NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR:	Robinson	DATE TYPED:	2/25/03	HB	
SHORT TITLE: National Guard Workers		xers' Comp Claim '	Γime Limit	SB	814
ANALYST:				YST:	Collard

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From
Workers' Compensation Administration
Department of Military Affairs

SUMMARY

Synopsis of Bill

Senate Bill 814 does not require "a member of the National Guard whose injury happened while on state-ordered duty and who has received federal veterans' disability benefits as a result of that injury" to submit a notice of accident to the employer within 15 days, as is the case with other employees, to receive workers' compensation benefits. It also extends the limitation on filing a claim for refusal of the employer or insurer to pay compensation past one year for the worker described above. The "employer" under state law would be the Department of Military Affairs.

FISCAL IMPLICATIONS

There is no appropriation or significant fiscal impact associated with this bill.

ADMINISTRATIVE IMPLICATIONS

The Department of Military Affairs notes the bill would increase New Mexico National Guard efficiency, recruitment and membership because members serving in state active duty would have the confidence of insurance coverage if injured on the job. The department also notes it would be responsible for administration of the outgoing claims.

Senate Bill 814 -- Page 2

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