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SENATE BILL 497

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Phillip Maloof

AN ACT

RELATING TO WAGES; INCREASING THE MINIMUM WAGE RATE; AMENDING
A SECTION OF THE MINIMUM WAGE ACT.

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. Every employer, except as provided in Section
50-4-21 NMSA 1978, shall pay the minimum wage rate of [~~\$4.25~~]
five dollars sixty-five cents (\$5.65) an hour, excepting that
an employer furnishing food, utilities, supplies or housing to
an employee who is engaged in agriculture may deduct the
reasonable value of such furnished items from any wages due to
the employee.

B. All employees covered by Subsection A of this

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1 section who customarily and regularly receive more than thirty
2 dollars (\$30.00) a month in tips shall be paid a minimum
3 hourly wage of [~~two dollars twelve and one-half cents~~
4 ~~(\$2.125)] two dollars eighty-two and one-half cents (\$2.825).~~

5 The employer may consider tips as part of wages, but such a
6 wage credit shall not exceed fifty percent of the minimum
7 wage. All tips received by such employees shall be retained
8 by the employee, except that nothing [~~herein~~] in this section
9 shall prohibit the pooling of tips among employees.

10 C. No employee covered by the provisions of
11 Subsection A of this section or Paragraph (1) of Subsection D
12 of this section shall be required to work more than forty
13 hours in any week of seven days, unless he is paid one and
14 one-half times his regular hourly rate of pay for all hours
15 worked in excess of forty hours.

16 D. Notwithstanding the provisions of Subsections A
17 and B of this section, effective July 1, 2000:

18 (1) every employer, except as provided in
19 Section 50-4-21 NMSA 1978, shall pay the minimum wage rate of
20 six dollars fifteen cents (\$6.15) an hour, excepting that an
21 employer furnishing food, utilities, supplies or housing to an
22 employee who is engaged in agriculture may deduct the
23 reasonable value of such furnished items from any wages due to
24 the employee; and

25 (2) all employees covered by Paragraph (1) of

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1 this subsection who customarily and regularly receive more
2 than thirty dollars (\$30.00) a month in tips shall be paid a
3 minimum hourly wage of three dollars seven and one-half cents
4 (\$3.075). The employer may consider tips as part of wages,
5 but such a wage credit shall not exceed fifty percent of the
6 minimum wage. All tips received by such employees shall be
7 retained by the employee, except that nothing in this
8 paragraph shall prohibit the pooling of tips among employees. "

9 Section 2. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 23, 1999
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8 Mr. President:
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10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred
12

13 SENATE BILL 497
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.
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19 Respectfully submitted,
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24 _____
25 Roman M. Maes, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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7 Date _____

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9

10 The roll call vote was 6 For 0 Against

11 Yes: 6

12 No: 0

13 Excused: Kidd, Kysar, Macias, Rawson

14 Absent: None

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

February 26, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 497

Amendment sponsored by Senator Phillip J. Maloof

1. On page 1, line 20, strike "five dollars sixty-five cents (\$5.65)" and insert in lieu thereof "five dollars fifteen cents (\$5.15)".

2. On page 2, line 4, strike "two dollars eighty-two and one-half cents (\$2.825)" and insert in lieu thereof "two dollars fifty-seven and one-half cents (\$2.575)".

3. On page 2, lines 11 and 12, strike "or Paragraph (1) of Subsection D of this section".

4. On page 2, line 15, after the period insert a closing quotation mark.

FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 497

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5. On page 2, strike lines 16 through 25 in their entirety
and on page 3, strike lines 1 through 8 in their entirety.

6. On page 3, line 10, strike "1999" and insert in lieu
thereof "2000".

Phillip J. Maloof

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 2, 1999
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8 Mr. Speaker:
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10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to whom
11 has been referred
12

13 SENATE BILL 497, as Amended
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.
17

18 Respectfully submitted,
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22 _____
23 Sheryl Williams Stapleton, Chairwoman
24
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HLC/SB\497

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

Date _____

The roll call vote was 5 For 4 Against

Yes: 5

No: Foley, Roberts, Thompson, Tripp

Excused: None

Absent: None

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