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AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

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

Click all that apply:

Original  Amendment   
Correction  Substitute

Date 2024-01-24

Bill No: HB214

Sponsor: Terrazas, Luis M. Agency Name and Code NMHED  
Short WNMU BASEBALL Number: \_\_\_\_\_  
Title: PROGRAM Person Writing Comes, Douglas  
Phone: 5056706478 Email douglas.comes@hed.n

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
N/A	\$1,500.00	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		

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

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	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**

HB214 makes a non-recurring appropriation of one million five hundred thousand dollars (\$1,500,000) from the General Fund to the Board of Regents of Western New Mexico University (WNMU) to create and support a men's baseball program at the university.

**FISCAL IMPLICATIONS**

HB214 makes a non-recurring appropriation of one million five hundred thousand dollars (\$1,500,000) from the General Fund to the Board of Regents of Western New Mexico University (WNMU) for expenditure in FY25 and FY26. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund.

WNMU requested an increase of slightly over seven hundred thousand dollars (\$700,000) in Research and Public Service Projects (RPSP) funding for FY25 which the New Mexico Higher Education Department (NMHED) approved, but this request did not include money for the men's baseball program.

WNMU did not submit the request in HB214 to NMHED for possible incorporation into the NMHED higher education comprehensive funding recommendation. NMHED has a formal process for reviewing earmarked budget requests for higher education institutions (HEIs) when developing the NMHED funding recommendation.

The appropriation from HB214 would provide an average of seven hundred fifty thousand dollars (\$750,000) per year for two years. According to the FY23 Report of Actuals, WNMU athletics had expenditures of approximately four million six hundred thousand dollars (\$4,600,000).

While HB214 indicates that unexpended funds shall revert to the General Fund, appropriations to New Mexico public postsecondary institutions typically do not revert.

## SIGNIFICANT ISSUES

HB214 makes a non-recurring appropriation of one million five hundred thousand dollars (\$1,500,000) from the General Fund to the Board of Regents of Western New Mexico University (WNMU) for expenditure in FY25 and FY26 to create and support a men's baseball program at the university.

WNMU, a member of the National Collegiate Athletic Association (NCAA) Division II Lone Star Conference, currently offers 13 intercollegiate sports (seven women's teams and six men's teams).

WNMU previously operated a men's baseball program as recently as the early 1990s. WNMU is currently one of three full members of the Lone Star Conference not to compete in men's baseball.

Across New Mexico, four four-year higher education institutions (HEIs) currently compete in men's baseball: the University of New Mexico (Division I), New Mexico State University (Division I), Eastern New Mexico University (Division II), and New Mexico Highlands University (Division II).

A previous request for an appropriation to WNMU for a men's baseball program was made as recently as the 2020 legislative session (HB339 and SB8). These bills were not enacted. The bills would have appropriated seven hundred fifty thousand dollars (\$750,000) in non-recurring funds in total from the General Fund for a men's baseball program and a women's soccer program. In 2019, the Senate Finance Committee's substitute for SB536 included an appropriation of three hundred seventy-five thousand dollars (\$375,000) for these two athletics programs. This appropriation was removed in the final version of the bill as enacted.

If HB214 is enacted and WNMU starts a men's baseball program, WNMU will need to ensure it is in compliance with Title IX requirements requiring equitable opportunity to participate in sports and equal treatment, such as in equipment, facilities and scheduling.

As this appropriation is non-recurring, future funding may be required for the ongoing success of a men's baseball program at WNMU. This may take the form of future appropriations, fundraised dollars, dollars from the existing athletics budget at WNMU, or dollars generated through the baseball program itself.

## PERFORMANCE IMPLICATIONS

HB214 does not provide performance measures.

If funded, Western New Mexico University (WNMU) could develop performance measures in coordination with the New Mexico Higher Education Department (NMHED).

#### ADMINISTRATIVE IMPLICATIONS

Western New Mexico University (WNMU) would administer these funds and the program.

#### CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

#### TECHNICAL ISSUES

N/A

#### OTHER SUBSTANTIVE ISSUES

N/A

#### ALTERNATIVES

Western New Mexico University (WNMU) could pursue other sources of funding to start a baseball program such as private philanthropy or through other fundraising efforts.

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

If HB214 is not enacted, one million five hundred thousand dollars (\$1,500,000) would not be appropriated to the Board of Regents of Western New Mexico University (WNMU) from the General Fund. Western New Mexico University (WNMU) may not be able to start and support a men's baseball program.

#### AMENDMENTS

N/A