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# FISCAL IMPACT REPORT

**BILL NUMBER:** Senate Bill 45

**SHORT TITLE:** Academic Library Management Policies

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

**LAST ORIGINAL**  
**UPDATE:** \_\_\_\_\_ **DATE:** 02/16/2026 **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 | No fiscal impact | No fiscal impact | No fiscal impact  | Choose an item.           | Choose an item. |

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 26 and Senate Bill 65

### Sources of Information

LFC Files

Agency or Agencies Providing Analysis  
 Higher Education Department

Agency or Agencies That Were Asked for Analysis but did not Respond  
 Public School Support  
 New Mexico Independent Community Colleges  
 Department of Cultural Affairs

## SUMMARY

### Synopsis of Senate Bill 45

Senate Bill 45 adds a new section to Chapter 1, Article 1 NMSA 1978, the General Provisions Relating to State Educational Institutions regarding libraries at these institutions.

Section B of the bill prohibits discrimination against the authors or intended audience of given content or against that content itself “based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, tribal affiliation or ancestry,” and prohibits harassing the author(s) and consumer(s) of any such content.

Section C of the bill establishes criteria for processes that would result in removal or restriction

of content from a state educational institution’s library. It would allow consideration for restriction or removal of a given article of content only every two years, and only upon a request by a student at that institution. The content must be reviewed only as a whole, not in part, and the content would remain in place until a determination as to the complaint’s validity has been made. Routine removal of content (“deaccession”, as when library content is thought to no longer be needed, would not be affected by these requirements.)

Section D requires boards of regents and governing boards of the state’s public post-secondary institutions to adopt and publish its policies with regard to library materials, and their concordance with the First Amendment and the New Mexico Constitution’s free speech section, whichever is “more protective of speech.”

Section E prohibits retaliation against any library staff member for complying with these provisions.

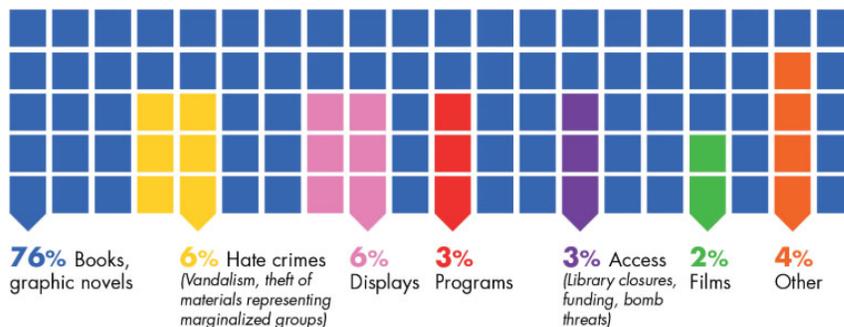
This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

## FISCAL IMPLICATIONS

There is no appropriation in Senate Bill 45.

## SIGNIFICANT ISSUES

The American Library Association, a nonprofit organization that promotes libraries and library education, [tracks attempts to censor books and materials](#) in public, school, or academic libraries. Across the United States, the association tracked 1,247 attempts to censor 4,240 unique book titles in school and libraries in 2023 and 821 in 2024. Data from 2025 is not yet available. In New Mexico, and in that same time frame, the association tracked two attempts to restrict access to books and seven unique titles challenged during those attempts. According to the Public Education Department (PED), of book challenges initiated in 2024, 44 percent took place in public libraries, 38 percent took place in school libraries, with five percent being in parts of schools other than libraries and in two percent in higher education and other libraries. Of those censorship attempts, not all were books:



According to the [Library and Information Management Blog](#), academic libraries play an important role in teaching, learning and research activities in higher education, due to these characteristics:

- Diverse collections

- Collaboration with faculty
- Information technology infrastructure
- Physical and digital spaces
- Continual assessment and improvement
- Open access initiatives
- Curation of special collections
- Flexible spaces for evolving needs
- Community engagement programs

In an [article](#) on censorship in academic libraries that appeared in 2025 in American Libraries Magazine, Professor Blair Solon of the University of New Mexico’s library, is quoted as saying, “The number of challenges in academic libraries is not zero.” She pointed to the removal of books at the New College of Florida in 2024 and at the US Naval Academy’s Nimitz Library in 2025.

## **TECHNICAL ISSUE**

According to HED, “The bill includes a list of how a library resource may be removed from the permanent collection of a library at a public post-secondary educational institution. This list includes that “a request to remove, restrict, or discontinue a library resource from an institution's library may be made only by a student matriculating at the institution.” This limitation could create unforeseen complications in the regular business of a library at a post-secondary education institution, as professional library staff, such as the Dean of Libraries and research librarians, are positioned to make decisions about deselection and deaccessioning in alignment with the institutional mission and professional standards.

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

Relates to House Bill 26 and Senate Bill 65, which deal with content restrictions in public libraries and school libraries, respectively.

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