

**NOTE:** As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR: Beffort, Wilson, DATE TYPED: 3/11/03 HB \_\_\_\_\_

SHORT TITLE: Expression of Public School Employee Opinions SB SJM 94

ANALYST: Segura

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

State Department of Education (SDE)

### SUMMARY

#### Synopsis of Bill

Senate Joint Memorial 94 requests that the State Board of Education (SBE) ensure that public school employees, while on duty, refrain from expressing personal opinions regarding work events and the actions of political leaders.

#### Significant Issues

The memorial resolves that these public school individuals refrain from expressing their personal opinions while on duty, which prohibited expression would include forms of communication such as personnel attire, lapel pins, buttons, classroom displays of posters, bumper stickers or similar material.

### FISCAL IMPLICATIONS

Senate Joint Memorial 94 does not contain an appropriation.

**ADMINISTRATIVE IMPLICATIONS**

According to SDE, the SBE would have to amend its existing rule that permits local school boards to regulate “speech and assembly within the public schools”.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The SDE indicates that the memorial conflicts with Sections 22-10-2, 22-10-14 and 22-10-17 NMSA 1978.

**OTHER SUBSTANTIVE ISSUES**

According to SDE, the memorial clearly implicates the First Amendment to the U.S. Constitution as well as Section 17 (ART.III) of the Bill of Rights to the New Mexico Constitution. Both provisions prohibit the government from passing laws that abridge or restrain speech.

In addition, if the SBE carries out the assurance required by this memorial, it is likely to be named in civil rights lawsuits based on alleged violations of First Amendment rights that are brought by school employees disciplined for expressing their personal opinion on world events or the actions of political leaders.

RS/njw:yr