laws contributed to higher costs of state buildings. The committee decided not to address that problem directly by attempting to repeal that legislation. Rather, they chose to make minimal modifications.

The committee found that the state and federal prevailing wages were very similar and usually identical. The state prevailing wage was also identical to the union scale. To save effort on the part of the Labor Commissioner, they decided to use one scale, specifically the federal wage scale. Senator McCorkle had a comparison of the state and federal wages which he

distributed to the committee. See Exhibit C.

The second portion of the bill dealt with contractors keeping records of the wages paid to each employee on a construction site. A copy of the records was sent to the Labor Commissioner on a monthly basis. This bill would allow the Labor Commissioner to request a copy of this record only when there were disputes concerning wages. This provision was incorporated into this bill in an attempt to reduce the amount of paperwork which contractors felt was not necessary unless there were disputes.

The third portion of the bill dealt with interest being paid on retention of contract monies. This would allow the interest on those monies which had been retained to be disbursed to the benefit of the contractors.

Senator McCorkle read a statement from the interim study which was written by a representative from the fiscal division. It said, "General contractors engaged on state Public Works projects are required to pay their employees the prevailing state wage rate or if higher the prevailing federal wage rate on state projects supported with federal funds. The general contractors must also provide monthly payroll reports to the state Labor Commissioner and weekly reports to the federal government if a state project includes federal funds. According to testimony, the prevailing state and federal wage rates and wage reporting requirements are one of the contributory reasons for public projects costing more than those in the private sector".

Mr. John Madole, Northern Nevada Associated General Contractors, testified that he was in support of Senate Bill No. 76. He explained that the reports which had to be submitted each month have created a time consuming job, and these extra costs had to be passed on ultimately to the taxpayers. He did not believe that these reports were accomplishing what they were initially intended to do.

Mr. William Hancock, Public Works Board, testified that on state financed projects they publish only the state wage rate. When federal funds become involved they publish both wage rates and they require payment to be the higher of the two rates.

2.

Mr. Alan Bruce, Southern Nevada Division of Associated General Contractors, testified that they were in favor of this bill, but he felt that it was unfortunate that the bill contained all three portions within one bill. He would have liked the main part of the bill to deal solely with the area of providing for the payment of interest on retention monies. He also would like that provision to apply to all public works projects, not just state of Nevada projects. He presented two proposed amendments of Nevada Revised Statutes No. 338.160 and No. 338.080. See Exhibit D.

Mr. Max Christiansen, Southern Nevada Air Conditioning and Sheet Metal Contractors, testified that they were in support of this bill. He pointed out that occasionally the contractors do not get their retention money back for three to six months as it has been invested in the money market. Mr. Christiansen was in support of the Alan Bruce amendments.

Ms. Irene Porter, Executive Director Nevada Home Builder's Association, testified that they were mainly concerned about the interest on the retention money. They were also in support of the Alan Bruce amendments.

Mr. James Barrett, Executive Director of the Associated Builders and Contractors of Northern Nevada, testified that they were in support of Senate Bill No. 76. He felt that this bill would protect the worker. He testified that the last session of the Legislature appropriated almost \$100,000,000 for public works. Out of this approximately 60 percent of that went toward salaries. Of that amount, 2 percent went toward payrolls for staff to prepare the payroll records which went to the state and federal governments. The cost of storage of these records should also be considered. He felt that these provisions were not necessary. He stated that within the last year there were only 30 complaints received.

Mr. Nick Kalanges, Vasko and Associates, testified that his company was in favor of <u>Senate Bill No. 76</u> in its entirety. Mr. Kalanges suggested having an auditor investigate various projects in lieu of monthly payroll reports. He stated they were in favor of a single wage rate.

The only problem they had with the Alan Bruce amendment was that they believed that contracts were between the general

contractor and the agency, not with the subcontractor. They did not believe that the subcontractor should be payed any pro-rated share of the interest money.

Mr. Mark Tully Massagli, President of the Nevada AFL-CIO, testified that he had 3000 signatures from his members who were urging resistance to any repeal of the prevailing wage law. He presented each committee member with copies of the petitions.

Mr. Massagli objected to the Secretary of Labor becoming involved as this he felt would usurp the Labor Commissioner's office. He asked that the committee reject this bill in its entirety.

Mr. Stan Jones, Business Representative for the Northern Nevada Central Labor Council, presented his testimony in opposition to Senate Bill No. 76. See Exhibit E.

Senator Ford questioned Mr. Jones regarding the number of prevailing wage rates in Nevada. Mr. Jones replied that the wage rates determined by the Nevada State Labor Commission were divided into two main areas; northern Nevada and southern Nevada.

Mr. Jones testified that every monthly report submitted to the Nevada State Labor Commission was reviewed. He stated that last year \$190,000 was recovered in violations of the public work law. Those violations were only discovered as a result of the monthly transmittal that came into the office of the state Labor Commissioner. Without those reports there would be no way to ascertain if a contractor was in compliance or violation.

Senator Wagner requested that Mr. Jones submit a report to the committee members comparing the wages of northern Nevada with southern Nevada.

In response to Senator Keith Ashworth's question if they were in support of the contractors receiving the interest on the retention monies, Mr. Jones replied to the affirmative.

Chairman Gibson inquired if Mr. Jones would support using the state prevailing wage rate on federal projects even if the federal wage rate might be higher. Mr. Jones responded that

they were in favor of abiding by the state prevailing wage rates on all projects. This would include the MX project if it was developed in Nevada.

Ex-Senator Dodge, member of the interim subcommittee on state Public Works, testified that labor had been invited to the subcommittee meetings. He indicated that he would be supportive of using the state of Nevada prevailing wage laws to limit the numerous report forms which had to be submitted.

Mr. Bill Boon, District Representative for the Operating Engineers in Southern Nevada, testified that he was opposed to Senate Bill No. 76 except for the third part of the bill dealt with the interest on retention money.

