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HOUSE BILL 67

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO LABOR; INCREASING THE MINIMUM WAGE; REVISING THE  
MINIMUM WAGE FOR TIPPED EMPLOYEES; PROVIDING FOR AN ANNUAL  
COST-OF-LIVING INCREASE IN THE STATE MINIMUM WAGE RATE;  
PROVIDING LIMITATIONS.

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. As of January  
1, 2018 and through December 31, 2018, an employer shall pay  
the minimum wage rate of eight dollars forty cents (\$8.40) an

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1 hour. As of January 1, 2019 and through December 31, 2019, an  
2 employer shall pay the minimum wage rate of nine dollars twenty  
3 cents (\$9.20) an hour. As of January 1, 2020, an employer  
4 shall pay the minimum wage rate of ten dollars ten cents  
5 (\$10.10) an hour. As of January 1, 2018 and on January 1 of  
6 each successive year, the minimum wage rate shall be increased  
7 for the cost of living as provided in Subsection E of this  
8 section.

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

13 C. As of January 1, 2018, an employee who  
14 customarily and regularly receives more than thirty dollars  
15 (\$30.00) a month in tips shall be paid a minimum hourly wage  
16 [~~of two dollars thirteen cents (\$2.13)~~] that is equal to forty  
17 percent of the minimum wage provided in Subsection A of this  
18 section. The employer may consider tips as part of wages, but  
19 the tips combined with the employer's cash wage shall not equal  
20 less than the minimum wage rate as provided in Subsection A of  
21 this section. All tips received by such employees shall be  
22 retained by the employee, except that nothing in this section  
23 shall prohibit the pooling of tips among employees.

24 D. An employee shall not be required to work more  
25 than forty hours in any week of seven days, unless the employee

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1 is paid one and one-half times the employee's regular hourly  
2 rate of pay for all hours worked in excess of forty hours. For  
3 an employee who is paid a fixed salary for fluctuating hours  
4 and who is employed by an employer a majority of whose business  
5 in New Mexico consists of providing investigative services to  
6 the federal government, the hourly rate may be calculated in  
7 accordance with the provisions of the federal Fair Labor  
8 Standards Act of 1938 and the regulations pursuant to that act;  
9 provided that in no case shall the hourly rate be less than the  
10 federal minimum wage.

11 E. On January 1, 2018 and on January 1 of each  
12 successive year, the minimum wage rate shall be increased by  
13 the increase in the cost of living. The increase in the cost  
14 of living shall be measured by the percentage increase as of  
15 August of the immediately preceding year over the level as of  
16 August of the previous year of the consumer price index for all  
17 urban consumers, United States city average for all items, or  
18 its successor index, as published by the United States  
19 department of labor or its successor agency, with the amount of  
20 the minimum wage increase rounded to the nearest multiple of  
21 five cents (\$.05); however, the minimum wage shall not be  
22 adjusted downward as a result of a decrease in the cost of  
23 living and shall not be adjusted upward by more than four  
24 percent in any one year as a result of an increase in the cost  
25 of living. The workforce solutions department shall publish by

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1 November 1 of each year the adjusted minimum wage rates that  
2 shall take effect the following January 1."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2017.

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