

IN THE PIPELINE

NUCA OF NM NEWS

October 2007

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'08

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President's Message



If you missed our Last Ditch Open, you missed out on a good time! The weather was great, golf was even better, and nearly \$5,000 in cash and prizes were given out. A huge thanks goes to those generous companies that donated sponsorship funds, and door prizes.

I would also like to thank the Planning Committee and our Executive Director, Jane Jernigan, who put in a lot of time to

make the golf event one of our best ever. The Planning Committee is already working on our next big event. If you would like to hear more about it, I invite you to attend our next Membership Meeting on October 18th starting at 11:30 AM, where each of our Committee Chairpersons will share what's going on with their respective Committees. It will be a perfect opportunity to see what peaks your interest so that you too can get involved. Log on to www.nucanm.org to register for the Membership Meeting.

The Ballots for the 2008 Board of Directors were mailed out on October 1st. There are two contractor and one associate Director positions open on the Board. If you do not receive your Ballot by mid- October, please contact the Association office. Personally speaking, it has been an honor and a good education to serve on the NUCA of New Mexico Board of Directors for the past few years. I have especially appreciated the support given by this year's Board of Directors. Next time you see one of our Board members, please thank them for their commitment and service to our Association and industry.

Featured Product



Do your current practices comply with the new DOT regulations?

New federal regulations regarding tie-down devices and procedures adopted in June 2006 affect everyone transporting construction equipment whether it's cross country or across town.

To help you determine the answer to that question, the National Utility Contractors Association (NUCA) has released a new 34-minute DVD that visually illustrates the Department of Transportation's Federal Motor Carrier Safety Administration regulation 49CFR, Part 393 as it applies to the transport of construction equipment. The information has been segmented by major topic to facilitate review and/or clarification:

Introduction

- | The Trailer Loading
- | Equipment Securement Points
- | Understanding Tie-down Equipment
- | Tie-down Procedures
- | On the Road
- | Conclusion

Member Price: \$195

Order Here

Eye on New Mexico



News on the Department of Workforce Solutions By Carla J. Sonntag

On July 1, 2007, HB 1280 went into effect, merging the Department of Labor and the Governor's Office of Workforce Training into a new department called the Department of Workforce Solutions (DWS). This same bill also merged the Human Rights and Labor and Industrial Division into a new Division called the Labor Relations Division.

Here is some important information that you should know:

- | Francie Cordova is the new Director of Labor Relations Division of the Department of Workforce Solutions (DWS). Ms. Cordova was appointed by the Secretary of DWS. Previously, Ms. Cordova directed the Human Rights Division after serving for nine years as an Assistant Attorney General in the Civil Division. As an assistant AG, she was counsel to the Labor and Industrial Commission and the State Apprenticeship Council (SAC).
- | Chris Romero is the SAC office Director. Mr. Romero is in the process of staffing his office and will soon be on the road promoting apprenticeship and ensuring that quality and compliance are maintained. He is also working with the SAC to review and revise its policies and procedures manual.
- | Henry Perez is the supervising Labor Law Administrator. Mr. Perez will head the committee charged with reviewing regulations, classifications and workers' definitions on Public Works Projects. The committee will consist of contractor/management and labor groups.
- | The regulations have not been updated in over 20 years and, as you know, there are often misunderstandings or disputes over classifications and definitions. The committee was originally defined to consist of six (6) labor representatives and three (3) representatives from both Associated General Contractors (AGC) and Associated Builders and Contractors (ABC). Fortunately, because NUCA-NM made the commitment to hire a professional to monitor its interests, NUCA-NM has secured a seat at the table. Due to the connections and quick action by their lobbyist, this is the first time NUCA-NM has had this type of representation. Ms. Wendy DeGraff, Vice President, NUCA-NM, will be your representative.

The committee is scheduled to hold its first meeting on October 4, 2007.

- | It has been mandated that the seven current inspectors be assigned to public works projects. The department is in the process of hiring another inspector and plans to add one more in the Farmington area.
- | DWS is planning to resurrect the state law training programs.
- | DWS is developing a public works, wage and hour and apprenticeship training presentation with plans to conduct seminars in Farmington, Albuquerque and Las Cruces with more to follow in other areas. The purpose is to provide both management and labor the opportunity to be updated on laws and procedures.
- | The wage survey is in process and new wage rates will be available on January 1, 2008.

