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SENATE BILL 678

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

L. SKIP VERNON

AN ACT

RELATING TO PUBLIC WORKS; AMENDING SECTION 13-4-11 NMSA 1978
(BEING LAWS 1965, CHAPTER 35, SECTION 1, AS AMENDED).

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)~~] one
hundred thousand dollars (\$100,000) to which the state or any
political subdivision thereof is a party for construction,
alteration, demolition or repair or any combination of these,
including painting and decorating, of public buildings, public
works or public roads of the state and which requires or
involves the employment of mechanics, laborers or both shall

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

15 A. For the purpose of making wage determinations,
16 the director of the labor and industrial division of the labor
17 department shall conduct a continuing program for the obtaining
18 and compiling of wage-rate information and shall encourage the
19 voluntary submission of wage-rate data by contractors,
20 contractors' associations, labor organizations, interested
21 persons and public officers. Before making a determination of
22 wage rates for any project, [he] the director shall give due
23 regard to the information thus obtained. Whenever the director
24 deems that the data at hand are insufficient to make a wage
25 determination, he may have a field survey conducted for the

Underscored material = new
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1 purpose of obtaining sufficient information upon which to make
2 determination of wage rates. Any interested person shall have
3 the right to submit to the director written data, views and
4 arguments why the wage determination should be changed.

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

18 C. The director of the labor and industrial division
19 of the labor department shall have authority to issue rules and
20 regulations necessary to administer and accomplish the purposes
21 of the Public Works Minimum Wage Act. "

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March 6, 1997

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8 Mr. President:

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10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 674

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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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18 Respectfully submitted,

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22 _____
23 Ben D. Altamirano, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Carraro, Eisenstadt, Lyons, McKibben

Absent: None

S0674FC1

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