

HOUSE BILL 154

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

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO MINIMUM WAGE; INCREASING THE MINIMUM WAGE;
PROVIDING FOR AN ANNUAL COST-OF-LIVING INCREASE IN THE STATE
MINIMUM WAGE RATE; ELIMINATING THE SEPARATE MINIMUM WAGE FOR
EMPLOYEES WHO REGULARLY RECEIVE TIPS.

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. Until January 1, 2017, 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]~~ seven dollars fifty cents (\$7.50) an
hour. Beginning:

(1) January 1, 2017, an employer shall pay an

underscored material = new
[bracketed material] = delete

1 employee the minimum wage rate of fifteen dollars (\$15.00) an
2 hour; and

3 (2) January 1, 2018 and January 1 of each
4 successive year, an employer shall pay an employee the prior
5 year's minimum wage increased by a percentage equal to the
6 percentage increase in the cost of living pursuant to
7 Subsection B of this section with the amount of the minimum
8 wage increase rounded to the nearest multiple of five cents
9 (\$.05).

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

23 ~~[B-]~~ C. An employer furnishing food, utilities,
24 supplies or housing to an employee who is engaged in
25 agriculture may deduct the reasonable value of such furnished

.202547.2

underscored material = new
[bracketed material] = delete

1 items from any wages due to the employee.

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

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