

LFC Requester:

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: 1/15/25 *Check all that apply:*
Bill Number: HB 40 Original Correction
 Amendment Substitute

Sponsor: Representative Kathleen Cates **Agency Name and Code** Tourism 418
Short Title: UNIVERSAL ADULT CHANGING STATIONS **Number:** _____
Person Writing Novela Salazar
Phone: 505-490-7185 **Email** novela.salazar@td.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	NFI	NFI

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	NFI	NFI

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	204.0	204.0	204.0	612.0	Recurring	General

(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

Synopsis: HB 40 would enact the “Traveling with Dignity Act,” requiring all facilities that receive state funding to install universal adult changing stations. It defines commercial places of public amusement and further defines covered facilities. Covered facilities would include public buildings or commercial places of public amusement, including an entity or program that receives state funding and that receives at least two thousand five hundred (2,500) visitors per year, as measured by the New Mexico Tourism Department (NMTD).

Public buildings are those that are owned by the state, open to the public and have permanent sanitary facilities (restrooms). HB 40 would require that each covered facility install and maintain at least one universal adult changing station, which is a powered, height-adjustable and adult-sized changing table installed in a single-occupancy restroom that is universal to gender and available to the public.

After July 1, 2025, each covered facility that undergoes a renovation estimated to cost more than fifty thousand dollars (\$50,000) would be required to install and maintain at least one universal adult changing station. After July 1, 2032, all covered facilities would be required to maintain at least one universal changing station.

FISCAL IMPLICATIONS

HB 40 does not include an appropriation related to the implementation of the “Traveling with Dignity Act.” This bill will have a fiscal impact on the operations of NMTD.

The direct fiscal impact to NMTD would be related to operating budget. To compile and disseminate the data required by HB 40, NMTD would likely need to hire a minimum of two Economist B positions (pay band 70) at a total cost of two hundred and four thousand (\$204,000) per year (salaries plus benefits). In addition, NMTD would likely need to utilize contractual assistance as there is currently not a software application housed within the agency to accurately compile the data.

To maintain data accuracy and disseminate it to covered facilities statewide, this would be an estimated recurring fiscal impact for salaries, at a total of six hundred and twelve thousand (\$612,000) for three years from the General Fund.

SIGNIFICANT ISSUES

The “Traveling with Dignity Act.” would likely impact the New Mexico tourism industry, specifically covered facilities that have at least 2,500 visitors per year, as they would be required to install and maintain at least one universal adult changing station. This would have operational and fiscal impacts to those facilities.

It should be noted that NMTD supports accessibility to tourism destinations statewide. As part of the Destination Forward grant program managed by NMTD, funds are dispersed to local

governments, tribal governments and municipalities to improve tourism infrastructure. ADA accessibility and restroom improvement projects are eligible and are high in priority for the agency.

HB 40 would require NMTD to compile data to identify all entities or programs in New Mexico that receive state funding and at least 2,500 visitors a year. That data would need to be available to covered facilities by July 1, 2025, if not before, so that applicable programs or entities could plan for the installation of universal adult changing stations for renovation projects in 2025. This requirement would directly impact NMTD operationally and fiscally as the agency.

NMTD would be unable provide the data requested in the bill by July 1, 2025. The agency does not currently employ a data measuring application capable of identifying covered facilities as defined in HB 40.

It would be incumbent upon NMTD to provide timely and accurate data, as covered facilities (agencies, businesses, and other state funded entities) would need to obtain this data in a timely manner to ensure that they have sufficient budget to install and maintain adult changing stations.

PERFORMANCE IMPLICATIONS

As stated earlier, NMTD would not have the ability to provide the requested data by July 1, 2025, due to lack of a data analysis tool, current staffing and budget within the agency.

Data reliability related to this law would be difficult to maintain, as visitation related to public amusement for covered facilities often fluctuates and can be hard for some facilities to predict. In particular, for smaller facilities there may be times when visitation is above or below 2,500 annually. This would require annual tracking on the part of NMTD and communication with covered facilities to ensure accuracy.

ADMINISTRATIVE IMPLICATIONS

Administratively, tracking and reporting for this process would be burdensome for NMTD and would require new administrative measures to be implemented.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The “Traveling with Dignity Act” would not be enacted.

AMENDMENTS

None