

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/26/2025

Check all that apply:

Bill Number: HB 419

Original Correction
Amendment Substitute

Sponsor: Rep. Pamelya Herndon and
Rep. Alan Martinez

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing Analysis: Assistant Solicitor General
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Short Title: Correctional Reentry
Workforce Program

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis of Original Bill

HB 419 appropriates \$13,500,000 to the local government division of the Department of Finance and Administration, to be disbursed to the North Central New Mexico Economic Development District to administer and expand a comprehensive correctional reentry workforce development program. Any funds not used by the end of fiscal year 2026 will revert to the general fund.

The North Central New Mexico Economic Development District is the regional economic development district serving Santa Fe, Los Alamos, Rio Arriba, Taos, Colfax, Mora, San Miguel, and rural Sandoval counties, to provide coordination for local and regional infrastructure and economic development projects, provide technical assistance for grant applications, and administers the Non-Metro Area Agency on Aging. *See* NMSA 1978 Section 4-58-4; 42 U.S.C.A. § Ch. 38, *et seq.*

Synopsis of Rural Development, Land Grants and Cultural Affairs Committee Amendments:

The amendments to HB 419 would remove any disbursement to the North Central New Mexico Economic Development District, and instead, direct the appropriation to be used to expand reentry workforce development programs throughout the state. Any funds not used by the end of fiscal year 2026 will revert to the general fund.

The amendment also adds subsection B which would limit the appropriation to be used for the expansion of “high-quality” workforce development opportunities, parallel case management, peer mentoring and resource navigation, and such recidivism reduction for released persons, the creation of up to two hundred and seventy-two individual training accounts, and to be disbursed regionally to programs that align with the federal Workforce Innovation and Opportunity Act standards, based on location release data.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

On the Amendment:

- The amendment to HB 419, in Subsection B, utilizes undefined phrases that may prove difficult to measure and ensure compliance, including: what constitutes a “high-quality workforce development opportunity” in Subsection B(1), and what regional programs for released persons would potentially receive funding in Subsection B(4). In particular, subsection B(4) may violate the anti-donation clause of the N.M. Constitution if found to be an outright gift, or donation, if disbursements are made to existing programs, instead of expanding programs. *See* N.M. Const. art. XI, § 14; *see also State ex rel. Office of State Eng-r v. Lewis*, 2007-NMCA-008, 49 (defining donation as “a gift, an allocation or appropriation of something of value, without consideration to a person, association or public or private corporation.” (internal quotation marks and citations omitted)).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- SB 351 is a Senate duplicate version of the original bill, but has not been amended.
- SB 54 similarly addresses correctional reentry. SB 54, Section 27 seeks to create a “Jail Reentry Fund” within the state treasury, administered by the Health Care Authority. Additionally, in Section 2, HB 54 would empower the state sentencing commission to “coordinate reentry efforts” and “establish minimum standards for reentry[.]”
- SB 349 appropriates \$2,000,000 to the North Central New Mexico Economic Development District for housing planning and \$35,000,000 to provide grants to public entities for housing construction and infrastructure.
- SB 350 and HB 420 also appropriates \$6,000,000 to the Health Care Authority to address transitional housing support for individuals re-entering society.

TECHNICAL ISSUES

- On the Amendment: See Significant issues above – consider adding some criteria or standards to define “high-quality workforce development opportunity.”

OTHER SUBSTANTIVE ISSUES

- On the amendment: The amendments also do not specify what agency is tasked with identifying what statewide reentry workforce development programs would meet the criteria established in Subsection B, beyond the Local Government Division of the Department of Finance and Administration.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A