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2007 Sponsors:

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- | HD Supply
- | Albuquerque Asphalt Inc.
- | AMEC
- | PCL of NM
- | Wagner Equipment
- | Vis-Com Inc.

October Dates

- | 10/07/07 End of 3rd Quarter
- | 10/03/07 - 10/05/07 NUCA Fall Board Meeting
- | 10/10/07 Safety Committee 8am
- | 10/10/07 Membership Committee 10am
- | 10/11/07 Planning Committee 8am
- | 10/11/07 Education Committee 11:30am
- | 10/18/07 Board Meeting 10am
- | 10/18/07 Membership Meeting 11:30 am at Pyramid Marriot [Register Here](#)
- | 10/31/07 Halloween

If you would like more information on the Committees please call the Association office at 505 888 0752 or email nucanm@nucanm.org

Visit the NUCA of NM Quick View Calendar

NUCA Legislative Update



WRDA Conference Report Passes, White House Considers Veto

After a seven-year struggle, the Water Resources Development Act (WRDA) has cleared both the House and Senate and is heading to the president's desk. The \$23.2 billion measure authorizes more than 900 flood control, navigation, and environmental restoration projects overseen by the U.S. Army Corps of Engineers. NUCA and the Clean Water Council (CWC) took a special interest in lobbying for final passage of the WRDA conference report to secure the \$2.4 billion included in the bill for

approximately 200 water and wastewater projects. In a letter to the full Senate, the CWC stated: "[I]mportantly, the bill also authorizes funding for priority water, wastewater, and combined sewer over flow projects. Recognizing that the U.S. Environmental Protection Agency estimates that by 2019 there will be a \$534 billion gap between what is needed versus what is currently being spent on America's water and wastewater infrastructure unless the federal investment is stepped up, inclusion of these projects in water resources legislation is entirely appropriate." Both the Senate and House passed the legislation by veto-proof votes of 81-12 and 381-40, respectively. Supporters of the legislation, both on and off the Hill (including the CWC), are now gearing up for an almost certain White House veto. Bring it on!

NUCA Submits Testimony on Water before Senate Panel

Last week, the Senate Environment and Public Works (EPW) Committee's Transportation Safety, Infrastructure Security, and Water Quality Subcommittee held a hearing on the nation's wastewater infrastructure needs. NUCA has been in close contact with key EPW staff and anticipates Senate legislation that would take great steps toward addressing America's overwhelming wastewater infrastructure needs in the near future. NUCA and fellow members of the Clean Water Council (CWC) have again been asked to take a lead role in advocating the bill through the Senate once it is introduced. While witnesses at the hearing were limited to federal, state, and local water officials, the CWC issued a press release at the hearing and testimony provided by NUCA was submitted for the record. The testimony referred to the CWC's dedication to this issue, and stated: "NUCA and the CWC have taken the lead for years in legislative efforts to reauthorize EPA's Clean Water State Revolving Fund (SRF) program. We are pleased that the 110th Congress is again attempting to pass SRF reauthorization legislation to begin to address the overwhelming wastewater infrastructure needs in America, and we look forward to doing our part to make that happen."

Terrorism Insurance Bill Passes House

The House recently passed legislation that would extend the Terrorism Risk Insurance Act (TRIA) for the next 15 years. TRIA was originally signed into law in 2002 in the wake of the September 11, 2001 terrorist attacks to provide a federal backstop for insurance claims related to acts of terrorism. The Act was intended as a temporary measure to allow time for the insurance industry to develop their own solutions to insure against future terrorist acts, but the insurance and reinsurance industry claim the backstop is and will continue to be necessary for the next several years. Opponents, including the White House, say TRIA only interferes with the private insurance market and exposes taxpayers to potentially huge losses in the event of a future attack. The House passed the bill by an overwhelming 312-110, thereby providing a veto-proof victory.

