



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB64 expands upon the Nondiscrimination principle regarding eligibility for admission, resident tuition rates, and state-funded financial aid. The Bill seeks to expand eligibility to individuals who attended adult basic education for two semesters. It also expands eligibility to a person with earned income in NM for which tax returns were filed the preceding two years. Additionally, individuals applying for special immigrant juvenile classification under US Homeland Security would be eligible.

#### **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 and/or Lottery Scholarships. In the past, students would have been ineligible for the non discrimination principle if they did not attend for at least one year and graduate from a New Mexico high school. The result of the Bill 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 institution and higher education degree attainment are consistent with the State's commitment to higher education and a well-educated citizenry and workforce.

The bill 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.

Expanding eligibility to individuals with earned income in NM whom have filed tax returns within the immediately preceding two years seems to circumvent the already established petition process to establish full NM residency. NM tax returns for the preceding year is already an acceptable form of documentation to support intent to establish permanent residency in NM.

#### **PERFORMANCE IMPLICATIONS**

None found.

#### **ADMINISTRATIVE IMPLICATIONS**

Existing management of the non discrimination principle is an established process for The University of New Mexico (UNM). However, this Bill 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.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB64 Sections A and B-1 are already in effect via SB582.

#### **TECHNICAL ISSUES**

Monitoring student eligibility will require additional guidance from NMHED, including clarification on acceptable documentation to support eligibility under Section 1B 2-3 and Section 1C.

#### **OTHER SUBSTANTIVE ISSUES**

None found.

#### **ALTERNATIVES**

None suggested.

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

The non discrimination principle will continue serving a small population of students.

#### **AMENDMENTS**

None suggested.

#### **Responses received from:**

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