

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:

SB 244 amends the Workers’ Compensation Act to provide a rational basis for the existing exemption covering farm and ranch laborers. SB 244 in Section B (2) provides the rational basis based on the nature of the work as seasonal, the fact that the work is temporary, that workers migrate making it difficult to track workers and substantiate the cause of injury, and that due to various factors, it is difficult for farm and ranch employers to assess laborer and insurance needs. The provision explains that the exemption represents a balancing of interests protecting the employer from unreasonable costs of providing insurance in an unpredictable market.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Recently, in *Rodriquez v Dairy*, 2015 NMCA 97 (N.M. App., 2015) the New Mexico Court of Appeals found the provision of the Workers’ Compensation Act which excludes farm and ranch laborers from its coverage, Section 52-1-6(B)(2), to violate workers ‘rights to equal protection under the New Mexico Constitution.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Section 52-1-6 will be viewed as unconstitutional.

AMENDMENTS