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FISCAL IMPACT REPORT

SPONSOR: McSorley DATE TYPED: 01/29/03 HB _____

SHORT TITLE: Sexual Orientation or Gender Discrimination SB 28

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$0.1 See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 314

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

New Mexico Department of Labor (NMDOL)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 28 makes it unlawful to discriminate based upon sexual orientation or gender identity. Sexual orientation is defined as heterosexuality, homosexuality, or bisexuality, whether actual or perceived. Gender identity is defined as a person's self perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior, or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth.

A new section is added that prohibits the adoption or implementation of quotas based on sexual orientation or gender identity.

FISCAL IMPLICATIONS

According to the New Mexico Department of Labor (NMDOL), implementation of this bill will require two additional FTEs to conduct investigations.

ADMINISTRATIVE IMPLICATIONS

The NMDOL states implementation of this bill would require expanded investigation activities and additional staff training.

OTHER SUBSTANTIVE ISSUES

This bill retains the existing exemptions listed under the NM Human Rights Act, but further exempts religious institutions engaged in religious activities from the new provisions. Religious institutions engaged in non-religious activities would be subjected to the new provisions of SB28.

Neither sexual orientation nor gender identity are protected under current federal law. However, a proposal for similar federal legislation is currently before the U.S. Congress.

RLG/prr