

# **Minimum Wage Legislation Update**

1 SENATE BILL 416

2 51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

3 INTRODUCED BY

4 Richard C. Martinez

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10 AN ACT

11 RELATING TO LABOR; RAISING THE MINIMUM WAGE.

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

14 SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,  
15 Chapter 200, Section 3, as amended) is amended to read:

16 "50-4-22. MINIMUM WAGES.--

17 A. An employer shall pay an employee the minimum  
18 wage rate of [~~six dollars fifty cents (\$6.50) an hour. As of~~  
19 ~~January 1, 2009, an employer shall pay the minimum wage rate of~~  
20 ~~seven dollars fifty cents (\$7.50)] eight dollars fifty cents  
21 (\$8.50) an hour.~~

22 B. An employer furnishing food, utilities, supplies  
23 or housing to an employee who is engaged in agriculture may  
24 deduct the reasonable value of such furnished items from any  
25 wages due to the employee.

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1           C. An employee who customarily and regularly  
2 receives more than thirty dollars (\$30.00) a month in tips  
3 shall be paid a minimum hourly wage of two dollars thirteen  
4 cents (\$2.13). The employer may consider tips as part of  
5 wages, but the tips combined with the employer's cash wage  
6 shall not equal less than the minimum wage rate as provided in  
7 Subsection A of this section. All tips received by such  
8 employees shall be retained by the employee, except that  
9 nothing in this section shall prohibit the pooling of tips  
10 among employees.

11           D. An employee shall not be required to work more  
12 than forty hours in any week of seven days, unless the employee  
13 is paid one and one-half times the employee's regular hourly  
14 rate of pay for all hours worked in excess of forty hours. For  
15 an employee who is paid a fixed salary for fluctuating hours  
16 and who is employed by an employer a majority of whose business  
17 in New Mexico consists of providing investigative services to  
18 the federal government, the hourly rate may be calculated in  
19 accordance with the provisions of the federal Fair Labor  
20 Standards Act of 1938 and the regulations pursuant to that act;  
21 provided that in no case shall the hourly rate be less than the  
22 federal minimum wage."

23           SECTION 2. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is January 1, 2014.