

<b>LFC Requester:</b>	<b>Faubion, Jennifer</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**Analysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** Jan 18, 2024

**Bill No:** SB3

<b>Sponsor:</b> <u>Stewart, Chandler</u>	<b>Agency Name and Code</b> <u>State Personnel Office</u>
<b>Short Title:</b> <u>Paid Family and Medical Leave Act</u>	<b>Number:</b> <u>37800</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	Unknown	Nonrecurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	Unknown		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	N/A	N/A	Additional WSD staff	Unknown	Recurring	

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB6

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SB3 establishes the Paid Family and Medical Leave Act to compensate employees and self-employed persons taking leave to: bond with a child; take measures to protect themselves or family members who are victims of domestic violence, stalking, or sexual assault; or provide care for themselves or family members experiencing a serious health condition; or following the death of a minor child; or take leave for a family member on active military duty.

**FISCAL IMPLICATIONS**

This bill has no appropriation.

WSD may be in the best position to determine the level of additional staffing it will need to administer the requirements of the Act.

**SIGNIFICANT ISSUES**

The effect of this Act on the State of New Mexico as an employer is unclear.

Section 2 of the Act defines “employer” as a person that has one or more employees within the state and includes an agent of an employer and the state or a political subdivision of the state.

Section 11 of the Act pre-empts a city, county, home rule municipality or other political subdivision of the state from adopting or continuing any program that provides rights and benefits as set out in the Act. But the bill is silent on whether the State of New Mexico is pre-empted as well.

Section 4(G) of the Act permits an employer that has adopted and operates a paid family and medical leave plan substantially similar to or greater than the program offered under the Act to apply for a waiver exempting the employer from participating in the program.

Section 4(I)(1) presupposes that any employer granted a waiver is covered by a *privately* run leave program rather than a public plan. There is no recognition that the State of New Mexico has its own Paid Parental Leave policy in place pursuant to Executive Orders 2019-036 and

2020-062.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

Even if the State was granted a waiver from participating in the program for one calendar year, the Act would require the State to re-apply for a waiver every successive calendar year. WSD is in the best position to address the full administrative implications of SB3

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**