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HOUSE BILL 213

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE.

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. 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)]~~ ten dollars ten cents (\$10.10) an hour; provided that beginning January 1, 2015, the minimum wage rate shall be adjusted upward annually on January 1 by an amount equivalent to the previous year's increase, if any, in the consumer price index for all urban consumers published by the United States department of labor.

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

5           C. An employee who customarily and regularly  
6 receives more than thirty dollars (\$30.00) a month in tips  
7 shall be paid a minimum hourly wage of [~~two dollars thirteen~~  
8 ~~cents (\$2.13)~~] two dollars eighty-five cents (\$2.85); provided  
9 that beginning January 1, 2015, the minimum hourly wage shall  
10 be adjusted upward annually on January 1 by an amount  
11 equivalent to the previous year's increase, if any, in the  
12 consumer price index for all urban consumers published by the  
13 United States department of labor. The employer may consider  
14 tips as part of wages, but the tips combined with the  
15 employer's cash wage shall not equal less than the minimum wage  
16 rate as provided in Subsection A of this section. All tips  
17 received by such employees shall be retained by the employee,  
18 except that nothing in this section shall prohibit the pooling  
19 of tips among employees.

20           D. An employee shall not be required to work more  
21 than forty hours in any week of seven days, unless the employee  
22 is paid one and one-half times the employee's regular hourly  
23 rate of pay for all hours worked in excess of forty hours. For  
24 an employee who is paid a fixed salary for fluctuating hours  
25 and who is employed by an employer a majority of whose business

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1 in New Mexico consists of providing investigative services to  
2 the federal government, the hourly rate may be calculated in  
3 accordance with the provisions of the federal Fair Labor  
4 Standards Act of 1938 and the regulations pursuant to that act;  
5 provided that in no case shall the hourly rate be less than the  
6 federal minimum wage."

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