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HOUSE BILL 106

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO LABOR; EXEMPTING AIRLINES FROM THE REQUIREMENTS OF
PAYING EMPLOYEES ONE AND ONE-HALF TIMES AN EMPLOYEE'S HOURLY
RATE OF PAY FOR EACH HOUR WORKED OVER FORTY HOURS IN ANY WEEK
OF SEVEN DAYS IN WHICH THE AIRLINE HAS NOT REQUIRED OVERTIME
HOURS AND EMPLOYEES HAVE VOLUNTARILY TRADED HOURS.

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

SECTION 1. Section 50-4-24 NMSA 1978 (being Laws 1975,
Chapter 275, Section 1, as amended) is amended to read:

"50-4-24. EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR
CERTAIN EMPLOYEES.--

A. [~~Any~~] An employer of workers engaged in the
ginning of cotton for market, in [~~any~~] a place of employment
located within a county where cotton is grown in commercial
quantities, [~~and~~] is exempt from the overtime provisions of

.188296.2

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

underscored material = new
[bracketed material] = delete

1 Subsection D of Section 50-4-22 NMSA 1978 if each employee is
2 employed for a period of not more than fourteen weeks in the
3 aggregate in [~~any~~] a calendar year [~~is exempt from the overtime~~
4 ~~provisions of Subsection C of Section 50-4-22 NMSA 1978~~].

5 B. An employer of workers engaged in agriculture is
6 exempt from the overtime provisions set forth in Subsection [E]
7 D of Section 50-4-22 NMSA 1978. As used in this subsection,
8 "agriculture" has the meaning used in Section 203 of the
9 federal Fair Labor Standards Act.

10 C. An employer subject to Subchapter II of the
11 federal Railway Labor Act is exempt from the overtime
12 provisions set forth in Subsection D of Section 50-4-22 NMSA
13 1978 if the hours worked by the employer's employee in excess
14 of forty hours in a week of seven days are:

15 (1) not required by the employer; and

16 (2) arranged through a voluntary agreement
17 among employees to trade scheduled work hours."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2012.

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