

March 11, 2013

SENATE EXECUTIVE MESSAGE NO. 17

The Honorable Mary Kay Papen, President Pro Tempore
And Members of the New Mexico State Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Papen and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return SENATE BILL 395, as amended, which was enacted during the Fifty-First Legislature, First Session, 2013.

Senate Bill 395 appears to be nothing more than an effort to pander to a special interest group. Current law already protects those bringing complaints or providing information regarding prevailing wage violations. Their identities are not disclosed except when such disclosure is necessary to the prosecution of a violation.

The bill's overly broad mandate to protect the identity of prevailing wage complainants ignores the realities of prevailing wage investigation and prosecution. Nearly all investigations of violations arise because of allegations that workers have been misclassified – i.e., workers performing highly rated work are being classified as laborers and paid laborer rates. Many investigations of misclassification cannot be fairly and efficiently conducted if the identity of the complaining worker is withheld.

Let me be clear, there should be no tolerance for businesses retaliating against their employees who seek redress for Public Works Minimum Wage Act violations. However, existing law and practice already strike a careful and well-considered balance between protecting confidential information and facilitating enforcement of the Public Works Minimum Wage Act.

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Respectfully yours,

Susana Martinez

Governor

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Time: _____ a.m. p.m.

Date: _____ 2013

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2013

By _____
Chief Clerk of the Senate