

1 SENATE JOINT RESOLUTION 18

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 William P. Soules

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 20 OF THE CONSTITUTION OF NEW  
12 MEXICO TO ESTABLISH A STATE MINIMUM WAGE RATE THAT WILL  
13 INCREASE ANNUALLY AT THE RATE OF INFLATION BUT WILL NOT  
14 INCREASE MORE THAN FOUR PERCENT IN ANY ONE YEAR.

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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. It is proposed to amend Article 20 of the  
18 constitution of New Mexico by adding a new section to read:

19 "A. Effective July 1, 2017, the state minimum wage  
20 rate in effect on January 1, 2016 shall be increased in an  
21 amount equal to the increase in the cost of living from January  
22 1, 2009 through December 31, 2015 and shall be adjusted every  
23 January 1 thereafter by the increase in the cost of living as  
24 provided by this section. The increase in the cost of living  
25 shall be measured by the percentage increase in the consumer

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1 price index for all urban consumers, United States city average  
2 for all items, or its successor index, as published by the  
3 United States department of labor or its successor agency, for  
4 the twelve months ending each February. The increase in the  
5 minimum wage rate shall be rounded to the nearest multiple of  
6 five cents (\$.05). Beginning in 2017, the governor shall  
7 publish by September 1 of each year the adjusted minimum wage  
8 rate that takes effect on January 1 of the following year. The  
9 minimum wage rate shall not be adjusted downward as a result of  
10 a decrease in the cost of living and shall not be adjusted  
11 upward by more than four percent in any one year after July 1,  
12 2017 as a result of an increase in the cost of living.

13 B. An employer may pay an employee less than, but  
14 not less than fifty percent of, the minimum wage rate required  
15 by this section if the employer is able to demonstrate that the  
16 employee receives tips that, when combined with the wages paid  
17 by the employer, are equal to or greater than the minimum wage  
18 rate for all hours worked.

19 C. Nothing in this section shall prohibit a local  
20 government from imposing a minimum wage rate that exceeds the  
21 rate required by this section."

22 **SECTION 2.** The amendment proposed by this resolution  
23 shall be submitted to the people for their approval or  
24 rejection at the next general election or at any special  
25 election prior to that date that may be called for that

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