

HOUSE BILL 249

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO PUBLIC WORKS; AMENDING THE PUBLIC WORKS MINIMUM  
WAGE ACT TO INCREASE THE CONTRACT SIZE FROM TWENTY THOUSAND  
DOLLARS (\$20,000) TO TWO HUNDRED FIFTY THOUSAND DOLLARS  
(\$250,000).

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 fifty thousand dollars (\$250,000) 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

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

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

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

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

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