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FISCAL IMPACT REPORT

SPONSOR Lara ORIGINAL DATE 02/12/21
LAST UPDATED _____ HB 225
SHORT TITLE Public Notices in Spanish SB _____
ANALYST Dick-Peddie

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)
Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 225 clarifies requirements for legal notices and advertisements and revises requirements for publication in Spanish. Legal notices or advertisements must be published in a newspaper of general circulation in the county in which the notice or publication is required to be published. HB225 also adds the *Camino Real*, published in Santa Fe, to the list of official Spanish language newspapers of New Mexico and requires any legal notice from agencies of the state required be published in Spanish to be published in an official Spanish-language newspaper.

The effective date of this bill is January 2, 2022.

FISCAL IMPLICATIONS

Agencies would incur translation costs to comply with the notice requirements but agencies likely either already have translation resources available or could absorb any additional cost to contract translation services.

SIGNIFICANT ISSUES

Data on the ethnic and linguistic makeup of New Mexico provided by AOC indicates 47 percent of the population identifies as either Hispanic or Latino, 36 percent of the population speaks a language other than English at home, and 10 percent of the population reports speaking English “less than very well.”

AOC notes publications of proceedings of boards of county commissioners, boards of education, and all other officers of any county, municipality, district, or other subdivision of the state are only required by law to be published once, and publishing such notices in the language most widely used in the community is key to providing equal access to public notices. AOC also notes the legal framework for HB225 is supported by Title VI of the 1964 US Civil Rights Act, which forbids “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin.”

Current official Spanish newspapers in the state are: *Santa Rosa News*, the *Santa Fe New Mexican* and *Santa Fe News*, *El Hispano* and *El Semanario de Nuevo México*, *Camino Real*, *Más New Mexico*.

TECHNICAL ISSUES

AOC notes that, as written, publication requirements may be ambiguous, and where there are disputes over population makeup of an area, a district judge determines which language is most prominent with “information available to the judge.” The district judge’s determination is final. AOC outlines the concern as follows:

If not less than 75 percent of the [population] of the county, town or city is English speaking, the publication of official proceedings by public officers in English would be considered sufficient. Likewise, in counties, towns or cities where the [population] is not less than 75 percent Spanish speaking, the publication by public officers in Spanish would be considered sufficient. In counties, towns and cities where the [population] that uses either language is between 25 percent and 75 percent, the notices would be required to be published in both English and Spanish, if there are newspapers published in both languages. Otherwise, the publication in either language would be considered sufficient.