1	SENATE BILL 688
2	45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001
3	INTRODUCED BY
4	Roman M. Maes III
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10	AN ACT
11	RELATING TO HUMAN RIGHTS; AMENDING THE HUMAN RIGHTS ACT TO
12	PROVIDE FOR THE HUMAN RIGHTS COMMISSION DUTY REGARDING MENTAL
13	HEALTH DISCRIMINATION.
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15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. Section 28-1-4 NMSA 1978 (being Laws 1987,
17	Chapter 342, Section 18) is amended to read:
18	"28-1-4. POWERS AND DUTIES
19	A. The commission may:
20	(1) hear complaints and issue orders,
21	including cease and desist orders concerning alleged unlawful
22	discriminatory practice; <u>and</u>
23	(2) hold hearings, subpoena witnesses and
24	compel their attendance, administer oaths, take the testimony
25	of any person under oath, order depositions and require the
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1 production for examination of any books, records, 2 correspondence, documents and other evidence relating to any matter under investigation or in question before the 3 4 commission. Contumacy or refusal to obey a subpoena issued 5 pursuant to this section constitutes contempt punishable by the district court of the judicial district in which the 6 7 witness may be found. No individual shall be excused from 8 attending and testifying or from producing evidence in 9 obedience to a subpoena issued pursuant to this section on the 10 grounds that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or a 11 12 forfeiture. However, no individual shall be prosecuted or 13 subjected to any penalty or forfeiture concerning any matter 14 for which he is compelled to testify or give evidence after 15 having claimed his right against self-incrimination. 16 Nevertheless, the individual so testifying shall not be exempt 17 from prosecution and punishment for perjury committed while 18 testifying.

<u>B. The commission shall hear complaints, issue</u> orders and hold hearings pursuant to Subsection A of this section in cases alleging mental health discrimination.

[B.] <u>C.</u> The <u>human rights</u> division <u>of the labor</u> <u>department</u> may:

(1) receive and investigate complaints of alleged unlawful discriminatory practice;

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1 (2)seek to eliminate discrimination through conciliation and persuasion by voluntary conferences with 2 3 interested parties; recommend application by the director to 4 (3) 5 a district court in the county where the violating party resides for specific performance of any conciliation agreement 6 7 or for enforcement of any order issued by the commission; 8 (4) endeavor to eliminate prejudice and to 9 further good will. The division, in cooperation with the 10 state department of public education and local boards of 11 education, shall encourage an educational program for all 12 residents of the state, calculated to eliminate prejudice, its 13 harmful effects and its incompatibility with principles of 14 fair play, equality and justice; encourage voluntary advisory groups to 15 (5) 16 study problems of discrimination in all fields, to foster, 17 through community efforts, good will and cooperation in this 18 state and to make recommendations to the secretary for the 19 development of policies and procedures which the secretary may 20 recommend to appropriate state agencies; 21 seek and enlist the cooperation and (6)22 contributions and grants of individuals and foundations, 23 private, charitable, religious, labor, civic and benevolent 24 organizations and the federal government for the purposes of 25 this section;

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		1	(7) issue publications and release the
		2	results of investigation and research which in the secretary's
		~ 3	judgment will tend to promote good will and prevent or
		3 4	
			eliminate discrimination; and
		5	(8) submit annually a written report of all
		6	its activities and recommendations to the secretary, the
		7	governor and the legislature."
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