

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: 01/23/2025 *Check all that apply:*
Bill Number: HB 120 Original Correction
 Amendment Substitute

Sponsor: Tara L. Lujan & Kathleen Cates **Agency Name and Code** 790 – Department of Public Safety
Short Title: Accessibility Of State **Number:** _____
Person Writing Prakash Bhakta
Phone: 505-316- **Email:** Prakash.Bhakta@dps.

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	0	\$752.9	\$706.9	\$1,459.8	Recurring	General Fund

(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

Proposes to create the Accessibility Act to compel each state agency's website, mobile applications and physical facilities to comply with digital and physical accessibility standards under the federal Americans with Disabilities Act of 1990 (ADA). Creates the Office of Accessibility in the Governor's Commission on Disability to administer the act, imposes reporting requirements on the office, creates a private right of action for injunctive relief, and appropriates \$200,000 (GF) to the Governor's Commission on Disability for use in FY2026 to operate the Office.

Digital Accessibility Standards is defined as the requirements set by the web content accessibility guidelines 2.1 level AA, or any successor standards, for web and mobile accessibility adopted by the United States department of justice pursuant to the provisions of the federal Americans with Disabilities Act of 1990, as amended.

Accessibility Guidelines 2.1, level AA is further defined by Web Content Accessibility Guidelines (WCAG 2.1 AA). These guidelines are technical standards for web accessibility, outlining how to make websites and web content accessible.

FISCAL IMPLICATIONS

Digital Accessibility Compliance Costs

The Department of Public Safety must assess and update multiple digital platforms to comply with ADA standards under the proposed Accessibility Act. This process involves evaluating current websites and applications, redesigning or modifying them to ensure accessibility, and conducting ongoing maintenance. DPS will incur expenditures totaling \$400,000 with multiple vendors:

- Auditing existing digital content for accessibility issues,
- Redesigning websites and applications to align with accessibility guidelines,
- Training staff on creating and maintaining accessible digital content, and
- Procuring tools or services for testing and monitoring accessibility compliance.

To stand up and maintain this initiative effectively on an ongoing basis, the Information Technology Division (ITD) needs to establish a new **Accessibility Compliance Unit** requiring four (4) new full-time positions at a cost of \$551,000:

- One (1) IT Project Manager I
- One (1) IT Application Developer I
- One (1) IT Business Analyst II
- One (1) IT Quality Assurance Analyst III

However, the addition of these full-time positions raises concerns, particularly given the current limitations on office space. The increased staffing levels place further strain on existing infrastructure and workspace. A careful evaluation of resources and space constraints will be necessary to ensure practical and sustainable solutions for implementing this legislative mandate.

The total cost to establish and implement compliance with this legislation in FY2026 is estimated at \$752,900, with a recurring annual cost of \$706,900 to maintain compliance in future fiscal years.

There would also be the costs and logistics for maintenance for ongoing compliance. Accessibility isn't a one-time fix but requires continuous monitoring and updating. Ensuring that digital platforms remain compliant with evolving standards may require ongoing technical expertise and resources, which could place additional strain on the department's IT and digital teams.

SIGNIFICANT ISSUES

The Web Content Accessibility Guidelines (WCAG) 2.1 is a version that was published in 2018, and conformance level AA includes 50 individual success criteria for various categories or requirements (or account for) for full conformance. WCAG has three different conformance levels: A, AA, AAA. Level A provides for an essential, minimum level of accessibility. Level AA provides for more comprehensive and well-rounded accessibility. Level AAA provides for excellent, above and beyond accessibility. Importantly, AA includes level A so all success criteria under level A will be included in AA. All web content – including documents – and mobile apps must be WCAG 2.1 AA conformant. Web content is everything that is accessible by a web browser including websites, web apps, text, images, audio, videos for both internal and external facing web content. This bill allows a private right of action by allowing individuals with disabilities to file civil actions if a state agency is found to be out of compliance with the accessibility standards. DPS is concerned about the potential for increased legal liability if the department inadvertently fails to meet the standards, leading to lawsuits and the associated costs (e.g., legal fees, settlement costs, or penalties).

Moreover, given the complexity of ensuring both digital and physical accessibility across multiple facilities, DPS is concerned about unintentional lapses in compliance. With the potential for lawsuits, DPS could face reputational damage and operational setbacks if they are unable to fully meet the standards on time.

The bill sets general standards for digital and physical accessibility, but it does not provide enough detailed, specific guidance on how state agencies should meet these standards. DPS is concerned about the potential for misinterpretation or inconsistent application of the standards across different facilities and digital platforms. DPS is also concerned about the adequacy of the technical assistance and resources provided by the Office of Accessibility. If the office cannot offer sufficient support, DPS may struggle to achieve compliance on time.

PERFORMANCE IMPLICATIONS

Technical system performance implication of WCAG 2.1 level AA is unknown at this moment based on the no quantifiable summary of each category (i.e. how many websites, pages, text documents, images, audios and videos).

ADMINISTRATIVE IMPLICATIONS

The administrative implications of WCAG 2.1 level AA are unknown at this moment. An assessment will need to be conducted, and, at a minimum, several dedicated resources will be needed. At minimum, a project manager, website analyst, technician and compliance/auditor for conformance. A conservative in-house staffing and software tools estimate of approximately \$250,000.00 for the initial engagement and ongoing compliance efforts.

The bill requires that state agencies, including DPS, provide training for employees on digital and physical accessibility standards. This would require significant investment in time and resources to ensure staff are properly trained, especially if staff turnover is high or if specialized training programs need to be developed. DPS employees are already under significant pressure to maintain public safety and respond to emergencies. Adding the requirement for additional training could create challenges in balancing their core duties with the need to comply with the new accessibility standards.

The bill requires DPS to submit regular reports documenting its progress in meeting accessibility standards. While this promotes accountability, it could also create an additional administrative burden. