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HOUSE BILL 471

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO PUBLIC WORKS; REQUIRING REGISTRATION OF CERTAIN CONTRACTORS AND SUBCONTRACTORS; IMPOSING A FEE; CREATING A FUND; PROVIDING FOR REMEDIES; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Public Works Minimum Wage Act is enacted to read:

"~~[NEW MATERIAL]~~ PUBLIC WORKS CONTRACTS-- REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS. --

A. A contractor shall not bid on a contract for a public works project that is subject to the Public Works Minimum Wage Act if the contractor is not registered with the labor and industrial division of the labor department. A contractor shall not list a subcontractor in the bid proposal for a contract for a public works project subject to the Public

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1 Works Minimum Wage Act or use a subcontractor in performance of
2 the contract unless the subcontractor is registered with the
3 division. All tiers of subcontractors shall be registered for
4 the purposes of this subsection.

5 B. The state or any political subdivision of the
6 state shall not accept a bid on a public works project subject
7 to the Public Works Minimum Wage Act from a contractor that
8 does not provide proof of registration with the division.

9 C. Contractors and subcontractors shall register
10 with the division on a form provided by the division and in
11 accordance with labor department rules. The division shall
12 charge an annual registration fee of two hundred dollars
13 (\$200). The division shall issue to the applicant a
14 certificate of registration within fifteen days after receiving
15 from the applicant the completed registration form and the
16 registration fee.

17 D. Registration fees collected by the division
18 shall be deposited in the labor enforcement fund.

19 E. For the purposes of this section, "contractor"
20 and "subcontractor" include any party acting in such capacity
21 regardless of professional licensure, including public
22 entities."

23 Section 2. A new section of the Public Works Minimum Wage
24 Act is enacted to read:

25 "[NEW MATERIAL] LABOR ENFORCEMENT FUND-- CREATION-- USE. --

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1 The "labor enforcement fund" is created in the state treasury.
2 The fund shall consist of contractor and subcontractor
3 registration fees collected by the labor and industrial
4 division of the labor department and all investment and
5 interest income from the fund. The fund shall be administered
6 by the division and money in the fund is appropriated to the
7 division for administration and enforcement of the Public Works
8 Minimum Wage Act. Money in the fund shall not revert to the
9 general fund at the end of a fiscal year. "

10 Section 3. A new section of the Public Works Minimum Wage
11 Act is enacted to read:

12 "[NEW MATERIAL] REGISTRATION CANCELLATION, REVOCATION,
13 SUSPENSION--INJUNCTIVE RELIEF.--The director of the labor and
14 industrial division of the labor department may:

15 A. cancel, revoke or suspend with conditions the
16 registration of any party required to be registered pursuant to
17 the Public Works Minimum Wage Act for failure to comply with
18 the registration provisions or for good cause; and

19 B. seek injunctive relief in district court for
20 failure to comply with the registration provisions of the
21 Public Works Minimum Wage Act. "