Legislation to Address Independent Contractor Classification

Legislation was recently introduced to crack down on employers who wrongly classify their workers as independent contractors to avoid paying payroll taxes and providing benefits to those working for them. The Independent Contractor Proper Classification Act of 2007 (S 2044) is intended to provide the government with more tools to collect the taxes that are owed by employers and enhance enforcement action on employers who improperly label workers as independent contractors. NUCA is concerned that the bill would remove a safe harbor provision in Section 530 of the Revenue Act of 1978, which prohibits the Internal Revenue Service from collecting employment taxes on employers who "reasonably" mis-classify their workers. Sens. Barack Obama (D-Ill.) and Richard Durbin (D-Ill.), the co-authors of the bill, have said that the status quo puts employers who play by the rules at a disadvantage when the bad actors are saving money by not paying their fair share of taxes and cheating certain workers out of employment benefits. NUCA is evaluating whether or not the legislation would indeed crack down on bad actors or only stifle entrepreneurship by making it harder for independent contractors to grow their small businesses.

NUCA Participates in FBETC Death Tax Summit

On September 19, NUCA participated in the Family Business Estate Tax Coalition's (FBETC) annual "Estate Tax Summit." Although last year's elections significantly reduced the chances of repeal or even substantial reform of the federal estate tax ("death tax"), organizations with an interest in family-owned businesses continue to push for permanent repeal or reform of the tax. The Summit featured presentations by Sen. Jon Kyl (R- Ariz.), a longtime champion of death tax repeal, and Sen. Blanch Lincoln (D-Ark.). Following statements by the senators and representatives of family-owned businesses, FBETC members visited several Senate offices to encourage passage of legislation that would permanently repeal or substantially reform the death tax. At the very least, the Summit provided business owners with an opportunity to educate Congress about what the elimination or significant reduction of this tax would mean to their ability to grow their businesses, create jobs, invest in capital equipment and give back to their local communities.

Report provided by NUCA Washington Report, written by Eben Wyman, NUCA Vice President of Government Relations, and Ben Gann, NUCA Government Relations Coordinator.

Mark your calendars now for the 2008 NUCA Washington Summit, which will be held May 21-23, 2008 at the JW Marriott Hotel in Washington D.C.

September Committees

NUCA of NM

September 2007 Committee Summary

Planning:

- | October 18, 2007 - Discussed format for upcoming Membership Meeting that will be a presentation of the Chapter and NUCA. Heather Caldwell is confirmed to attend, and James King, President of NUCA, may be attending also. The goal of the meeting is to educate current members and potential new members about the benefits of membership and what the Committees and National are doing. Members are encouraged to bring potential new members to the meeting. The NUCA of NM Booth will be set up and information on Membership available.
- | The Marriott Pyramid has been booked for December 7th for a membership meeting dinner. The outgoing Board members will be recognized and the incoming board members will be introduced; there will also be a few awards.

Last Ditch Open

- | Committee reviewed checklist to keep on track.
- | Discussed and determined volunteer needs for day of tournament.
- | Would like 6 more teams to sign up and max out at 128 players
- | There was an outline of duties for MC of the event.
- | The Shot-gun start has been pushed back to 1pm.
- | All signs/awards/tickets etc have been ordered or printed.

Education:

- | The Committee discussed goals and plans for the upcoming year. They will concentrate on recruiting members for the committee, partnering with schools for educational programs, and educational seminars for members.
- | Committee discussed Education programs for members: Lube Truck/Fuel Truck training, technology classes, organization and crises management classes, communication etc.

Membership:

- | Discussed details of October 18 Membership meeting. One person from each committee will be able to present the highlights of the committee work. Kari Biernacki will give a State of the Association Address and touch on some plans for 2008

Safety:

- | The Safety Meeting in Las Cruces has been pushed back to November 16th. Howard Gentry, NMOSHB will secure the location and confirm with the committee. The list will be re-sent to Committee members after reviewing with Steve Moore, so that the committee can call companies in Las Cruces. The content of the meeting will include training, education, and the OSHA alliance.
- | Bill Devinney reported on the Next Step Program in Hobbs on August 24, 2007. He said that it went well but wants to increase contractor participation for future training.
- | L.D. Alexander will be compiling a PowerPoint presentation for NUCA about the recent court case that RMCI went through. It was a very educational experience in regards to liability and workplace safety. L.D. emphasized that documentation was the key to winning the case and that every safety aspect of the company and employees should be documented. When performing an inspection, companies should indicate on the paper work all of the correct aspects of the job site and not just areas of concern. Keep in mind that the company Safety Program will not work for every job- site and that frequently the safety program should be adjusted for specific hazards on the job site itself.
- | NUCA has 60 people registered so far for the Safety Director's Forum in December.
- | Dino Franco reported on the Competent Person Training for ERS and TLC Plumbing and Utility. He will be focusing on being an Instructor and will be available for Association training.
- | The instructors for Next Step will work on refining the Next Step presentation. There should be something in the program on 811 and there have been some new changes to trenchless technology. Bill Devinney will contact the other instructors and set up a date to discuss changes.
- | The JLG safety alert was sent out to all NUCA of NM Members. Albert Valenzuela with PCL/Triad stated that when he checked the man-lifts on his jobsites, he found that the bolts were sheared and had to be repaired.

