

1 HOUSE BILL 498

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Nate Gentry

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10 AN ACT

11 RELATING TO EMPLOYMENT; PREEMPTING LOCAL LAWS ADDRESSING
12 MINIMUM WAGE AND EMPLOYEE LEAVE; PROVIDING EXCEPTIONS;
13 PROVIDING FOR SEVERABILITY.

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

16 SECTION 1. Section 50-4-22.1 NMSA 1978 (being Laws 2007,
17 Chapter 47, Section 3) is amended to read:

18 "50-4-22.1. [~~TEMPORARY~~] STATE PREEMPTION--~~[SAVING-CLAUSE]~~
19 EXCEPTION.--

20 A. Except as provided in Subsection B of this
21 section, [~~cities~~] the state preempts the field of minimum wage
22 rates. Municipalities, counties, home rule municipalities and
23 other political subdivisions of the state shall not adopt or
24 continue in effect any law or ordinance that would mandate a
25 minimum wage rate higher than that set forth in the Minimum

.200250.2

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1 Wage Act. [~~The provisions of this subsection expire on January~~
2 ~~1, 2010.~~]

3 B. A local law or ordinance, whether advisory or
4 self-executing, in effect on January 1, [2007] 2015 that
5 provides for a higher minimum wage rate than that set forth in
6 the Minimum Wage Act shall continue in full force and effect
7 until repealed."

8 SECTION 2. [NEW MATERIAL] EMPLOYEE LEAVE PREEMPTION--
9 EXCEPTION.--

10 A. Except as provided in Subsection B of this
11 section or by federal law, the state preempts the field of
12 employee leave from employment, whether vacation, annual, sick,
13 family, personal day or other type of leave and whether paid or
14 unpaid or compensated in any manner. Municipalities, home rule
15 municipalities, counties and other political subdivisions of
16 the state shall not adopt or continue in effect any law,
17 ordinance, rule or resolution that would mandate an employer to
18 provide employee vacation, annual, sick, family, personal day
19 or other type of leave, whether paid or unpaid or compensated
20 in any manner, that is not mandated or expressly allowed by
21 state or federal law.

22 B. Any law, ordinance, rule or resolution of any
23 political subdivision of the state, whether advisory or self-
24 executing, in effect on January 1, 2015 that mandates employee
25 vacation, annual, sick, family, personal day or other type of

.200250.2

underscoring material = new
~~[bracketed material] = delete~~

1 leave, whether paid or unpaid or compensated in any manner,
2 that is not mandated or expressly allowed by state or federal
3 law shall continue in full force and effect until repealed.

4 SECTION 3. SEVERABILITY.--If any part or application of
5 Section 2 of this act is held invalid, the remainder or its
6 application to other situations or persons shall not be
7 affected.