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SENATE BILL 887

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DON KIDD

AN ACT

RELATING TO LABOR; DEFINING EMPLOYER, WORKER AND EMPLOYEE FOR
THE PURPOSES OF THE WORKERS' COMPENSATION ACT AND THE NEW MEXICO
OCCUPATIONAL DISEASE DISABLEMENT LAW; CHANGING DISABILITY AND
DEATH PROVISIONS; ELIMINATING A FILING FEE; AMENDING, REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-15 NMSA 1978 (being Laws 1965,
Chapter 295, Section 8, as amended) is amended to read:

"52-1-15. EMPLOYER. --As used in the Workers' Compensation
Act, unless the context otherwise requires, "employer" includes
any person or body of persons, corporate or incorporate, and the
legal representative of a deceased employer or the receiver or
trustee of a person, corporation, association or partnership
engaged in or carrying on for the purpose of business or trade,

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1 charitable organizations, except as provided in Section 52-1-6
2 NMSA 1978, and also includes the state and each county,
3 municipality, school district, drainage, irrigation or
4 conservancy district and public institution and administrative
5 board thereof employing workers under the terms of the Workers'
6 Compensation Act. As used in Subsection E of Section 52-1-6 and
7 Sections 52-1-8 and 52-1-9 NMSA 1978, "employer" includes a
8 contractor covered by Section 52-1-22 NMSA 1978, whether or not
9 the subcontractor has, in fact, secured the payment of
10 compensation and whether or not the subcontractor is an
11 independent contractor."

12 Section 2. Section 52-1-16 NMSA 1978 (being Laws 1965,
13 Chapter 295, Section 9, as amended) is amended to read:

14 "52-1-16. WORKER--REAL ESTATE SALESPERSON EXCEPTED.--

15 A. As used in the Workers' Compensation Act, unless
16 the context otherwise requires, "worker" means any person who
17 has entered into the employment of or works under contract of
18 service or apprenticeship with an employer [~~except a person~~
19 ~~whose employment is purely casual and not for the purpose of the~~
20 ~~employer's trade or business~~]. The term "worker" shall include
21 "employee" and shall include the singular and plural of both
22 sexes. "Worker" includes public employee, as defined in the
23 Workers' Compensation Act, including salaried public officers.

24 B. For the purposes of the Workers' Compensation
25 Act, an individual who performs services as a qualified real

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1 estate salesperson shall not be treated as an employee and the
2 person for whom the services are performed shall not be treated
3 as an employer.

4 C. For the purpose of Subsection B of this section,
5 a "qualified real estate salesperson" means an individual who:

6 (1) is a licensed real estate salesperson,
7 associate broker or broker under contract with a real estate
8 firm;

9 (2) receives substantially all of his
10 remuneration, whether or not paid in cash, for the services
11 performed as a real estate salesperson, associate broker or
12 broker under contract with a real estate firm in direct relation
13 to sales or other output, including the performance of services,
14 rather than to the number of hours worked; and

15 (3) performs services pursuant to a written
16 contract between himself and the person for whom the services
17 are performed, and the contract provides that the individual
18 will not be treated as an employee with respect to such
19 services. "

20 Section 3. Section 52-1-22 NMSA 1978 (being Laws 1965,
21 Chapter 295, Section 15, as amended) is repealed and a new
22 Section 52-1-22 NMSA 1978 is enacted to read:

23 "52-1-22. [NEW MATERIAL] WORK SUBCONTRACTED. -- A
24 contractor who subcontracts all or any part of a contract and
25 the contractor's insurer shall be liable for the payment of the

1 compensation to employees of the subcontractor unless the
2 subcontractor primarily liable for the payment of such
3 compensation has secured the payment of compensation as provided
4 for in the Workers' Compensation Act. A contractor or the
5 contractor's insurer who shall become liable for such
6 compensation may recover the amount of such compensation paid
7 and necessary expenses from the subcontractor who is primarily
8 liable for them "

9 Section 4. Section 52-1-25.1 NMSA 1978 (being Laws 1990
10 (2nd S.S.), Chapter 2, Section 10) is amended to read:

11 "52-1-25.1. TEMPORARY TOTAL DISABILITY--RETURN TO WORK. --

12 A. As used in the Workers' Compensation Act,
13 "temporary total disability" means the inability of [the] a
14 worker, by reason of accidental injury arising out of and in the
15 course of his employment, to perform his duties prior to the
16 date of his maximum medical improvement.

