

<p>Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers (RESPECT) Act</p> <p>H.R. 1644</p> <p>S. 969</p>	<p>Andrews (D-1-NJ)</p> <p>Dodd (D-CT)</p>	<p>The RESPECT Act would amend the National Labor Relations Act to change the definition of “supervisor.” The changes would reverse the National Labor Relations Board’s long-term position employees who have hiring, firing, or discipline authority are ‘supervisors’ exempt from union organizing rights, even if if they do not spend a majority of time actually exercising such authority.</p>	<p>Introduced on 3/22/07 and referred to the House Committee on Education and Labor with 162 cosponsors.</p> <p>On 9/19/07 Committee passed and reported out the measure to the House.</p> <p>Introduced on 3/22/07 and referred to the Senate Committee on Health, Education, Labor and Pensions with 31 cosponsors.</p>	<p>NRMCA opposes any legislation that would unfairly and arbitrarily change the NLRA definition of “supervisor.”</p>
<p>Patriot Employers Act</p> <p>S. 1945</p>	<p>Durbin (D-IL)</p>	<p>The Patriot Employer Act would declare an employer a “Patriot” employer and give them “a 1% tax credit on all corporate profits” if that employer gives up its right to inform its employees of the disadvantages of unionizing and remain neutral during an organizing drive.</p>	<p>Introduced on 8/2/07 and referred to the Senate Committee on Finance with 3 cosponsors.</p>	<p>NRMCA opposes any legislation that would deny employers their right to educate employees about the negatives with unionizing or incentivizing an employer to maintain a neutral position on union organizing drives.</p>
<p>Eagle Employers Act</p> <p>H.R. 5907</p>	<p>Gerlach (D-6-PA)</p>	<p>The Eagle Employer Act would declare an employer a “Patriot” employer and give them a 1% tax credit on all corporate profits if that employer gives up its right to inform its employees of the disadvantages of unionizing.</p>	<p>Introduced on 4/24/08 and referred to the House Committee on Ways and Means with 5 cosponsors.</p>	<p>NRMCA opposes any legislation that would deny employers their right to educate employees about the negatives with unionizing or incentivizing an employer to maintain a neutral position on union organizing drives.</p>

<p>Secret Ballot Protection Act</p> <p>H.R. 866</p> <p>S. 1312</p>	<p>Norwood* (R-GA)</p> <p>*No longer in Congress</p> <p>DeMint (R-SC)</p>	<p>The Secret Ballot Protection Act would amend the National Labor Relations Act to make it an unfair labor practice for: (1) an employer to recognize or bargain collectively with a labor organization that has not been selected by a majority of the employees in a secret ballot election conducted by the National Labor Relations Board; and (2) a labor organization to cause or attempt to cause an employer to recognize or bargain collectively with a representative that has not been selected in such manner.</p>	<p>Introduced on 2/7/07 and referred to the House Committee on Education and Labor with 70 cosponsors.</p> <p>Referred on 5/18/07 to House Education and Labor Subcommittee on Health, Employment, Labor, and Pensions.</p> <p>Introduced on 5/7/07 with 27 cosponsors.</p> <p>Placed on Senate Legislative Calendar on 5/8/07.</p>	<p>NRMCA supports a worker's right to a federally supervised private ballot election when deciding whether or not to join a union. As well, an employer should only have to recognize a union as its employees' collective bargaining representative after a democratic private ballot election has been conducted by the NLRB.</p>
<p>Montgomery GI Bill Extension / Driver Training</p> <p>H.R. 1824</p> <p>S. 526</p>	<p>Michaud (D-2-ME)</p> <p>Pryor (D-AR)</p>	<p>These pieces of legislation would extend accelerated educational assistance payments under the Montgomery GI Bill to veterans seeking to obtain a commercial driver's license and operate a commercial motor vehicle. This legislation would help to alleviate the severe driver shortage currently being experienced by the ready mixed concrete industry.</p>	<p>4 cosponsors, referred to the House Veterans' Affairs Subcommittee on Economic Opportunity. Hearing held on 5/03/07.</p> <p>2 cosponsors, referred to the Senate Committee on Veterans' Affairs 2/8/07.</p>	<p>NRMCA has driven the effort to move this initiative. NRMCA anticipates that a broad based accelerated benefits package including funding for driver training will be passed by Congress in 2007.</p>

