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SENATE JOINT MEMORIAL 14

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Don Kidd

A JOINT MEMORIAL

REQUESTING THE ADVISORY COUNCIL ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASE DISABLEMENT TO CONTINUE MONITORING THE PERFORMANCE OF THE SYSTEM AND REQUESTING THE JUDICIAL BRANCH TO MAINTAIN THE BALANCE BETWEEN THE EXCLUSIVE REMEDY AND TORT LAW.

WHEREAS, the workers' compensation system has achieved two goals since the adoption of reforms in 1990, cost reduction without cutting benefits to injured workers and improved efficiency and predictability; and

WHEREAS, the system has served workers, the business community and economic development since 1990; and

WHEREAS, the 1998 annual report issued by the advisory council on workers' compensation and occupational disease disablement demonstrates a continuing decline in injuries,

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1 deaths, illnesses and costs to the workers' compensation
2 system; and

3 WHEREAS, the legislature created the advisory council,
4 which includes labor and business representation, to monitor
5 implementation of the 1990 reforms and recommend additional
6 improvements; and

7 WHEREAS, the delicate balance between workers'
8 entitlements and the benefits and economies of business
9 largely depend upon the theories of the exclusive remedy for
10 work-related injuries; and

11 WHEREAS, since the 1990 reforms, it is increasingly clear
12 to the stakeholders that the judiciary exercises a critical
13 role in balancing the exclusive remedy and tort law; and

14 WHEREAS, stakeholders appreciate the pressure on the
15 judiciary resulting from increasing regulation of the
16 employment relationship, which pressures the theories of the
17 exclusive remedy for work-related injuries; and

18 WHEREAS, the advisory council's 1998 annual report
19 highlights the exclusive remedy balance and its relation to an
20 effective workers' compensation system;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
22 STATE OF NEW MEXICO that the advisory council on workers'
23 compensation and occupational disease disablement be requested
24 to continue to monitor the performance of the workers'
25 compensation system, annually reporting its findings,

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1 recommendations and conclusions; and

2 BE IT FURTHER RESOLVED that the judicial branch be
3 requested to exercise careful judgment to maintain the balance
4 between exclusive remedy and tort law; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the members of the advisory council on workers'
7 compensation and occupational disease disablement, each
8 district court judge, the justices of the court of appeals and
9 the justices of the supreme court.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 8, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
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12 SENATE JOINT MEMORIAL 14
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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17 Respectfully submitted,
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20 _____
21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Luna, Sanchez

13 Absent: None

15 J: \99BillSWP\Sj 014

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