17 B. If, prior to the date of maximum medical
18 improvement, an injured worker's health care provider releases
19 the worker to return to work and the employer offers work at the
20 worker's pre-injury wage, the worker is not entitled to
21 temporary total disability benefits.

22 C. If, prior to the date of maximum medical
23 improvement, an injured worker's health care provider releases
24 the worker to return to work and the employer offers work at
25 less than the worker's pre-injury wage, the worker is disabled

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1 and shall receive temporary total disability compensation
2 benefits equal to [~~sixty-six and~~] two-thirds [~~percent~~] of the
3 difference between the worker's pre-injury wage and his post-
4 injury wage.

5 D. If after the date of maximum medical improvement
6 the employer does not offer any work to the injured worker
7 within his impairment limitations, that worker shall remain
8 eligible to receive temporary total disability benefits for a
9 period not to exceed thirteen weeks.

10 [~~D.~~] E. If the worker returns to work pursuant to
11 the provisions of Subsection B of this section, the employer
12 shall continue to provide reasonable and necessary medical care
13 pursuant to Section 52-1-49 NMSA 1978. "

14 Section 5. Section 52-1-41 NMSA 1978 (being Laws 1959,
15 Chapter 67, Section 20, as amended) is amended to read:

16 "52-1-41. COMPENSATION BENEFITS--TOTAL DISABILITY.--

17 A. For total disability, the worker shall receive,
18 during the period of that disability, sixty-six and two-thirds
19 percent of his average weekly wage, not to exceed a maximum
20 compensation of ninety dollars (\$90.00) a week, effective July
21 1, 1975; and not to exceed a maximum compensation of sixty-six
22 and two-thirds percent of the average weekly wage in the state,
23 a week, effective January 1, 1976; and not to exceed a maximum
24 compensation of seventy-eight percent of the average weekly wage
25 in the state, a week, effective July 1, 1976; and not to exceed

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1 a maximum compensation of eighty-nine percent of the average
2 weekly wage in the state, a week, effective July 1, 1977; and
3 not to exceed a maximum compensation of one hundred percent of
4 the average weekly wage in the state, a week, effective July 1,
5 1978; and not to exceed a maximum compensation of [~~eighty-five~~]
6 one hundred percent of the average weekly wage in the state, a
7 week, effective [~~July 1, 1987~~] January 1, 1998; and to be not
8 less than a minimum compensation of thirty-six dollars (\$36.00)
9 a week. Except as provided in Subsections B and C of this
10 section, the worker shall receive compensation benefits for the
11 remainder of his life.

12 B. For disability resulting from primary mental
13 impairment, the maximum period of compensation is one hundred
14 weeks. For disability resulting in secondary mental impairment,
15 the maximum period of compensation is the maximum period
16 allowable for the disability produced by the physical impairment
17 or one hundred weeks, whichever is greater.

18 C. For the purpose of paying compensation benefits
19 for death, pursuant to Section 52-1-46 NMSA 1978, the worker's
20 maximum disability recovery shall be deemed to be seven hundred
21 weeks.

22 D. Where the worker's average weekly wage is less
23 than thirty-six dollars (\$36.00) a week, the compensation to be
24 paid the worker shall be his full weekly wage.

