

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 319

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO MINIMUM WAGES; AMENDING A SECTION OF THE NMSA 1978 TO PROVIDE FOR A MINIMUM HOURLY WAGE RATE OF TEN DOLLARS TEN CENTS (\$10.10) FOR STATE EMPLOYEES AND FOR EMPLOYEES OF STATE CONTRACTORS OF CONTRACTS VALUED AT GREATER THAN SIXTY THOUSAND DOLLARS (\$60,000); PROVIDING FOR STATE MINIMUM WAGES TO INCREASE ANNUALLY AT THE RATE OF INFLATION.

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. Except as provided in Subsections E and F of this section, an employer shall pay an employee the minimum wage rate of six dollars fifty cents (\$6.50) an hour. As of January 1, 2009, an employer shall pay the minimum wage rate of .196787.2

underscored material = new
[bracketed material] = delete

1 seven dollars fifty cents (\$7.50) an hour.

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

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

16 D. An employee shall not be required to work more
17 than forty hours in any week of seven days, unless the employee
18 is paid one and one-half times the employee's regular hourly
19 rate of pay for all hours worked in excess of forty hours. For
20 an employee who is paid a fixed salary for fluctuating hours
21 and who is employed by an employer a majority of whose business
22 in New Mexico consists of providing investigative services to
23 the federal government, the hourly rate may be calculated in
24 accordance with the provisions of the federal Fair Labor
25 Standards Act of 1938 and the regulations pursuant to that act;

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1 provided that in no case shall the hourly rate be less than the
2 federal minimum wage.

3 E. The state shall pay each person employed by the
4 state no less than a minimum wage rate of ten dollars ten cents
5 (\$10.10) per hour and shall be adjusted annually to account for
6 increases in the cost of living as measured by the percentage
7 increase as of February of that year over the level as of
8 February of the previous year of the consumer price index for
9 all urban consumers as published by the United States
10 department of labor. The minimum wage shall not be adjusted
11 downward as a result of a decrease in the cost of living.

12 F. Any contractor of a contract, which takes effect
13 on or after July 1, 2014, that is with a state agency and that
14 is valued at greater than sixty thousand dollars (\$60,000)
15 shall pay each person employed under that contract no less than
16 a minimum wage rate of ten dollars ten cents (\$10.10) per hour
17 and shall be adjusted annually to account for increases in the
18 cost of living as measured by the percentage increase as of
19 February of that year over the level as of February of the
20 previous year of the consumer price index for all urban
21 consumers as published by the United States department of
22 labor. The minimum wage shall not be adjusted downward as a
23 result of a decrease in the cost of living."

24 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2014.

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