

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

(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 193 (HB193) expands the scope of the Legislative Education Study Committee (LESC) to include analysis of any subject related to public schools or higher education laws, policies, and costs.

The bill amends the enabling statute, Section 2-10-3 NMSA 1978, to remove the existing prohibition against LESG studying higher education-related issues other than teacher preparation programs in postsecondary schools. In particular, the LESG currently has no formal role in reviewing or recommending higher education budgets, laws, or policies other than those related to teacher preparation; this bill would open the door for such a role.

HB193 also removes the statutory language that prohibits LESG from duplicating the work of the Board of Educational Finance, precursor to the New Mexico Commission on Higher Education (created by Laws 1986, Chapter 24) and the New Mexico Higher Education Department (NMHED) (created by Laws 2005, Chapter 289).

NMHED's analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies' analyses.

FISCAL IMPLICATIONS

None directly for NMHED. However, there could be additional costs to both LESC staff as well as NMHED staff. The LESC doesn't currently have staff who are experts in higher education issues - which differ significantly from the issues faced by public education. In order to effectively study higher education, the LESC would need to hire additional staff with expertise in higher education issues.

In addition, the NMHED is often tasked with responding to specific studies carried out by the Legislative Finance Committee (LFC) staff. There were three such studies just in FY25. These studies take significant time and effort from NMHED staff. If additional studies were mandated by LESC, the staffing load on NMHED could potentially double. This could lead to either a need for additional staff at the NMHED, or less attention and time on other critical areas.

SIGNIFICANT ISSUES

HB193 has the potential to indirectly create duplicative reporting requirements for New Mexico's public higher education institutions (HEIs) if LESC and the Legislative Finance Committee (LFC) do not coordinate their reporting requirements and data requests.

Another issue is the potential that the LESC and LFC could make conflicting recommendations or mandates that would create conflicts for the NMHED - it's not good practice to have two agencies with similar control over a state department.

In recent years, NMHED has been responsive to all requests from LESC for data, information, and departmental presentations on higher education topics outside the scope of teacher training and certification. Higher education institutions (HEIs) are also responsive when asked to present on topics to the LESC.

PERFORMANCE IMPLICATIONS

The bill may have performance implications for NMHED, because LESC would have authority to propose legislation impacting HEIs and higher education policy, which may direct NMHED to ensure implementation of bills adopted.

ADMINISTRATIVE IMPLICATIONS

NMHED and HEIs currently respond to LFC requirements laid out in HB2, including performance measures. Other legislation also often requires certain activities and additional reporting, which NMHED and HEIs respond to and comply with as set forth in such legislation.

The following include some unresolved questions over the implications of HB193 were it to pass:

- Would LESC gain any budgetary authority and oversight of higher education?
- Would this mean that the budget for higher education would be recommended by LESC as well as by LFC?

- What would happen if there were substantive conflicts between LESC and LFC in their recommendations?
- If so, how would those conflicts be resolved?
- Would both LESC and LFC specify outcomes and reporting requirements to higher education institutions and to NMHED?

If HB193 were to pass and allow LESC to study higher education in matters not just limited to teacher preparation, there would likely be a need for prolonged implementation (1-2 years) as it would be necessary for LESC to acquire staff with higher education expertise.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB193 is similar to 2023 HB216 that was passed by the legislature but vetoed by the governor. It is also similar to 2021 HB25, also passed by the legislature, but vetoed by the governor. Additionally, similar bills were introduced in 2017 (SB195) and 2015 (HB469), however neither of these bills made it through the entire legislative process to receive a final vote.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

HB193 clarifies that the statutory duties of LESC include the study of New Mexico's entire public educational system, thus early childhood education and care may also be subject to study by the LESC. Therefore, additional analysis should be obtained from the Early Childhood Education and Care Department (ECECD).

ALTERNATIVES

The State can continue its current practice. That is, adopt legislation on a case-by-case basis pertaining to P-20 and higher education.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB193 were not passed, LESC would continue to be statutorily limited to higher education issues related to teacher preparation. HEIs would continue to make budgetary requests and accountability reporting to LFC and would provide reports to the LESC in legislation related to teacher preparation.

AMENDMENTS

N/A