25 E. For the purpose of the Workers' Compensation Act,

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1 the average weekly wage in the state shall be determined by the
2 employment security division of the labor department on or
3 before June 30 of each year [~~and~~]. The average weekly wage
4 shall be computed from all wages reported to the employment
5 security division from employing units, including reimbursable
6 employers, in accordance with the regulations of the division
7 for the preceding calendar year, divided by the total number of
8 covered employees divided by fifty-two.

9 F. The average weekly wage in the state, determined
10 as provided in Subsection E of this section, shall be applicable
11 for the full period during which compensation is payable when
12 the date of the occurrence of an accidental injury falls within
13 the calendar year commencing January 1 following the June 30
14 determination.

15 G. Unless the computation provided for in Subsection
16 E of this section results in an increase or decrease of two
17 dollars (\$2.00) or more, raised to the next whole dollar, the
18 statewide average weekly wage determination shall not be changed
19 for any calendar year."

20 Section 6. Section 52-1-46 NMSA 1978 (being Laws 1959,
21 Chapter 67, Section 25, as amended) is amended to read:

22 "52-1-46. COMPENSATION BENEFITS FOR DEATH.--Subject to the
23 limitation of compensation payable under Subsection G of this
24 section, if an accidental injury sustained by a worker
25 proximately results in his death within the period of two years

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1 following his accidental injury, compensation shall be paid in
2 the amount and to the persons entitled thereto as follows:

3 A. if there are no eligible dependents, except as
4 provided in Subsection C of Section 52-1-10 NMSA 1978 of the
5 Workers' Compensation Act, the compensation shall be limited to
6 the funeral expenses, not to exceed [~~three thousand dollars~~
7 ~~(\$3,000)~~] five thousand dollars (\$5,000), and the expenses
8 provided for medical and hospital services for the deceased,
9 together with all other sums [~~which~~] that the deceased should
10 have been paid for compensation benefits up to the time of his
11 death;

12 B. if there are eligible dependents at the time of
13 the worker's death, payment shall consist of a sum not to exceed
14 [~~three thousand dollars (\$3,000)~~] five thousand dollars (\$5,000)
15 for funeral expenses and expenses provided for medical and
16 hospital services for the deceased, together with such other
17 sums as the deceased should have been paid for compensation
18 benefits up to the time of his death and compensation benefits
19 to the eligible dependents as hereinafter specified, subject to
20 the limitations on maximum periods of recovery provided in
21 Sections 52-1-41 through 52-1-43 and 52-1-47 NMSA 1978;

22 C. if there are eligible dependents entitled
23 thereto, compensation shall be paid to the dependents or to the
24 person authorized by the director or appointed by the court to
25 receive the same for the benefit of the dependents in such

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1 portions and amounts, to be computed and distributed as follows:

2 (1) to the child or children, if there is no
3 widow or widower entitled to compensation, sixty-six and two-
4 thirds percent of the average weekly wage of the deceased;

5 (2) to the widow or widower, if there are no
6 children, sixty-six and two-thirds percent of the average weekly
7 wage of the deceased, until remarriage; or

8 (3) to the widow or widower, if there is a
9 child or children living with the widow or widower, forty-five
10 percent of the average weekly wage of the deceased, or forty
11 percent if such child is not or all such children are not living
12 with a widow or widower and, in addition thereto, compensation
13 benefits for the child or children [~~which~~] that shall make the
14 total benefits for the widow or widower and child or children
15 sixty-six and two-thirds percent of the average weekly wage of
16 the deceased. When there are two or more children, the
17 compensation benefits payable on account of such children shall
18 be divided among such children, share and share alike; and

19 (4) two years' compensation benefits in one
20 lump sum shall be payable to a widow or widower upon remarriage;
21 however, the total benefits shall not exceed the maximum
22 compensation benefit as provided in Subsection B of this
23 section;

