

1 HOUSE BILL 360

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

3 INTRODUCED BY

4 Patricia Roybal Caballero

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10 AN ACT

11 RELATING TO LABOR; INCREASING THE MINIMUM WAGE; PROVIDING FOR  
12 AN ANNUAL COST-OF-LIVING INCREASE IN THE STATE MINIMUM WAGE  
13 RATE; ELIMINATING THE SEPARATE MINIMUM WAGE FOR EMPLOYEES  
14 REGULARLY RECEIVING TIPS.

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

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

19 "50-4-22. MINIMUM WAGES.--

20 A. Until January 1, 2016, an employer shall pay an  
21 employee the minimum wage rate of [~~six dollars fifty cents~~  
22 ~~(\$6.50) an hour. As of January 1, 2009, an employer shall pay~~  
23 ~~the minimum wage rate of]~~ seven dollars fifty cents (\$7.50) an  
24 hour. Beginning:

25 (1) January 1, 2016, an employer shall pay an

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1 employee the minimum wage rate of ten dollars (\$10.00) an hour;

2 (2) January 1, 2017, an employer shall pay an  
3 employee the minimum wage rate of twelve dollars fifty cents  
4 (\$12.50) an hour;

5 (3) January 1, 2018, an employer shall pay an  
6 employee the minimum wage rate of fifteen dollars (\$15.00) an  
7 hour; and

8 (4) January 1, 2019 and January 1 of each  
9 successive year, an employer shall pay an employee the prior  
10 year's minimum wage increased by a percentage equal to the  
11 percentage increase in the cost of living pursuant to  
12 Subsection B of this section with the amount of the minimum  
13 wage increase rounded to the nearest multiple of five cents  
14 (\$ .05).

15 B. The increase in the cost of living shall be  
16 measured by the percentage increase as of August of the  
17 immediately preceding year over the level as of August of the  
18 next previous year of the consumer price index for all urban  
19 consumers, United States city average for all items, or its  
20 successor index, as published by the United States department  
21 of labor or its successor agency. The workforce solutions  
22 department shall publish by November 1 of each year the  
23 adjusted minimum wage rates that shall take effect the  
24 following January 1. The minimum wage shall not be adjusted  
25 downward as a result of a decrease in the cost of living and

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1 shall not be adjusted upward by more than four percent in any  
2 one year as a result of an increase in the cost of living.

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

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

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

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1 Standards Act of 1938 and the regulations pursuant to that act;  
2 provided that in no case shall the hourly rate be less than the  
3 federal minimum wage."

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