

OTHER SUBSTANTIVE ISSUES

The Department of Military Affairs indicates the Governor and Adjutant General place a proximately 200 to 500 guardsmen on state-ordered duty each year for an average of 2,087 man-days per year. This number is based on the last four years' experience. It is unknown how many guardsmen who were injured in the past would be able to take advantage of this legislation. The Department of Military Affairs supports enactment of this legislation.

The Workers' Compensation Administration states notice requirements compliance may be contested in some cases, although actual notice is an acceptable substitute for written notice under applicable case law.

The Workers' Compensation Advisory Council has had a process in place for several years for the review of proposed legislation affecting the workers' compensation system, pursuant to its statutory mandate. The prior council had a series of public meetings during the summer of 2002 where legislative proposals for this session were discussed. At the council's request, proposals involving changes to workers' compensation benefits were analyzed for their costs by the Workers' Compensation Administration research staff, the National Council on Compensation Insurance and New Mexico Mutual Casualty Company. This proposal has never been submitted to or reviewed by either the former or current Workers' Compensation Advisory Council. It is the position of the current Workers' Compensation Advisory Council that, at the present time, it opposes this bill.

KBC/njw