Mr. Richard Ciesynski, Ironworkers Representative of Northern Nevada, testified that the ironworkers were opposed to Senate Bill No. 76 except for the third portion. However, he felt that the subcontractors should receive a portion of the interest on the retention monies.

Mr. Joe Baker, Sparks resident, testified that he felt the law was good the way it was and it should not be tampered with.

Mr. Scott Wadsworth, Northern Nevada Chapter of the National Electrical Contractors Association, testified in opposition to Senate Bill No. 76. He stated that one cannot assume that contractors will follow the prevailing wage laws in every case.

Mr. Dave Young, Operating Engineer's Union, testified that the monthly reporting system should be retained.

The committee decided not to take any action on this bill until it had been given further consideration.

SENATE BILL NO. 295

Authorizes school districts to issue bonds approved by electors before effective date of act at any rate of interest.

Senator Getto explained that Churchill County had passed a \$6,000,000 bond for schools. Subsequently, two bond sales

were attempted but no bids were received. There was an interest limitation placed on this bond of 8 percent. Senator Getto pointed out that they could sell these bonds at 8.34 percent if they acted quickly, if not the rates would probably continue to increase.

Mr. Elmo Dericco, Churchill County Superintendent of Schools, testified that Fallon had recently experienced a rapid growth rate which created an overcrowded situation within both the secondary and elementary schools. When the school bond was passed, the \$6,000,000 would have provided 96,000 square feet of new buildings. Presently, it has dropped to 80,000 square feet due to rising costs. This was the main reason they felt it necessary to sell these bonds immediately.

Mr. George Ghilia, Vice Chairman of the Churchill County Board of Trustees, testified that this situation has proved to be very frustrating. He hoped the committee would support this bill.

Mr. Henry Chanin, Burrows, Smith and Company, testified that his company was employed by Churchill County School District to help them with their bond program. He distributed a copy of a letter that Mr. Chanin had written to Farmers Home Administration. See Exhibit F. He advised the committee that Farmers Home Administration was very interested in buying \$2,000,000 worth of the bonds at a rate of 5 percent. By selling the remaining \$4,000,000 worth of bonds at 11 percent, the combined total interest rate would be 8.34 percent.

Mr. Frank Daykin, Legislative Counsel, explained that this bill wa a general authorization to any county school district. He also explained that the six year limitation was customary in bond acts so that you didn't give indefinite authority. Mr. Daykin indicated that it would be possible to put a shorter limitation on the issuance of bonds or it could be limited to Churchill County.

Mr. Chanin explained that this bill applied to only those elections which had been held prior to the effective date of the act.

Mr. Ronald Brown, Churchill County resident, testified that Churchill County had voted this bond in with specific interest limitations. He did not feel any changes should be made

without voter approval.

This bill was taken under advisement by the committee.

ASSEMBLY BILL NO. 48

Requires designs for new public buildings to provide, where feasible, for use of renewable sources of energy.

Mr. Kelly Jackson, Deputy Director Department of Energy, testified that this bill would require that the state and local entities design and build energy efficient buildings. Mr. Jackson indicated that extensive studies would not have to be done, rather analysis should be based on information already available in the area being considered.

Mr. William Hancock, Public Works Board, explained that this bill would not present any problems to the Nevada State Public Works. He advised the committee that passive use of solar energy added about \$1.30 per square foot to construction costs while active use amounted to about \$10.00 per square foot. He also believed that his department already had a capable staff who could handle provisions of this bill.

This bill was taken under further advisement by the committee.

The hearing on Assembly Bill No. 141 was postponed until Friday, March 13, 1981.

BILL DRAFT REQUEST NO. 18-656 (5.B. 390)

Provides for painting and display of protrait of governor during his term.

BILL DRAFT REQUEST NO. 21-1801 (58 389)

Imposes moratorium on incorporation of cities under general laws.

The committee agreed to submit these Bill Draft Requests for committee introduction.

There being no further business, meeting was adjourned at 4:55 p.m.

Respectively submitted by:

Anne L. Lage, Secretary

APPROVED BY:

Senator James I. Gibson, Chairman

DATE: 3

3/13/8!

EXHIBIT A

SENATE AGENDA

REVISED 3/5/81

COMMITTEE MEETINGS

Committee	on	Government	Affairs	<u> </u>	 Room	131		
Day_M	Monday	, Dat	e March	9	 Time	2:00	p.m.	

S. B. No. 76--Changes various requirements respecting wages and progress payments on public works projects.

Senator McCorkle, Prime Sponsor William E. Hancock, Secretary-Manager, Public Works Board Assemblyman John Jeffrey

S. B. No. 295--Authorizes school districts to issue bonds approved by electors before effective date of act at any rate of interest.

Senator Getto, Prime Sponsor Frank Daykin, Legislative Counsel

A. B. No. 48 -- Requires designs for new public buildings to provide, where feasible, for use of nenewable sources of energy.

Assemblyman Joseph Dini William Hancock, Public Works Board Noel Clark, Department of Energy

A. B. No. 141--Eliminates statutory conflict concerning membership of zoning boards of adjustment.

Bryce Wilson, Nevada Association of Counties G. P. Etcheverry, Nevada League of Cities Julius Conigliaro, City of Las Vegas Daniel Fitzpatrick, Clark County David Henry, Washoe County

