

American Legion Auxiliary
New Mexico Girls State
Bill Instruction Sheet

AMERICAN LEGION AUXILIARY



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Bill No: B10 Committee: J

Status:

Passed by: ☐ Committee ☐ House ☐ Senate ☐ Governor

Tabled by: ☐ Committee ☐ House ☐ Senate ☐ Governor

Other: _____

Simple Title of Bill:

BILL

70TH SESSION – AMERICAN LEGION AUXILIARY NEW MEXICO GIRLS STATE – 2017

INTRODUCED BY

AN ACT

RELATING TO MINIMUM WAGE; ELIMINATING THE MINIMUM WAGE THAT IS LOWER
FOR TIP-EARNING EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE AMERICAN LEGION AUXILIARY NEW
MEXICO GIRLS STATE:

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. As of January 1, 2019, an employer shall pay an employee the minimum wage rate [of six dollars fifty cents (\$6.50) an hour. As of January 1, 2009, an employer shall pay the minimum wage rate of seven dollars fifty cents (\$7.50) an hour.] of eleven dollars (\$11.00) an hour.

B. 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.

C. An employee who customarily and regularly receives ~~[more than thirty dollars (\$30.00) a month in tips shall be paid a minimum hourly wage of two dollars thirteen cents (\$2.13). The employer may consider tips as part of wages, but the tips combined with the employer's cash wage shall not equal less than the minimum wage rate as provided in Subsection A of this section.]~~ tips shall be paid the same minimum wage as non-tip receiving employees. 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.]~~ this section prohibits the pooling of tips among employees.

D. As of January 1, 2020, an annual cost of living shall be determined by percentage increase as of August of the preceding year, the minimum wage will be adjusted accordingly. The minimum wage can not be adjusted downward as a result of a decrease in the cost of living or any other reason.

~~{D}~~ E. An employee shall not be required to work more than forty hours in any week of seven days, unless the employee is paid ~~[one and one-half times]~~ two times the employee's regular hourly rate of pay for all hours worked in excess of forty hours. For an employee who is paid a fixed salary for 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 of 1938 and the regulations pursuant to that act; provided that in no case shall the hourly rate be less than the federal minimum wage."

All laws, acts, provisions, or parts of laws contained in the Constitution of the State of New Mexico in conflict with any provision of this act are hereby repealed.