

SENATE TAX, BUSINESS AND TRANSPORTATION  
COMMITTEE SUBSTITUTE FOR  
SENATE BILL 59

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

AN ACT

RELATING TO PUBLIC WORKS; DEFINING "SITE OF THE PROJECT", WHICH  
INCLUDES OFF-SITE FABRICATION.

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

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

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

- A. "director" means the director of the division;
- B. "division" means the labor relations division of  
the workforce solutions department;
- C. "fringe benefit" means payments made by a  
contractor, subcontractor, employer or person acting as a  
contractor, if the payment has been authorized through a  
negotiated process or by a collective bargaining agreement,

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1 for:

- 2 (1) holidays;
- 3 (2) time off for sickness or injury;
- 4 (3) time off for personal reasons or vacation;
- 5 (4) bonuses;
- 6 (5) authorized expenses incurred during the
- 7 course of employment;
- 8 (6) health, life and accident or disability
- 9 insurance;
- 10 (7) profit-sharing plans;
- 11 (8) contributions made on behalf of an
- 12 employee to a retirement or other pension plan; and
- 13 (9) any other compensation paid to an employee
- 14 other than wages;

15 D. "labor organization" means an organization of  
16 any kind, or an agency or employee representation committee or  
17 plan, in which employees participate and that exists for the  
18 purpose, in whole or in part, of dealing with employers  
19 concerning grievances, labor disputes, wages, rates of pay,  
20 hours of employment or conditions of work; [~~and~~]

21 E. "site of the project" means the physical  
22 location of a public works project as well as any off-site  
23 fabrication locations that engage in the fabrication of  
24 heating, cooling, ventilation or exhaust duct systems that are  
25 part of the public works project; and

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1                    ~~[E.]~~ F. "wage" means the basic hourly rate of pay."

2                    **SECTION 2. APPLICABILITY.**--The provisions of this act  
3 apply to requests for proposals, invitations for bid or other  
4 procurement for public works projects issued on or after July  
5 1, 2025.

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