

AN ACT

RELATING TO MINIMUM WAGES; PROVIDING A METHOD FOR CALCULATING  
THE MINIMUM WAGE FOR CERTAIN EMPLOYEES.

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. Every employer, except as provided in Section  
50-4-21 NMSA 1978, shall pay the minimum wage rate of four  
dollars twenty-five cents (\$4.25) an hour, excepting that an  
employer furnishing food, utilities, supplies or housing to  
an employee who is engaged in agriculture may deduct the  
reasonable value of such furnished items from any wages due  
to the employee.

B. All employees covered by Subsection A of this  
section who customarily and regularly receive more than  
thirty dollars (\$30.00) a month in tips shall be paid a  
minimum hourly wage of two dollars twelve and one-half cents  
(\$2.125). The employer may consider tips as part of wages,  
but such a wage credit shall not exceed fifty percent of the  
minimum wage. All tips received by such employees shall be  
retained by the employee, except that nothing in this section  
shall prohibit the pooling of tips among employees.

C. No employee covered by the provisions of

Subsection A of this section shall be required to work more than forty hours in any week of seven days, unless he is paid one and one-half times his 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 and the regulations pursuant to that act; provided that in no case shall the hourly rate be less than the federal minimum wage." \_\_\_\_\_

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