

<b>LFC Requester:</b>	<b>Allegra Hernandez</b>
-----------------------	--------------------------

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 1/23/2025 *Check all that apply:*  
**Bill Number:** HB 120 Original  Correction   
 Amendment  Substitute

**Sponsor:** Tara L. Lujan and Kathleen Cates **Agency Name and Code Number:** NM Commission for Deaf and Hard of Hearing 604  
**Short Title:** Accessibility of State Agencies **Person Writing:** Nathan Gomme  
**Title:** \_\_\_\_\_ **Phone:** (505) 796-5441 **Email:** Nathan.gomme@cdhh.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	\$200,000	Recurring	General Fund

(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
<b>Total</b>						

(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: Relating to disabilities; enacting the Accessibility Act to require each state agency's website, mobile application and physical facilities to comply with digital and physical accessibility standards; creating the Office of Accessibility to implement and administrator accessibility standards; creating the Office of Accessibility to implement and administer the Accessibility Act; creating reporting requirements for the Office of Accessibility; creating a private right of action; making an appropriation.

#### **FISCAL IMPLICATIONS**

While not explicitly stated in the bill there appears to be an expectation that there will be a reoccurring funding need for the office moving forward. In Section 5 A, a reporting criteria is established by April 1, 2026 and every two years thereafter to the Office of Accessibility. The appropriation for the office in this bill only mentions the \$200,000 for FY 26 and as such the implication is that it will be housed and funded beyond FY26. However, it is unclear what operations cost would be at this time, variables such as if the Office will be a standalone office, or with for example housed in the Governor's Commission which is defined in Section 2. If the location of the Office of Accessibility is in the Governor Commission, then that would have a fiscal impact on operations for the Commission, they would need an assumed FTE position for a director which would appoint and oversee the office and staff, this would then mean that perhaps additional FTE's would be needed which would also have an impact on operations. If contracts are needed this would impact the contract amounts needed by the commission as well. Being housed in the commission would at least indicate no need for additional costs for facilities or equipment, however assuming the commission has space. Without the clarity at this time it is not clear if there would be additional operating costs as a standalone Office which may exceed the amount of General Fund requested to enact this particular act. In addition, it would be appropriate to assume this office would interact with several state agencies and the procurement system which would mean continued operational support for travel and development.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES** The need for an Office of Accessibility is critical to centralize the needed process to ensure compliance with the recent rules added to the Americans with Disabilities Act that all websites and mobile apps by the April 2026 deadline set by the federal government. The published rules in the Federal Register are specific and come with very limited exceptions. Most state agency are not aware of nor informed in the rules as they are established, and the timeline expects a website and or mobile apps provided by state or local governments be compliant by April 24<sup>th</sup> 2026. This bill enables the Office to address and coordinate a large potential effort and ensure compliance with these rules for the foreseeable future. It also enables the state to have an enforcement the standards effectively with technical assistance and reviews. The information and training provided by this office will also ensure standardization and

streamline a process to avoid every state agency trying to comply without any real guidance outside of the website developer who may have no experience in this field. In addition, this bill creates an office to assess and address physical space requirements in the same manner, the rules have already been in place and the office in question will be able to address them holistically instead of when complainants appear resulting in potential litigation and increased costs to address. The office would assess, evaluate and provide corrective actions that are comprehensive and come with technical support.

**PERFORMANCE IMPLICATIONS** Accountability for the process appears to be in the reporting systems and overall success of the state to move forward with the required steps per federal rules. The office will be able to report which agencies are compliant and what is being done to rectify any omissions or barriers in compliance with the ADA rules. The statement on agency websites will also indicate who and how to reach out to appropriate officials to ensure that any future barriers can be addressed.

#### **ADMINISTRATIVE IMPLICATIONS**

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

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**