

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 01.27.2024
Bill No: HB 235

Sponsor: Debra M. Sariñana
Daniel A. Ivey-Soto
Harold Pope
Alan T. Martinez
Harry Garcia
DEPT. OF DEFENSE
RECOMMENDED CHANGES

**Agency Name
and Code
Number:** ECECD 611

**Short
Title:** _____

**Person Writing
Analysis:** Sandy Trujillo- Medina
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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:

Section 1 of HB235 provides exemption from state licensing requirements for child care programs or facilities licensed or certified by the United States Department of Defense or by the United States Coast Guard. Under this proposed bill, programs or facilities certified as family child care providers by a branch of the United States Department of Defense or by the United States Coast Guard would be exempt from New Mexico’s child care facility licensure requirements. HB235 does not apply to family child care providers who also provide child care services to children not affiliated with a branch of the United States Department of Defense or the United States Coast Guard.

Section 2 of HB235 proposes that any member of the armed forces or spouses of armed forces holding professional licensure in another state who relocate to New Mexico per military orders, shall have said professional license deemed valid in the State of New Mexico at a similar scope of practice. The provision provides that the license shall be considered valid in New Mexico for the duration of the military orders. Military orders must be supplied to the New Mexico Regulation and Licensing Department, the licensee must remain in good standing with the licensing authority that issued the license, and that the licensee must submit to the New Mexico regulation and licensing department for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

Section 3 of HB235 amends the definition of “uniformed-service voter” under NMSA 1978 § 1-1-5.4 (A) to add eligibility for members of active or reserve components of the space force.

Section 4 of HB235 amends NMSA 1978 § 19-2-2 to clarify language regarding procedure for jurisdiction transfer. This section of HB235 adds a mandate that upon the request of the United States, this state shall establish concurrent jurisdiction over a military installation in matters relating to violations of the law by a child within the military’ installation’s boundaries. This section of HB235 also defines “child” as a person who is less than eighteen years old. addresses jurisdiction of transfer procedure involved in Article I, section 8 clause 17 of the constitution of the United States over any land or area to relinquish legislative jurisdiction and shall file a notice of intention to acquire or relinquish legislative jurisdiction to the governor.

Section 5 of HB235 amends NMSA 1978 § 21-1-4.5 to include members of the space force and space force reserve. NMSA 1978 § 21-1-4.5 deems veterans of the armed forces of the United States and

families of members of the armed forces as in-state residents for the purpose of determining tuition and fees at all state institutions of higher learning in New Mexico.

Section 6 of HB235 amends NMSA 1978 § 24-1-28 to add a member of the armed forces or state defense force, a spouse of a member of the armed forces or state defense force or a veteran to the Behavioral Health Planning Council.

Section 7 of HB235 amends NMSA 1978 § 24-19-11 to add at least one member of the armed forces or state defense force, a spouse of a member of the armed forces or state defense force or a veteran to the Next Generation Council.

Section 8 of HB235 amends NMSA 1978 § 28-10-1 to add at least one member of the armed forces or state defense force, a spouse of a member of the armed forces or state defense force or a veteran to the Governor's Commission on Disability.

Section 9 of HB235 amends NMSA 1978 § 32A-1-8 (Children's Code) to grant the children's court jurisdiction over any case involving an act that is a violation of law allegedly committed by a child within the boundaries of a military installation pursuant to NMSA 1978 § 19-2-2.

Section 10 of HB235 amends NMSA 1978 § 40-10D-2 (Deployed Parents Custody and Visitation Act) to include active and reserve components of space force within the definition of "uniformed service."

Section 11 of HB235 amends NMSA 1978 § 40-10D-2 to add at least one a member of the armed forces or state defense force, a spouse of a member of the armed forces or state defense force or a veteran to the County DWI Planning Councils.

Section 12 of HB235 amends NMSA 1978 § 45-1-201(Uniform Probate Code) to include active or reserve members of the space force in the definition of "emancipated minor."

Section 13 of HB235 amends NMSA 1978 § 66-3-303 to include officers and enlisted personnel of the space force and allows that they may operate their personal passenger vehicles in New Mexico subject to the provisions of NMSA 1978 § 66-3-301.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

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."

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

There would be no consequences. ECECD currently recognizes child care facilities licensed or certified by the United States federal government as exempt from licensure as outlined under 8.9.4.9(B) NMAC.

AMENDMENTS

None.