

LFC Requester:	LFC
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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Click all that apply:

Original X **Amendment**
Correction **Substitute**

Date 2025-01-20

Bill No: HB84

Sponsor: Chavez, Eleanor
Short EMPLOYEE FREE
Title: SPEECH ACT

**Agency Name
and Code** NMHED
Number:

Person Writing Chisholm, Mark
Phone: 5052716754 **Email** mark.chisholm@hed.n

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB84, known as the Employee Free Speech Act, prohibits employers from taking any adverse employment action against an employee for refusing to go to an employer-sponsored political meeting or listen to a speech about an employer's political opinions. That includes firing, disciplining, suspending, withholding promotion, or any other punitive actions. HB84 would make an employer that violates this prohibition on forcing employees to listen to or see political speech liable for damages and loss of wages or other punitive damages as well as reasonable attorney fees. Political speech is defined in HB84 as communication on matters relating to elections for political office, political parties, legislative proposals, rule or regulation change proposals, or decisions to join or support a political party, cause, or organization - including labor organizations.

Employer is defined to include any political subdivision of the state, and public higher education institutions (HEIs) fit into that broad definition. Section D (3) of HB245 states that nothing in the Employee Free Speech Act shall prohibit "a public or private postsecondary educational institution, or an agent, representative or designee of a public or private postsecondary educational institution, from meeting with or participating in any communications with its employees that are part of coursework, symposia, or an academic program at a public or private postsecondary educational institution."

The New Mexico Higher Education Department's (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies' analyses.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

Most postsecondary institutions have free speech policies in place as a core value of education. HB84 would strengthen those policies and would be unlikely to cause any significant change in institutional policies.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB84 is very similar to 2023 HB245, as amended during the 2023 session by the House Labor, Veterans' and Military Affairs Committee and the House Judicial Committee

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Existing postsecondary institution free speech policies would continue unchanged.

AMENDMENTS

N/A

