

LFC Requester:

Kelly Klundt

AGENCY BILL ANALYSIS
2016 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 24, 2016
Bill No: HB204

Sponsor: Patricio Ruiloba
Short Death Benefits to Remarried
Title: First Responders

Agency Code: 305
Person Writing Caroline Manierre
Phone: 505-827-6079 Email cmanierre@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	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

BILL SUMMARY

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.

Synopsis:

House Bill 204 amends the Workers’ Compensation Act to permit widows and widowers of first responders who died of a compensable injury in the scope of employment or while providing services as a volunteer to continue being eligible for death benefits if they get remarried. The Bill adds in definitions for first responders.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES: N/A

PERFORMANCE IMPLICATIONS: N/A

ADMINISTRATIVE IMPLICATIONS: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: N/A

TECHNICAL ISSUES:

While House Bill 204 states that widows and widowers of first responders shall not be ineligible for death benefits upon remarriage, many of the sections start with “except as provided” in the section stating that widows and widowers will not be ineligible. It appears that the intent is to keep the current language regarding remarriage of a widow or widower, but the effect is that it is unclear whether the language “except as provided” is specific to a remarriage clause, or to the entire subsections that are mentioned. By including this exception clause and not including any specific language for what it is that widows and widowers of first responders *are* eligible to receive, it makes the provisions a little unclear.

OTHER SUBSTANTIVE ISSUES: None

ALTERNATIVES: None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Status Quo

AMENDMENTS: None