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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/22
 SPONSOR SJC LAST UPDATED 2/14/22 HB _____
 SHORT TITLE Extend Scope of Human Rights Act SB 152/SJCS
 ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown, but probably minimal	Unknown, but probably minimal	Unknown, but probably minimal	Unknown, but probably minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB158

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Workforce Solutions Department (WSD)
 New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 152 extends the reach of the Human Rights Act (Section 28-1-2 NMSA 1978) to all governmental and quasi-governmental agencies and groups (e.g., schools and school boards, government contractors), and extends the list of types of individuals who cannot be subjected to discrimination.

Section 1 amends the definitions used in the act: “person” is extended to include public bodies or state agencies, where “public body” is defined as meaning all branches of all state and local governments and boards, committees and the like which are publically funded but not by their nature private. Similarly, “state agency” is also expanded to include all state departments, commissions, committees, districts, grantee, and, notably, contractors to the state or other persons receiving state funding.

It also replaces in this and all other sections of the act the words “handicap” and “handicapped” with the words “disability” and “person with disability.”

Section 2 applies the prohibition on discrimination to public bodies and state agencies, as defined above. It then states that the newly defined entities cannot refuse to provide services or put conditions on those services due to any of the following characteristics:

- Race;
- Age;
- Religion;
- Color;
- National origin;
- Ancestry;
- Sex;
- Sexual orientation or spousal affiliation;
- Gender identity;
- Pregnancy, childbirth or related conditions;
- Serious medical conditions; and
- Physical or mental disability.

Public bodies and state agencies as defined cannot put limits on services provided to persons based on any of the categories above, but this is conditioned on the public bodies not having to provide services beyond those they must usually provide to anyone with or without any exceptionality.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 152.

AOC indicates that there may be a minimal administrative cost for updating statutes and distributing them. AOC also indicates that courts may have to increased caseloads, which would increase costs.

Workforce Solutions Department (WSD) indicates that “the Human Rights Bureau (HRB) investigators will absorb the new claims and ensure claims are processed and investigated in a timely manner,” but also states that “To ensure constituents continue to receive timely determinations, the agency may request additional FTE support in the future to appropriately staff the HRB.”

SIGNIFICANT ISSUES

AOC notes the application of the prohibition on discrimination for an extended group of covered entities, including individual employees of the state or local departments or agencies and contractors to those agencies.

AOC also notes approvingly that “SB152 will provide clarity and additional guidance to public

bodies and governmental entities, as well as to applicants, employees, and the public. Though public bodies and governmental entities are currently required to comply with federal laws that provide similar protections, some of these laws apply only to employers with fifteen, or fifty employees, for example. Expanding the language will help ensure decisions related to hiring, employment, housing, etc., are based on bona fide qualifications.”

RELATIONSHIP

Relates to Senate Bill 158, which bars discrimination on many bases in determining who will receive a donated organ.

LC/al/acv