

1 SENATE BILL 39

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - 2ND SPECIAL SESSION, 2000**

3 INTRODUCED BY

4 Phillip J. Maloof

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10 AN ACT

11 RELATING TO LABOR; INCREASING THE STATE 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. [~~Every employer, except as provided~~] Except as
18 otherwise provided in this subsection, in Subsections B and C
19 of this section and in Section 50-4-21 NMSA 1978, an employer
20 shall pay the minimum wage rate [of four dollars twenty-five
21 cents (\$4.25) an hour, excepting] equal to the federal
22 minimum wage rate pursuant to the Fair Labor Standards Act of
23 1938, as amended, except that an employer furnishing food,
24 utilities, supplies or housing to an employee who is engaged
25 in agriculture may deduct the reasonable value of such
furnished items from any wages due to the employee.

B. All employees [~~covered by Subsection A of this~~

.132907.6

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1 ~~section]~~ who customarily and regularly receive more than
2 thirty dollars (\$30.00) a month in tips shall be paid a
3 minimum ~~[hourly] wage [of two dollars twelve and one-half~~
4 ~~cents (\$2.125)]~~ equal to the federal minimum wage rate
5 required to be paid to those employees pursuant to the Fair
6 Labor Standards Act of 1938, as amended, except that the
7 employer may consider tips as part of wages ~~[but such a]~~.
8 The wage credit described shall not exceed fifty percent of
9 the minimum wage. All tips received by such employees shall
10 be retained by the employee, except that nothing in this
11 section ~~[shall prohibit]~~ prohibits the pooling of tips among
12 employees.

13 C. An employer who is required to pay a minimum
14 wage pursuant to Subsection A of this section may pay a
15 training wage for the first ninety days of employment to
16 employees under the age of twenty years. The training wage
17 shall be not less than eighty-five percent of the current
18 minimum wage provided in that subsection.

19 ~~[E-]~~ D. No employee covered by the provisions of
20 Subsection A of this section shall be required to work more
21 than forty hours in any week of seven days, unless he is paid
22 one and one-half times his regular hourly rate of pay for all
23 hours worked in excess of forty hours. For an employee who
24 is paid a fixed salary for fluctuating hours and who is
25 employed by an employer a majority of whose business in New
Mexico consists of providing investigative services to the
federal government, the hourly rate may be calculated in

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1 accordance with the provisions of the federal Fair Labor
2 Standards Act and the [~~regulations~~] rules pursuant to that
3 act; provided that in no case shall the hourly rate be less
4 than the federal minimum wage."

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