Get Involved --- [Click here for more Information](#)

Last Ditch Open



First Place: ERS Constructors
Lucas McCoy
Martin Miller
Chris Norton
Judd Segal

Thank you Last Ditch Open Sponsors:

Corporate Sponsors:
Highway Supply
AUI Inc.

Shirt Sponsor - **Tom Growney Equipment**

Post Tournament Reception: **RMCI Inc.**

On Course Beverage - **Golden Equipment**

Boxed Lunch - **Wagner Equipment**

Hat Sponsor - **ERS Constructors**

**Thank you for participating in the Last Ditch Open Golf
Tournament.**

1st Place: ERS Constructors - Lucas McCoy, Martin Miller, Chris Norton, Judd Segal

7th Place: Golden Equipment Co. - Mike Bahrmann, Brandon Banes, Tim Gallegos, Toby Fuentes

13th Place: RSC Equipment - Jason Lyons, Steve Wheastine, James Garcia, Fred Acosta

Last Place: Western Summit of NM -Tim Wright, Richard Aguirre

Men's Closest to the Pin:

Lakes # 4 -Tom Lakeman, New Concepts

Lakes # 6 - Ron Maldonado, HD Supply Waterworks

Women's Closest to the Pin:

Elenore Gay, CCM Inc.

Men's Longest Drive:

Lakes # 5 - Kenny Byrd

Women's Longest Drive:

Sherri King, AUI Inc.

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Thank you to the Planning Committee: **Jesse May, PCL of NM; Steve Clark, Highway Supply; Wendy DeGraaf, Albuquerque Asphalt, Inc.; Gary Greene, Tom Growney Equipment Inc.; Mike Rocco, AUI Inc.**

Thank you to: Wendy Degraaf, Steve Clark, Kari Biernacki, Dan Jernigan, and Mike Rocco for helping with set-up for the tournament.

Last, but certainly not least, Thank you to Kari Biernacki for pitching in all day, and performing the task of Master of Ceremonies!

[Click Here](#) To See Pictures from the Golf Tournament

If you would like print quality pictures, please contact Jane at 888-0752

[Click Here to See Pictures from the Tournament](#)

UTILITY CONSTRUCTION EXPO '08



UTILITY CONSTRUCTION EXPO '08
JANUARY 15-19, 2008
KAUAI, HAWAII

Utility construction professionals looking to escape the winter grind on the mainland next January will be heading for the sun and sand of the amazing Grand Hyatt Kauai Resort & Spa on the island of Kauai for Utility Construction EXPO '08.

Owned and operated by the National Utility Contractors Association, Utility Construction EXPO is where construction professionals convene each year for the industry's most valuable convention, and EXPO '08 promises to be no exception.

Aside from the beautiful surroundings, another draw of the 2008 event is the Executive Experience format, which is designed to facilitate the creation of real partnerships between utility contractors and the industry's manufacturers and suppliers. The EXPO '08 general education sessions, which everyone attends together, have been condensed to maximize the time spent outdoors and designed to address the needs of both groups. As always, the lineup of speakers is impressive: political pundit Norman Ornstein, best-selling author and television host Larry Winget, and Flagg of Our Fathers author James Bradley.

Opportunities for networking abound: the Aloha NUCA Welcome Reception, Trade Winds Route Auction, NUCA Build-Your-Own- Race Car 500, and President's Luau. For the athletically competitive, there are both golf and tennis tournaments, and for the romantically inclined, an optional sunset cruise along the famous southern shore of the Napali Coast.

****Early Bird deadline ends October 31, 2007****

[Click here for registration forms](#)



NUCA of NM

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