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SENATE BILL 230

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

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,
of public buildings, public works or public roads of the

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

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

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1 field survey conducted for the purpose of obtaining
2 sufficient information upon which to make determination of
3 wage rates. Any interested person shall have the right to
4 submit to the director written data, views and arguments why
5 the wage determination should be changed.

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

20 C. The director of the labor and industrial
21 division of the labor department shall have authority to
22 issue rules and regulations necessary to administer and
23 accomplish the purposes of the Public Works Minimum Wage
24 Act."
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