1	SENATE BILL 721
2	46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003
3	INTRODUCED BY
4	Leonard Lee Rawson
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10	AN ACT
11	RELATING TO MINIMUM WAGES; AMENDING THE MINIMUM WAGE ACT TO
12	PROHIBIT LOCAL GOVERNMENTS FROM REQUIRING A MINIMUM WAGE THAT
13	EXCEEDS THE FEDERAL MINIMUM WAGE.
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. Section 50-4-22 NMSA 1978 (being Laws 1955,
17	Chapter 200, Section 3, as amended) is amended to read:
18	"50-4-22. MINIMUM WAGES
19	A. Every employer, except as provided in Section
20	50-4-21 NMSA 1978, shall pay the minimum wage rate of four
21	dollars twenty-five cents (\$4.25) an hour, [excepting] except
22	that an employer furnishing food, utilities, supplies or
23	housing to an employee who is engaged in agriculture may deduct
24	the reasonable value of such furnished items from any wages due
25	to the employee.
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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.

D. No political subdivision shall require a minimum wage that exceeds the federal minimum wage prescribed in 29 USCA 206."

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