

1 SENATE BILL 319

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Pete Campos

5
6
7
8
9
10 AN ACT

11 RELATING TO MINIMUM WAGES; AMENDING A SECTION OF THE NMSA 1978
12 TO PROVIDE FOR A MINIMUM HOURLY WAGE RATE OF TEN DOLLARS TEN
13 CENTS (\$10.10) FOR STATE EMPLOYEES AND FOR EMPLOYEES OF STATE
14 CONTRACTORS OF CONTRACTS VALUED AT FIFTY THOUSAND DOLLARS
15 (\$50,000) OR MORE; PROVIDING FOR STATE MINIMUM WAGES TO
16 INCREASE ANNUALLY AT THE RATE OF INFLATION.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,
20 Chapter 200, Section 3, as amended) is amended to read:

21 "50-4-22. MINIMUM WAGES.--

22 A. Except as provided in Subsections E through G of
23 this section, an employer shall pay an employee the minimum
24 wage rate of six dollars fifty cents (\$6.50) an hour. As of
25 January 1, 2009, an employer shall pay the minimum wage rate of

.196256.2

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 seven dollars fifty cents (\$7.50) an hour.

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

6 C. An employee who customarily and regularly
7 receives more than thirty dollars (\$30.00) a month in tips
8 shall be paid a minimum hourly wage of two dollars thirteen
9 cents (\$2.13). The employer may consider tips as part of
10 wages, but the tips combined with the employer's cash wage
11 shall not equal less than the minimum wage rate as provided in
12 Subsection A of this section. All tips received by such
13 employees shall be retained by the employee, except that
14 nothing in this section shall prohibit the pooling of tips
15 among employees.

16 D. An employee shall not be required to work more
17 than forty hours in any week of seven days, unless the employee
18 is paid one and one-half times the employee's regular hourly
19 rate of pay for all hours worked in excess of forty hours. For
20 an employee who is paid a fixed salary for fluctuating hours
21 and who is employed by an employer a majority of whose business
22 in New Mexico consists of providing investigative services to
23 the federal government, the hourly rate may be calculated in
24 accordance with the provisions of the federal Fair Labor
25 Standards Act of 1938 and the regulations pursuant to that act;

.196256.2

underscored material = new
[bracketed material] = delete

1 provided that in no case shall the hourly rate be less than the
2 federal minimum wage.

3 E. The state shall pay each person employed by the
4 state no less than a minimum wage rate of ten dollars ten cents
5 (\$10.10) per hour.

6 F. Any contractor of a contract, which takes effect
7 on or after July 1, 2014, that is with a state agency and that
8 is valued at fifty thousand dollars (\$50,000) or more shall pay
9 each person employed under that contract no less than a minimum
10 wage rate of ten dollars ten cents (\$10.10) per hour.

11 G. Effective July 1, 2015, the state's minimum wage
12 rates in effect on January 1, 2015 shall be increased in an
13 amount equal to the total increase in the cost of living from
14 January 1, 2009 through February 28, 2015 and shall be adjusted
15 annually to account for increases in the cost of living. The
16 increase in the cost of living shall be measured by the
17 percentage increase as of February of that year over the level
18 as of February of the previous year of the consumer price index
19 for all urban consumers, United States city average for all
20 items, or its successor index, as published by the United
21 States department of labor or its successor agency, with the
22 amount of the minimum wage increase rounded to the nearest
23 multiple of five cents (\$.05). The governor shall publish by
24 May 1 of each year the adjusted minimum wage that takes effect
25 on July 1. The minimum wage shall not be adjusted downward as

.196256.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a result of a decrease in the cost of living."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.