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SENATE BILL 125

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO PUBLIC WORKS; AMENDING THE PUBLIC WORKS MINIMUM WAGE ACT TO INCREASE THE CONTRACT AMOUNT FROM TWENTY THOUSAND DOLLARS (\$20,000) TO TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-4-11 NMSA 1978 (being Laws 1965, Chapter 35, Section 1, as amended) is amended to read:

"13-4-11. MINIMUM WAGES ON PUBLIC WORKS--WEEKLY PAYMENT--POSTING WAGE SCALE--WITHHOLDING FUNDS. --Every contract or project in excess of [~~twenty thousand dollars (\$20,000)~~] two hundred fifty thousand dollars (\$250,000) to which the state or any political subdivision thereof is a party for construction, alteration, demolition or repair or any combination of these, including painting and decorating,

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1 of public buildings, public works or public roads of the state
2 and which requires or involves the employment of mechanics,
3 laborers or both shall contain a provision stating the minimum
4 wages to be paid to various classes of laborers and mechanics,
5 which shall be based upon the wages that will be determined by
6 the director of the labor and industrial division of the labor
7 department to be prevailing for the corresponding classes of
8 laborers and mechanics employed on contract work of a similar
9 nature in the state or locality, and every contract or project
10 shall contain a stipulation that the contractor,
11 subcontractor, employer or any person acting as a contractor
12 shall pay all mechanics and laborers employed on the site of
13 the project, unconditionally and not less often than once a
14 week and without subsequent unlawful deduction or rebate on
15 any account, the full amounts accrued at time of payment
16 computed at wage rates not less than those stated in the
17 minimum wage rates issued for the project.

18 A. For the purpose of making wage determinations,
19 the director of the labor and industrial division of the labor
20 department shall conduct a continuing program for the
21 obtaining and compiling of wage-rate information and shall
22 encourage the voluntary submission of wage-rate data by
23 contractors, contractors' associations, labor organizations,
24 interested persons and public officers. Before making a
25 determination of wage rates for any project, ~~he~~ the director

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1 shall give due regard to the information thus obtained.
2 Whenever the director deems that the data at hand are
3 insufficient to make a wage determination, he may have a field
4 survey conducted for the purpose of obtaining sufficient
5 information upon which to make determination of wage rates.
6 Any interested person shall have the right to submit to the
7 director written data, views and arguments why the wage
8 determination should be changed.

9 B. The scale of wages to be paid shall be posted
10 by the contractor or person acting as a contractor in a
11 prominent and easily accessible place at the site of the work;
12 and it is further provided that there may be withheld from the
13 contractor, subcontractor, employer or any person acting as a
14 contractor so much of accrued payments as may be considered
15 necessary by the contracting officer to pay to laborers and
16 mechanics employed on the project the difference between the
17 rates of wages required by the director of the labor and
18 industrial division of the labor department to be paid to
19 laborers and mechanics on the work and the rates of wages
20 received by such laborers and mechanics and not refunded to
21 the contractor, subcontractor, employer or any person acting
22 as a contractor or their agents.

23 C. The director of the labor and industrial
24 division of the labor department shall have authority to issue
25 rules [and regulations] necessary to administer and accomplish

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the purposes of the Public Works Minimum Wage Act. "