

Veto

HOUSE BILL 333

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

Seppia

AN ACT

RELATING TO PUBLIC WORKS; PROVIDING FOR THE INCLUSION OF CERTAIN PROVISIONS IN CONTRACTS FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIR OR MAINTENANCE OF STATE HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. STATE HIGHWAY CONSTRUCTION CONTRACTS-- REQUIRED PROVISIONS FOR LIQUIDATED DAMAGES--AUTHORIZATION FOR BONUSES.--

A. All contracts entered into by the state highway and transportation department for the construction, reconstruction, repair or maintenance of a state highway shall contain:

- (1) a specific time for completion of the work to be performed pursuant to the contract; and
- (2) provisions imposing liquidated damages

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1 against the contractor for:

2 (a) failure to complete the work by the
3 time stated in the contract for completion; and

4 (b) suspension of the work by the
5 contractor for a period of more than two consecutive days.

6 B. A contract containing the provisions required
7 pursuant to this section may also contain provisions
8 authorizing a bonus for early completion of the work to be
9 performed under the contract.

10 C. For the purposes of this section a contractor
11 shall be deemed to have suspended work if he takes actions
12 resulting in a substantial reduction of work activities on the
13 job, including, but not limited to, a withdrawal of a
14 significant part of the contractor's or subcontractor's work
15 force or equipment from the job.

16 D. A contract containing the provisions required
17 pursuant to this section may also contain a customary force
18 majeure clause relieving the contractor from the imposition of
19 liquidated damages when delays are caused by circumstances
20 beyond the control of the contractor.

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underscored = add
[bracketed material] = delete

.102705.1

State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
FIRST SESSION, 1995

February 10, 1995

Mr. Speaker:


Your BUSINESS AND INDUSTRY COMMITTEE, to whom has been referred

HOUSE BILL 333

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 2, line 5, strike "two" and insert in lieu thereof "fourteen".
2. On page 2, lines 17 and 18, strike "customary force majeure".

Respectfully submitted,


Fred Luna, Chairman

Adopted 
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date 2/10/95

The roll call vote was 9 For 0 Against
Yes: 9
Excused: Alwin, Gurule
Absent: Varela

H0333BI1

State of New Mexico
Senate

FORTY-SECOND LEGISLATURE
FIRST SESSION, 1995


March 11, 1995

SENATE FLOOR AMENDMENT number 1 to HOUSE BILL 333, as amended
AMENDMENT sponsored by SENATOR Manny M. Aragon

1. Strike House Business and Industry Committee amendment 2.



Senator Manny M. Aragon

Adopted 

(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date 3/11/95

H0333FS1

State of New Mexico
Senate

FORTY-SECOND LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

March 16, 1995

Mr. President:

Your CONFERENCE COMMITTEE, to whom has been referred

HOUSE BILL 333, as amended

has had it under consideration and reports same with the following recommendations:

1. The following House Business and Industry amendments be APPROVED:


Nos. 1 and 2.

2. Senate Floor Amendment 1 be DISAPPROVED.

Respectfully submitted,


Tom Rutherford


Edward J. Lopez


L. Skip Vernon

Adopted


(Chief Clerk)

Not Adopted

(Chief Clerk)

Date

3/17/95