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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Pinto **ORIGINAL DATE** 2/28/25

SHORT TITLE Native American Public Relations & ID System **BILL NUMBER** Senate Bill 435

ANALYST Chavez

APPROPRIATION* (dollars in thousands)

FY25	FY26	Recurring or Nonrecurring	Fund Affected
	\$1,000.0	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
NMAG	No fiscal impact	At least \$131.8	At least \$131.8	At least \$263.6	Recurring	General Fund
DoIT	No fiscal impact	At least \$120.0	At least \$120.0	At least \$240.0	Recurring	General Fund
Total	No fiscal impact	At least \$251.8	At least \$251.8	At least \$503.6	Recurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

Department of Information Technology (DoIT)
Border Authority (NMBA)
Indian Affairs Department (IAD)
Health Care Authority Department (HCAD)

Agency Analysis was Solicited but Not Received From

New Mexico Attorney General (NMAG)
Homeland Security and Emergency Management Department (DHSEM)

Agency Declined to Respond

Office of Broadband Access and Expansion (OBAE)

SUMMARY

Synopsis of Senate Bill 435

Senate Bill 435 (SB435) appropriates \$1 million from the general fund to the New Mexico Attorney General (NMAG) for the purpose of facilitating the creation of a public relations campaign to inform New Mexico residents of their rights when relating to possible deportation or harassment by federal immigration officers. The campaign would include the creation of an identification system for members of Indian nations, tribes, and pueblos to provide verification of tribal membership. The campaign would also have a telephone hotline for verification of citizenship status.

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 \$1 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund. Although SB435 does not specify future appropriations, establishing a new program could create an expectation the program will continue in future fiscal years; therefore, this cost is assumed to be recurring.

NMAG would be able to feasibly establish the identification system and the telephone hotline with the appropriation from SB435. NMAG would need at least 1 additional FTE at a cost of \$131.8 to monitor the identification system and work with the hotline. The cost is derived from the average cost existing FTE currently working in the Legal Services Program within NMAG. NMAG may also bear additional costs related to maintenance of the identification, dependent on the scope and complexity of the system.

The Department of Information Technology (DoIT) provides the following on costs associated with establishing the hotline that would be covered by the appropriation and the recurring costs associated:

If DoIT establishes and supports the required hotline, it will incur approximately \$25,000 in direct costs for required licenses and pro-rated labor expenses. This assumes that NMAG will provide hardware and staffing required for the hotline.

As the state's telecommunications provider, DoIT has established and maintains call centers for various agencies. DoIT charges agency clients for the actual costs of the operation, including licenses, and recovers overhead through its standard administrative fee. DoIT estimates that it would charge the NMAG \$120,000 to operate the hotline contemplated by this legislation. That would include a tollfree number and licenses for the hotline operators on the Zoom platform. The Zoom licenses would include Zoom call management, logging, recording, captioning and routing capabilities. DoIT would require two weeks lead time to establish the hotline and onboard NMAG team members.

SIGNIFICANT ISSUES

The Indian Affairs Department (IAD) provides the following:

IAD does not oppose a campaign to inform New Mexicans of their rights.

However, developing an identification system and hotline regarding tribal citizenship may prove to be beyond the state's scope. Each of the individual 574 tribes across the country have the inherent right to determine their own citizenship. Additionally, [it is likely] each of those tribes or the Federal Bureau of Indian Affairs appropriately houses those enrollment records. Those bodies help to ensure that self-determination, sovereignty, and data sovereignty remain intact.

It is unclear how a state identification system and hotline to verify tribal membership would work. Rather, as partners with sovereign nations, IAD believes that tribal citizens who need to verify enrollment should contact their respective nation, pueblo, or tribe directly.

Moreover, creating a state identification system for all tribally enrolled members within the State of New Mexico would likely create a burden on the state and may require experts in tribal enrollment. Finally, if the state became a repository of tribal citizenship, all tribal citizenship records would become public record.

The Health Care Authority (HCA) provides the following:

Various tribes currently have various documents used for various purposes including INAC, CDIB, I-872 cards, IHS cards, other tribal documents and state driver licenses—both regular and Real ID.

Tribal members have several forms of identification depending on their own situations and the arrangements that have been made by their tribal leadership. However, these documents are not always standardized, may lack photos, and may not be universally recognized by federal immigration enforcement agencies.

The bill does not specify how the proposed telephonic verification system would function, potentially resulting in implementation difficulties related to feasibility, accessibility, and effectiveness—particularly in cases where immigration officials refuse to engage with verification efforts. A statewide system would need to ensure rapid, reliable responses to inquiries while respecting tribal sovereignty and data privacy concerns.

All 23 federally recognized tribes in New Mexico would need to be consulted and engaged to assess the risks tribal members face, determine acceptable forms of verification, and establish appropriate protocols for any data collection, storage, and sharing.

ADMINISTRATIVE IMPLICATIONS

HCA provides the following:

Potential coordination may be needed between HCA and NMAG if individuals use the

new tribal identification system for verification of eligibility for Medicaid, SNAP, or other safety-net benefits. Federal regulations specify which forms of identification are admissible in determining program eligibility.

TECHNICAL ISSUES

HCA provides the following:

It is unclear which agency or entity would be responsible for managing and maintaining the telephone verification system.

ALTERNATIVES

IAD provides the following:

An alternative for the tribal identification and hotline piece might be to create an appropriation available to nations, pueblos, and tribes, administered by a state agency such as IAD, which [Indian nations, tribes, and pueblos] could use to create or issue additional tribal enrollment documentation, if they so choose.

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