

State of New Mexico
House of Representatives

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 13, 2019

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 31

Amendment sponsored by Representative Miguel P. Garcia

1. On page 2, line 5, strike "D" and insert in lieu thereof "F".

2. On page 2, between lines 20 and 21, insert the following new subsections:

"C. From the effective date of this 2019 act until July 1, 2022, an employer may pay a lower cash minimum wage rate pursuant to Subsection D of this section only if the employer can establish that for each week that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips works, the sum of the employee's tips combined with the employer's cash wage is not less than the minimum wage rate as provided in Subsection A of this section.

D. If an employer satisfies the requirements set forth in Subsection C of this section, for an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips, the employer shall pay the employee at least a minimum hourly wage of five dollars (\$5.00) less than the minimum wage rate set forth in Subsection A of this section from the effective date of this act until June 30, 2020. From July 1, 2020 through June 30, 2021, the employer shall pay the employee at least a minimum hourly wage of three dollars fifty cents (\$3.50) less than the minimum wage rate set forth in Subsection A of this section. From July 1, 2021 through June 30, 2022, the employer shall pay the employee at least a minimum hourly wage of two dollars (\$2.00) less than the minimum wage rate set forth in Subsection A of this section. On or after July 1, 2022, the employee shall not be paid less than the minimum wage rate set forth in Subsection A of this section and the employer

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shall not consider tips as part of wages. 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."

3. Reletter the succeeding subsections accordingly.


Miguel P. Garcia

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____