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FISCAL IMPACT REPORT

SPONSOR <u>Sariñana</u>	LAST UPDATED <u>2/7/24</u>
	ORIGINAL DATE <u>2/2/24</u>
SHORT TITLE <u>Dept. Of Defense Military Recommendations</u>	BILL NUMBER <u>House Bill 302</u>
	ANALYST <u>Sanchez</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact	Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to House Bill 235

Sources of Information

LFC Files

Agency Analysis Received From
 Early Childhood Education and Care Department (ECECD)
 Office of the Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From
 Department of Military Affairs (DMA)

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of House Bill 302

House Bill 302 (HB302) proposes several amendments to NMSA 1978 focused on easing licensure and oversight requirements for child care programs, recognizing professional licenses across states for military personnel and their spouses, protecting individuals with military status from discrimination, and integrating the Space Force into various New Mexico statutes:

Licensure and Oversight Exemptions: HB302 exempts child care programs certified by a branch of the United States Department of Defense, including the United States Coast Guard, from state licensure requirements. This means if a child care program is certified by the Department of Defense or the Coast Guard, it does not need to meet additional

state licensing requirements. This exemption, however, does not apply to family child care providers who also serve children not affiliated with the Department of Defense or the Coast Guard.

Inclusion of the Space Force: HB302 amends several sections of NMSA 1978 to include the Space Force within the list of recognized branches of the military. This includes amendments to the Election Code, the Resident Tuition for Veterans of the Armed Forces Act, the Deployed Parents Custody and Visitation Act, the Uniform Probate Code, and the Nonresident Motor Vehicle Registration statutes.

Human Rights Act Amendments: HB302 amends the Human Rights Act to include "military status" as a protected category against discrimination. "Military status" is defined broadly to include active members and veterans of the armed forces or state defense force, along with their spouses and children.

Additional specific amendments (adding Space Force):

Election Code: Amends the definition of "uniformed-service voter" to include members of the Space Force.

Resident Tuition Eligibility: Extends eligibility for resident tuition to members of the Space Force and their families.

Custody and Visitation: Includes the Space Force in the definition of uniformed service for purposes of custody and visitation rights under the Deployed Parents Custody and Visitation Act.

Probate Code: Amends the definition of an emancipated minor to include members of the Space Force who are 16 years of age and older.

Motor Vehicle Registration: Updates the motor vehicle registration statutes to include officers and enlisted personnel of the Space Force and revises references to align with current statutes.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

None of the agencies responding to the request for analysis indicated there would be any fiscal impact on their budgets.

SIGNIFICANT ISSUES

Analysis from the Early Childhood Education and Care Department stated:

ECECD currently recognizes child care programs or facilities licensed or certified by the United States Department of Defense and the United States Coast Guard as exempt from licensure as outlined under New Mexico Administrative Code (NMAC) 8.9.4.9(B), which excludes "[c]hild care facilities operated by the federal government or a tribal

government.” ECECD also provides for a “courtesy license” for military providers under its regulations that permit child care providers licensed by the Department of Defense to participate in ECECD’s child care assistance program, without any inspections by the state and with minimal administrative burden. See 8.9.4.11(A)(5) NMAC, “Military License.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 302 is similar to House Bill 235, which proposed similar changes to statute. The Office of the Attorney General provided the following breakdown of the differences:

HB302 is a updated version of House Bill 235, which removes six sections from House Bill 235 and adds two additional sections. The following sections from House Bill 235 are removed in HB302:

- Section 2 material (Portability of professional licenses);
- Section 4 amendment (Jurisdiction transfer procedure);
- Section 6 amendment (Behavioral Health Planning Council membership amendment);
- Section 8 amendment (Governor’s Commission on Disability membership amendment);
- Section 9 amendment (Jurisdiction of the Court, exception); and
- Section 11 amendment (County DWI Planning Councils Authorized – membership amendment).

The following two sections were added to HB302 that were not previously included in House Bill 235:

- Section 4 amendment (Section 28-1-2 of the Human Rights Act amendment), and
- Section 5 amendment (an amendment to Section 28-1-7 of the Human Rights Act amendment).