<p>Clean Water Restoration Act</p> <p>H.R. 2421</p> <p>S. 1870</p>	<p>Oberstar (D-8-MN)</p> <p>Feingold (D-WI)</p>	<p>The <i>Clean Water Restoration Act</i> would grant the Environmental Protection Agency (EPA) and the Corps of Engineers (Corps) unlimited regulatory control over all “intrastate waters” – essentially all wet areas within a state including groundwater, ditches, pipes, streets, and gutters. Wash-out ponds, settlement basins and water reclaiming facilities located at ready mixed concrete plants could potentially be subject to federal regulation.</p>	<p>176 cosponsors, referred to the House Transportation and Infrastructure Committee, Subcommittee on Water Resources and Environment. Hearings held at full committee on 7/17/07, 7/19/07 and 4/16/08.</p> <p>Referred to the Senate Committee on Environment and Public Works on 7/25/07 with 21 cosponsors.</p> <p>Hearing held on 4/9/08.</p>	<p>Proponents assert that H.R. 2421/S. 1870 “restores” the original intent of the CWA and “clarifies” CWA jurisdiction, however, this legislation does neither. NRMCA opposes this legislation because it would:</p> <ul style="list-style-type: none"> • Grant the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), for the first time, jurisdiction over all “intrastate waters” – essentially all wet areas within a state, including groundwater, ditches, pipes, streets, municipal storm drains, gutters, and potentially all wash out facilities at ready mixed concrete plants. • Grant EPA and the Corps authority over all “activities affecting these waters” (private or public), regardless of whether the activity is occurring in water or whether the activity actually adds a pollutant to the water. • Change the original underpinning of Congress in enacting the CWA from the Commerce Clause to the full “legislative power of Congress under the Constitution.”
<p>Clean Water State Revolving Fund</p> <p>H.R. 720</p>	<p>Oberstar (D-8-MN)</p>	<p>H.R. 720, the Water Quality Financing Act of 2007, would provide \$14 billion for the SRF during fiscal years 2008-2011.</p>	<p>On 3/09/07, H.R. 720 passed the House (303-108). Roll no. 135</p> <p>On 3/12/07 H.R. 720 was reported to the Senate Committee on Environment and Public Works.</p>	<p>NRMCA believes the federal government should share in maintaining and improving the nation’s water infrastructure. NRMCA wants to position the ready mixed concrete to help address the nation’s staggering wastewater infrastructure needs.</p>

<p>Water Resources Development Act (WRDA)</p> <p>H.R. 1495</p>	<p>Oberstar (D-8-MN)</p>	<p>H.R. 1495, the Water Resources Development Act of 2007, authorizes \$23 billion to provide for the conservation and development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.</p>	<p>On 11/6/07 the House voted to override the President's veto of H.R. 1495, (361-54). Roll no. 1040</p> <p>On 11/8/07 the Senate voted to override the President's veto of H.R. 1495, (79-14). Record Vote 406</p> <p>The bill became law immediately after the veto override. Public Law no. 110-114</p>	<p>WRDA authorizes \$11 billion over the next four years, and \$12 billion in the 10 years following. The \$23 billion funds more than 900 navigation, flood control, water supply, and environmental restoration projects to be overseen by the U.S. Army Corps of Engineers.</p> <p>NRMCA regards the Water Resources Development Act as an essential measure to the long-term viability and productivity of our nation's waterways. This bill authorizes rehabilitation projects on the Upper Mississippi River and Illinois Waterway, a provision the cement industry has long supported.</p>
<p>OSHA Reporting</p> <p>H.R. 141</p>	<p>Green (D-29-TX)</p>	<p>H.R. 141 directs the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act.</p>	<p>Introduced on 1/04/07 with 1 cosponsor and referred to the House Committee on Education and Labor. Referred to the Subcommittee on Workforce Protections on 5/9/07.</p>	<p>Current OSHA policy states in CPL 02-00-135 that the OSHA 300 log must include injuries and illnesses to employees on the employer's payroll as well as injuries and illnesses of other employees the employer supervises on a day-to-day basis, such as temporary workers or contractor employees who are subject to daily supervision by the employer. H.R. 141 contradicts and confuses the issue of multi-employer and controlling employer definitions that are already in policy and practice.</p>

