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HOUSE BILL 25

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Christine Chandler and Patricia Roybal Caballero and
Peter Wirth and Janelle Anyanonu and Yanira Gurrola

AN ACT

RELATING TO LABOR; INCREASING THE MINIMUM WAGE FOR CERTAIN
EMPLOYEES; PROVIDING AN ANNUAL ADJUSTMENT TO THE MINIMUM WAGES
BASED ON INFLATIONARY MEASURES.

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 [~~Subsection~~] Subsections C
and E of this section, an employer shall pay to an employee a
minimum wage rate of:

(1) prior to [~~January 1, 2020, at least seven
dollars fifty cents (\$7.50) an hour;~~

(2) ~~beginning January 1, 2020 and prior to
January 1, 2021, at least nine dollars (\$9.00) an hour;~~

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1 ~~(3) beginning January 1, 2021 and prior to~~
2 ~~January 1, 2022, at least ten dollars fifty cents (\$10.50) an~~
3 ~~hour;~~

4 ~~(4) beginning January 1, 2022 and prior to]~~
5 January 1, 2023, at least eleven dollars fifty cents (\$11.50)
6 an hour; [~~and~~

7 ~~(5) on and after]~~ (2) beginning January 1,
8 2023, at least twelve dollars (\$12.00) an hour;

9 (3) beginning January 1, 2024, at least
10 sixteen dollars (\$16.00) an hour; and

11 (4) on and after January 1, 2025, sixteen
12 dollars (\$16.00) an hour adjusted annually pursuant to the
13 provisions of Subsection E of this section.

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

18 C. 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 as follows:

21 (1) prior to January 1, 2020, at least two
22 dollars thirteen cents (\$2.13) an hour;

23 (2) beginning January 1, 2020 and prior to
24 January 1, 2021, at least two dollars thirty-five cents (\$2.35)
25 an hour;

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1 (3) beginning January 1, 2021 and prior to
2 January 1, 2022, at least two dollars fifty-five cents (\$2.55)
3 an hour;

4 (4) beginning January 1, 2022 and prior to
5 January 1, 2023, at least two dollars eighty cents (\$2.80) an
6 hour;

7 (5) on and after January 1, 2023, at least
8 three dollars (\$3.00) an hour adjusted pursuant to the
9 provisions of Subsection E of this section; and

10 (6) 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 wait staff.

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.

4 E. On January 1, 2025 and on January 1 of each
5 successive year, the minimum wage rate provided by Paragraph
6 (4) of Subsection A and Paragraph (5) of Subsection C of this
7 section shall be increased by the percentage increase during
8 the previous year of the consumer price index for all urban
9 consumers, United States city average for all items, or its
10 successor index, as published by the United States department
11 of labor or its successor agency; provided that the minimum
12 wage rate shall not be adjusted downward as a result of a
13 decrease in the consumer price index. By November 1, 2024 and
14 by November 1 of each successive year, the workforce solutions
15 department shall post on its website and otherwise notify
16 employers of the minimum wage for the next year."