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FISCAL IMPACT REPORT

ORIGINAL DATE 2-13-07

SPONSOR Lujan, B. LAST UPDATED _____ HB 779

SHORT TITLE OFFICE OF NUCLEAR WORKERS ADVOCACY SB _____

ANALYST Aubel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$610.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From
Department of Health (DOH)

No Response
Office of Governor

SUMMARY

Synopsis of Bill

House Bill 779 appropriates \$610.0 thousand from the general fund to the Office of the Governor for the purpose of providing advocacy and technical assistance, and to act as a liaison, for claimants seeking compensation pursuant to the Energy Employees Occupational Illness Compensation Act (EEOICA).

FISCAL IMPLICATIONS

The appropriation of \$610.0 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the general fund.

HB 779 appropriates funding for providing advocacy and technical assistance from an office of

nuclear worker's advocacy administratively attached to the Office of the Governor, which would require at least 1 FTE to administer the activities, with an estimated personal services and benefits budget impact of \$75.0 thousand. Although not specified in HB 779, the remaining appropriation would most likely be utilized through contractual services provided to the claimants to develop credible applications.

SIGNIFICANT ISSUES

The Energy Employees Occupational Illness Compensation Program delivers benefits to eligible employees and former employees of the US Department of Energy (DOE), its contractors and subcontractors, and others defined by the EEOICA. Assistance, compensation and payment of medical expenses is available to DOE employees, its contractors and subcontractors, or their survivors, who develop an illness due to exposure to toxic substances at certain DOE facilities, pending a successful hearing of their cases. Uranium miners, millers, and ore transporters are also eligible for benefits if they develop an illness as a result of toxic exposure and are deemed eligible through the hearing process. A toxic substance is not limited to radiation but includes things such as chemicals, solvents, acids and metals. Compensation and payment of medical expenses would also be provided for radiation-induced cancer, providing requirements are met.

There are three DOE facilities in New Mexico: 1) Los Alamos National Laboratory 2) Sandia National Laboratories, and 3) the Waste Isolation Pilot Plant. Any legitimate claimants from these facilities to the Energy Employees Occupational Illness Compensation Program could be assisted through funds allocated by HB 779.

The hearing process is subject to the federal requirements, which can be burdensome, particularly to ill workers or surviving spouses. HB 779 would provide the resources to help New Mexican citizens who worked in these DOE installations, or their surviving spouses, secure the scientific evidence, navigate the legal complexities, and prepare the application properly to receive a meaningful consideration in the process.

ADMINISTRATIVE IMPLICATIONS

At least 1 FTE would be required to coordinate the intake, assess the needs, and evaluate the expertise required to assist the applicant, assuming legal and other expertise would be acquired through contractual services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 779 relates to the appropriation made to the Office of the Governor in HB2 for FY08.

TECHNICAL ISSUES

HB 779 has an emergency clause.

At least 1 FTE would need to be authorized, or another vacant position reclassified, to fulfill the purpose of the office of nuclear advocacy.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Additional assistance for claimants to the Employees Occupational Illness Compensation Program, other than that provided by federal resource centers at the state level, will not be provided.

POSSIBLE QUESTIONS

1. How will the “advocacy and technical” assistance be provided?
2. What public outreach efforts would be needed?
3. Approximately how many people would qualify for the services?
4. What would be the administrative requirements to fulfill the program?

MA/mt