24 D. if there is neither widow, widower nor children,
25 compensation may be paid to the father and mother or the

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1 survivor of them, if dependent to any extent upon the worker for
2 support at the time of the worker's death, twenty-five percent
3 of the average weekly wage of the deceased, and in no event
4 shall the maximum compensation to such dependents exceed the
5 amounts contributed by the deceased worker for their care;
6 provided that if the father and mother or the survivor of them
7 was totally dependent upon such worker for support at the time
8 of the worker's death, he or they shall be entitled to fifty
9 percent of the average weekly wage of the deceased;

10 E. if there is neither widow, widower nor children
11 nor dependent parent, then to the brothers and sisters and
12 grandchildren if actually dependent to any extent upon the
13 deceased worker for support at the time of the worker's death,
14 thirty-five percent of the average weekly wage of the deceased
15 worker with fifteen percent additional for brothers and sisters
16 and grandchildren in excess of two, with a maximum of sixty-six
17 and two-thirds percent of the average weekly wage of the
18 deceased, and in no event shall the maximum compensation to
19 partial dependents exceed the respective amounts contributed by
20 the deceased worker for their care;

21 F. in the event of the death or remarriage of the
22 widow or widower entitled to compensation benefits as provided
23 in this section, the surviving children shall then be entitled
24 to compensation benefits computed and paid as provided in
25 Paragraph (1) of Subsection C of this section for the remainder

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1 of the compensable period. In the event compensation benefits
2 payable to children as provided in this section are terminated
3 as provided in Subsection E of Section 52-1-17 NMSA 1978, a
4 surviving widow or widower shall then be entitled to
5 compensation benefits computed and paid as provided in
6 Paragraphs (2) and (4) of Subsection C of this section for the
7 remainder of the compensable period; and

8 G. no compensation benefits payable by reason of a
9 worker's death shall exceed the maximum weekly compensation
10 benefits as provided in Sections 52-1-41 through 52-1-43 and
11 52-1-47 NMSA 1978, and no dependent or any class thereof, other
12 than a widow, widower or children, shall in any event be paid
13 total benefits in excess of seven thousand five hundred dollars
14 (\$7,500) exclusive of funeral expenses and the expenses provided
15 for medical and hospital services for the deceased paid for by
16 the employer. "

17 Section 7. Section 52-3-3 NMSA 1978 (being Laws 1945,
18 Chapter 135, Section 3, as amended) is amended to read:

19 "52-3-3. DEFINITIONS--EMPLOYEE [~~AND LESSEE IN MINES~~]-
20 MINING PROPERTY LESSEES.--The term "employee" or "worker" as
21 used in the New Mexico Occupational Disease Disablement Law
22 means:

23 A. every person in the service of the state [~~and~~] or
24 of a county, municipality or school district, including the
25 regular members of lawfully constituted police and fire

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1 departments of municipalities;

2 B. every person in the service of any employer
3 subject to the New Mexico Occupational Disease Disablement Law,
4 including aliens and minors legally or illegally permitted to
5 work for hire but [~~not including a person whose employment is~~
6 ~~casual and is not in the usual course of the trade, business or~~
7 ~~occupation of the employer and~~] not including ranching or
8 agricultural workers and domestic servants of employers exempt
9 under Section 52-3-2 NMSA 1978 unless the employer shall so
10 elect; and

11 C. lessees of mining property and their employees
12 who are engaged in the performance of work that is a part of the
13 business conducted by the lessor and over whose work the lessor
14 retains supervision or control are, within the meaning of this
15 section, employees of [~~such~~] that lessor."

16 Section 8. Section 52-3-4 NMSA 1978 (being Laws 1987,
17 Chapter 235, Section 31, as amended) is amended to read:

18 "52-3-4. DEFINITIONS. --As used in the New Mexico
19 Occupational Disease Disablement Law:

20 A. "award" means the final compensation order made
21 by the workers' compensation judge pursuant to Section 52-5-7
22 NMSA 1978;

23 B. "compensation" means the payments and benefits
24 provided for in the New Mexico Occupational Disease Disablement
25 Law;

