

LFC Requester:	Allegra Hernandez
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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: 1/17/2025 *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 Governor's Commission on Disability; 645
Person Writing Lisa McNiven
Short Title: Accessibility of State Agencies **Email** Lisa.mcniven@gcd.nm.gov
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
	\$200,000	Non-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
Total						

(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:

Enacts a Pilot Project for state agencies to begin a foundation on which to build methodology and structure through interaction and cooperation of individual agencies which may result in formulating guidance for all agencies to comply with the state's requirement to have their website, mobile applications and physical facilities to comply with digital and physical accessibility standards. Through the creation of a Pilot Office within the NM Governor's Commission on Disability (GCD) and in conjunction with other state agencies with related subject matter experience to implement and administer the Accessibility Act. The Pilot Office will be housed under the NM Governor's Commission on Disability (GCD) with one FTE hired to work with the existing GCD's existing ADA Coordinator Training Certification Program (ACTCP) Manager with an appropriation amount of \$200,000. The resulting community of state agencies ADA Coordinators will build the structure for establishing reporting requirements and have advisory right of action regarding the compliance responsibilities of the Accessibility Act for all state agencies in New Mexico.

FISCAL IMPLICATIONS

There is an appropriation of two hundred thousand dollars (\$200,000) towards expenditures in the creation of a Pilot Program within the NM Governor's Commission on Disability with most of the expenditure providing an assistant to work with the ACTCP Program Manager. This fund will be appropriated using general fund dollars that will revert any unexpended or encumbered balance funds will revert to the general fund.

However, a stipulation of the non-recurring funds which is not included in the bill needs to be addressed, thus it is recommended to consider it be a recurring fund. There are at least 68 state agencies and other state entities buildings to review for accessibility with both their website system and physical access. This act would need recurring dollars to support all state agencies to follow the Accessibility Act. The accessibility needs for all people with disabilities from birth to seniors may interface with the state agency for services or to obtain information. Support of this program needs to be ongoing for a permanent result.

With the newly elected administration's dismissal of DEI (Diversity, Equity and Inclusion), there will not likely be technical support from the feds leaving the states to figure out how to execute the new regulations in a cost-effective way. This bill will save the state money by creating a place of technical expertise, which should likely reduce redundancy, share resources and create consistency, as well as develop cost saving project plans, and reduce outside vendor and litigation costs. This will eventually make most State websites, apps and physical spaces more accessible to all New Mexicans, as well as tourist that help strengthen New Mexico's economy.

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

From the standpoint of individuals with disabilities, there are significant issues with accessibility needs using a reader for the blind and visually impaired to access information on each state's website. This needs to comply with the Accessibility Act's content guidelines of 2.1 level AA, or any successor standard for both the web and mobile sites that is offered on each agency's platform in accordance with the ADA and the US Access Board's direction. Including individuals with physical disabilities, Standards for accessible designs as adopted by the US Department of Justice ADA of 1990 need to be implemented for each public building, pathways, accommodations and facilities.

If these two; physical accessibility and website access are not given attention, the state of New Mexico's sixty-eight agencies and entities will not be following the existing law under the Americans with Disabilities Act. This act allows for one new FTE to grow and contribute to the existing (ACTCP) Manager's efforts and increase the knowledge, experience, training and ability to partner with and perform evaluations of each state's website with the partnership of each agency's ADA Coordinator (or designated accessibility expert) as it is housed within the GCD. The GCD's statutory responsibility is to remove barriers to the full integration of individuals with disabilities into the mainstream of New Mexico life, increase the quality of life of New Mexicans with disabilities, and to meet all the responsibilities and exercise all the authorities granted by law.

This is accomplished through the existing structure of the GCD that already focuses on physical and programmatic access needs through the various programs, initiatives and services that the GCD has to offer. The GCD continuously hears from the public including those with disabilities on issues of barriers to access, and this Agency stands ready to assist other state agencies to meet their responsibilities with support, guidance, training and resources.

PERFORMANCE IMPLICATIONS

The performance of just one additional GCD staff member will assist in contributing toward full, physical and website accessibility. With evaluations and reports provided to the public, this may indicate how much support is needed by the state of NM to be in compliance and it may entail a need for additional FTEs in the future to support the continued growth of the Pilot office. Performance of the Pilot office may be supported by other staff in the agency, but the GCD is limited in its scope as there are approximately 411,000 individuals from birth to senior citizens who have a disability that reside in all parts of New Mexico. This does not account for visitors who come through to visit New Mexico as tourist, and to comply means if it helps one person then it helps the 2 million other people that live here who need just a little bit of assistance to get in the door with a stroller, temporary crutches, or packages in their arm. The concept of Universal Design resonates with this program, as what works for individuals with disabilities works for those who do not have any as well.

ADMINISTRATIVE IMPLICATIONS

Administrating the Pilot Program of statewide accessible compliance is something that the GCD can support, due to our statutes, mission and strategic plans to support all people with disabilities

in the state in employment, housing, recreation and access to services, given time and the personnel to accomplish this. Administration of this program will not be without intense training, support and guidance for the GCD staff serving this action towards all state's responsibilities regarding compliance. The agency currently has 12 full-time staff with various roles and responsibilities, but each share the same mission, drive and purpose.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not accomplished United States Department of Justice issued its final rule revising the regulation implementing Title II of the ADA regarding web and mobile application accessibility is not enacted, the State of New Mexico Executive Branch will be out of compliance with the law and it will create hardships for the more than four hundred plus individuals with disabilities in the state, including visitors. Without this Pilot Program, each state agency will be responsible for their own training, knowledge and compliance of this. With the initiation of this Plot Program each state agency will be 2024, the. the law without the support of an expert to guide them to meet compliance in accordance with the ADA.

AMENDMENTS

It is recommended that an amendment to include recurring funds for this program, with the expectation that a report will be provided to the legislature for confirmation that the Accessibility Act is working.