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FISCAL IMPACT REPORT

SPONSOR Carraro DATE TYPED 2/9/04 HB _____

SHORT TITLE Reform Energy Employee Work Illness Program SB SJM 40

ANALYST Dunbar

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY04 | FY05 | FY04 | FY05 | | |
| | NFI | | | | |

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 40 requests the state's congressional delegation to support reforms to the federal Energy Employee's Occupational Illness Compensation Program Act of 2000.

The bill requests that the federal Secretaries of Energy, Health & Human Services and Labor be requested to redouble their efforts to provide benefits to the people of New Mexico who were made ill while employed at federal departments. In addition, the bill requests that each department provide a written report to the legislature on the progress of the Memorial's resolutions since 2000, when the federal Energy Employees Occupational Illness Compensation Program Act of 2000 was enacted.

Significant Issues

DOH observes that:

- ❑ Many New Mexicans are not being compensated at a rate comparable to that of employees with similar claims in other states. Many New Mexicans with claims may wait years for a determination.
- ❑ Employees at the Los Alamos National Labs should have the same access to claims as have been approved for other employees with similar claims and that employees unable

to obtain documentation should receive the benefit of the doubt when reviewing claims.

OTHER SUBSTANTIVE ISSUES

The Energy Employees Occupational Illness Compensation Program Act was enacted to provide compensation to those veterans of the cold war employed by the United States Department of Energy (DOE) and made ill from exposure to radiation, beryllium and other toxic substances.

According to DOH, many New Mexicans who could be eligible for coverage under the act are encountering significant delays due to the physician-panel determination of occupational illnesses. At the current rate of implementation, claimants will wait 166 years to receive findings on their claims. In addition, families filing claims have experienced delays in access to medical and exposure records, incident reports and confirmations of job histories.

The state's congressional delegation is being requested to report on their efforts to ensure that:

- ❑ There be a willing payer for every meritorious claim.
- ❑ Review of claims within 180 days.
- ❑ Forum established to resolve claims.
- ❑ Employees unable to obtain records receive the benefit of the doubt and be compensated under the federal act.
- ❑ Chronic renal disease in workers exposed to uranium recognized as a compensable illness.
- ❑ Special exposure cohorts be established for Los Alamos National Laboratory employees
- ❑ Program created to assist claimants.
- ❑ Oversight hearings held to determine if the federal compensation program is meeting the needs of the claimants in New Mexico.

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