

<b>LFC Requester:</b>	<b>Connor Jorgensen</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.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}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** January 25, 2024  
**Bill No:** HB 197

**Sponsor:** Rep. Eleanor Chavez  
**Short Title:** Education Benefit Nondiscrimination

**Agency Name and Code**    University of New Mexico-952  
**Number:** \_\_\_\_\_  
**Person Writing**    Lenaya Montoya  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 197 expands upon the nondiscrimination policy regarding eligibility for admission, resident tuition, and state-funded financial aid. HB 197 seeks to expand eligibility to individuals who:

- attended adult basic education or a NM community college for at least one year.
- filed a NM personal income tax return or the individual’s parent or legal guardian has filed a NM personal income tax return once in the immediately preceding two years.
- applied for USCIS special immigrant juvenile classification as provided in 8 U.S.C. Section 1101(a)(27)(J).

**FISCAL IMPLICATIONS**

If approved, expanding eligibility to individuals, regardless of immigration status, may increase college attendance in New Mexico, thus increasing tuition and fee revenue for institutions of higher education.

The expansion in eligibility requirements is certain to increase the number of students eligible for state funded grants/or scholarships such as the Opportunity Scholarship. In the past, students would have been ineligible for the nondiscrimination principle if they did not attend for at least one year and graduate from a New Mexico high school. The result of the HB 197 would be to fund students eligible under the expansion. It seems quite possible that a funding shortfall for state funded financial aid programs would occur quickly unless additional funding is dedicated to the program to support this expansion.

## **SIGNIFICANT ISSUES**

Expanding eligibility to assist students in attending and enrolling at a post-secondary educational institution and higher education degree attainment are consistent with the State's commitment to higher education and a well-educated citizenry and workforce.

HB 197 appears to expand the granting of resident tuition to individuals who do not qualify for residency (NMSA 1978, Section 21-1-4). Beneficiaries are most likely to be U.S. citizens seeking resident rates and access to state funded financial aid programs such as Lottery and Opportunity, unless specifically excluded. These provisions may likely benefit individuals who do not intend to establish residency in New Mexico.

## **ADMINISTRATIVE IMPLICATIONS**

Existing management of the nondiscrimination principle is an established process for The University of New Mexico (UNM). However, HB 197 would create an administrative burden for the Admission and Financial Aid Offices, creating the need for additional staff to review and implement the provisions, especially with the collection and review of state income tax forms and immigration applications for special immigrant juvenile classification. Additional staff time to re-evaluate and update our current monitoring reports and processes will be required.

## **TECHNICAL ISSUES**

Monitoring students' eligibility will require additional clarification from the Higher Education Department, including clarification on acceptable documentation to support eligibility under Section 1B 2-4.

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

The nondiscrimination principle will continue serving a small population of students.