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SENATE BILL 255

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 13-4-11 NMSA 1978  
(BEING LAWS 1965, CHAPTER 35, SECTION 1, AS AMENDED) TO LIMIT  
THE PUBLIC WORKS CONTRACTS OR PROJECTS SUBJECT TO CERTAIN 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)~~] two hundred thousand dollars (\$200,000) to which  
the state or any political subdivision [ ~~thereof~~] of the state  
is a party for construction, alteration, demolition or repair  
or any combination of these, including painting and

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

19 A. For the purpose of making wage determinations,  
20 the director of the labor and industrial division [~~of the~~  
21 ~~labor department~~] shall conduct a continuing program for the  
22 obtaining and compiling of wage-rate information and shall  
23 encourage the voluntary submission of wage-rate data by  
24 contractors, contractors' associations, labor organizations,  
25 interested persons and public officers. Before making a

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1 determination of wage rates for [~~any~~] a project, [~~he~~] the  
2 director shall give due regard to the information thus  
3 obtained. Whenever the director deems that the data at hand  
4 are insufficient to make a wage determination, he may have a  
5 field survey conducted for the purpose of obtaining sufficient  
6 information upon which to make determination of wage rates.  
7 [~~Any~~] An interested person shall have the right to submit to  
8 the director written data, views and arguments why the wage  
9 determination should be changed.

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

24 C. The director of the labor and industrial  
25 division [~~of the labor department shall have authority to~~] may

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issue rules [~~and regulations~~] necessary to administer and  
accomplish the purposes of the Public Works Minimum Wage Act. "

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 5, 1999  
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8 Mr. Speaker:  
9

10 Your ENERGY AND NATURAL RESOURCES COMMITTEE, to  
11 whom has been referred  
12

13 SENATE BILL 225, as amended  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS.

17 Respectfully submitted,  
18

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20  
21 \_\_\_\_\_  
22 James Roger Madalena, Chair man  
23  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Picraux, Stewart

Absent: None

J: \99BillSWP\S0255

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