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| LFC Requester: | LFC |
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**AGENCY BILL ANALYSIS
2025 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 2025-01-22
Bill No: HB27

Sponsor: Cates, Kathleen
Short LIBRARIAN
Title: PROTECTION ACT

Agency Name and Code NMHED
Number: _____
Person Writing Weber, Jody
Phone: 6179089730 **Email** jody.weber@hed.nm.g

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY25 | FY26 | | |
| N/A | N/A | N/A | N/A |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY25 | FY26 | FY27 | | |
| | | | | |

| | | | | |
|-----|-----|-----|-----|-----|
| N/A | N/A | N/A | N/A | N/A |
| | | | | |
| | | | | |

(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 | 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 27 (HB27) introduces the Librarian Protection Act, requiring that a public library shall not be eligible to receive State funds unless the library adopts and complies with the 2019 American Library Association Library Bill of Rights or adopts a written policy against banning books or other materials on the basis of partisan or doctrinal disapproval or the author's race, nationality, gender identity, sexual orientation or political or religious views. No political subdivision of the State may reduce funding for a public library that adopts such a policy.

The New Mexico Higher Education Department's (NMHED's) 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

HB27 would have minimal fiscal impact on libraries associated with higher education institutions.

SIGNIFICANT ISSUES

Book challenges in the United States surged 65% in 2023 compared to 2022 (American Library Association). HB27 would offer protection from banning books or other materials on the basis of

partisan or doctrinal disapproval of the author's race, nationality, gender identity, sexual orientation or political and/or religious views at all libraries in the State including those at public colleges and universities. HB27 is similar to 2024 HB123, but its new definition of public library "as a New Mexico organization that offers basic library services that are available to the general public? would include libraries at New Mexico's colleges and universities. Higher education institutions have the responsibility of maintaining public academic libraries to sustain research in a wide variety disciplines; protection from removal of books and other materials on the basis of partisan or doctrinal disapproval is necessary to academic freedom for students and faculty and the regular operations of the HEIs.

HB27 could raise legal questions about the appropriateness and fairness of using State funding to enforce specific library policies. However, this bill gives libraries a choice between adhering to the Library Bill of Rights or adopting similar rules promulgated by the State Librarian.

Libraries at public colleges and universities may need to adjust current policies to comply with HB27.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

Libraries at public colleges and universities may need to adjust current policies to comply with HB27.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB27 is very similar to 2024 HB123

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB27 is not passed, libraries will not be required to adopt a policy against banning books or other materials.

AMENDMENTS

N/A