

1 SENATE MEMORIAL 110

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

4 Cliff R. Pirtle

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10 A MEMORIAL

11 REQUESTING THE WORKERS' COMPENSATION ADMINISTRATION TO CLARIFY  
12 THAT INDEPENDENT CONTRACTORS AND INDEPENDENT CONTRACT LABORERS  
13 ARE NOT DEEMED EMPLOYEES OF FARMS AND RANCHES REQUIRING  
14 WORKERS' COMPENSATION COVERAGE PURSUANT TO THE WORKERS'  
15 COMPENSATION ACT, BUT FALL UNDER THE EXEMPTIONS FOR FARM AND  
16 RANCH WORKERS OUTLINED IN THE WORKERS' COMPENSATION ACT.

17  
18 WHEREAS, workers' compensation insurance coverage became  
19 the law in New Mexico in 1929; and

20 WHEREAS, farm and ranch workers are not mentioned in that  
21 law; and

22 WHEREAS, farm and ranch workers were specifically exempted  
23 in the 1939 amendment to the Workers' Compensation Act; and

24 WHEREAS, the New Mexico legislature has retained that  
25 exemption in every amendment to workers' compensation statutes

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1 since 1939; and

2 WHEREAS, farm and ranch work is seasonal, with many farm  
3 and ranch laborers working temporarily, sometimes for as little  
4 as a day, at a farm or ranch; and

5 WHEREAS, farm and ranch workers migrate from farm to farm  
6 and ranch to ranch with a high rate of turnover, making it  
7 difficult to track workers and substantiate the source and  
8 cause of an illness or injury or even to treat injuries; and

9 WHEREAS, food products are subject to the vagaries of  
10 weather and to the limitations of federal commodities pricing,  
11 making it difficult or impossible for employers to reasonably  
12 assess on a seasonal basis their farm and ranch costs, income,  
13 labor needs and insurance needs; and

14 WHEREAS, farm and ranch workers are often family members  
15 or neighbors who trade labor with no payroll incurred, yet the  
16 workers' compensation administration is requiring insurance  
17 coverage on these individuals; and

18 WHEREAS, the federal Patient Protection and Affordable  
19 Care Act mandates that everyone in the United States be covered  
20 by health insurance; and

21 WHEREAS, farm and ranch lending institutions require their  
22 borrowers to maintain liability insurance to cover work  
23 injuries; and

24 WHEREAS, New Mexico statutes are filled with exemptions  
25 for a wide variety of groups, including veterans, seniors,

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1        acequias, domestic workers and many others;

2                NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
3        OF NEW MEXICO that the workers' compensation administration be  
4        requested to clarify that family members, unpaid neighbors,  
5        independent contractors and independent contract laborers are  
6        not deemed employees of farms and ranches, thus requiring  
7        workers' compensation coverage pursuant to the Workers'  
8        Compensation Act, but fall under the exemptions for farm and  
9        ranch workers outlined in the Workers' Compensation Act; and

10                BE IT FURTHER RESOLVED that the workers' compensation  
11        administration report to the appropriate interim committee of  
12        the legislature by December 1, 2016; and

13                BE IT FURTHER RESOLVED that a copy of this memorial be  
14        transmitted to the workers' compensation administration.