

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 **Amendment**
Correction **Substitute**

Date February 1, 2015
Bill No: SB-375

Sponsor: Sen. Jacob Candelaria
Short Title: NM Family Act for Family and Medical Leave

Agency Code: Attorney General's Office
Person Writing: Patricia Padrino Tucker, AAG
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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 375 creates an Act allowing the benefit of family and medical leave to all employees and providing for a fund to pay wages during the time when an employee takes family leave, using an income tax and an appropriation.

FISCAL IMPLICATIONS

Senate Bill 375 makes an appropriation of \$1 million, which is used to pay wages for fiscal year 2016, and to provide for rulemaking and administration of the provisions of the Act during the time the fund is being generated. The department of workforce solutions is tasked with rulemaking and administration of the Act.

SIGNIFICANT ISSUES

The definitions in Senate Bill 375 are very broad. For example the definition of “employee” may include contract workers. This definition is not narrowed at all by the definition of “employer” in the same section. Additionally, a “serious health condition” includes a condition which involves “continuing treatment by a health care provider.” This could include many, many health conditions, although this definition does seem to be narrowed somewhat by the limitation that the leave is for the “provision of care.”

Though not identical and not specifically including a provision for care of military family members, Senate Bill 375 does not appear to conflict with the provisions of the federal Family and Medical Leave Act.

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

Status quo

AMENDMENTS

N/A