

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: 01/27/2025 *Check all that apply:*
Bill Number: HB40 Original Correction
 Amendment Substitute

Sponsor: Representative Kathleen Cates **Agency Name and Code** Department of Cultural Affairs - 505
Short Title: Adult Changing Stations/ **Number:** _____
Traveling with Dignity Act **Person Writing** Michelle Gallagher Roberts
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(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			Unknown (see analysis)	\$Unknown (see analysis)	Non-Recurring	State Capital Outlay

(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: House Bill 40, also referred to as the Traveling with Dignity Act, enacts a mandatory requirement for state-funded facilities, or facilities that have programming with partial or full funding from the state, to install at least one universal adult changing station that is accessible to all genders in a single-occupancy restroom for increased accessibility by July 1, 2032. After July 1, 2025, any renovations over \$50,000 or new construction would be required to incorporate at least one adult changing station that is universally accessible to all genders in a single-occupancy restroom, when the facility is open to the public.

FISCAL IMPLICATIONS

HB 40 does not include an appropriation related to the implementation of the Traveling with Dignity Act. The cost of purchasing universal adult changing stations typically ranges from \$2,000 to \$10,000 per unit. Additionally, there would be unknown costs related to adding any necessary structural support and electrical requirements.

Section A.(5) mandates the installation of a universal adult changing station, defined as a powered, height-adjustable, adult-sized changing table located in a single-occupancy restroom that is accessible to the public and universally available to all genders. This requirement would obligate qualifying entities to create a new single-occupancy restroom if one does not currently exist, with compliance deadlines of July 1, 2032, or July 1, 2025, for facilities undergoing renovations exceeding fifty thousand dollars in cost. The fiscal impact of constructing single-occupancy restrooms is uncertain, but it is likely to be significant.

SIGNIFICANT ISSUES

The proposed bill has a potential impact on historic public buildings. Restrooms in historic properties are retrofitted for federal ADA requirements. However, to install a universal adult changing station in a single-occupancy restroom in an historic building, existing restrooms would need to be substantially renovated to create space, along with installing steel support beams and power outlets. Most locations are constrained from such construction by other factors (known archaeological sites, land ownership, etc.)

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

Per Section A.(2.b), the bill requires visitation to be measured by the tourism department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified

TECHNICAL ISSUES

There is a potential discrepancy between the two statements regarding the definition of eligibility:

1. **Section A.(1)** defines eligibility based on maximum occupancy, stating that the threshold is “two thousand five hundred or more people.” This implies eligibility is determined by the capacity of a facility to hold a certain number of people at one time.
2. **Section A.(2.b)** defines eligibility based on the number of visitors, specifically “receives at least two thousand five hundred visitors per year, as measured by the tourism department.” This suggests eligibility is determined by the annual number of visitors, not the facility’s occupancy.

The discrepancy lies in the different criteria used for determining eligibility, one based on maximum occupancy (a static capacity measure) and the other based on annual visitor traffic (a dynamic, time-dependent measure). To avoid confusion or conflicting interpretations, the bill may need to clarify whether eligibility is based on occupancy, annual visitor numbers, or both criteria, and how they are meant to work together.

OTHER SUBSTANTIVE ISSUES

None identified

ALTERNATIVES

None identified

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Failure to enact this bill would result in the absence of a requirement for at least one universally accessible adult changing station in single-occupancy restrooms at "commercial places of public amusement" for individuals who require such facilities.

AMENDMENTS

State facilities listed on federal or state historic or cultural property registries are exempt from the provision of the bill if upon consultation the State Historic Preservation Officer determines the alternations necessary to listed properties to achieve compliance would threaten or destroy the historic significance of the building.