

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:

"PUBLIC WORKS CONTRACTS--REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS.--

A. Except as otherwise provided in this subsection, a contractor or subcontractor that submits a bid valued at more than fifty thousand dollars (\$50,000) for a public works project that is subject to the Public Works Minimum Wage Act shall be registered with the labor and industrial division of the labor department. All tiers of subcontractors shall be subject to the requirements of this subsection. Bidding documents issued or released by a state agency shall include notification that the contractor or subcontractor is required to register pursuant to this subsection. The provisions of this section do not apply to vocational classes in public schools or public post-secondary educational institutions.

B. The state or any political subdivision of the state shall not accept a bid on a public works project subject

to the Public Works Minimum Wage Act from a contractor that does not provide proof of required registration for itself or its subcontractors.

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

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

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

"LABOR ENFORCEMENT FUND--CREATION--USE.--The "labor enforcement fund" is created in the state treasury. The fund shall consist of contractor and subcontractor registration fees collected by the labor and industrial division of the labor department and all investment and interest income from the fund. The fund shall be administered by the division and money in the fund is appropriated to the division for administration and enforcement of the Public Works Minimum Wage Act. Money in the fund shall not revert to the general fund at the end of a fiscal year."

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

"REGISTRATION CANCELLATION, REVOCATION, SUSPENSION--  
INJUNCTIVE RELIEF.--The director of the labor and industrial  
division of the labor department may:

A. cancel, revoke or suspend with conditions,  
including probation, the registration of any party required to  
be registered pursuant to the Public Works Minimum Wage Act  
for failure to comply with the registration provisions or for  
good cause, subject to appeal pursuant to Section 13-4-15 NMSA  
1978; and

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

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