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## FISCAL IMPACT REPORT

**BILL NUMBER:** Senate Bill 65

**SHORT TITLE:** Management of Public School Libraries

**SPONSOR:** Sens. Sedillo Lopez and Pope/Rep. Cates

**LAST UPDATE:** \_\_\_\_\_      **ORIGINAL DATE:** 02/06/2026      **ANALYST:** Chilton

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

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
No fiscal impact						

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 26, Senate Bill 45 and Senate Bill 49.

### Sources of Information

LFC Files

#### Agency or Agencies Providing Analysis

Public Education Department

Attorney General

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

Albuquerque Public Schools

## SUMMARY

### Synopsis of Senate Bill 65

Senate Bill 65 (SB65) enacts new provisions within the Public School Code, Chapter 22, NMSA 1978. It would provide protective regulations for public school libraries and the personnel who work in those libraries.

Section 1-A's definitions define "library resource" widely, including not only books, but also online resources, newspapers, films, and other material kept within a library. "Library staff member" is also widely defined, as including anyone paid or volunteering to work within a school library. "Local school board" includes the governing body of charter schools.

Section 1-B prohibits discrimination against authors, any library resource content, or intended audience of a given resource based on the characteristics of any of those people and items:

disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, tribal affiliation, or ancestry.

Section 1-C provides that library resources may be removed only if

- The school district has adopted uniform standards and processes for removal, restriction of library resources.
- A request for removal, restriction or discontinuation of a given resource has been made by a student at that school or such a student's parent.
- The resource in question has not been subjected to a similar request within the preceding two years.
- The resource had been reviewed as a whole.
- A publicly available final determination has been issued, stating the criteria used.

These provisions would not apply if a resource were removed in the normal course of deaccession in the library.

Section 1-D requires each school board (and charter school governing body) to submit to the Public Education Department (PED) written policies for item removal, restriction, and display, which must be approved by PED. PED must ensure that the policies comport with the US Constitution's First Amendment.

Section 1-E states that library staff members cannot be subjected to any form of retaliation for making decisions based on this section of statute.

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

There is no appropriation in Senate Bill 65. PED would be charged with evaluating the written policies developed by local school boards and charter schools, but indicates no added fiscal impact caused by this requirement.

## SIGNIFICANT ISSUES

Book banning and book banning attempts have become increasingly common in recent years. The [National Education Association](#) has catalogued 22,810 instances of book banning in the last five years in 45 states. The books banned or subject to attempts at book banning especially target resources “with LGBTQ+ characters, with Black and brown characters, with Jewish and Muslim characters, and other stories and history that reflects the diversity around us.” In addition to traditional print books, online resources and many other forms of resources available in school libraries.

PED states that

The bill has several potentially beneficial components for New Mexico school districts and charter schools. The bill decreases the burden on public school personnel when library resources are challenged. The bill potentially decreases legal fees for school districts and charters when resources are challenged and will clarify authority for who

controls access to library resources and the process for challenging material. The bill explicitly ensures freedom of information and access to library materials for students by requiring the PED only approve policies that comply with the more protective of either the Second Amendment to the United States Constitution, or Article II, Section 17 of the New Mexico Constitution's Bill of Rights.

The American Library Association has existing guidelines for how to challenge library resources that school districts and charter schools can use to help develop their policies.

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

Relates to House Bill 26, Prohibiting Book Banning at Public Libraries; Senate Bill 45, Academic Library Management Policies; and Senate Bill 49, School Age-Appropriate Filtering Project.

## **TECHNICAL ISSUES**

The Attorney General (NMAG) raises concerns about the following:

- In Subsection B, it is not clear what is intended by the phrase "... a school district shall prohibit discrimination against the ... content ... of a library resource based on" one of the listed criteria. For example, the first listed criterion is "disability," and it is unclear how one would discriminate against content based on disability. Specifically, it is unclear if the bill intends to prohibit discrimination against an author based on the content of a published material, or against a published material based on an author's identification, or against a published material based on the content of the material.
- The phrase "at minimum" in Paragraph 3 of Subsection C appears to be surplusage. It contradicts the intention of the rest of Paragraph 3 of Subsection C, which says that library resources may be reviewed for removal only one time within a two-year period.
- The implementation of Subsection B may present some conflicts with the remaining subsections. Subsections A, C, D and E address policies for removal of library resources from public school libraries. The subject matter of Subsection B prohibits discrimination against and harassment of authors and users of library resources. Subsection B's prohibitions of removal based on content may conflict with legitimate removal (such as for age appropriateness) under Subsection C. Consider including guidelines for removal to distinguish legitimate removal from discriminatory behavior.
- The bill requires "uniform standards" for "removal, restriction or discontinuation" of a library resource but does not define what those standards should be or whether those are intended to be included in the "policies for the acquisition, retention, display and use" of library resources discussed in Subsection (D) (as distinct from the maintenance and deaccession of a library collection, which is separately discussed in Subsections (C)(7) and (D)). This could result in inconsistent application across districts.

## **OTHER SUBSTANTIVE ISSUES**

NMAG raises the issue of possible conflict between the provisions of this bill and the standards enacted under the federal Children's Internet Protection Act, which governs the accessibility to schools of federal communications reduced-rate internet access for schools.

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

School library personnel may be subjected to requests for “book banning” from outside their school’s students and students’ parents and may be retaliated against for failure to accede to their demands.

LAC/dw/ct