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HOUSE BILL 343

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Al Park

AN ACT

RELATING TO LABOR; RAISING THE STATE MINIMUM WAGE TO THE
FEDERAL MINIMUM WAGE; AMENDING A SECTION OF THE NMSA 1978.

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

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

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

A. Every employer, except as provided in Section
50-4-21 NMSA 1978, shall pay ~~[the minimum wage rate of four
dollars twenty-five cents (\$4.25) an hour, excepting]~~ an
employee a wage at the same rate as the current minimum wage
required by the federal Fair Labor Standards Act, except that
an employer furnishing food, utilities, supplies or housing to
an employee who is engaged in agriculture may deduct the
reasonable value of such furnished items from any wages due to

. 134194A. 1

underscored material = new
[bracketed material] = delete

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1 the employee.

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

13 C. No employee covered by the provisions of
14 Subsection A of this section shall be required to work more
15 than forty hours in any week of seven days, unless he is paid
16 one and one-half times his regular hourly rate of pay for all
17 hours worked in excess of forty hours. For an employee who is
18 paid a fixed salary for fluctuating hours and who is employed
19 by an employer a majority of whose business in New Mexico
20 consists of providing investigative services to the federal
21 government, the hourly rate may be calculated in accordance
22 with the provisions of the federal Fair Labor Standards Act
23 and the regulations pursuant to that act; provided that in no
24 case shall the hourly rate be less than the federal minimum
25 wage. "

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