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HOUSE BILL 20

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

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE.

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. An employer shall pay an employee no less than 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 seven dollars fifty cents (\$7.50) an hour~~] ten dollars ten cents (\$10.10) per hour; however, if the consumer price index for the western region for urban wage earners and clerical workers, as published by the United States department of labor, increases from its measure on the prior January 1, then beginning on the next July 1, an employer shall pay an

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1 employee no less than the previous year's minimum wage rate  
2 adjusted upward by an amount in proportion to that increase.

3 B. Each January, the workforce solutions department  
4 shall:

5 (1) determine whether there has been an  
6 increase in the consumer price index identified in Subsection A  
7 of this section; and

8 (2) if there has been an increase:

9 (a) calculate the new minimum wage in  
10 accordance with Subsection A of this section; and

11 (b) notify every employer subject to the  
12 Minimum Wage Act of the minimum wage rate that will become  
13 effective on the next July 1.

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

18 ~~[G-]~~ D. An employee who customarily and regularly  
19 receives more than thirty dollars (\$30.00) a month in tips  
20 shall be paid a minimum hourly wage of two dollars thirteen  
21 cents (\$2.13). The employer may consider tips as part of  
22 wages, but the tips combined with the employer's cash wage  
23 shall not equal less than the minimum wage rate as provided in  
24 Subsection A of this section. All tips received by such  
25 employees shall be retained by the employee, except that

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nothing in this section shall prohibit the pooling of tips among employees.

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