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FISCAL IMPACT REPORT

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|-------------|---|---------------|-------------|
| SPONSOR | Campos | LAST UPDATED | 3/17/2025 |
| | | ORIGINAL DATE | 2/14/2025 |
| SHORT TITLE | Corrections Substance Abuse Counselor Ed. | BILL | Senate Bill |
| | | NUMBER | 325/aSEC |
| | | ANALYST | Valdez |

APPROPRIATION*

(dollars in thousands)

| FY25 | FY26 | Recurring or Nonrecurring | Fund Affected |
|------|---------|---------------------------|---------------|
| | \$500.0 | Recurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

| Agency/Program | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|----------------|------------------|------------------|------------------|--------------------|---------------------------|---------------|
| NMCD | No fiscal impact | At least \$500.0 | At least \$500.0 | At least \$1,000.0 | Recurring | General Fund |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

New Mexico Corrections Department (NMCD)

Higher Education Department (HED)

Department of Health (DOH)

Agency Analysis was Solicited but Not Received From

Department of Finance and Administration (DFA)

New Mexico Highlands University (NMHU)

Luna Community College (LCC)

SUMMARY

Synopsis of SEC Amendment to Senate Bill 325

The Senate Education Committee amendment to Senate Bill 325 (SB325) replaces the words “establish” and “administer” with “implement” regarding the proposed post-secondary education program. Next, in Subsection B of the bill, the amendment strikes the word “shall” and replaces it with “may” regarding the roles of Luna Community College and New Mexico Highlands University in the new program. Finally, in Section 2, the amendment adds items that the appropriation is meant to cover, including “costs for contracts for services, materials, and other necessary costs.”

Synopsis of Senate Bill 325

Senate Bill 325 (SB325) appropriates \$500 thousand from the general fund to the New Mexico Corrections Department (NMCD) for the purpose of establishing and administering a post-secondary education program for an associate degree in alcohol and drug abuse counseling. The appropriation is for expenditure in FY26 and “subsequent fiscal years.”

SB325 would make the program available to qualified incarcerated individuals in all state correctional facilities, public and private. Luna Community College will grant the associate degree, with curriculum development and technical assistance provided by New Mexico Highlands University. Per the bill, the program should be accredited regionally or nationally as appropriate and meet the licensing requirements for an alcohol and drug counselor of the Counseling and Therapy Practice Act.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill appears to be a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

The language in the bill says that the appropriation is “for expenditure in fiscal year 2026 and subsequent years.” While this may be referring to a recurring appropriation, it also may be read as providing that the \$500 thousand may be spent in subsequent years without any additional appropriations.

NMCD states that the appropriation of \$500 thousand may be insufficient for the purposes specified in the bill and provides the following analysis:

1. Technology Infrastructure Costs: The Corrections Department would need additional funding to work with the institution on the creation of a learning management system (LMS). All colleges use LMS for education, and the Corrections IT Department would have to collaborate with the college to implement this system across all prison facilities. The development and implementation of such a system could be both complex and costly, especially in a correctional setting. A recent quote for an LMS for reentry will be used to estimate costs, though the specifics of the learning institutions outlined in the bill are unknown. This estimate assumes that no additional infrastructure is required to establish and administer the program.

The cost [of the recent LMS for reentry] was around \$625 thousand, which would license 2500 inmates/year, including \$25 thousand to maintain the LMS portal, and an additional \$50,000 for staff training. Based on the quote, the cost per inmate per year [for SB325] would be \$250.00 Based on 100 inmates, the cost of the LMS piece is projected below:

- \$25 thousand for inmate licensing/year,
- \$25 thousand LMS portal maintenance/year, and
- \$2,000 – training (calculated based on 100 inmates)

This gives a total LMS projection of \$52 thousand /year for 100 inmates.

2. **Staffing Requirements:** The program would require additional funding in the 200s to hire more FTEs for class recruitment, program oversight, and coordination within the prison facilities. Current staffing levels are insufficient to support the added responsibilities associated with this program. This could result in the need for additional positions or external support to ensure the successful administration of the program.
3. **Program Costs:** The average cost of tuition and books for Luna Community College in 2024 was approximately \$1,634 for tuition and an additional \$1,554 for books and supplies. Based on these costs, the \$500 thousand annual appropriation appears sufficient to cover tuition and books for approximately 100 students (potentially 10 inmates at each facility per semester), depending on the program oversight costs, which are not yet fully determined.

SIGNIFICANT ISSUES

In addition to the potential inadequacy of the appropriation to cover the aims of the bill, NMCD points out other issues with SB325:

- **Licensing and Supervision Needs:** The graduates of this program will need to complete approximately 3,000 hours of supervision, which could be provided by behavioral health and substance abuse programs. Further discussions with the licensing board may be necessary to allow testing and licensure within correctional facilities. There should also be consideration of increasing inmate pay for those assigned to work within substance abuse programs to incentivize participation and acknowledge their role in the program.
- **Ongoing Support and Training:** Once graduates complete the program, the Corrections Department will need to help them find continuing education units and additional training to maintain their licenses. Additionally, there may be an agreement between Luna Community College and New Mexico Highlands University to allow these graduates to transfer their credits toward a social work degree once they are released, further enhancing their career prospects.

NMCD highlights that funding in the bill is tied to a single institution, Luna Community College. If, for any reason, Luna Community College is unable to provide the education detailed in the bill, the funding will not be available to NMCD for any other institution. As written, the appropriation must be used to fund the program through Luna Community College.

The Higher Education Department points out that SB325 does not specify:

- Mode of instruction (online or in-person);
- Institutional source of faculty, oversight, and responsibility for academic integrity; or
- The institution responsible for maintaining and updating the curriculum.

In addition, HED notes that Luna Community College is not currently approved to grant degrees in Alcohol and Drug Abuse Counseling. They also reiterate the point that NMCD makes above regarding the New Mexico Board of Counseling and Therapy's requirements that students of the program complete licensing and 3,000 hours of supervision to graduate.