

AN ACT

RELATING TO LABOR; CHANGING THE STATE MINIMUM WAGE TO EQUAL THE
FEDERAL MINIMUM WAGE; AMENDING A SECTION OF THE NMSA 1978.

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, except as provided in
Section 50-4-21 NMSA 1978, shall pay the minimum wage rate of five dollars fifteen
cents (\$5.15) an hour, except 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 section who
customarily and regularly receive more than thirty dollars (\$30.00) a month in tips shall
be paid a minimum hourly wage of two dollars twelve and one-half cents (\$2.125). The
employer may consider tips as part of wages, but such a wage credit shall not exceed
fifty percent of the minimum wage. 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.

C. An employee covered by the provisions of Subsection A of this
section shall not be required to work more than forty hours in any week of seven days,
unless he is paid one and one-half times his regular hourly rate of pay for all hours
worked in excess of forty hours. For an employee who is paid a fixed salary for

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fluctuating hours and who is employed by an employer a majority of whose business in New Mexico consists of providing investigative services to the federal government, the hourly rate may be calculated in accordance with the provisions of the federal Fair Labor Standards Act and the regulations pursuant to that act; provided that in no case shall the hourly rate be less than the federal minimum wage."