

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2015 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	<input checked="" type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>	Date	<u>January 28, 2015</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>SB 233</u>

Sponsor:	<u>S-Pat Woods/R-Carl Trujillo</u>	Agency Code:	<u>Attorney General's Office</u>
Short	<u>Temporary Disability Benefit</u>	Person Writing	<u>Patricia Padrino Tucker, AAG</u>
Title:	<u>Changes</u>	Phone:	<u>505-222-9082</u> Email <u>ptucker@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

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

BILL SUMMARY

Synopsis: Senate Bill 233 appears to bring the Act into compliance with the Supreme Court ruling in *Breen v. Carlsbad Municipal Schools*, 138 NM 331 (2005) by allowing for the same benefits for a worker with a mental impairment as it allows for an individual with a physical impairment. Senate Bill 233 also clarifies that lifetime benefits are allowed for a worker with a permanent total disability, and clarifies certain terms, such as changing all references to “employee” and “him” to “worker.”

FISCAL IMPLICATIONS

The amendments remove the 100 week limitation on mental impairments, thereby removing the limitation on payments by an employer under these circumstances. The fiscal implications would be to any employer with a worker who had a mental impairment. Such an employer would potentially be paying greater benefits. However, the Supreme Court ruling came in 2005, so employers have already been subject to this requirement since that time.

SIGNIFICANT ISSUES

None. The amendment appears to bring the Act into compliance with the Supreme Court ruling in *Breen v. Carlsbad Municipal Schools*, 138 NM 331 (2005). The other changes appear to be for clarification purposes.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Continued conflict with Supreme Court decision in *Breen v. Carlsbad Municipal Schools*, 138 NM 331 (2005).

AMENDMENTS

N/A