

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

underscored material = new
[bracketed material] = delete

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

underscored material = new
[bracketed material] = delete

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

3 - 4 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25