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DATE: March 9, 1981

EXHIBIT B

		EXHIB	IT B
	PLEASE PRINT	PLEASE PRINT PLEASE PRINT	PLEASE PRINT
	NAME	ORGANIZATION & ADDRESS	TELEPHONE
R	E. Mille	I.B.E.W.	329-3256
2	la Fort	IBE W. # 401 RAND	329-2566
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	Jule Xelognon	Engueers, Local 39, 471-les	358-3939
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0	PAUL BELL	LBT	331-4473
	Bill KICHEY	13EW	346-8651
	WALT HENDERSON	LOCA 169	3230169
	Jene Forter	new. HBA Las Vegas	870-723K
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	BARNE	IBEW L.401 TRENO	329-7174
	Esther Michalson	LWO (on A1345)	882-3703
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Stan Jones	N. Nev. Centre	1 Labor Council	323-0390
John Siums	C:11 17	RENO SOINT CONSOL	1 329 2608
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James RRic.	e Teamer	rs 631 Las Veras	385 1455
BILLY BOOUE	- OPP ENER!	LOCAL = 12 LAS VOG	15 382-2112
Barrenge	eta LOPA	. 24 - 1	706752623
Fred E. Showill	horal # 3	50	882-6247
Jule markell	•	210	8827480
I'm Barit	A.B.C.		359-9484
MARKTULLY MASSAG	LI NEVADA STATE A	afl-cto	648-4653
BLACK: EUAN	S NEUA SA STA		8827490
HAROLI Knudsoe	sheet met	k/ \$ 26	322-1447
Allan Bruce	AGC-Souther	n Neveda Division	876 4537
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Lewis DC-Les	1 secol # 350 Jumber	2. 4360
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Ron Fajebanka	LochU 401 /BEW	849-0164
Jack Bredriger	Local 401 IBFW	789-1386
Im medoug	h focal 401	359-0255
Joe Bornas 1	Plumbers Jocal 350	852-1899
Throng wah!	PAINTER LOCAL 367	836-2525
John Luong	- IBEW LOCAL 401	7989129
MIKE TENNE	LICCAC 350 PLUMPERS & PIDETHERS	331-7230
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Ken Jones	Local #3 Ren	-0	82511:59
John HORMAN	LOCAL#3 REI	<i>3</i> 9	322-1238
Gene Beach	1. //		331-3230
Gillia Mc Marts	hocal #3 Reno		323-53/9
Jack Chang	Clumber & Fitter #		3590709
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Faul Smale	Local 350 P	m buz 6	7828217
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P.F. Hamilton	60CA1#350		852-0136
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J.W. CHAMPBENE	LOCAL 350#		359-8992
Robert L. Helia	Local 350		
Jane MANJEAN	1	IS VEGAS	870-103
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JOHN A Elleweith	15620 Chamwald Pr Rena 895-11	702-844-1353
GLENN KONANDA	IBEW	
HARVEY BRAF	I BEW LOCAL #401 REN	2
James Pottle	I Rew JOCA/ 401 Reno	3294928
Kirk Allen	IBFW local #401 Reno	
HRT MELDERS	V.F.C. W Local # 1434	329-6301
KELLY GOULD	U.F.C.W. LOCAL 1434	329-6301
LOUIE LUMPK	IMMEAT CUTTER	322 -3635
70m Owen	Sheetmetal Local 26	972-3236
Frank Snyden	SHEET METEL LOCAL 26	826.583
Dos Hellen	I.B. E.W. LOCAL #401	323-1228
AY HENENWAY	IBEW LOCKLEYOL	322 9341
exell Morkt	IBEW h. M. 401	852-1044
HARINE MERET	IBEHI WILL	"
Mike Clow	TBEW LULLUS	359-9082
PM FARRELL	Local 971 Carpenters	673-5282
R Reinhard	Just 971 Carpenters	9720949
Marie + Green	Local 97/ Carponter 1	359 36/6
Gardan Burger	9 1, 17	972-1479
Dale Cromwell	" " "	853-323

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RICHARD VADENAIS	IBEW YOI RENO	782-4601
WALTER BRENNER	IBEN 401 Reno	1849 0514
BILL H. HILL	IBT 533 BPARK	5 443-2863
Robert A Fuller by wife	Plumbos & Fitters Loca (#350 Sporks	359-214
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Harold Marke	TREW 401 Reno	358 6483
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Mary Marile	JIW 118 Reno	673-9701
Thomas I'll the This	JFW 118 KEND	851-290
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Jum M. Frall	1953 Canage Cut Du CC	882-8108
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Ein of oneon	401 ION PO BOX 12	7726426
Harbert E. Crackette	IBEW#401 Box+	329-2561
48 Kolo	IBEW #401	786.482/
John D.Lanon	IBAW #401	882-2039
Runa Tonssan	IBEW #401	747-44/2
TONY MONARREZ	IBEW#901	337-703
Helen K. Yavica	1REW# 401	345-010
Je L'orica	OBC91 # 401	345-0107
Risk P. Rom	T.B.G.W. 597	
MILLIANT PASSON	1BEW 349	677-1066
Louis low	Centert Mason Local 241	328-6754
Shuman Orescler		
Kennetha Judge	Bricklayer NoI Reno	863-2123
Fred W Schiebe	- Capeters Losof 178 2 Gerenille	782-3187
Pal Triming	Commers Local 1789	544-0697
FRANK BYRNE		822-3361.
85 Cathear	North La < Venna	883-2121
a. R. Sod	I Down Jacob # 1/8 li	358-4162
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Percy gramam	CM Local - 241	329-5754
Kent Kelneul	Carp Yoral 971	867-1252
Estate Fan	Fron WORKER	972-5047
John Mount	Electricians	3643 CO62
Doug on Matejou	caspertes LU. 971	323-5786
noel B Walker	Carpenters	544-8390
Dong Thomas	conjunters	541-2295
N. Sufracht	Carps - 1789	544-8456
Glend Chistenen	Teal # 241 0.1.10. m. 1.15	829-5754
Ed Park	CITY OF LAS VEGAS	386 6231
Struc lapoyna	City of Reno How fout Burch Com	785-2210
James Zuccault	1100 15454 ADJ# 229 CSPLSNO	d —
Gesynski	625 Rulails Was Spriken	3586292
San Shie	429 30/ Heled Geringto.	4633050
Carry days	1502 como Consed City	
Grady Comm	24 Genite way Cosson City	882-3961
fox Creagh	89900 CTY OF REN	786-2218
Jed Wmeller	ELECTRICIANS COCAL 401	329 3256
Scott Wadsworth	AECA	3596373
John Baker	Boxos Elec	
Bellmobile	IBEW Local 401	588-2525
Jack for June	Engineer Local #39	538-3939
my Smil	I Potew Local 401	358-8700
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NAME	ORGANIZATION &	ADDRESS	TELEPHONE
LYAN SILLIERI	J.I.W 11	8 TENO	3236896
Bob Carries	214 11	y Reau	. (
Steve Policers	1 1/9	PENO	NIA
Mary & Jedner	Charliorle 1/8	& Reno	912-5574
CLANENCE BENNE	17 LOCAL 971	RENO	853-1269
Balph Telander	Anal 533) 	577-222
the Gilarder	Jan 533		-77-2483
larry Anderson	Reno NV	·C8 牙97/	323-5786
JOHN D. WOODALL	JIR RENO IV	1. CAL # 47/ Local # 47/	323-5786
IN BARTH	NENO,	NIEJ.	323-5786
Xlori LE BAG	1) ISENC	NEV.	359-2158
JR SNOW	CARPENTE	200	826442
R.U. REED		ENC:	825-9591
JI GRACE		K LUCAL 971	747-4490
B. & merison	CARP. LUCAL	# 971	359-4786
I & Company	·		786-6248
Danie Were	(0)		358490
1. Sant	Local 169		972-9075
Wim Darrah	Tenusters	1550 6leud. 533 Slarks he	N 358-1814

