

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 14, 2015
Bill No: HB 80-305

Sponsor: Representative Rehm
Short Public Works Project Wages
Title: Through Survey

Agency Code: Attorney General's Office
Person Writing Jennifer Salazar
Phone: 827-6990 **Email** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HB 55 Public Works Project Wage Calculations
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: HB 80 would amend Section 13-4-11 of the Public Works Minimum Wage Act, NMSA 1978, §§ 13-4-10 to -17 (2009). Specifically, the amendment would change the method by which the Labor Relations Director of the Workforce Solutions Department determines the prevailing wage and fringe benefits rates for laborers and mechanics working on public works projects. Instead of determining wage and fringe benefits rates by referring to collective bargaining agreements governing similar laborers, the proposed amendment would require the Director to conduct a continuous program designed to obtain, compile, and ultimately determine, wage and fringe benefit rates.

In addition, the proposed amendment would also give interested persons the right to submit written data, views and arguments to the Director explaining why the wage rate and fringe benefit rate determination should be changed.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

For public works projects that receive both federal and state funding, there could be a potential conflict between the prevailing wage set by the state’s Director of Labor Relations and the “prevailing wage” set by the U.S. Secretary of Labor pursuant to the Secretary’s authority under the Davis-Beacon Act. See 19 U.S.C. § 3142(b).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 55 “Public Works Wage Calculations”

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

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ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A