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HOUSE BILL 38

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

RELATING TO LABOR; CHANGING THE STATE MINIMUM WAGE TO EQUAL THE
FEDERAL MINIMUM WAGE; AMENDING A SECTION OF THE NMSA 1978.

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]~~ An 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)]~~ five dollars fifteen
cents (\$5.15) an hour, ~~[excepting]~~ except 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

underscored material = new
[bracketed material] = delete

1 section who customarily and regularly receive more than thirty
2 dollars (\$30.00) a month in tips shall be paid a minimum hourly
3 wage of [~~two dollars twelve and one-half cents (\$2.125)~~] two
4 dollars fifty-seven and one-half cents (\$2.575). The employer
5 may consider tips as part of wages, but such a wage credit
6 shall not exceed fifty percent of the minimum wage. All tips
7 received by such employees shall be retained by the employee,
8 except that nothing in this section shall prohibit the pooling
9 of tips among employees.

10 C. [~~No~~] An employee covered by the provisions of
11 Subsection A of this section shall not 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. For an employee who is
15 paid a fixed salary for fluctuating hours and who is employed
16 by an employer a majority of whose business in New Mexico
17 consists of providing investigative services to the federal
18 government, the hourly rate may be calculated in accordance
19 with the provisions of the federal Fair Labor Standards Act and
20 the regulations pursuant to that act; provided that in no case
21 shall the hourly rate be less than the federal minimum wage. "