CLARK COUNTY

EXHIBIT C

	State of Nevada	Federal		
	Prevailing Wage Rates 1978	Prevailing Wage Rates 1978		
Asbestos Workers	\$13.00 + \$4.35 fringes	\$13.66 + \$2.30 fringes		
Boilermakers	13.63 + 2.59 "	13.62 + 2.84 "		
Bricklayers	12.27 + 1.46 *	12.27 + 1.36 *		
Carpenters	21.36 + 2.67 *	11.36 + 2.65 +		
Cement Finishers	9.40 + 3.78 -			
Electricians (inside)	24.36 + 2.11 + 4% "	11.40 + 1.78 = 14.36 + 2.11 + 3% =		
Glaziers	14.32 + .99 =	13.50 + .95 -		
Ironworkers	11.55 + 5.02 #			
Lathers	20.50 + 2.86 *			
Operating Engineers	20000	10.60 + 2.86 -		
Group 1	20.70 + 3.71 -	10 30 . 3 44		
Group 3	11.27 + 3.71 -	10.70 + 3.64 -		
Group 6	21.74 + 3.71	11.27 + 3.64 -		
Group 9	12.16 + 3.71 "	11.74 + 3.64 -		
Painters	12.64 + 1.16 "	12.16 + 3.64 *		
Plumbers		12.64 + 1.16 *		
Teamsters	11.53 + 5.65	11.53 + 5.50 *		
. 4	9.97 + 1. <u>21</u> "	9.97 + 1.21 -		

CLARK COUNTY

	State of Nevada Prevailing Wage Rates 1979	Federal Prevailing Wage Rates 1979	
	•		
Asbestos Workers	\$13.46 + \$3.40 fringes	\$14.52 + \$2.40 fringes	
Boilermakers	15.22 + 3.46 "	15.21 - 3.46 "	
Brickleyers	14.27 - 1.46 "		
Carpenters	13.21 - 3.10 "	13.87 + 1.56 *	
Cement Finishers	11.10 - 3.23 -	not listed	
Siectricians	16.11	13.00 + 2.23 "	
(inside)	15.71 - 2.86 + 162"	not listed	
Giaziezs	15.58 - 1.14 -	not listed	
Iron Workers	13.50 - 6.22 "		
Lathers	11.13 - 3.16 -	not listed	
Sperating Engineers	3.10	not listed	
Group :	11.60 + 4.69 -		
Group 3		not listed	
Group 6	4.03	not listed	
Group 9		not listed	
	13.16 + 4.69 "	not listed	
Painters	i 4.24 + 3.06 *	not listed	
Plumbers	ii.65 + 5.98 -	13.75 + 5.83 -	
Teamsters	7 - 1.80 -	11.17 + 1.80 "	

Nevada's prevailing wase law is fair to contractors in that it provides for competitive bidding cased on quality management and quality engineering. It is also fair to Nevada workers in that it guarantees that their wage scale will not be undercut by out-of-state or alien workers.

FREIBIT B--Page 7 of 9

EXHIBIT D

Amend NRS 338.160 to provide as follows:

"All monies withheld as retention from contractors engaged in public works projects for public bodies as defined under NRS 338.010 shall be credited with interest which shall be remitted to said contractors on the first day of each calendar quarter. Subcontractors shall in turn be paid their pro-rated share of this interest. Interest shall be calculated monthly based on the average discount of the weekly U.S. Treasury 90-Day Bill Auction."

Amend NRS 338.080 by deleting Paragraph 2 and substituting in lieu thereof the following:

"2. Workmen dispatched or referred as apprentices under the auspices of apprenticeship programs approved under the provisions of Chapter 610 of NRS."

EXHIBIT E

MR. CHAIRMAN... MEMBERS OF THE SENATE GOVERNMENT AFFAIRS COMMITTEE.

MY NAME IS STAN JONES. I AM BUSINESS REPRESENTATIVE FOR THE NORTHERN

NEVADA CENTRAL LABOR COUNCIL. THE COUNCIL IS COMPRISED OF A MEMBERSHIP

THAT REACHES AS FAR AS ELY, ELKO, TONOPAH, FALLON, WINNEMUCCA, AND

OTHER CITIES AND TOWNS NORTH OF HIGHWAY 6 WHICH CUTS ACROSS THE

BREAD-BASKET OF NEVADA.