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1 C. "compensation order" means a compensation order
2 of the workers' compensation division issued by a workers'
3 compensation judge pursuant to Section 52-5-7 NMSA 1978; [~~and~~]

4 D. "disablement" means:

5 (1) the total physical incapacity, by reason of
6 an occupational disease, of an employee to perform any work for
7 remuneration or profit in the pursuit in which the employee was
8 engaged; provided that silicosis, when complicated by active
9 tuberculosis of the lungs, shall be presumed to result in
10 disablement; or

11 (2) the partial physical incapacity of an
12 employee, by reason of an occupational disease, to perform to
13 some percentage extent any work for which he is fitted by age,
14 education and training; and

15 E. as used in Subsection D of Section 52-3-5 and
16 Sections 52-3-7 and 52-3-8 NMSA 1978, "employer" shall include a
17 contractor covered by Section 52-1-22 NMSA 1978, whether or not
18 the subcontractor has, in fact, secured the payment of
19 compensation and whether or not the subcontractor is an
20 independent contractor."

21 Section 9. REPEAL. -- Sections 52-1-4.1 and 52-1-23 NMSA
22 1978 (being Laws 1979, Chapter 368, Section 2 and Laws 1965,
23 Chapter 295, Section 16, as amended) are repealed.

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February 28, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 6, line 5, strike the brackets and line through "eighty-five".
2. On page 6, line 6, strike the underscored "one hundred".
3. On page 6, line 7, strike the brackets and line through "July 1, 1987" and after "1987" insert "; and not to exceed a maximum compensation of one hundred percent of the average weekly wage in the state, a week, effective".
4. On page 13, between lines 20 and 21, insert the following

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new section:

"Section 9. Section 52-3-14 NMSA 1978 (being Laws 1945, Chapter 135, Section 14, as amended) is amended to read:

"52-3-14. COMPENSATION--LIMITATIONS. --

A. The compensation to which an employee who has suffered disablement, or his dependents, shall be entitled under the New Mexico Occupational Disease Disablement Law is limited to the provisions of that law. No compensation shall be due or payable under the New Mexico Occupational Disease Disablement Law for any disablement ~~[which]~~ that does not result in either the temporary disablement of the employee lasting for more than seven days or in his permanent disablement as herein described or in death; provided, however, that if the period of temporary disablement of the employee lasts for more than four weeks from the date of the disablement, compensation under the New Mexico Occupational Disease Disablement Law shall be payable in addition to the amount hereinafter stated in a like amount for the first seven days after the date of disablement. But for any such disablement for which compensation is payable under the New Mexico Occupational Disease Disablement Law, the employer shall in all

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proper cases, as herein provided, pay to the disabled employee or to some person authorized by the director to receive the same, for the use and benefit of the beneficiaries entitled thereto, compensation at regular intervals of no more than sixteen days apart, in accordance with the following, less proper deductions on account of default in failure to give notice of such disablement as required in Section 52-3-19 NMSA 1978.

B. For total disablement, the employee shall receive sixty-six and two-thirds percent of his average weekly wage, not to exceed a maximum compensation of:

(1) ninety dollars (\$90.00) a week, effective July 1, 1975;

(2) sixty-six and two-thirds percent of the average weekly wage in the state, a week, effective January 1, 1976;

(3) seventy-eight percent of the average weekly wage in the state, a week, effective July 1, 1976;

(4) eighty-nine percent of the average weekly wage

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in the state, a week, effective July 1, 1977;

(5) one hundred percent of the average weekly wage
in the state, a week, effective July 1, 1978;

(6) eighty-five percent of the average weekly wage
in the state, a week, effective July 1, 1987; and

(7) one hundred percent of the average weekly wage
in the state, a week, effective January 1, 1998;

or to be less than a minimum compensation of thirty-six dollars
(\$36.00) a week, during the period of such disablement, but in no
event to exceed a period of seven hundred weeks; provided,
however, that where his wages are less than thirty-six dollars
(\$36.00) a week, then the compensation to be paid such employee
shall be the full amount of such weekly wages; provided further
that the benefits paid or payable during a employee's entire
period of disablement shall be based on and limited to the
benefits in effect on the date of the occurrence of the
disablement.

