

1 SENATE BILL 285

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Clemente Sanchez

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10 AN ACT

11 RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROVIDING  
12 EXCEPTIONS.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,  
16 Chapter 200, Section 3, as amended) is amended to read:

17 "50-4-22. MINIMUM WAGES.--

18 A. An employer shall pay an employee the minimum  
19 wage rate of [~~six dollars fifty cents (\$6.50)~~] eight dollars  
20 (\$8.00) an hour [~~As of January 1, 2009, an employer shall pay~~  
21 ~~the minimum wage rate of seven dollars fifty cents (\$7.50) an~~  
22 ~~hour.~~], except that an employer employing:

23 (1) ten or fewer employees shall pay an  
24 employee the minimum wage rate of no less than seven dollars  
25 fifty cents (\$7.50) an hour; and

.196255.2

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1                   (2) a trainee employee shall pay the trainee  
2 employee a minimum wage rate of no less than seven dollars  
3 fifty cents (\$7.50) an hour during the training period but for  
4 no longer than six months from the date of hire.

5                   B. Nothing in Subsection A of this section shall be  
6 construed to authorize or require an employer to lower the  
7 hourly wage of an employee.

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

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

22                   ~~[D-]~~ E. An employee shall not be required to work  
23 more than forty hours in any week of seven days, unless the  
24 employee is paid one and one-half times the employee's regular  
25 hourly rate of pay for all hours worked in excess of forty

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

9 SECTION 2. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is January 1, 2015.

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