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SENATE BILL 243

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

INTRODUCED BY

Shirley M Bailey

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,

. 140410. 1GJ

underscored material = new
[bracketed material] = delete

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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

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