

1 SENATE BILL 386

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Clemente Sanchez

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10 AN ACT

11 RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROVIDING FOR A
12 TRAINEE EMPLOYEE MINIMUM WAGE.

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

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

17 "50-4-22. MINIMUM WAGES.--

18 A. Except as provided in Subsection B of this
19 section, an employer shall pay an employee [the] a minimum wage
20 rate of [~~six dollars fifty cents (\$6.50)~~] nine dollars (\$9.00)
21 an hour. [~~As of January 1, 2009, an employer shall pay the~~
22 ~~minimum wage rate of seven dollars fifty cents (\$7.50) an~~
23 ~~hour.~~]

24 B. An employer employing trainee employees shall
25 pay a trainee employee during the training period a training

.206594.3

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1 minimum wage rate of eight dollars (\$8.00) an hour. The
2 training period shall not exceed sixty days from the date of
3 hire. As used in this subsection, "trainee employee" means an
4 employee who is being trained to perform the job for which the
5 employee was hired.

6 [B-] C. An employer furnishing food, utilities,
7 supplies or housing to an employee who is engaged in
8 agriculture may deduct the reasonable value of such furnished
9 items from any wages due to the employee.

10 [G-] D. An employee who customarily and regularly
11 receives more than thirty dollars (\$30.00) a month in tips
12 shall be paid a minimum hourly wage of [~~two dollars thirteen~~
13 ~~cents (\$2.13)~~] two dollars sixty-three cents (\$2.63). The
14 employer may consider tips as part of wages, but the tips
15 combined with the employer's cash wage shall not equal less
16 than the minimum wage rate as provided in Subsection A of this
17 section. All tips received by such employees shall be retained
18 by the employee, except that nothing in this section shall
19 prohibit the pooling of tips among employees.

20 [D-] E. An employee shall not be required to work
21 more than forty hours in any week of seven days, unless the
22 employee is paid one and one-half times the employee's regular
23 hourly rate of pay for all hours worked in excess of forty
24 hours. For an employee who is paid a fixed salary for
25 fluctuating hours and who is employed by an employer a majority

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1 of whose business in New Mexico consists of providing
2 investigative services to the federal government, the hourly
3 rate may be calculated in accordance with the provisions of the
4 federal Fair Labor Standards Act of 1938 and the regulations
5 pursuant to that act; provided that in no case shall the hourly
6 rate be less than the federal minimum wage."

7 SECTION 2. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2017.

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