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## FISCAL IMPACT REPORT

**BILL NUMBER:** Senate Bill 49

**SHORT TITLE:** School-Age Appropriate Filtering Project

**SPONSOR:** Thornton

**LAST UPDATE:** 1/28/2026      **ORIGINAL DATE:** 1/26/2026      **ANALYST:** Chilton

### APPROPRIATION\* (dollars in thousands)

FY26	FY27	Recurring or Nonrecurring	Fund Affected
	\$3,210.0	Nonrecurring	Public Education Reform Fund

\*Amounts reflect most recent analysis of this legislation.

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

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Additional Administrative Expense	No fiscal impact	\$55.0	\$55.0	\$110.0	Nonrecurring	Other state funds

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Related to House Bill 26 and Senate Bill 45; conflicts with Senate Bill 65.

### Sources of Information

LFC Files

#### Agency or Agencies Providing Analysis

Public Education Department

New Mexico School for the Blind and Visually Impaired

New Mexico Regional Education Cooperatives

Attorney General

#### Agency or Agencies That Were Asked for Analysis but did not Respond

Albuquerque Public Schools

New Mexico School for the Deaf

#### Agency or Agencies That Declined to Respond

Department of Cultural Affairs

## SUMMARY

### Synopsis of Senate Bill 49

Senate Bill 49 (SB49) appropriates \$3.21 million from the public school reform fund to the Public Education Department (PED) for the purpose of establishing a pilot program in 20 school jurisdictions, public or charter, to filter and rate school library materials over a period of three years. The bill specifies that no more than \$1 million would be spent each year on awards to the school jurisdictions (\$25 thousand for each in each year) and no more than \$70 thousand would be spent in each year on administration.

PED would select no more than 20 geographically balanced applicants to participate in a project. Each participating school district or charter school would also include at least one high school, one elementary school and, if applicable, one middle school in its sample. Each participant would adopt a rating system for materials (print, digital, or other) that would take into account its appropriateness for each age group, based on content of language, sexuality, violence and “mature themes.”

PED would be charged with developing guidance for participants to use in rating and then in surveying the families of students in the selected schools about their perceptions of the rating system and the list of rated materials. PED would be required to “assess the parent's likelihood of greater or continued engagement with the parent's child's education, public school or school district and the parent's trust in the education, public school or school district.”

Deadlines mentioned in the bill include the following:

- August 1, 2026: develop guidance for rating systems and surveys and begin accepting applicants from potential participants.
- September 1, 2026: select participants.
- December 1, 2026: report on the project to the Legislative Education Study Committee (LESC).
- July 1 of each year (2027, 2028, 2029): analyze surveys and report to LESC on results.
- December 1, 2029: submit final report to LESC and the governor.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

## FISCAL IMPLICATIONS

The appropriation of \$3.21 million contained in this bill is a nonrecurring expense to the public education reform fund. Any unexpended or unencumbered balance remaining at the end of FY29 shall revert to the public education reform fund. PED states the provisions of the bill may require a partial position to carry out grant and reporting requirements. The cost of one position is estimated at \$125 thousand including benefits. The bill contains an appropriation providing up to \$70 thousand a year for administration. Thus, the department would need up to \$55 thousand more for staffing.

## **SIGNIFICANT ISSUES**

It is not clear which materials would be subjected to rating in each participating school jurisdiction. It appears unlikely that every book and every digital resource could be rated. The bill also does not specify what is done with the rating once it has been developed, and what is to be done with library resources if they have been identified as having an unsatisfactory rating. The Attorney General states there is no information in the body of the bill stating that the rating system will be used to filter library materials, though that word is in the long title of the bill.

The Attorney General also points out that “the language in the bill about implementing an aged-based ratings system based on “local norms and expectations” may trigger concerns that the school library endorses or favors particular viewpoints, values, or beliefs, potentially restricting access based on subjective judgments about what is deemed appropriate for various audiences or otherwise violates the First Amendment.”

PED points out a Texas schoolbook ratings law that also attempted to regulate students’ access to “sexually explicit” or “sexually relevant” material was struck down in U.S. District Court, which ruled that the bill “is void for vagueness and is an unconstitutional prior restraint.” PED notes, however, that SB49 differs from the Texas law, being both voluntary at this point and not requiring the rating be associated with restriction of access to given materials.

## **OTHER SUBSTANTIVE ISSUES**

The Attorney General points out that provisions in this bill may conflict with the filtering that takes place through the federal Children’s Internet Protection Act, which conditions schools’ using internet access through the discounts of the E-rate program.

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

Conflicts with Senate Bill 65 on the management of school libraries.

Relates to and partially conflicts with House Bill 26 prohibiting book banning at public libraries and Senate Bill 45 on academic library management policies.

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