

<b>LFC Requester:</b>	<b>Noah Montano</b>
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**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/6/2026 *Check all that apply:*  
**Bill Number:** HB 308 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b> <u>Reps. Rebecca Dow &amp; Marian Matthews</u>	<b>Agency Name and Code Number:</b> <u>Regulation and Licensing Department - 420</u>
<b>Short Title:</b> <u>Substitute Care Advisory Council Changes</u>	<b>Person Writing:</b> <u>Kevin A. Graham</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	N/A	(450)	(450)	(900)	Recurring	General Fund
	N/A	(100)	(100)	(200)	Recurring	CYFD; federal Title IV-E revenue

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

House Bill 308 (HB 308) makes administrative and structural changes to the New Mexico Citizen Substitute Care Review Act, §32A-8-1 NMSA 1978 *et seq*, that include:

- Changing the administrative attachment of the Substitute Care Advisory Council (SCAC) from the Regulation and Licensing Department (RLD) to the Attorney General;
- Specifying that the SCAC shall “exercise its functions independently”;
- Amending the voting members of the SCAC to include the Secretary of the Health Care Authority (replacing the Secretary of Human Services), and the Secretary of Early Childhood Education and Care (replacing the Secretary of Finance and Administration);
- Including a person or relative of a person employed by the Attorney General as being prohibited from serving on the SCAC;
- Including a person or a relative of a person employed by the Health Care Authority or the Attorney General as prohibited from serving on a substitute care review board (and removing the prior prohibitions related to the Department of Finance and Administration and the Human Services Department); and
- Repealing §32A-8-7 NMSA 1978, which concerned the 2016 transfer of all functions, records, personnel, etc., related to the Citizen Substitute Care Review Act from the Department of Finance and Administration to the SCAC.

Additionally, Section 5 of HB 308 imposes temporary provisions transferring all relevant functions, personnel, appropriations, equipment, other funding, etc., at the RLD for the Citizen Substitute Care Review Act and SCAC to the Attorney General. And all existing rules and regulations, contracts and agreements of the RLD relating to the statewide system of substitute care review boards are made binding and effective on the Attorney General.

The effective date of HB 308 is set as July 1, 2026.

#### **FISCAL IMPLICATIONS**

In 2016 §32A-8-4 NMSA was amended to administratively attach the SCAC to the RLD. The SCAC currently has a total staff of five (5) full-time equivalent positions individuals, including the SCAC Executive Director. Those individuals are employed by the RLD, but their job duties are performed only for the SCAC under the supervision of the SCAC Executive Director. All funding for FY26 for all aspects of SCAC operations is specified in 2025 House Bill 2, the General Appropriation Act for FY26, at page 55, lines 4 through 12. Total funding appropriated to the RLD to fund the operations of the SCAC in FY26 is five hundred and fifty thousand dollars (\$550,000); four hundred and fifty thousand dollars (\$450,000) being appropriated from the General Fund and the remaining one hundred thousand dollars (\$100,000) appropriated through internal services funds/interagency transfers from the Children, Youth and Families

Department from federal Title IV-E revenue. At present, those funding levels and sources of funding are anticipated to be continued in FY27 and future years, but with the FY27 budget bill still under consideration by the Legislature, funding for the SCAC going forward can only be estimated based off current funding levels.

## **SIGNIFICANT ISSUES**

### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

Should HB 308 be enacted, the RLD does not anticipate any significant administrative difficulties in carrying out the required transfer of personnel, equipment, funding and resources for the SCAC to the Attorney General. The personnel employed by the RLD who staff the SCAC currently work remotely. Assuming that practice will continue following a transfer of administrative attachment to the Attorney General, the transfer of the employees and related matters should be able to be completed very quickly.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

### **AMENDMENTS**