

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/09

SPONSOR Chasey LAST UPDATED \_\_\_\_\_ HB 176

SHORT TITLE Repeal Certain Employment of Women Laws SB \_\_\_\_\_

ANALYST Hoffmann

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
		NFI	

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Public Defender Department (PDD)  
 State Personnel Office (SPO)  
 Commission on the Status of Women (CSW)  
 Department of Workforce Solutions (DWS)

### SUMMARY

#### Synopsis of Bill

REPEAL CERTAIN EMPLOYMENT OF WOMEN LAWS **repeals** Sections 50-5-1 through 50-5-17 NMSA 1978 (being Laws 1933, Chapter 148, Sections 1 through 9, Laws 1931, chapter 109, Sections 1 through 3 and Laws 1921, chapter 180, Sections 3, 6, 8, 9 and 10, as amended). Included in the repeal are laws pertaining primarily to women, governing maximum hours of labor for certain occupations; arrangement of hours; shifts restricted; mealtimes; length of shifts in public utility positions; telephone offices; emergency work situations; time records and the fines for not maintaining such records; requirement to provide suitable seats for women employees and penalty attached for failure to do so; and the duties of the director of the labor and industrial division to enforce the provisions of the Act. According to the State Personnel Office and the Department of Workforce Solutions,

### FISCAL IMPLICATIONS

There is no appropriation requested in this bill.

**SIGNIFICANT ISSUES**

According to the Attorney General’s Office, there are no significant issues raised by repealing Sections 50-5-1 through 50-5-17 because it is an archaic statute that has no applicability in the current labor market.

**ADMINISTRATIVE IMPLICATIONS**

The Department of Workforce Solutions notes that although this law is not currently enforced, it does place obligations on employers to maintain separate accommodations and records for female versus male employees. Repealing the laws would allow the current practice of uniform application of employment laws to reflect the written law.

**TECHNICAL ISSUES**

The existing law makes reference to the director of the labor and industrial division, which has been replaced by the New Mexico Department of Workforce Solutions.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Attorney General’s Office and the State Personnel Office observe that by not repealing this 1933 statute, the state would continue to carry a law that does not address current labor standards. Outdated, un-enforced and possibly illegal provisions will remain in the New Mexico statutes.

CH/mt/mc