

LFC Requester:	Rachel Mercer-Garcia
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AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2.5.26 *Check all that apply:*
Bill Number: SB 96 Original Correction
 Amendment Substitute

Sponsor:	<u>Sen. Heather Berghmans, Sen. Linda Trujillo</u>	Agency Name and Code Number:	<u>NM Department of Homeland Security & Emergency Management-79500</u>
Short Title:	<u>REGULATED CHILD CARE ZONING REQUIREMENTS</u>	Person Writing	<u>Amber Gonzales</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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: Senate Bill 96 revises state law governing the siting and zoning of childcare homes and licensed childcare centers while preserving statewide fire and life safety oversight. The committee substitute clarifies that childcare homes are permitted by right in residential zoning districts and limits the authority of local governments and homeowner associations to impose additional zoning, fee, or licensing requirements.

The substitute expressly affirms that statewide fire and life safety rules adopted pursuant to Chapter 59A, Article 52 NMSA 1978 continue to apply uniformly and that the State Fire Marshal retains authority to provide training related to fire and fire safety inspections. The bill preserves the Early Childhood Education and Care Department's licensing authority and becomes effective July 1, 2026.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

The committee substitute limits local zone land use authority over childcare facilities but does not alter statewide fire and life safety requirements. The bill expressly preserves the applicability of fire and fire safety rules promulgated pursuant to Chapter 59A, Article 52 NMSA 1978, and affirms the State Fire Marshal's role in providing training related to fire and fire safety inspections.

By clarifying that local zoning provisions may not supersede statewide fire safety standards, the committee substitutes consistent fire and life safety oversight. In contrast, local governments adjust zoning practices for childcare facilities.

PERFORMANCE IMPLICATIONS

The committee substitute does not directly affect DHSEM's performance measures. By preserving statewide fire and life safety standards and affirming the State Fire Marshal's role, the bill maintains consistency in fire safety oversight as childcare facilities are permitted by right in additional zoning districts

ADMINISTRATIVE IMPLICATIONS

The committee substitute does not impose new administrative or enforcement responsibilities on DHSEM or the State Fire Marshal's Office. Existing fire and life safety oversight responsibilities, including training related to fire and fire safety inspections, remain unchanged and continue to be exercised.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The committee substitute clarifies that statewide fire and life safety rules have a uniform effect and may not be overridden by local ordinances or homeowner association rules. This clarification supports the consistent application of fire safety standards across jurisdictions and facilities.

ALTERNATIVES

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