

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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 X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 02/01/2024

Bill No: HB 302

Sponsor: Debra Sarinana

Short Title: Dept. of Defense Military
Recommendations

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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: *House Bill 235*
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Regarding licensure and oversight, HB 302 would exempt any program certified as a family childcare provider by a branch of the United States department of defense from licensure requirements under state law. Further, a member of the armed forces or a member’s spouse that has a covered professional license from another state would have their license recognized reciprocally upon relocation to New Mexico, provided their existing license is in good standing.

Sections 2, 3, 6, 7, 8 of HB 302 amend NMSA 1978, Section 1-1-5.4 (Election Code), Section 21-1-4.5 (Resident tuition for veterans of the armed forces), Section 40-10D-2 (Deployed Parents Custody and Visitation Act); Section 45-1-201 (Uniform Probate Code); and Section 66-2-303 (Nonresident motor vehicle registration) to add “space force” within the list of military branches cited in those statutes.

A significant addition to HB 302: Sections 4 and 5 of HB 302 amend the Human Rights Act (NMSA 1978, §§ 28-1-1 et. seq.) to include “military status” among the list of individuals protected from discrimination. The term “military status” is defined in HB 302 as “a person's active membership in the armed forces or state defense force or being a veteran of the armed forces or state defense force and includes a spouse or child of an active member or veteran of the armed forces or state defense force.” The amendments proposed in Sections 4 and 5 of HB 302 were not previously included in the House Bill 235.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 302 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 HB 302:

- 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 HB 302 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).

The implications of these proposed changes in Sections 4 and 5 are discussed above.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.