

HOUSE LABOR AND HUMAN RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 668

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING STATE MINIMUM WAGE RATES TO BE INCREASED ANNUALLY AT
THE RATE OF INFLATION.

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) an hour.

B. Beginning July 1, 2013 and on each subsequent
July 1, the state minimum wage rates provided by law shall be
increased by the increase in the cost of living. The increase

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underscoring material = new
[bracketed material] = delete

1 in the cost of living shall be measured by the percentage
2 increase as of February of that year over the level as of
3 February of the previous year of the consumer price index for
4 all urban consumers, United States city average for all items,
5 or its successor index, as published by the United States
6 department of labor or its successor agency, with the amount of
7 the minimum wage increase rounded to the nearest multiple of
8 five cents (\$.05). The governor shall publish by May 1 of each
9 year the adjusted minimum wage rates that take effect on July
10 1. In no event shall the minimum wage rate be adjusted
11 downward as a result of a decrease in the cost of living.

12 ~~[B-]~~ C. An employer furnishing food, utilities,
13 supplies or housing to an employee who is engaged in
14 agriculture may deduct the reasonable value of such furnished
15 items from any wages due to the employee.

16 ~~[G-]~~ D. An employee who customarily and regularly
17 receives more than thirty dollars (\$30.00) a month in tips
18 shall be paid a minimum hourly wage of two dollars thirteen
19 cents (\$2.13). The employer may consider tips as part of
20 wages, but the tips combined with the employer's cash wage
21 shall not equal less than the minimum wage rate as provided in
22 Subsection A of this section. All tips received by such
23 employees shall be retained by the employee, except that
24 nothing in this section shall prohibit the pooling of tips
25 among employees.

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