Drivers' Hours-of-Service (HOS)	DOT/ FMCSA	The Drivers' Hours-of-Service (HOS) rule regulated by the Federal Motor Carrier Safety Administration (FMCSA) is a top NRMCA priority.	On 7/24/07 the United States Court of Appeals for the District of Columbia Circuit vacated the 11-hour daily maximum driving time and the 34-hour restart provisions of the federal HOS regulations. On December 12/11/07 the FMCSA issued an interim final rule (IFR) retaining the two vacated provisions. This action was taken after new data showed that the vacated provisions have actually helped to improve highway safety. The deadline for filing comments on the IFR was 3/17/08. The federal drivers' HOS regulations remain unchanged. FMCSA has said they plan on issuing a final rule at the end of 2008.	NRMCA submitted responsive comments on the IFR, on 3/17/08, expressing support for the retention of the two provisions. NRMCA continues to closely monitor this situation. The HOS provisions pertinent to NRMCA; the construction materials 24-hour clock restart, tolerance guidelines, 16-hour short-haul exemption, and the logbook exemption are not effected by the court's ruling.
Logbook Exemption	N/A	Language crafted to increase the arbitrary 12-hour on-duty logging exemption threshold contained in 49 CFR 395.1 (e)(1)(ii) and (e)(1)(iii)(A) to 14 hours, consistent with the maximum on-duty period contained in the federal hours of service regulations. This proposal would effectively exempt ready mixed concrete delivery professionals from logbook requirements on 90% of all trips.	NRMCA currently has an exemption request pending before FMCSA for gulf coast operations and is seeking legislative vehicles for the proposal. On 2/28/08 NRMCA President, Robert Garbini, testified at a hearing on " <i>Improving the Paperwork Reduction Act for Small Businesses</i> " before the House Committee on Small Business His testimony focused on the 100 air-mile exemption from the driver's driving log requirement contained in the FMCSA's HOS regulations. On 4/17/08 NRMCA submitted comments on a Federal Register notice stating that concrete mixer truck drivers are forced to retroactively fill out burdensome daily logs when they reach the 12-hour return limit contained in the 100 air-mile log exemption. NRMCA suggested raising the 12-hour threshold to 14 hours, which would allow concrete mixer truck drivers to take full advantage of the 100 air-mile radius log exemption for the entire 14 hours of on-duty time.	NRMCA is drafting language to file for a formal petition for rulemaking under 49 C.F.R. 389.31 seeking an exemption for ready mixed concrete operations.

<p>S-Miner Act</p> <p>H.R. 2768</p> <p>S. 1655</p>	<p>Miller (D-7-CA)</p> <p>Kennedy (D-MA)</p>	<p>This legislation will prematurely place new and different regulations upon a highly regulated industry that is still working to implement the MINER Act of 2006. This would only cause confusion for the industry and for regulators and threatens continued progress for ready mixed concrete companies with aggregate mining operations. Takes a one-size fits all approach that fails to recognize that aggregate mines are unique. If enacted, many mines may be forced to install inappropriate or unnecessary technology.</p>	<p>Introduced on 06/19/07 and referred to the House Committee on Education and Labor. There are 24 cosponsors.</p> <p>On 11/15/07 House Committee on Education and Labor approved and reported out H.R. 2768 to the House.</p> <p>On 1/16/08 the House voted 214-199, to pass the S-Miner Act. Roll no. 10 H.R. 2768 was reported to the Senate Committee on Health, Education, Labor and Pensions on 1/22/08.</p> <p>Introduced on 6/19/07 and referred to the Senate Committee on Health, Education, Labor and Pensions. There are 4 cosponsors.</p>	<p>S-MINER is a troublesome piece of legislation for a number of reasons not limited to the increased penalties. The legislation circumvents notice and comment that is typical with this type of enforcement proposal. There are also parts which potentially affect an individual's right to counsel in an enforcement action.</p> <p>In addition, S-MINER requires MSHA to adopt the OSHA asbestos standard, and directs the Secretary of Labor to adopt the more detailed hazard communication standard promulgated in 2000. The current administration changed the standard in 2002, which is viewed as less burdensome than the 2000 version. Moreover, it would adopt the lower National Institute for Occupational Safety and Health (NIOSH) Recommended Exposure Limit for hexavalent chromium as the Permissible Exposure Limit for workers in cement plants.</p>
<p>Equitable Enforcement</p>	<p>N/A</p>	<p>NRMCA is leading an effort to level the regulatory enforcement playing field.</p>	<p>Large NRMCA member companies and member companies situated in certain regions of the United States have in the past been subjected to greater regulatory scrutiny than their peers. NRMCA believes that all laws should be applied and enforced equally.</p>	<p>NRMCA will pursue a legislative and/or regulatory plan to remedy this inequity.</p>

