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## FISCAL IMPACT REPORT

SPONSOR Gonzales ORIGINAL DATE 2/8/2022  
LAST UPDATED 2/10/2022 HB \_\_\_\_\_  
SHORT TITLE Military Spouse License Reciprocity SM 7/aSRC/aSHPAC  
ANALYST Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Veterans' Services Department (DVS)  
New Mexico Attorney General (NMAG)

#### No Response Received

Judicial Standards Commission (JSC)

### SUMMARY

#### Synopsis SHPAC Amendment

The Senate Health and Public Affairs Committee adds the word "and" between the first two "be it resolved" sections of the document.

#### Synopsis of SRC Amendment

The amendment changes language in the memorial in several ways:

- 1) It takes out reference to the governor
- 2) It adds the requirement that military spouse attorney's demonstrate knowledge of New Mexico law to achieve reciprocal licensure
- 3) It changes one statement from appearing to be a background item to an action by changing the beginning of the sentence from "whereas" to "Now therefore, be it resolved..."

Synopsis of the Original Memorial

Taking note of New Mexico's long history of support of the military, Senate Memorial 7 urges the adoption of a policy of reciprocity for military spouses who are attorneys licensed in another state. Specifically, it

- 1) Urges the Supreme Court and the New Mexico Board of Bar Examiners to admit to practice in New Mexico the spouse of a military member who.
  - a. Is an attorney licensed to practice as an attorney in any state or the District of Columbia.
  - b. Is present in New Mexico while the spouse is in military service.
  - c. Is in good standing in his/her state of licensure.
  - d. Complies with continuing legal education and other ethical standards.
- 2) Asks the bar examiners and Supreme Court to do away from unnecessary obstacles to reciprocal licensure.
- 3) Encourages mentorship by attorneys near where the spouse-attorney is living.
- 4) Urges adoption of the Military Spouse J.D. Network's proposed rule for military spouse limited licensure as filed with the New Mexico Supreme Court, and that this continue to be a priority.
- 5) Transmit the memorial to the commanders at New Mexico's three air force bases: Sandia, Holloman and Cannon, to the Department of Veterans' Services, the Supreme Court, and the New Mexico Board of Bar Examiners.

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

**FISCAL IMPLICATIONS**

There is no appropriation in Senate Memorial 7.

**SIGNIFICANT ISSUES**

Military families move frequently, often across state lines. The spouses who accompany them bring skills that have been useful elsewhere, but licensing problems delay their being useful in their new and often temporary home states. Reciprocity based on licensure in any previous states of residence allows those skills to be used in a new state and enhances the well-being of those reciprocally licensed to practice their profession or trade.

According to the Military Spouse J.D. Network Foundation ([msjdn.org](http://msjdn.org)), Idaho was the first state to make a practice of granting reciprocity to military spouse attorneys in 2012, and since then 41 other states and the U.S. Virgin Islands have adopted rules for reciprocal licensure of military spouses who are attorneys. In 34 states, reciprocal licensure is complete; in eight more, military spouses practice under the supervision of other attorneys. Of the remaining eight states, New Mexico is one of five moving toward reciprocity; only three states are making no such move.

There are many examples in state law and bills previously introduced into the Legislature to grant reciprocity to certain professionals licensed in other states. Among the many are these recent examples:

- 1) New Mexico in 2020 granted expedited licensure to military family members who are licensed elsewhere to teach or perform other school services, doctors, veterinarians,

cosmetologists, dentists, architects, engineers, and a total of about forty other occupations. Among those not granted reciprocity or expedited licensure in that action (2020 House Bill 30) were military family members who are lawyers, athletic agents and water utility operators.

- 2) Reciprocity for health-related licensees would have been studied by the Regulation and Licensing Department under 2019 HB 458, had it passed.
- 3) Under 2018 Senate Bill 1, New Mexico joined a nurse compact among states to assure reciprocity. The bill has taken effect, increasing nurses available in New Mexico.
- 4) Reciprocity for behavioral health professionals was to be studied by several cabinet departments according to 2020 House Joint Memorial 7, but the bill was not passed. The objective was to have increased the ranks of badly needed behavioral health practitioners.
- 5) Reciprocity for teachers would have been granted for teachers licensed in other states by 2014 House Bill 209, had it passed.

### **ADMINISTRATIVE IMPLICATIONS**

DVS states that “If the Supreme Court and NM State Bar take action as requested by SM7, NMDVS staff will have to become familiar with referral sources at the State Bar to be able to answer general questions or provide referral if inquiries are received regarding licensure for military spouse attorneys. The administrative impact to NMDVS would be minimal.”

### **TECHNICAL ISSUES**

As it appears that the paragraphs beginning on page 2, line 10 of the original bill represent an action rather than a background statement, that paragraph might well begin as “Be it resolved” rather than “whereas,” just as the subsequent statement has been changed into an action by the amendment.

LC/al/acv/al