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FISCAL IMPACT REPORT

SPONSOR Maestas LAST UPDATED _____
ORIGINAL DATE 2/17/23
SHORT TITLE School Athletics Changes BILL NUMBER Senate Bill 384
ANALYST Helms

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Activities Association (NMAA)

No Response Received

Public Education Department (PED)

SUMMARY

Synopsis of Senate Bill 384

Senate Bill 384 (SB384) adds a section to Chapter 22, Article 2 NMSA 1978 making several provisions around student athletics. SB384 proposes a coach or surrogate of a coach may not recruit students to athletic activities at other schools, a high school student may not be prohibited from participating in athletics at a new school if they participated in them formerly at a different school, a student transferring from one school may participate in athletic practices but not compete at the next school until a subsequent semester, and an eighth grade student can participate in high school athletics without losing a season of eligibility.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Senate Bill 384 does not contain an appropriation. SB384 does not impact funding for school athletics and would have negligible impacts on student athletics participation, numbers of paid

coaching staff, equipment needed, or anything else having an impact on individual school athletic budgets. SB384 would not impact public education department-level funding or SEG funding.

SIGNIFICANT ISSUES

SB384 would enact legislation impacting student athletics. These measures are protective of student-athletes, ensuring that they are not recruited to other schools, that they can play sports upon transferring, and that they are able to play for full high school seasons even if able to join a team in their last year of middle school.

Analysis from the New Mexico Athletics Association (NMAA) notes:

The passage of SB384 would largely be repetitive and unnecessary, as most of the bill already exists within the context of the New Mexico Activities Association (NMAA) Handbook. The NMAA, a non-profit organization that receives no state funding, consists of a membership of over 160 high schools and over 200 middle schools across the state. The bylaws that have been approved by the membership of the NMAA are geared toward ensuring a level playing field for all student-athletes and for safeguarding against displacement of student-athletes at their schools and on their teams.

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LFC analysis notes there could be benefit to ensuring student-athlete protections to be entirely universal and under the purview of the Public Education Department. However, all 50 states have a high school athletic association that is a member of the National Federation of State High School Associations (NFHS). These high school athletic associations have bylaws which govern student athletics. High schools and middle schools voluntarily agree to these bylaws based on their membership in said associations.

Analysis from NMAA further notes:

During the current school year, the NMAA has received over 600 petitions for transfer students, with [only] .007 of those transfers going beyond the three-level appeal process (i.e., going to court). It is unnecessary to involve legislative action in these matters, as the NMAA is member-led, by design, and its membership formulates and passes bylaws pertaining to student eligibility. The practitioners within the NMAA member schools (Superintendents and Athletic Directors) should continue to determine these bylaws, with the intimate understanding of the pro's and con's of bylaws, the impact of changing bylaws, and the ultimate effect on student-athletes within the membership. The redundancy of this bill, as it relates to existing NMAA bylaws, eliminates the need to enact such legislation.