<p>National Flood Insurance Program (NFIP)</p> <p>H.R. 3121</p>	<p>Waters (D-35-CA)</p>	<p>The <i>Flood Insurance Reform and Modernization Act of 2007</i> would reform the NFIP. The NFIP prohibits the Federal Government from providing flood insurance unless an enrolled community adopts and enforces floodplain management regulations. The Federal floodplain management criteria make communities responsible for reviewing proposed development in flood hazard areas to ensure that structures have the integrity to withstand hydrodynamic forces and are constructed using methods and practices that minimize flood damages. NRMCA is attempting to strengthen the Federal floodplain management criteria.</p>	<p>On 09/27/07, the House voted 263-146, to pass flood insurance reform legislation that included an NRMCA provision directing the FEMA to study whether building codes can be integrated into the NFIP's floodplain management criteria. Roll no. 921</p> <p>The House also approved Financial Services Committee Chair Barney Frank's (D-Mass.) manager's amendment, which contains a similar provision requiring structures eligible for new wind coverage to meet International Code Council (ICC) wind rating requirements.</p> <p>On 7/10/08 the House requested a conference on the bill. 9 House conferees appointed.</p>	<p>Building codes are proven to have greatest impact on the quality of construction and how structures will withstand the forces of nature. NRMCA has been working with Senate and House committee staff to integrate the ICC building codes into the National Flood Insurance Program floodplain management criteria. This change would encourage all 50 states to adopt a uniform building code based on ICC standards.</p> <p>These provisions directly reflect NRMCA's federal building codes lobbying efforts.</p>
<p>S. 2284</p>	<p>Dodd (D-Conn.)</p>	<p>S. 2284 also titled the <i>Flood Insurance Reform and Modernization Act of 2007</i> would similarly reform the NFIP but without building codes language.</p>	<p>On 10/17/07 the Senate Committee on Banking, Housing, and Urban Affairs approved S. 2284 and reported it out to the Senate.</p> <p>On 5/13/08 the Senate passed H.R. 3121 in lieu of S. 2284 (92-6). Record Vote 125</p>	
<p>Homeowners' Defense Act</p> <p>H.R. 3355</p>	<p>Klein (R-22-FL)</p>	<p>This legislation incorporates the International Code Council (ICC) building codes as criteria for a qualified reinsurance program, when federal support is provided for state-sponsored insurance programs relating to natural catastrophes.</p>	<p>On 11/8/07 H.R. 3355 passed the House (258-155) Roll no. 1074</p> <p>On 11/13/07 and referred to the Senate Committee on Banking, Housing, and Urban Affairs. There are 41 cosponsors.</p>	<p>NRMCA supports incorporating the ICC building codes as criteria for a qualified reinsurance program. Building codes are proven to have the greatest impact on the quality of construction and how structures will withstand the forces of nature.</p>

<p>Community Building Code Administration Grant Act</p> <p>H.R. 4461</p> <p>S. 2458</p>	<p>Moore (D-3-KS)</p> <p>Landrieu (D-LA)</p>	<p>The legislation requires the Secretary of Housing and Urban Development to award grants with federal matching funds, to qualified local building code enforcement departments to increase staffing, provide staff training, increase staff competence and professional qualifications, support individual certification or departmental accreditation, or for capital expenditures specifically dedicated to department administration and sets forth criteria for rating and ranking of grant proposals.</p> <p>S. 2458, also titled the Community Building Code Administration Grant Act, contains similar language to H.R. 4461.</p>	<p>Introduced on 12/12/07 and referred to the House Committee on Financial Services. There are 24 cosponsors.</p> <p>On 6/24/08 the House Committee on Financial Services passed H.R. 4461 and reported it out for House consideration.</p> <p>On 7/9/08 the House passed H.R. 4461 by voice vote.</p> <p>Received in the Senate on 7/10/08 and referred to the Senate Committee on Banking, Housing and Urban Affairs.</p> <p>Introduced on 12/12/07 and referred to the Senate Committee on Banking, Housing and Urban Affairs. There are 3 cosponsors.</p>	<p>NRMCA supports the Community Building Code Administration Grant Act and any legislation fostering the continued use and development of residential and commercial building codes.</p>
<p>Lieberman-Warner Climate Security Act</p> <p>S. 2191/S. 3036</p>	<p>Lieberman (I-CT) Warner (R-VA) Boxer (D-CA)</p>	<p>The Lieberman-Warner Climate Security Act, an industry wide cap-and-trade plan, aims to cut U.S. emissions by 66 percent below 2005 levels by 2050 and require covered facilities to cut their emissions by 71 percent below 2005 levels by 2050. The bill also includes tax credits to help consumers, industry and states transition to a carbon-free economy.</p>	<p>Introduced on 10/18/07 and referred to the Senate Committee on Environment and Public Works with 11 cosponsors.</p> <p>On 12/5/07 the Senate Committee on Environment and Public Works reported out the bill to the Senate.</p> <p>On 5/20.08 the bill was placed on the Senate Legislative Calendar.</p> <p>On 6/6/08 the Senate failed to invoke cloture on the bill, 48-36. Record Vote 145</p> <p>On 7/8/08 the bill was place back on the Senate Legislative Calendar.</p>	<p>NRMCA believes any climate change legislation should contain a provision to allow non-covered entities to accumulate offset allowances through many different types of measurable reduction, avoidance, or sequestration of greenhouse gases. It should also include a cost-containment provision to ensure materials and products such as cement and ready mixed concrete are not adversely affected by a rise in prices and costs due to unknown effects from such legislation.</p>

