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## FISCAL IMPACT REPORT

SPONSOR: Sanchez DATE TYPED: 03/06/01 HB \_\_\_\_\_  
 SHORT TITLE: Marital Status as a Protected Category SB 369/aSPAC/aSJC  
 ANALYST: Taylor

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

State Personnel Office (SPO)  
 Labor Department

### SUMMARY

#### Synopsis of SJC Amendments

The Senate Judiciary Committee amended Senate Bill 369 amending language regarding what is unlawful discrimination. Current law says it is unlawful discrimination for an employer to discriminate against certain classes of persons because of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition unless based on a bona fide occupational qualification. The amendment changes that last proviso so that it would now say “unless based on a bona fide occupational qualification or other statutory provision.”

#### Synopsis of Senate Public Affairs Committee Amendments

The Senate Public Affairs Committee amended Senate Bill 369 by striking throughout the word marital status and replacing it with spousal affiliation.

#### Synopsis of Original Bill

Senate Bill 369 amends the Human Rights Act by adding marital status as a protected category. Thus, the bill would make it illegal for employers, labor organizations, and employment agencies to discriminate in the areas of hiring, firing, promotion, membership, apprenticeships and other job training based on marital status. It would also be illegal to discriminate in the area of public accommodations including the housing market and financial assistance area.

The bill also adds “serious medical condition” to the area that prohibits employment agencies from refusing to list and properly classify for employment or refer an individual from a known available job for which the person qualifies.

### **FISCAL IMPLICATIONS**

The New Mexico Labor Department bill analysis notes that the federal equal Employment Opportunity Commission does not accept discrimination based upon marital status. Thus, all complaints would have to be handled by the New Mexico Labor Department. However, the department says that it expects that it would be able to absorb the work with existing staff. Hence, there is no immediate fiscal impact.

If workload were to increase considerably, the department may eventually require additional staff.

### **OTHER SUBSTANTIVE ISSUES**

The Labor Department notes that the bill does not provide an exemption to prohibition for religious organizations. They say that religious organizations may be forced to hire or house persons whose marital status conflicts with their doctrine.

The State Personnel Office writes that the bill may be in conflict with provisions of the Nepotism Act that prohibits certain employment relations between spouses. They also say that exceptions need to be made for personnel officers after hire because marital status information is necessary for insurance and retirement administration.

BT/njw:ar