

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2538

(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Section 34-321, Arizona Revised Statutes, is amended to read:

34-321. Public policy; prevailing wage contract prohibited; definitions

A. The public interest in the rates of wages paid under public works contracts transcends local or municipal interests and is of statewide concern.

B. Agencies and political subdivisions of this state, ~~including charter cities,~~ shall not by regulation, ordinance or in any other manner require public works contracts to contain a provision requiring the wages paid by the contractor or any subcontractor to be not less than the prevailing rate of wages for work of a similar nature in the state or political subdivision where the project is located.

C. AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE SHALL NOT REQUIRE IN ANY PUBLIC WORKS CONTRACTS THAT A CONTRACTOR, SUBCONTRACTOR, MATERIAL SUPPLIER, OR CARRIER ENGAGED IN THE CONSTRUCTION, MAINTENANCE, REPAIR OR IMPROVEMENT OF PUBLIC WORKS, NEGOTIATE, EXECUTE OR OTHERWISE BECOME A PARTY TO ANY PROJECT LABOR AGREEMENT OR OTHER AGREEMENT WITH EMPLOYEES, EMPLOYEES' REPRESENTATIVES OR ANY LABOR ORGANIZATION AS A CONDITION OF OR A FACTOR IN BIDDING, NEGOTIATING, BEING AWARDED OR PERFORMING WORK ON A PUBLIC WORKS CONTRACT. THIS SUBSECTION DOES NOT:

1. PROHIBIT PRIVATE PARTIES FROM ENTERING INTO INDIVIDUAL COLLECTIVE BARGAINING RELATIONSHIPS.

2. REGULATE OR INTERFERE WITH ACTIVITY PROTECTED BY LAW, INCLUDING THE NATIONAL LABOR RELATIONS ACT.

~~C.~~ D. ~~In~~ FOR THE PURPOSES OF this section:

1. "AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION 41-1001.

1 2. "POLITICAL SUBDIVISION" MEANS A CITY, CHARTER CITY, TOWN, COUNTY,
2 SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT, MULTI-COUNTY WATER CONSERVATION
3 DISTRICT, INDUSTRIAL DEVELOPMENT AUTHORITY OR SPECIAL TAXING DISTRICT
4 ESTABLISHED PURSUANT TO TITLE 48 THAT IS PRIMARILY SUPPORTED BY TAXES.

5 3. "PROJECT LABOR AGREEMENT" MEANS ANY PRE-HIRE, COLLECTIVE
6 BARGAINING, MODEL CONSTRUCTION OR SIMILAR TYPE OF AGREEMENT ENTERED INTO WITH
7 ONE OR MORE LABOR ORGANIZATIONS, EMPLOYEES OR EMPLOYEE REPRESENTATIVES THAT
8 ESTABLISHES THE TERMS AND CONDITIONS OF EMPLOYMENT ON A CONSTRUCTION PROJECT.

9 4. "Public works contract" means a contract to which the state or a
10 political subdivision is a party involving the employment of laborers,
11 workmen or mechanics in the construction, alteration or repair of public
12 buildings or improvements.

13 Sec. 2. Section 40-360.06, Arizona Revised Statutes, is amended to
14 read:

15 40-360.06. Factors to be considered in issuing a certificate of
16 environmental compatibility

17 A. The committee may approve or deny an application and may impose
18 reasonable conditions ~~upon~~ ON the issuance of a certificate of environmental
19 compatibility and in so doing shall consider the following factors as a basis
20 for its action with respect to the suitability of either plant or
21 transmission line siting plans:

22 1. Existing plans of the state, local government and private entities
23 for other developments at or in the vicinity of the proposed site.

24 2. Fish, wildlife and plant life and associated forms of life ~~upon~~ ON
25 which they are dependent.

26 3. Noise emission levels and interference with communication signals.

27 4. The proposed availability of the site to the public for
28 recreational purposes, consistent with safety considerations and regulations.

29 5. Existing scenic areas, historic sites and structures or
30 archaeological sites at or in the vicinity of the proposed site.

31 6. The total environment of the area.

1 7. The technical practicability of achieving a proposed objective and
2 the previous experience with equipment and methods available for achieving a
3 proposed objective.

4 8. The estimated cost of the facilities and site as proposed by the
5 applicant and the estimated cost of the facilities and site as recommended by
6 the committee, recognizing that any significant increase in costs represents
7 a potential increase in the cost of electric energy to the customers or the
8 applicant.

9 9. Any additional factors ~~which~~ THAT require consideration under
10 applicable federal and state laws pertaining to any such site.

11 B. The committee shall give special consideration to the protection of
12 areas unique because of biological wealth or because they are habitats for
13 rare and endangered species.

14 C. Notwithstanding any other provision of this article, the committee
15 shall require in all certificates for facilities that the applicant comply
16 with all applicable nuclear radiation standards and air and water pollution
17 control standards and regulations, but shall not require EITHER OF THE
18 FOLLOWING:

19 1. Compliance with performance standards other than those established
20 by the agency having primary jurisdiction over a particular pollution source.

21 2. THAT A CONTRACTOR, SUBCONTRACTOR, MATERIAL SUPPLIER OR OTHER PERSON
22 ENGAGED IN THE CONSTRUCTION, MAINTENANCE, REPAIR OR IMPROVEMENT OF ANY
23 PROJECT SUBJECT TO APPROVAL OF THE COMMISSION NEGOTIATE, EXECUTE OR OTHERWISE
24 BECOME A PARTY TO ANY PROJECT LABOR AGREEMENT OR OTHER AGREEMENT WITH
25 EMPLOYEES, EMPLOYEES' REPRESENTATIVES OR ANY LABOR ORGANIZATION AS A
26 CONDITION OF OR A FACTOR IN THE COMMISSION'S APPROVAL OF THE PROJECT. THIS
27 PARAGRAPH DOES NOT:

28 (a) PROHIBIT PRIVATE PARTIES FROM ENTERING INTO INDIVIDUAL COLLECTIVE
29 BARGAINING RELATIONSHIPS.

30 (b) REGULATE OR INTERFERE WITH ACTIVITY PROTECTED BY LAW, INCLUDING
31 THE NATIONAL LABOR RELATIONS ACT.

1 D. Any certificate granted by the committee shall be conditioned on
2 compliance by the applicant with all applicable ordinances, master plans and
3 regulations of the state, a county or an incorporated city or town, except
4 that the committee may grant a certificate notwithstanding any such
5 ordinance, master plan or regulation, exclusive of franchises, if the
6 committee finds as a fact that compliance with such ordinance, master plan or
7 regulation is unreasonably restrictive and compliance therewith is not
8 feasible in view of technology available. When it becomes apparent to the
9 chairman of the committee or to the hearing officer that an issue exists
10 with respect to whether such an ordinance, master plan or regulation is
11 unreasonably restrictive and compliance therewith is not feasible in view of
12 technology available, ~~he~~ CHAIRMAN OR HEARING OFFICER shall promptly serve
13 notice of such fact by certified mail ~~upon~~ ON the chief executive officer of
14 the area of jurisdiction affected and, notwithstanding any provision of this
15 article to the contrary, shall make such area of jurisdiction a party to the
16 proceedings ~~upon~~ ON its request and shall give it an opportunity to respond
17 on such issue."

18 Amend title to conform

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