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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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 Prepared: 2026-02-05
Bill No: HB335

Sponsor: Hochman-Vigil, Dayan
CONFIDENTIAL

Short Title: STUDENT ATHLETE
NIL INFO

Agency Name and Code: NMHED
Number: _____
Person Writing: Netzer, Danielle
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund Affected

FY26	FY27	FY28	or Nonrecurring	
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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 332 (HB335) amends Section 21-31-3 NMSA 1978 (Laws 2021, Chapter 124, Section 3), the Student Athlete Endorsement Act (SAEA), to add a new provision prohibiting postsecondary educational institutions from disclosing or making available for inspection, examination, or reproduction any document or record related to student athlete compensation for the use of a student athlete's or prospective student athlete's Name, Image, Likeness (NIL), or athletic reputation, except to the extent such disclosure is required by court order or for compliance with applicable athletic association or conference rules.

The bill does not contain an appropriation.

The New Mexico Higher Education Department (NMHED) 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

HB335 does not contain an appropriation. The bill amends existing statute to add confidentiality protections for student athlete NIL compensation records at postsecondary educational institutions but does not require additional state funding for implementation. Any costs associated with updating institutional policies, records management practices, or legal review to comply with the new confidentiality provisions would be borne by the affected institutions within existing administrative budgets.

SIGNIFICANT ISSUES

HB335 addresses records confidentiality for student athlete NIL compensation, which has become an increasingly significant issue for New Mexico public colleges and universities since New Mexico enacted Laws 2021, Chapter 124, SAEA, allowing student athletes to earn compensation from third parties for use of their NIL or athletic reputation. The bill creates an exemption from public records disclosure for NIL-related documents while preserving the ability to disclose records when required by court order or for compliance with the National Collegiate Athletic Association (NCAA) or other applicable athletic association rules.

From a higher education perspective, this provision balances student athlete privacy interests against public transparency considerations for state institutions. The bill applies to all postsecondary educational institutions, including public colleges and universities governed by boards of regents as well as community colleges. The confidentiality provision may protect sensitive financial and contractual information for student athletes while still allowing institutions to meet regulatory compliance obligations to the NCAA and athletic conferences.

PERFORMANCE IMPLICATIONS

HB335 does not contain performance measures or reporting requirements. The bill is a statutory policy change that does not require performance tracking by NMHED or higher education institutions (HEI's).

ADMINISTRATIVE IMPLICATIONS

New Mexico public colleges and universities with intercollegiate athletics programs would be responsible for implementing the confidentiality provisions of HB335, including updating institutional policies, procedures, and records management practices to ensure NIL-related documents and records are not disclosed except as permitted by the bill. Institutional legal counsel, athletics departments, and records custodians would need to ensure compliance with the new exemption from public inspection while maintaining the ability to disclose records for court orders or athletic association regulatory compliance.

The bill does not assign new duties to NMHED; any administrative impact on NMHED is expected to be minimal.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB335 amends existing statute (Section 21-31-3 NMSA 1978) originally enacted as Laws 2021, Chapter 124, which established student athlete NIL compensation rights in New Mexico.

NMHED's review of the 2026 legislative listing and related materials does not identify any 2026 bill that duplicates HB335's specific approach of creating a confidentiality and public-records exemption for student athlete NIL compensation records at postsecondary educational institutions. Other legislation and litigation, including prior amendments to Section 21313 (e.g., Senate Bill 219 in the 2023 regular session) and recent disputes about access to NIL-related records under the Inspection of Public Records Act (IPRA) such as New Mexico Foundation for Open Government litigation involving UNM and NMSU, address student athlete compensation and public access more generally but do not establish a

statutory confidentiality standard that conflicts with the provision HB335 would add (see, for example, <https://www.nmlegis.gov/Sessions/23%20Regular/bills/senate/SB0219.html> and <https://nmfog.org/wp-content/uploads/2025/09/lawsuit-nmfog-v.-unm.pdf>).

HB335 is therefore related to the SAEA and to IPRA because it creates a new, specific exemption from public inspection for NIL compensation records held by postsecondary educational institutions, but NMHED's review does not identify direct conflicts, duplications, or formal companion bills within the 2026 session.

TECHNICAL ISSUES

HB335 amends Section 21-31-3 NMSA 1978 by adding a new paragraph (Subsection A(3)) to the existing statutory framework.

The bill language specifies that disclosure is prohibited "except to the extent such disclosure is required by court order or for compliance with applicable athletic association or conference rules," which provides clear exceptions for regulatory compliance purposes.

From NMHED's perspective, there are no drafting errors or statutory inconsistencies that would prevent implementation.

OTHER SUBSTANTIVE ISSUES

The evolving regulatory landscape for student athlete NIL compensation at the federal level and within the NCAA may affect how New Mexico institutions implement the confidentiality provisions of HB335. If federal legislation or NCAA rule changes alter NIL disclosure requirements, institutions would need to reconcile those requirements with the confidentiality protections established by HB335, though the bill's exception for "compliance with applicable athletic association or conference rules" may address this concern.

The confidentiality provision applies to both current student athletes and prospective student athletes, which may have implications for recruiting and enrollment processes.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB335 is not enacted, documents and records related to student athlete NIL compensation at New Mexico postsecondary educational institutions would remain subject to existing public records laws, including the IPRA. Student athlete NIL contracts, compensation amounts, and related documents could potentially be disclosed in response to public records requests, which could affect student athlete privacy and institutional competitive interests.

AMENDMENTS

N/A