

LFC Requester:	
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1/22/2024
Bill No: HB151

Sponsor: Thomson, Little, Romero,
Gurrola, and Chasey
Short Title: Post-Secondary Affirmative
Consent Policies

Agency Name and Code New Mexico Institute of Mining
and Technology (NMIMT)
Number: 962
Person Writing The VPAF Office
Phone: 575-835-5606 **Email** VPAF@nmt.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
Not Identified	Not Identified	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
No Revenue Identified	No Revenue Identified	No Revenue Identified		

(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	\$587 – 1,014	\$587 – 1,014	\$587 – 1,014	\$1,761 - \$3,042	Recurring	General Fund

(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

Synopsis:

Requiring state-funded post-secondary educational institutions to adopt policies and procedures addressing affirmative consent and prevention of sexual assault, domestic violence, dating violence, and harassment or stalking. The requirements include the following:

1. Adopt trauma-informed policies and responses;
2. Detailed requirements for the policies and procedures, including provisions and standards to be used, such as a preponderance of the evidence, etc.;
3. Institutions shall enter into agreements to refer for assistance or make services available to parties, including counseling, health care, mental health care, complainant advocacy, legal assistance and resources for the responding party and the complainant at no cost;
4. Implement comprehensive prevention and outreach programs that include a range of prevention strategies, make students aware of the policy, and be included as part of every incoming student’s orientation.

FISCAL IMPLICATIONS

Note: Major assumptions underlying fiscal impact should be documented. if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

This bill will have a significant fiscal impact on the institution if it is not fully funded by the state. The institution estimates it would cost \$587 thousand to \$1.0 million annually to meet the requirements, including about \$50 thousand to \$150 thousand to maintain legal services (not considering any potential legal action), \$416 thousand to \$ 743 thousand to maintain students’ health care and/or mental health care services, and \$121 thousand to hire a professional consultant.

SIGNIFICANT ISSUES

The institute may need to change its standard of evidence. NMIMT currently utilizes a clear and convincing standard of evidence for resolving complaints under our Sexual Misconduct policy. This bill requires a preponderance of the evidence standard.

In addition, this bill requires the institution to enter into memoranda of understanding, agreements, or collaborative partnerships to make services available to parties, including counseling, health care, complainant advocacy, legal assistance, and resources for the responding party and the complainant at no cost. Most of the service providers are for-profit entities. In order to provide these services at no cost to the responding party and the complainant, the institution will need to pay or subsidize the cost of these services. If the state does not fully fund it, the institution will have to consider various alternatives to address these issues, including reallocating institutional funds, which would negatively impact the ability to carry out the institution’s mission effectively in other campus areas.

PERFORMANCE IMPLICATIONS

If the institution is required to implement this requirement and must address associated cost needs without receiving funding or only partially funded by the state appropriations, the institution will have to reduce the budget in other areas. This would most likely negatively impact other programs or services provided by the institution.

ADMINISTRATIVE IMPLICATIONS

None for NMIMT.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for NMIMT.

TECHNICAL ISSUES

None for NMIMT.

OTHER SUBSTANTIVE ISSUES

None for NMIMT.

ALTERNATIVES

The state fully funds NMIMT for the costs to implement this requirement.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Operations would continue in the normal course of business with minimal changes, if necessary.

AMENDMENTS