ON BEHALF OF OUR MEMBERSHIP, I WOULD LIKE TO THANK YOU FOR THE PRIVILEGE OF SPEAKING TO YOU IN OPPOSITION TO S.B. 76. THE MATTER COVERED IN THE OPPRESIVE BILL BEFORE YOU IS SOMETIMES REFERRED TO AS THE "LITTLE DAVIS-BACON LAW". NEVADA REVISED STATUTES CODIFY IT IN CHAPTER 338 AS.... PUBLIC WORKS PROJECTS.

RESPECTFULLY, I SUBMIT THE VERY COMPOSITION OF THE SCR 40

SUBCOMMITTEE.... OR AT LEAST THE AD HOC MEMBERS, PREJUDICED THE

LEGISLATION UNFAIRLY IN THE AREA OF PREVAILING WAGE REGULATION.

THEY ARE EITHER ANTI-UNION... OR CLOSELY ALLIED WITH THE OPEN-SHOP

MOVEMENT OF NEVADA... WITH OPEN ADVOCACY OF REPEALING OR RENDERING

USELESS PREVAILING WAGE LAWS. ONLY THE MEMBERS OF THOSE FACTIONS

WERE INVITED TO PARTICIPATE. AS A MATTER OF FACT, THEIR OBJECTIVE

WAS TO ADOPT ONLY THOSE RECOMMENDATIONS WHICH COULD BE LIVED WITH

BY ARCHITECTS, CONTRACTORS, THE PUBLIC WORKS BOARD, AND GOVERNMENT

ADMINISTRATORS.

THE STATUTE PROVIDES, EACH PUBLIC BODY WHICH AWARDS A CONTRACT.

FOR PUBLIC WORK, SHALL SECURE FROM THE NEVADA STATE LABOR COMMISSIONER

THE PREVAILING WAGE TO BE PAID TO EACH WORKMAN EMPLOYED ON THE

PUBLIC WORK PROJECT.

WHEN THE LABOR COMMISSIONER IS IN DOUBT AS TO THE PREVAILING
WAGE, HE IS DIRECTED.... STATUTORILY.... TO HOLD HEARINGS TO DETERMINE
THE APPROPRIATE RATE OF PAY. AT THE HEARING, CRAFTS AFFILIATED WITH
THE NEVADA STATE AFL-CIO AND CONTRACTORS ARE HEARD.

FROM THE EVIDENCE PRESENTED, THE LABOR COMMISSIONER DETERMINES
THE PREVAILING RATE OF PAY FOR THE SEVERAL CLASSES OF WORKMEN EMPLOYED
ON THE CONSTRUCTION PROJECT.

I HAVE EARLIER WRITTEN EACH OF YOU WITH OUR VIEWS. LET ME SAY AGAIN.... THE PREVAILING WAGE LAW IN NEVADA HAS WORKED WELL TO PROTECT NEVADA WORKERS, POLITICAL SUBDIVISIONS, AND THE PEOPLE OF THIS STATE.

SCR 40 FOUND THE FUNDAMENTAL REASONS FOR PAYING PREVAILING RATES ON PUBLIC WORK PROJECTS WAS JUSTIFIED. HAVING FOUND THAT, IT WOULD BE THE ANTITHESIS OF THAT FINDING TO ADOPT THE PROVISIONS OF S.B. 76. (WHY THE FEDERAL PREVAILING RATE??? ONLY SLIGHTLY LESS THAN STATE... AND IN SOME CASES IT WAS HIGHER).

RETURN TO THE NIXON YEARS FOR JUST A FEW MINUTES, IF YOU WILL.

ON OR ABOUT FEBRUARY 23, 1971, THEN PRESIDENT NIXON SUSPENDED THE PROVISIONS OF THE DAVIS-BACON FOR A PERIOD OF TIME. THIS WAS RECOGNIZED FOR WHAT IT WAS.... A BLANTANT ANTI-UNION MOVE.

WITHOUT BURDENING YOU WITH THE HISTORY OF THE FAILURE OF THAT PRESIDENTIAL DIRECTIVE.... THE STATE OF NEVADA ADVISED THE SOLICITOR OF LABOR FOR THE U.S. DEPARTMENT OF LABOR.... NEVADA COULD NOT....

NOR WOULD NOT.... SUPPORT THE PRESIDENT'S SUSPENSION. THEN GOVERNOR

MIKE O'CALLAGHAN WROTE SECRETARY OF TRANSPORTATION JOHN VOLPE.....
"UNEMPLOYMENT IN NEVADA IS ITS HIGHEST IN RECENT YEARS, AND OUR OVERALL
ECONOMIC CONDITION IS NOT GOOD, AND GETTING WORSE". WE ARE
PRECARIOUSLY CLOSE TO SUCH WIDESPREAD UNEMPLOYMENT IN THE CONSTRUCTION
INDUSTRY AGAIN. UNDER THE PROVISIONS OF S.B. 76, THE DOORS TO
CARPET-BAGGING WOULD BE WIDE OPEN.

THEN CONGRESSMAN WALTER BARING WROTE: "HE DID NOT AGREE WITH
THE PRESIDENT BECAUSE HE FELT IT UNFAIR TO PENALIZE A SINGLE SEGMENT
OF THE WORKING POPULATION BECAUSE OF UNWISE MONETARY OR FISCAL
POLICIES" VIS-A-VIS FEDERAL.... STATE REGULATIONS.

LET ME QUICKLY CLOSE THAT UNFORTUNATE PART OF OUR HISTORY,
WHEN PRESIDENT NIXON SUSPENDED A FEDERAL LAW, WITH A QUOTE FROM
THEN STATE ATTORNEY GENERAL ROBERT LIST.... "WE HAVE SEARCHED BOTH
OUR LAW LIBRARY, AND OUR CONSCIENCES, AND HAVE SIMPLY DETERMINED
THAT THERE IS NO WAY BY WHICH WE CAN IN GOOD FAITH ACCEPT THE
PROPOSITION THAT OUR STATE LAW HAS BEEN PREEMPTED".

