

LFC Requester: \_\_\_\_\_

**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:** \_\_\_\_\_ *Check all that apply:*  
**Bill Number:** HB120 Original  Correction   
 Amendment  Substitute

**Sponsor:** Reps. Lujan and Cates **Agency Name and Code** HCA 630  
**Short Title:** Accessibility of State Agencies **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	\$200.0 (Commission on Disability)	Nonrecurring	SGF

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	None	None

(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>	\$0	\$0	\$0	\$0	None	None

(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: On April 24, 2024, the U.S. Department of Justice promulgated new digital accessibility standards under the Americans with Disabilities Act of 1990. State governments are to become compliant with those regulations by April 24, 2026. HB120 proposes to create the Accessibility Act to bring each state agency's website and mobile applications into compliance comply with the new digital accessibility standards by April 1, 2026. The bill proposes to create the Office of Accessibility within the Governor's Commission on Disability to administer the act and imposes reporting requirements on the Office. Requires the Office to ensure state agencies comply with physical accessibility requirements that are already law. Creates a private right of action for injunctive relief. Appropriates \$200,000 (GF) to the Governor's Commission on Disability for use in FY2026 to operate the Office.

**FISCAL IMPLICATIONS-** The requirements of House Bill 120 on HCA are already required by the newly promulgated federal digital accessibility standards and long-standing physical accessibility standards. There will be a cost to HCA to update its website, but the driver of that cost are the federal regulations. Therefore, HCA is reporting no fiscal impact for this bill.

#### **SIGNIFICANT ISSUES**

This bill is somewhat duplicative of existing federal requirements.

#### **PERFORMANCE IMPLICATIONS-**

None for the HCA.

#### **ADMINISTRATIVE IMPLICATIONS-**

The HCA customer portal at <https://yes.nm.gov> is already compliant with Web Content Accessibility Guidelines (WCAG) 2.1 level AA and exceeds that benchmark and is compliant with WCAG 2.1 at level AAA.

References:

ADA: <https://www.ada.gov/>

Section 508 of the Rehabilitation Act: <https://www.section508.gov/manage/laws-and-policies/>

Web Content Accessibility Guidelines: <https://www.w3.org/TR/WCAG21/>

The Difference Between the ADA, Section 508, and WCAG  
<https://www.audioeye.com/post/ada-section-508-and-wcag/>

All HCA buildings are already ADA compliant with reasonable accommodations for both employees and the public in accordance with the Physical Building Accessibility Standards. The reason for this is that a Certificate of Occupancy for each building is required prior to occupancy. The local code authority and permitting departments are responsible for issuing these occupancy approvals, which cover much more

than just disability accommodations, including building codes, fire codes, etc.

Agencies are required to meet regulatory permitting standards at the local level prior to the occupancy of the buildings. All of the buildings occupied by HCA were constructed after the Americans with Disabilities Act of 1990 and have therefore been brought into compliance with these accommodations through this process.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP-**

None

**TECHNICAL ISSUES**

None

**OTHER SUBSTANTIVE ISSUES-** HB 120 provides for private, civil action against agencies if an individual cannot access the digital content, services or platforms or physical facilities. A successful litigant is entitled to attorney fees.

**ALTERNATIVES**

None

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

Status Quo

**AMENDMENTS**

None