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FISCAL IMPACT REPORT

SPONSOR: Anderson DATE TYPED: 02/27/03 HB 761

SHORT TITLE: Prohibit State Discrimination Against Seniors SB _____

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

New Mexico Department of Labor (DOL)
State Agency on Aging (SAA)

SUMMARY

Synopsis of Bill

House Bill 761 adds a new section to the Human Rights Act, amending § 28-1-1 et seq. NMSA 1978, prohibiting the state or any of its subdivisions from excluding a person 60 years or older from volunteer service as long as the person is physically, mentally and professionally capable of performing the services involved.

Significant Issues

This bill creates a new protected class, under the New Mexico Human Rights Act, prohibiting discrimination against senior volunteers.

FISCAL IMPLICATIONS

The NM Human Rights Division has a work share agreement with the Federal Equal Employment Opportunity Commission (EEOC). There is no comparable federal protection for senior volunteers, thus the New Mexico Department of Labor would not receive credit (federal com-

pensation) for processing such claims.

OTHER SUBSTANTIVE ISSUES

This bill offers no express remedies and is silent as to what damages could be awarded, so there remains a question of whether the newly protected class would seek existing remedies within the Act.

RLG/prr:njw