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C. For partial disablement, the benefits shall be a percentage of the benefits payable for total disablement calculated under Subsection B of this section as that percentage is determined pursuant to the provisions of Section 52-3-4 NMSA 1978. In no event shall the duration of benefits extend longer than five hundred weeks.

D. For the purpose of the New Mexico Occupational Disease Disablement Law, the average weekly wage in the state shall be determined by the employment security division of the labor department on or before June 30 of each year and shall be computed from all wages reported to the employment security division from employing units, including reimbursable employers, in accordance with the regulations of the employment security division for the preceding calendar year, divided by the total number of covered employees divided by fifty-two. The first such determination by the employment security division of the average weekly wage in the state shall be made on or before June 30, 1975 from reported wages and covered employees for the calendar year ending December 31, 1974.

E. The average weekly wage in the state, determined as provided in Subsection D of this section, shall be applicable for

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the full period during which compensation is payable when the date of the occurrence of the disablement falls within the calendar year commencing January 1 following the June 30 determination.

F. Unless the computation provided for in Subsection D of this section results in an increase or decrease of two dollars (\$2.00) or more, raised to the next whole dollar, the statewide average weekly wage determination shall not be changed for any calendar year.

G. In case death proximately results from the disablement within the period of two years, compensation benefits to be paid such employee shall be in the amounts and to the persons as follows:

(1) if there are no dependents, the compensation shall be limited to the funeral expenses not to exceed ~~[three thousand dollars (\$3,000)]~~ five thousand dollars (\$5,000) and the expenses provided for medical and hospital services for the deceased, together with such other sums as the deceased may have been paid for disablement; or

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(2) if there are dependents at the time of death, the payment shall consist of a sum not to exceed ~~[three thousand dollars (\$3,000)]~~ five thousand dollars (\$5,000) for funeral expenses and expenses provided for medical and hospital services for the deceased, together with such other sums as the deceased may have been paid for disability, and a percentage ~~[hereinafter]~~ specified in this paragraph for average weekly wages subject to the limitations of the New Mexico Occupational Disease Disablement Law to continue for the period of seven hundred weeks from the date of death of such employee; provided that the total death compensation, unless otherwise specified, payable in any of the cases ~~[hereinafter]~~ mentioned in this section shall not be less than the minimum weekly compensation provided in Subsection B of this section or more than the maximum weekly compensation provided in Subsection B of this section and shall be based on and limited to the benefits in effect on the date of the occurrence of the disablement. If there are dependents entitled thereto, compensation shall be paid to the dependents or to the person authorized by the director or the court to receive the same for the benefit of the dependents in such portions and amounts as the director or the court, bearing in mind the necessities of the case and the best interests of the dependents and of the public, may

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determine, to be computed on the following basis and distributed
to the following persons:

(a) to the child or children, if there is no
widow or widower entitled to compensation, sixty-six and two-
thirds percent of the average weekly wage of the deceased;

(b) to the widow or widower, if there are no
children, sixty-six and two-thirds percent of the average weekly
wage of the deceased, until remarriage;

(c) to the widow or widower, if there is a
child or children living with the widow or widower, forty-five
percent of the average weekly wage of the deceased, or forty
percent, if such child is not or all such children are not living
with a widow or widower, and in addition thereto, compensation
benefits for the child or children which shall make the total
benefits for the widow or widower and child or children sixty-six
and two-thirds percent of the average weekly wage of the deceased.
When there are two or more children, the compensation benefits
payable on account of such children shall be divided among such
children, share and share alike;

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(d) two years' compensation benefits in one lump sum shall be payable to a widow or widower upon remarriage; however, the total benefits shall not exceed the maximum compensation benefits as provided in Paragraph (2) of this subsection;

