

LFC Requester:	Aledo, Mimi
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 29, 2013
Bill No: HB 302--305

Sponsor: Rep. Candy Spence Ezzell **Reviewing** Attorney General's Office
Short UNEMPLOYMENT **Person Writing** Mary H. Smith
Title: BENEFITS & DRUG USE **Phone:** 222 9093 **Email** msmith@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Unknown.

Duplicates/Relates to Appropriation in the General Appropriation Act: Unknown.

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to: Unknown.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis:

Sections 1 and 2 amend the Unemployment Compensation Law to deny unemployment benefits eligibility to a person who was discharged from past employment or failed to obtain new employment because he tested positive for illegal drug use in a test administered by his former or prospective employer.

HB 302 requires the DWS Secretary to adopt rules addressing this eligibility change. Section 3 includes drug test results to be classified as confidential and not subject to disclosure to the public.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

None on the AGO.

SIGNIFICANT LEGAL ISSUES

The proposed disqualification of persons from receiving unemployment benefits raises due process considerations given that the disqualification is based solely on a positive drug screening conducted by an employer. Such persons may or may not have been adjudicated guilty of using illegal substances, and denying them unemployment benefits could be problematic.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

None for the AGO.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

None for the AGO.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION

N/A

TECHNICAL ISSUES OR DRAFTING ERROR

None.

OTHER SUBSTANTIVE LEGAL ISSUES

See Significant Legal Issues above.

ALTERNATIVES TO ENACTING THIS BILL

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None.