

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: 1/10/2025 *Check all that apply:*
Bill Number: HB27 Original Correction
 Amendment Substitute

Sponsor: Kathleen Cates **Agency Name and Code Number:** Department of Cultural Affairs – 505
Short Title: LIBRARIAN PROTECTION ACT **Person Writing Analysis:** Eli Guinee
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	N/A	N/A

(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	0	0	0	0	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

Synopsis: The bill impacts public libraries, defined as an organization that offers basic library services that are available to the general public. It requires libraries to:

- a) Adopt the [American Library Association's \(ALA\) Library Bill of Rights](#) as adopted in 2019; or
- b) Adopt a written policy that prohibits banning library materials.

Public libraries failing to do so are ineligible to receive state funds.

The bill prohibits political subdivisions of the state from reducing funding to a public library for complying with these requirements.

It does not prohibit the right of individuals to challenge library materials as may be established in individual library collection policies.

FISCAL IMPLICATIONS

None identified.

Note: major assumptions underlying fiscal impact should be documented.

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

SIGNIFICANT ISSUES

None identified.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

NM Administrative Code (NMAC) requires state-funded libraries to submit collection development policies every five years. Passage of this bill will require the state library to amend the NMAC related to such policies to include adoption of the American Library Association's Library Bill of Rights, or a policy prohibiting banning of library materials, and a process for individuals to challenge library materials. Affected public libraries will be required to submit updated compliant policies within 1 year of the law taking effect.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None Identified.

TECHNICAL ISSUES

None Identified.

OTHER SUBSTANTIVE ISSUES

Section 2(A)C defines a public library as a New Mexico organization that offers basic library services that are available to the general public. This definition could apply to organizations not funded by the state library, including academic libraries that are open to the public. However, Section 3(A)2 allows for libraries to adopt a policy pursuant to rules promulgated by the state librarian.

This could cause confusion because the state librarian only has rulemaking authority over funding to libraries that complete and submit an annual New Mexico public library survey. Suggested amendment for clarification below.

ALTERNATIVES

None Identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Public libraries subject to the banning of books will continue to receive state funding.

AMENDMENTS

Page 1, line 25, amend to read:

“‘public library’ means a library that completes and submits an annual New Mexico public library survey that is accepted by the state librarian.”