HOUSE BI LL 588
46th legislature - STATE OF NEW MEXICO - first session, 2003 I NTRODUCED BY Joe Thompson

## AN ACT

RELATI NG TO M NI MUM WAGES; AMENDI NG THE M NI MUM WAGE ACT TO PROH BI T LOCAL GOVERNMENTS FROM REQUI RI NG A M NI MUM WAGE THAT EXCEEDS THE FEDERAL M NI MUM WAGE.

BE IT ENACTED BY THE LEG SLATURE OF THE STATE OF NEW MEXI CO:
Section 1. Section 50-4-22 NMSA 1978 (bei ng Laws 1955, Chapter 200, Section 3, as amended) is amended to read:
" 50-4-22. M NI MUM WAGES. --
A. Every empl oyer, except as provided in Section 50-4-21 NMSA 1978, shall pay the min mum wage rate of four dollars twent y-fi ve cents (\$4.25) an hour, [ excepting] except that an employer furni shing food, utilities, supplies or housing to an empl oyee who is engaged in agriculture may deduct the reasonable val ue of such furni shed itens fromany wages due to the empl oyee.
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B. Al I empl oyees covered by Subsection A of this section who customarily and regul arly recei ve more than thirty dollars (\$30.00) a month intips shall be paid a mim nourly wage of two dol ars $t$ wel ve and one-hal $f$ cents (\$2.125). The empl oyer may consider tips as part of wages, but such a wage credit shall not exceed fifty percent of the mi mum wage. All tips recei ved by such empl oyees shall be retai ned by the empl oyee, except that nothing in this section shall prohi bit the pool ing of tips among empl oyees.
C. No empl oyee covered by the provi si ons of Subsection $A$ of $t h i s$ section shal l be requi red to work more than forty hours in any week of seven days, unl ess he is paid one and one-half times his regul ar hourly rate of pay for all hours worked in excess of forty hours. For an empl oyee who is paid a fixed sal ary for fluctuating hours and who is employed by an empl oyer a maj ority of whose busi ness in New Mexi co consists of providing investigative services to the federal government, the hourly rate may be cal cul at ed in accordance with the provisions of the federal Fair Labor Standards Act and the regul ations pursuant to that act; provi ded that in no case shall the hourly rate be less than the federal min mum wage.
D. No political subdivision shall require a mi ni mum wage that exceeds the feder al mi ni mum wage prescribed in 29 USCA 206."

