

1 AN ACT
2 RELATING TO PUBLIC WORKS; DEFINING "SITE OF THE PROJECT",
3 WHICH INCLUDES OFF-SITE FABRICATION.
4

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

6 SECTION 1. Section 13-4-10.1 NMSA 1978 (being
7 Laws 2009, Chapter 206, Section 2) is amended to read:

8 "13-4-10.1. DEFINITIONS.--As used in the Public Works
9 Minimum Wage Act:

10 A. "director" means the director of the division;

11 B. "division" means the labor relations division
12 of the workforce solutions department;

13 C. "fringe benefit" means payments made by a
14 contractor, subcontractor, employer or person acting as a
15 contractor, if the payment has been authorized through a
16 negotiated process or by a collective bargaining agreement,
17 for:

18 (1) holidays;

19 (2) time off for sickness or injury;

20 (3) time off for personal reasons or
21 vacation;

22 (4) bonuses;

23 (5) authorized expenses incurred during the
24 course of employment;

25 (6) health, life and accident or disability

1 insurance;

2 (7) profit-sharing plans;

3 (8) contributions made on behalf of an
4 employee to a retirement or other pension plan; and

5 (9) any other compensation paid to an
6 employee other than wages;

7 D. "labor organization" means an organization of
8 any kind, or an agency or employee representation committee
9 or plan, in which employees participate and that exists for
10 the purpose, in whole or in part, of dealing with employers
11 concerning grievances, labor disputes, wages, rates of pay,
12 hours of employment or conditions of work;

13 E. "site of the project" means the physical
14 location of a public works project as well as any off-site
15 fabrication locations that engage in the fabrication of
16 heating, cooling, ventilation or exhaust duct systems that
17 are part of the public works project; and

18 F. "wage" means the basic hourly rate of pay."

19 SECTION 2. APPLICABILITY.--The provisions of this act
20 apply to requests for proposals, invitations for bid or other
21 procurement for public works projects issued on or after
22 July 1, 2025. _____