Truck Weights	N/A	<p>NRMCA is attempting to liberalize truck weight restrictions for specialized hauling vehicles through a special permit system or other structure that would allow these vehicles to operate in a safe and productive manner while also protecting the infrastructure.</p>	<p>House Transportation and Infrastructure Committee Chairman James Oberstar (D-8-MN) indicated that he would consider authorizing a pilot project that would test the effects that raising truck size and weight limits would have on the nation's highways. Oberstar said that there needs to be extensive discussions of the locations of where heavier trucks could be accommodated and where they would help relieve congestion. He said that any permanent plan to expand sizes and weights would likely require separate truck lanes built to higher standards and that there may be a separate fee system for use of the reinforced roadways.</p>	<p>Specialized hauling vehicles have a particularly difficult time meeting current weight restrictions, especially the bridge formula, due to their heavy tare (empty) weights and short wheel bases necessary to maneuver in tight spaces and on job sites.</p>
<p>Safe Highways and Infrastructure Preservation Act (SHIPA)</p> <p>H.R. 3929</p>	<p>McGovern (D-3-MA)</p>	<p>SHIPA aims to decrease the allowable length and weight limits for property-carrying vehicles traveling on federal-aid highways. SHIPA would extend federal truck weight limits and non-divisible load regulations from the Interstate System to the entire National Highway System (NHS). The NHS consists of approximately 150,000 miles of federal-aid highways and includes the Interstates. The legislation also would establish a <i>maximum</i> trailer length limit of 53 feet on the Interstates and other NHS highways, and freeze permissible “non-divisible” load weight variances.</p>	<p>Introduced on 10/23/07 and referred to the House Committee on Transportation and Infrastructure. There are 22 cosponsors.</p>	<p>NRMCA opposes SHIPA. This bill would further limit the number of roadways on which our trucks could legally operate, which would serve as a major impediment to efficient ready mixed concrete delivery operations throughout the nation and force our trucks onto secondary state or local roads which were not designed primarily for heavy truck use. This will deteriorate state and local road conditions more rapidly, and would not promote safe commercial motor vehicle operation or the safety of the traveling public. NRMCA supports keeping the authority to regulate non-interstate truck size and weight limits under the jurisdiction of the states.</p>

<p>Safe Truck Operations and Preservation Act (STOP)</p> <p>S. 3021</p>	<p>Lautenberg (D-NJ)</p>	<p>The STOP Act would lower the allowable length and weight limits for property-carrying vehicles traveling on federal-aid highways to 53 ft. and 80,000 pounds. The bill also freezes less stringent grandfathered rights that some states are allowed.</p>	<p>Introduced on 5/15/08 and referred to the Committee on Environment and Public Works. There are 2 cosponsors.</p>	<p>NRMCA opposes the STOP Act. This bill limits the number of roadways on which our trucks could legally operate, which would impede ready mixed concrete delivery operations and efficiency throughout the nation and force our trucks onto secondary state or local roads which were built using less robust standards. This will deteriorate state and local road conditions more rapidly, and would not promote safe commercial motor vehicle operation or the safety of the traveling public. NRMCA supports keeping the authority to regulate non-interstate truck size and weight limits under the jurisdiction of the states.</p>
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