

1 SENATE BILL 432

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO LABOR; INCREASING THE MINIMUM WAGE; PROVIDING FOR
12 AN ANNUAL COST-OF-LIVING INCREASE IN THE STATE MINIMUM WAGE
13 RATE.

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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. Until January 1, 2016, an employer shall pay an
20 employee the minimum wage rate of [~~six dollars fifty cents~~
21 ~~(\$6.50) an hour. As of January 1, 2009, an employer shall pay~~
22 ~~the minimum wage rate of]~~ seven dollars fifty cents (\$7.50) an
23 hour. Beginning:

24 (1) January 1, 2016, an employer shall pay an
25 employee the minimum wage rate of eight dollars eighty cents

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1 (\$8.80) an hour;

2 (2) January 1, 2017, an employer shall pay an
3 employee the minimum wage rate of ten dollars ten cents
4 (\$10.10) an hour; and

5 (3) January 1, 2018 and January 1 of each
6 successive year, an employer shall pay an employee the prior
7 year's minimum wage increased by a percentage equal to the
8 percentage increase in the cost of living pursuant to
9 Subsection B of this section.

10 B. The increase in the cost of living shall be
11 measured by the percentage increase as of August of the
12 immediately preceding year over the level as of August of the
13 next previous year of the consumer price index for all urban
14 consumers, United States city average for all items, or its
15 successor index, as published by the United States department
16 of labor or its successor agency. The workforce solutions
17 department shall publish by November 1 of each year the
18 adjusted minimum wage rates that shall take effect the
19 following January 1. The minimum wage shall not be adjusted
20 downward as a result of a decrease in the cost of living.

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

25 ~~[G-]~~ D. Beginning January 1, 2016, an employee who

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1 customarily and regularly receives more than thirty dollars
2 (\$30.00) a month in tips shall be paid a minimum hourly wage
3 [~~of two dollars thirteen cents (\$2.13)~~] equal to fifty percent
4 of the minimum wage established in Subsection A of this
5 section. The employer may consider tips as part of wages, but
6 the tips combined with the employer's cash wage shall not equal
7 less than the minimum wage rate as provided in Subsection A of
8 this section. All tips received by such employees shall be
9 retained by the employee, except that nothing in this section
10 shall prohibit the pooling of tips among employees.

11 [~~D-~~] E. An employee shall not be required to work
12 more than forty hours in any week of seven days, unless the
13 employee is paid one and one-half times the employee's regular
14 hourly rate of pay for all hours worked in excess of forty
15 hours. For an employee who is paid a fixed salary for
16 fluctuating hours and who is employed by an employer a majority
17 of whose business in New Mexico consists of providing
18 investigative services to the federal government, the hourly
19 rate may be calculated in accordance with the provisions of the
20 federal Fair Labor Standards Act of 1938 and the regulations
21 pursuant to that act; provided that in no case shall the hourly
22 rate be less than the federal minimum wage."