

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	903,000	\$903,000	\$2,709,000	Recurring	Opportunity Scholarship Fund

(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

House Bill 64 (HB64) extends to three groups the non-discrimination principle whereby non-New Mexico residents are provided higher education benefits identically to residents. Those groups are individuals:

1. Who attended adult education courses recognized by the Adult Basic Education division of the New Mexico Higher Education Department (NMHED) for a period equivalent to two semesters as provided by rule;
2. Who, in the immediately preceding two years, earned income in New Mexico for which returns were filed pursuant to the Income Tax Act; or
3. For whom a court made findings of fact and rulings of law in accordance with the Special Immigrant Juvenile Classification Act and submitted an application to the United States Secretary of Homeland Security for a grant of special immigrant juvenile status as provided in 8 U.S.C. Section 1101(a)(27)(J).

The new provisions of HB64 do not include the requirement that an individual has either graduated from a New Mexico high school or received a high school equivalency credential in New Mexico. However, nearly all of New Mexico's higher education scholarship programs require that an applicant has a high school diploma or a high school equivalency credential, and HB64 does not alter those programs' requirements.

FISCAL IMPLICATIONS

Unclear.

SIGNIFICANT ISSUES

HB64 will require higher education institutions (HEIs) and other higher education programs to verify information with other entities. They are:

1. NMHED to ensure that the individual attended adult education courses recognized by the Adult Basic Education division of NMHED for a period equivalent to two semesters as provided by rule
2. The New Mexico Taxation and Revenue Department (NMTRD) to verify that in the immediately preceding two years, the individual earned income in New Mexico for which returns were filed pursuant to the Income Tax Act for tax filing information; and
3. The United States Citizenship and Immigration Services (USCIS) to verify that regarding the individual, a court made findings of fact and rulings of law in accordance with the Special Immigrant Juvenile Classification Act and submitted an application to the United States Secretary of Homeland Security for a grant of special immigrant juvenile status as provided in 8 U.S.C. Section 1101(a)(27)(J) for Special Immigrant Juvenile Classification (SIJC) classification. In addition, NMHED's Adult Education Division will have to maintain a list of recognized adult education courses.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

NMHED, NMTRD, and USCIS will have to verify information about individuals to HEIs and other higher education programs that seek the information.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

Federal law requires that for a state to give a higher education benefit to individuals without lawful status to be in the United States the state must have statutory language specifically allowing the benefit to be provided by the state and the benefit cannot use residency as a qualification unless the state offers the same benefit to individual from any state in the United States.

The bill could require other qualifications for a person to be able to access the benefit and not make the benefit available to other states' residents who don't meet the statutory criteria, provided residency is not a requirement.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Currently there is money in the Government Results and Opportunity (GRO) fund, and it has been challenging to use that money because of limitations on who can access it. This bill will allow new groups to access it. Without this bill, it will continue to be difficult for the State to spend the money in that fund.

The current Non-Discrimination Principle qualifications are such that very few individuals benefit from it. Without HB64, the Non-Discrimination Principle will continue to have a minimal effect.

AMENDMENTS

N/A