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HOUSE BILL 52

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO WAGES; REMOVING PUBLIC SCHOOL CONSTRUCTION  
PROJECTS FROM MINIMUM WAGE REQUIREMENTS.

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) to which the state or any political subdivision  
thereof, except a public school district, is a party for  
construction, alteration, demolition or repair or any  
combination of these, including painting and decorating, of  
public buildings, public works or public roads of the state  
and which requires or involves the employment of mechanics,

. 139437. 2GJ

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

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

25 Whenever the director deems that the data at hand are

