

LFC Requester:	
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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}

Check all that apply:

Original Amendment
Correction Substitute X

Date Prepared: 2025-02-11
Bill No: HB120

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and Code
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	200.0	Non-recurring	General Fund
0	0		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	200.0	0	Non-recurring	General Fund
0	0	0		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	693.7	693.7	1387.3	Recurring	General Fund

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB 120 establishes the Office of Accessibility which will be responsible for enforcing and developing standards related to accessibility for websites, technology, and physical locations within state agency properties. An initial appropriation of \$200,000 is allocated for start-up costs from the Governor's Commission on Disability.

The office will create standardized forms and processes to assess whether state agencies are meeting accessibility requirements, including those related to technology, websites, and physical locations utilized by or within state agencies. Additionally, points of contact will be designated at each agency to address accessibility needs and concerns, whether related to technical issues, websites, or physical locations.

A biennial reporting requirement will be implemented, with a report due every two years to the Governor's Office outlining the status, progress, and compliance of state agencies with accessibility requirements, including procurement, technology, and physical site improvements.

The bill also allows individuals with disabilities who are unable to access digital content or physical locations to file civil lawsuits against agencies deemed non-compliant in meeting their accessibility needs.

FISCAL IMPLICATIONS

* Need to hire additional IT Staff to work on website and application compliance full-time. Two to Three Application Developers for an agency the size of CYFD (Cost \$415.7).

* Additional test environments to test websites and applications for any publicly used browser, estimated cost \$150.0 (Cost subject to change due to

cost increases, supply chain, and tariffs imposed by US Government).

* Additional costs associated with assessments related to websites and applications for compliance, cost \$80.0 (Cost subject to change due to cost increases).

SIGNIFICANT ISSUES

HB 120 leaves the determination of what constitutes "accessible" to be based on individual preferences, experiences, and interpretations, as no clear standards or minimum requirements are outlined. Additionally, it mandates that agencies provide written acknowledgment of their commitment to accessibility for people with disabilities, including the identification of individuals responsible within each agency for ensuring compliance.

This could result in increased costs for IT staffing, additional testing environments for digital content, and contractual support costs for agencies to address accessibility issues identified through testing across various browsers used by the general public. Furthermore, there is no defined timeframe for reviewing or enacting changes, nor a clear process for appealing decisions regarding the accessibility of websites or applications, which could be deemed inaccessible based on subjective interpretation.

The bill may also lead to increased civil litigation involving the State of New Mexico, impacting IT, Legal, General Services, and other agency resources, as well as Risk Management within the General Services Division.

In terms of physical facilities, compliance may result in increased costs associated with contractors, construction permits from the Construction Industries Division within the Regulation & Licensing Department, and potential increases in leasing rates for CYFD's leased locations. As CYFD primarily occupies leased space, coming into compliance could raise leasing expenses at non-state-owned office locations.

For state-owned locations, capital outlay funding would need to be requested through the General Services Department, which serves as the landlord for CYFD, as the agency is prohibited from owning real property. This process would require legislative approval, potentially causing delays in compliance and contributing to increased civil litigation risks.

Given that funding is provided by the Governor's Commission on Disability, a question arises as to whether the Office of Accessibility is administratively tied to the Governor's Commission on Disability. Additionally, with leased properties acquired prior to the proposed legislation, there is a concern about whether there is an option to "grandfather" these locations to avoid compliance

requirements and the associated increases in lease expenses.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

There may be a potential conflict with the mission of the Governor's Commission on Disability, as well as the risk of duplication and conflicting efforts regarding provisions already addressed under the Americans with Disabilities Act (ADA).

TECHNICAL ISSUES

There is a critical need for resources to be readily available to address issues as they are identified, ensuring prompt resolution. Additionally, it is necessary to provide a variety of environments and equipment to conduct comprehensive testing across all publicly accessible browsers.

Currently, there is no established timeframe for remediating issues within websites, applications, or facilities. Furthermore, the definition of "accessible" remains subjective, varying based on the interpretation of each individual using the website or application.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.