

LFC Requester:	
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**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: 01-24-2024

Bill No: HB 197

Sponsor: Rep. Chavez

Short Title: Education Benefit Non-Discrimination

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:
 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

House Bill (“HB”) 197 seeks to amend Section 21-1-4.6 NMSA 1978, to broaden nondiscrimination policies for admission and eligibility for education benefits at public post-secondary institutions in New Mexico. The bill prohibits these institutions from denying admission based on a student's immigration status. It further stipulates that any tuition rate or state-funded financial aid granted to New Mexico residents must also be available to all individuals, regardless of immigration status, who satisfy specific criteria such as attending a New Mexico secondary educational institution for at least one year and fulfilling certain tax filing or immigration application conditions.

FISCAL IMPLICATIONS

The fiscal implications of HB 197 could include increased state funding for admission and education benefits due to expanded eligibility. This expansion will likely raise the number of students qualifying for state-funded financial aid and reduced tuition rates. Additionally, administrative costs may increase due to processing more financial aid applications and eligibility verification. A detailed financial analysis is advised to estimate the overall budget impact accurately. No appropriation is included in HB 197.

SIGNIFICANT ISSUES

HB 197 raises a concern with using "one year" to define educational attendance requirements for eligibility for education benefits. This term is ambiguous and could lead to inconsistent interpretations and applications of the law. A more precise term would be "academic year," a standardized measure within education that refers to the traditional fall-to-spring semester period. Using "academic year" instead of "one year" would ensure a clearer, more consistent, and equitable application of the law, enhancing its clarity and effectiveness.

HB 197 aligns with the Children’s Code Section 32A-1-1 et seq and Section 40-18-2, which were recently amended to enhance protections and support for vulnerable youth, including those with specific immigration requirements. This is consistent with HB 197's goal of promoting nondiscrimination and equal access to educational benefits, representing an integrated approach to meeting the needs and rights of young people in New Mexico.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

The term "one year" in HB 197 for educational attendance could be technically ambiguous, potentially causing inconsistent legal and administrative applications. Substituting it with "academic year" could provide clarity and standardization, ensuring a more uniform application.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

N/A