

<b>LFC Requester:</b>	<b>Mercer-Garcia, Rachel</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** Jan 21, 2025 *Check all that apply:*  
**Bill Number:** HB84 Original  Correction   
 Amendment  Substitute

**Sponsor:** Chavez and Duhigg **Agency Name and Code** State Personnel Office 378  
**Short Title:** Employee Free Speech Act **Number:** \_\_\_\_\_  
**Title:** \_\_\_\_\_ **Person Writing** Dylan K. Lange  
**Phone:** 505-476-7742 **Email** Dylan.Lange@spo.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
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		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown			

(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:

HB84 is similar to the amended version of HB245 introduced in 2023.

HB84 prevents retaliatory action against an employee for their refusal to discuss, listen to or view communications about political matters. An employer who violates the provisions of the Act shall be liable to the employee for actual damages, including reinstatement of employment, total sum of gross wages or compensation lost and punitive damages in addition to reasonable attorney fees and costs.

#### **FISCAL IMPLICATIONS**

Aggrieved employees may bring civil suit against employers and in the case of SoNM employees, would impact the individual agency that employs the employee, potentially negatively impacting those agencies budgets.

This bill grants successful plaintiffs attorney fees and costs, therefore, causing a rise in litigation regarding violations of this act.

#### **SIGNIFICANT ISSUES**

The definition of “political matters” is broad and vague.

The Act may face constitutional challenges from employers and religious institutions as laws regulating political speech are often subject to the highest level of constitutional scrutiny.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

No direct impact to the State as an employer

#### **AMENDMENTS**