I POINT THESE FACTS OUT TO YOU TO CONSIDER IN YOUR THOUGHTFUL DELIBERATION OF S.B. 76. NEVADA WOULD HAVE NO CHOICE IF S.B. 76 WERE NEVADA LAW.

NEVADA HAS COME A FAIR PIECE AS A STATE SINCE THE MINING DAYS ON THE COMSTOCK WHEN LABOR WAS CONSIDERED BY SOME AS MERELY A COMMODITY.... OR AN ARTICLE OF COMMERCE. ALL NEVADA WORKERS... AND NOT JUST CONSTRUCTION WORKERS, HAVE A LOT TO LOSE IF WE EVER ALLOW REGRESSION TO THOSE OLD ATTITUDES..... SOMETHING I BELIEVE CAN AND WILL HAPPEN IF S.B. 76 WERE ADOPTED.

SURELY AS I APPEAR BEFORE YOU, RESPONSIBLE CITIZENS DO NOT WANT TO SEE THEIR TAX DOLLARS BEING USED BY NEVADA TO UNDER-CUT WAGES.

WITHOUT A STRONG AND VIABLE PUBLIC WORKS PROJECTS LAW, WE COULD SEE A RETURN TO THE DAYS WHEN LABOR WAS CONSIDERED A COMMODITY... AND PUBLIC WORKS AND LOCAL SMALL BUSINESSMEN WOULD SEE A RETURN TO THE TIME BEFORE THE LAW, WHEN LOCAL WAGE RATES AND LABOR STANDARDS WERE BEING EXPLOITED BY ITINERANT, IRRESPONSIBLE CONTRACTORS USING CHEAP, INEXPERIENCED BOOTLEG LABOR. THERE WOULD BE A RETURN TO THE TIME WHEN THESE CONTRACTORS WOULD GO AROUND THE COUNTRY PICKING OFF A PUBLIC WORKS CONTRACT HERE AND THERE... LEAVING LOCAL LABOR AND LOCAL CONTRACTORS STANDING ON THE SIDELINES LOOKING ON. OUR PRESENT LAW IS A SENSE OF FAIRNESS PROTECTING LOCAL LABOR... LOCAL CONTRACTORS...

THE PROPOSITION PUT FORTH IN S.B. 76 TO REPEAL MONTHLY REPORTING REQUIREMENTS IS AKIN TO TAKING ALL THE POLICEMEN AND JUDGES OUT OF SERVICE.... AND TELLING OUR POPULATION..."NOW, WE STILL HAVE LAWS AND WE EXPECT YOU TO CONFORM TO THEM VOLUNTARILY". YOU AND I BOTH KNOW, IT JUST ISN'T GOING TO HAPPEN THAT WAY. THE CONSTRUCTION INDUSTRY IS.... BY ITS VERY NATURE.... A HIGHLY UNSTABLE INDUSTRY. PUBLIC WORKS CONTRACTS GO TO THE LOWEST BIDDER. WITHOUT PREVAILING WAGE LAWS, CONTRACTORS COULD SLASH WAGES IN ORDER TO BE THE LOWEST BIDDER. WHEN UNEMPLOYMENT IS HIGH, WITHOUT PREVAILING WAGE LAWS, THE OFFER OF A JOB TO AN UNEMPLOYED WORKER WHO IS TRYING TO FEED HIS FAMILY IS NO CHOICE AT ALL..... THUS DRIVING DOWN LABOR STANDARDS WITH TAX DOLLARS. THE REPORTING REQUIREMENTS UNDER THE PRESENT LAW IS BASIC RECORD-KEEPING AND REPORTING REQUIREMENTS THAT MUST BE MADE UNDER MANY LAWS. ELIMINATING THEM FROM THE LAW WOULD HAVE VIRTUALLY NO EFFECT

ON THE RECORD-KEEPING OF A CONTRACTOR.... SINCE SIMILAR REPORTS AND RECORD-KEEPING IS REQUIRED BY A GOOD MANY OTHER STATE AND FEDERAL LAWS... AS WELL AS JUST PLAIN GOOD BUSINESS SENSE. ADMITTEDLY, THERE WAS CONSIDERABLE VACILLATION BEFORE THE SUB-COMMITTEE ON PAPERWORK.... HOWEVER, ONE OF THE MAJOR CONTRACTORS DOING PUBLIC WORK CONTRACTS (65 TO 70 PERCENT OF HIS WORK), WHEN ASKED DIRECTLY IF IT WAS NECESSARY TO ADD CERTAIN COSTS TO THE STATE WHICH WOULD NOT BE APPLIED TO PRIVATE SECTOR BECAUSE OF PAPERWORK.... THE ANSWER WAS AN UNEQUIVOCAL.. NO.

WHAT ELIMINATION WOULD DO, IS PROVIDE THE UNSCRUPULOUS CONTRACTOR WITH THE TOOL TO CHEAT.

ONE HUNDRED OR MORE VIOLATIONS PER OF THE PRESENT PREVAILING WAGE LAWS DEMONSTRATES THERE IS STILL UNSCRUPULOUS CONTRACTORS WILLING TO VIOLATE THE LAWS.... EXPLOIT WORKERS.... THE COMMUNITY.... AND THE PUBLIC BODY AWARDING THE PUBLIC CONTRACT.

