AN ACT

RELATING TO WAGES; PROVIDING THAT EMPLOYEES EMPLOYED IN AGRICULTURE ARE EXEMPT FROM THE OVERTIME PROVISIONS OF THE MINIMUM WAGE ACT; AMENDING A SECTION OF THE MINIMUM WAGE ACT.

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 [ $4.25] 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.

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underscored material = new
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1      B.   All employees covered by Subsection A of this

2   section who customarily and regularly receive more than thirty

3   dollars ($30.00) a month in tips shall be paid a minimum

4   hourly wage of two dollars twelve and one-half cents ($2.125).

5   The employer may consider tips as part of wages, but such a

6   wage credit shall not exceed fifty percent of the minimum

7   wage.   All tips received by such employees shall be retained

8   by the employee, except that nothing [herein] in this section

9   shall prohibit the pooling of tips among employees.

10      C.   No employee covered by the provisions of

11   Subsection A of this section shall be required to work more

12   than forty hours in any week of seven days, unless he is paid

13   one and one-half times his regular hourly rate of pay for all

14   hours worked in excess of forty hours;  provided that the

15   provisions of this subsection do not apply to an employee

16   employed in agriculture.   As used in this subsection,

17   "agriculture" has the meaning used in Section 203 of the

18   federal Fair Labor Standards Act. "

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