(e) if there is neither widow, widower nor children, then to the father and mother or the survivor of them if dependent to any extent upon the employee for support at the time of his death, twenty-five percent of the average weekly wage of the deceased; provided that if such father and mother or the survivor of them was totally dependent upon such employee for support at the time of his death, he or they shall be entitled to fifty percent of the average weekly wage of the deceased, subject to the maximum weekly compensation provided for in Subsection B of this section;

(f) no disablement benefits payable by reason of an employee's death shall exceed the maximum weekly compensation provided for in Subsection B of this section, and no dependent or any class thereof other than a widow or widower or children shall in any event be paid total benefits in excess of seven thousand five hundred dollars (\$7,500) exclusive of funeral

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expenses and the expenses provided for medical and hospital services for the deceased paid for by the employer.

If there is neither widow, widower nor children nor dependent parent, then to the brothers and sisters, if actually dependent to any extent upon the deceased for support at the time of his death, thirty-five percent of the average weekly wage of the deceased, with fifteen percent additional for brothers or sisters in excess of two, with a maximum of sixty-six and two-thirds percent to be paid to their guardian; provided that the maximum compensation to partial dependents shall not exceed the respective amounts therefor contributed by the deceased employee or the maximum weekly compensation provided for in Subsection B of this section; and

(g) in the event of the death or remarriage of the widow or widower entitled to compensation under this subsection, the surviving children shall then be entitled to compensation computed and paid as in Subparagraph (a) of this paragraph for the remainder of the compensable period, and in the event compensation benefits payable to children as provided in this section are terminated as provided in Paragraph (5) of Subsection A of Section 52-3-13 NMSA 1978, a surviving widow or

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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widower shall then be entitled to compensation benefits computed and paid as provided in Subparagraphs (b) and (d) of this paragraph for the remainder of the compensable period.".

5. Renumber the succeeding section accordingly.,

and thence referred to the CORPORATIONS & TRANSPORTATION COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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FIRST SESSION, 1997

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The roll call vote was 7 For 2 Against

Yes: 7

No: 0

Excused: Ingle, Vernon

Absent: None

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FORTY-THIRD LEGISLATURE
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 887/a

March 6, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

SENATE BILL 887

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

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FIRST SESSION, 1997

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Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Fidel, Robinson

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 887/a

March 6, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

SENATE BILL 887

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

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Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Fidel, Robinson

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your LABOR AND HUMAN RESOURCES COMMITTEE, to whom
has been referred

SENATE BILL 887, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 8, after "not" insert "a contractor is the
primary contractor or a subcontractor, and whether or not".

2. On page 2, lines 18 through 20, restore the stricken
language.

3. On page 3, line 25, strike the second occurrence of "the".

4. On page 4, line 1, strike "compensation" and insert in
lieu thereof "weekly compensation, benefits, medical expenses and
recoverable costs, including discovery,".

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5. On page 4, line 6, strike the first occurrence of "compensation" and insert in lieu thereof "weekly compensation, benefits, medical expenses and recoverable costs, including discovery,".

6. On page 4, line 7, before "expenses" insert "fees and".

7. On page 4, line 7, after "expenses" insert "provided for in Section 52-1-54 NMSA 1978".

8. On page 12, lines 5 through 7, restore the stricken language.

9. On page 13, line 17, after "not" insert "a contractor is the primary contractor or a subcontractor, and whether or not".

10. On page 13, lines 21 through 23, after "Sections" strike the remainder of that section and insert in lieu thereof "52-1-4.1, 52-1-23 and 52-3-9.1 NMSA 1978 (being Laws 1979, Chapter 368, Section 2, Laws 1965, Chapter 295, Section 16 and Laws 1980, Chapter 88, Section 4, as amended) are repealed.".,

and thence referred to the BUSINESS AND INDUSTRY COMMITTEE.

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Respectfully submitted,

Rick Miera, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Foy, Silva, S. Williams

Absent: None

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