I DON'T BELIEVE ANYONE WOULD CONSIDER REMOVING THE BUILDING INSPECTORS FROM THE JOB FOR OBVIOUS REASONS. YET, BY REMOVING THE MONTHLY REPORTING REQUIREMENT, THE WORKMAN WOULD BE PLACED AT THE MERCY OF THOSE UNSCRUPULOUS CONTRACTORS. IF THE STATE FEELS IT'S NECESSARY TO HAVE QUALITY CONSTRUCTION CONTROLS THROUGH INSPECTORS, THEY KNOW THERE ARE SOME CONTRACTORS WILLING TO ENGAGE IN QUALITY EXPLOITATION. WE CAN ONLY IMAGINE THEN, WHAT THESE CONTRACTORS WOULD DO WITHOUT PREVAILING WAGE REQUIREMENTS.

IT'S CLEAR TO THE NORTHERN NEVADA CENTRAL LABOR COUNCIL... THE STATE OF NEVADA.... ITS POLITICAL SUB-DIVISIONS.... THE CONSTRUCTION INDUSTRY.... AND THE WORKERS OF THIS STATE... THAT THEY NEED THE STATE PREVAILING WAGE LAWS.

TESTIMONY BEFORE THE SELECT SUB-COMMITTEE SHOWED NUMEROUS

REASONS FOR THE COSTS OF PUBLIC WORKS.... PREVAILING WAGE NOT BEING

AMONG THE UPPERMOST. COST FACTORS INCLUDED......

- 1. CHANGE ORDERS
- 2. LACK OF DIRECTION FROM RESPONSIBLE BODIES
- 3. RED TAPE
- 4. RETENTION FEES
- 5. DESIGN
- 6. STATE FIRE MARSHALL REGULATIONS
- 7. INFLATION
- 8. SCHEDULE OF PAYMENTS TO CONTRACTORS
- 9. ARCHITECT'S FEES
- 10. CONTRACTORS "LOADING" BIDS
- 11. WHAT THE MARKET WILL BEAR AT BIDDING TIME
- 12. CONTRACTORS "PADDING" ON CHANGE ORDERS

BY TAKING THE SIMPLISTIC POSITION OF LETTING OUR GREAT WHITE FATHER IN WASHINGTON DO OUR WORK FOR US, AREN'T WE SAYING.. "WE'RE NOT CAPABLE OF DOING OUR OWN WORK, SO WASHINGTON GETS BIGGER AND BIGGER". IT'S MY UNDERSTANDING MOST STATES POLITICAL LEADERS ARE TRYING TO GET WASHINGTON OUT OF OUR LIVES.

WE SUBMIT, THE NEVADA STATE LABOR COMMISSIONER IS QUITE CAPABLE
OF DOING THE JOB HERE AT HOME. WOULD ANY RESPONSIBLE NEVADAN
CONSIDER RELINQUISHING CONTROL OF OUR STATE GAMING TO WASHINGTON?????
I THINK NOT.... SO LET'S NOT GIVE UP OUR STATES' RIGHTS IN
DETERMINING PREVAILING WAGES TO THE WASHINGTON MONSTER... FOR IF WE DO,
I SUBMIT TO YOU IT MAY BE JUST THE SORT OF ENCROACHMENT WASHINGTON
NEEDS TO GO THE EXTRA MILE IN OUR LIVES.

I RECALL SOMETHING OF A FABLE ABOUT A CAMEL WHO PUTS HIS HEAD IN THE TENT.... THAT'S REMINICIENT OF S.B. 76 AND ALLOWING WASHINGTON IN THE TENT. ADOPTION OF THE BILL BEFORE YOU WOULD WED NEVADA TO THE CAMEL.... AND PLACE THE RING ON OUR FINGER.... OR IN OUR NOSE!

PERMIT ME TO TOUCH BRIEFLY ON THE EXTENSIVE TRAINING PROGRAMS

PROMOTED BY LABOR AND MANAGEMENT UNDER COLLECTIVE BARGAINING AGREEMENTS.

THESE APPRENTICESHIP TRAINING PROGRAMS ARE REGISTERED WITH THE NEVADA

STATE APPRENTICESHIP COUNCIL, AND MAINTAIN A CONSTANT LEVEL OF HIGHLY

SKILLED JOURNEYMAN IN ALL SKILLED OCCUPATIONS.... A FACTOR EXTREMELY

CRITICAL TO QUALITY CONSTRUCTION IN PUBLIC AND PRIVATE CONTRACTING.

DR. STEVEN G. ALLEN, ASSISTANT PROFESSOR OF ECONOMICS AT NORTH CAROLINA STATE UNIVERSITY, FOUND.... UNION CONSTRUCTION WORKERS 30 - 35% MORE PRODUCTIVE THAN NON-UNION WORKERS. HE CITED THE INSISTENCE OF BONA FIDE APPRENTICESHIP PROGRAMS, AND UNION HIRING CLAUSES PROVIDING CONTRACTORS COMPETENT WORKERS AT NO COST TO THE CONTRACTOR. DR. ALLEN'S FINDINGS THEN, SEEM TO POINT OUT THE PRESENT METHOD OF DETERMINING PREVAILING WAGE RATES PROVIDE A CASH BENEFIT TO THE STATE AND ITS POLITICAL SUBDIVISIONS.

IN CONCLUSION... THE NEVADA PUBLIC WORKS PROJECTS LAW SHOULD NOT BE WEAKENED.... IF ANYTHING.... IT SHOULD BE STRENGTHENED. IT IS AN INTEGRAL PART OF NEVADA'S ECONOMIC LIFE. IT PROTECTS AND PRESERVES FAIR COMPETITION. S.B. 76 SHOULD BE KILLED.... AND THE NORTHERN NEVADA CENTRAL LABOR COUNCIL ASKS YOUR QUICK ACTION IN DOING SO.

Municifal Financial Consultants
Tax Free Bonds Since 1899
Executive Center West #450
:455 East Tropicana Avenue
Las Vegas, Nevada 89109
Telephone (702) 733-3980

Suite 1003 Kearns Building Sait Lake City, Utah 84101 Telephone (E01) 355-6700

Burrows, Smith and Company of Nevada

February 11, 1981

EXHIBIT F

Mr. Mike Holm
District Director
Farmers Home Administration
111 Sheckler Road
Fallon, NV. 89406

Dear Mike;

As you are aware, the Churchill County School District has become a victim of the nation's troubled economy and has been unable to finance the construction of a sorely needed new high school in Fallon despite the District's voters having authorized the issuance of \$6,000,000 in general obligation bonds for that purpose.

