

1 SENATE BILL 350

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO MINIMUM WAGES; AMENDING SECTIONS OF THE NMSA 1978
12 TO PROVIDE FOR A MINIMUM HOURLY WAGE RATE OF TEN DOLLARS TEN
13 CENTS (\$10.10) FOR STATE EMPLOYEES AND FOR EMPLOYEES OF STATE
14 CONTRACTORS OF CONTRACTS VALUED AT FIFTY THOUSAND DOLLARS
15 (\$50,000) OR MORE; PROVIDING FOR STATE MINIMUM WAGES TO
16 INCREASE ANNUALLY AT THE RATE OF INFLATION.

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

19 SECTION 1. Section 10-7-9 NMSA 1978 (being Laws 1974,
20 Chapter 10, Section 2) is amended to read:

21 "10-7-9. MINIMUM SALARY RATE.--Every state employee and
22 every person regularly employed at a state educational
23 institution named in Article 12, Section 11 of the constitution
24 of New Mexico [~~constitution~~], except student employees as
25 defined by the [~~board of educational finance~~] higher education

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1 department, shall receive a salary at a rate equal to at least
2 [~~four hundred dollars (\$400) per month~~] ten dollars ten cents
3 (\$10.10) per hour pursuant to Section 50-4-22 NMSA 1978."

4 SECTION 2. Section 50-4-22 NMSA 1978 (being Laws 1955,
5 Chapter 200, Section 3, as amended) is amended to read:

6 "50-4-22. MINIMUM WAGES.--

7 A. Except as provided in Subsections E through G of
8 this section, an employer shall pay an employee the minimum
9 wage rate of six dollars fifty cents (\$6.50) an hour. As of
10 January 1, 2009, an employer shall pay the minimum wage rate of
11 seven dollars fifty cents (\$7.50) an hour.

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

16 C. An employee who customarily and regularly
17 receives more than thirty dollars (\$30.00) a month in tips
18 shall be paid a minimum hourly wage of two dollars thirteen
19 cents (\$2.13). The employer may consider tips as part of
20 wages, but the tips combined with the employer's cash wage
21 shall not equal less than the minimum wage rate as provided in
22 Subsection A of this section. All tips received by such
23 employees shall be retained by the employee, except that
24 nothing in this section shall prohibit the pooling of tips
25 among employees.

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

13 E. The state shall pay each person employed by the
14 state no less than a minimum wage rate of ten dollars ten cents
15 (\$10.10) per hour.

16 F. Any contractor of a contract, which takes effect
17 on or after July 1, 2015, that is with a state agency and that
18 is valued at fifty thousand dollars (\$50,000) or more shall pay
19 each person employed under that contract no less than a minimum
20 wage rate of ten dollars ten cents (\$10.10) per hour.

21 G. Effective July 1, 2016, the state's minimum wage
22 rates in effect on January 1, 2016 shall be increased in an
23 amount equal to the total increase in the cost of living from
24 January 1, 2010 through February 28, 2016 and shall be adjusted
25 annually to account for increases in the cost of living. The

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1 increase in the cost of living shall be measured by the
2 percentage increase as of February of that year over the level
3 as of February of the previous year of the consumer price index
4 for all urban consumers, United States city average for all
5 items, or its successor index, as published by the United
6 States department of labor or its successor agency, with the
7 amount of the minimum wage increase rounded to the nearest
8 multiple of five cents (\$.05). The governor shall publish by
9 May 1 of each year the adjusted minimum wage that takes effect
10 on July 1. The minimum wage shall not be adjusted downward as
11 a result of a decrease in the cost of living."

12 SECTION 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2015.