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SENATE BILL 10

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

INTRODUCED BY

Clemente Sanchez

AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROVIDING AN
EXCEPTION.

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)~~] eight dollars
thirty cents (\$8.30) an hour [~~As of January 1, 2009, an~~
~~employer shall pay the minimum wage rate of seven dollars fifty~~
~~cents (\$7.50) an hour], except that an employer employing a~~
trainee employee shall pay the trainee employee a minimum wage
rate of no less than seven dollars fifty cents (\$7.50) an hour
during the training period but for no longer than six months

underscored material = new
[bracketed material] = delete

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1 from the date of hire.

2 B. Nothing in Subsection A of this section shall be
3 construed to authorize or require an employer to lower the
4 hourly wage of an employee.

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

9 ~~[G-]~~ D. An employee who customarily and regularly
10 receives more than thirty dollars (\$30.00) a month in tips
11 shall be paid a minimum hourly wage of two dollars thirteen
12 cents (\$2.13). The employer may consider tips as part of
13 wages, but the tips combined with the employer's cash wage
14 shall not equal less than the minimum wage rate as provided in
15 Subsection A of this section. All tips received by such
16 employees shall be retained by the employee, except that
17 nothing in this section shall prohibit the pooling of tips
18 among employees.

19 ~~[D-]~~ E. An employee shall not be required to work
20 more than forty hours in any week of seven days, unless the
21 employee is paid one and one-half times the employee's regular
22 hourly rate of pay for all hours worked in excess of forty
23 hours. For an employee who is paid a fixed salary for
24 fluctuating hours and who is employed by an employer a majority
25 of whose business in New Mexico consists of providing

underscoring material = new
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1 investigative services to the federal government, the hourly
2 rate may be calculated in accordance with the provisions of the
3 federal Fair Labor Standards Act of 1938 and the regulations
4 pursuant to that act; provided that in no case shall the hourly
5 rate be less than the federal minimum wage."

6 SECTION 2. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is January 1, 2016.