Immediately following the bond election in September, 1979, the Federal Reserve Board took unprecedented and drastic action to fight inflation, and thereby sent interest rates in the municipal bond market soaring. Initially, the District postponed the sale of its bonds and thereafter attempted two public sales in the summer of 1980, which produced no bids at or below an interest rate of 8% to which the District is limited by the terms of the bond question approved by the voters.

It is anticipated that the 1981 Nevada State Legislature, which is currently in session, will adopt legislation removing the aforementioned interest rate celling. Although this would premit the sale of the Distict's bonds in the open market, the interest rate that the District would be forced to pay simply makes such a program unaffordable.

In determining to allow the District's bond question to go to a vote of the people, the Churchill County General Obligation Bond Commission determined that the existing and projected tax base of the county would permit a levy of \$.77 by the District to support its existing and proposed indebtedness. In Nevada, the combined tax rate for all taxing entities within each county must not exceed \$3.64. As tax rates in the City of Fallon have historically been at maximum, any increase in the District's debt service rate would necessitate adjustment of both city and county rates. An increase in the District's debt service rate beyond \$.77 would have a severe impact on the operating revenues of the city and the county.

. Burrows, Smith and Company

In the present municipal bond farket, sale of the District's bonds would require interest at a rate of 11% or above and would result in a tax levy in excess of \$1.00, far beyond the level deemed affordable by the Churchill County General Obligation Bond Commission.

Assuming the legislative action discussed earlier, the sale of \$2,000,000 in bonds to the Farmers Home Administration at a 5% rate combined with the sale of the \$4,000,000 balance in the open market would produce a program that is affordable by the District. As indicated in the attached tables, the over-all net interest rate for such a program would be slightly over 8% and the required debt service levy could be held at or below the \$.77 orginially proposed.

Absent any drastic changes in the municipal bond market or the property tax system in Nevada, participation by Farmers Home Administration makes all the difference in whether or not the Churchill County School District will be able to provide adequate classrooms for the students it serves.

Singerely,

Henry L. Chanin Vice President

HLC/sf

TABLE 1
CHURCHILL COUNTY SCHOOL DISTRICT

BOND		\$4,000,000 20 years - 11%	_		\$2,000,000 25 years - 5%			
YEAR	PRINCIPAL	INTEREST	TOTAL	PRINCIPAL	INTEREST	TOTAL	GRAND TOTAL	
1		\$ 440,000	\$ 440,000		\$ 100,000	\$ 100,000	\$ 540,000	
2		440,000	440,000		100,000	100,000	540,000	
3	\$ 80,000	440,000	520,000	\$ 5,000	100,000	105,000	625,000	
4	95,000	431,200	526,200	5,000	99,750	104,750	630,950	
5	95,000	420,750	515,750	5,000	99,500	104,500	620,250	
6	110,000	410,300	520,300	5,000	99,250	104,250	624,550	
7	120,000	398,200	518,200	5,000	99,000	104,000	622,200	
8	135,000	385,000	520,000	5,000	98,750	103,750	623,750	
9	150,000	370,150	520,150	5,000	98,500	103,500	623,650	
10	165,000	353,650	518,650	5,000	98,250	103,250	621,900	
11	180,000	335,500	515,500	5,000	98,000	103,000	618,500	
12	205,000	315,700	520,700	5,000	97,750	102,750	623,450	
13	225,000	293,150	518,150	5,000	97,500	102,500	620,650	
14	250,000	268,400	518,400	5,000	97,250	102,250	620,650	
15	275,000	240,900	515,900	5,000	97,000	102,000	617,900	
16	310,000	210,650	520,650	5,000	96,750	101,750	622,400	
17	340,000	176,550	516,550	5,000	96,500	101,500	618,050	
18	380,000	139,150	519,150	5,000	96,250	101,250	620,400	
19	420,000	97,350	517,350	5,000	96,000	101,000	618,350	
20	465,000	51,150	516,150	5,000	95,750	100,750	616,900	
21	,	***************************************	0-0,	345,000	95,500	440,500	440,500	
22				365,000	78,250	443,250	443,250	
23				380,000	60,000	440,000	440,000	
24				400,000	41,000	441,000	441,000	
25				420,000	21,000	441,000	441,000	
				,			1.12,000	
	\$4,000,000	\$6,217,750	\$10,217,750	\$2,000,000	\$2,257,500	\$4,257,500	\$14,475,250	

NIR = 8.34%

TABLE 2 CHURCHILL COUNTY SCHOOL DISTRICT

F/Y ENDS 6/30	ASSESSED 1/VALUATION	EXISTING DEBT SERVICE	1981 BONDS DEBT SERVICE	TOTAL DEBT SERVICE	LESS MOTOR VEHICLE PRIVILEGE TAX	LESS INTEREST EARNINGS APPLIED	TOTAL ANNUAL PAYMENT	TAX RATE EQUIVALENT
1982 1983 1984 1985 1986	\$87,200,000 <u>2</u> / 95,920,000 105,512,000 116,063,200 127,669,520	\$ 305,735 310,835 310,110 314,610 318,160	\$ 540,000 540,000 625,000 630,950 620,250	\$ 845,735 850,835 935,110 945,560 938,410	\$ 50,000 75,000 75,000 75,000 80,000	\$125,000 37,250 50,000	\$ 670,735 738,335 810,110 870,560 858,410	.77 <u>2</u> / .77 .76 .75 .67

 $[\]frac{1}{2}$ / Based upon average annual increase of 10% $\frac{2}{2}$ / Preliminary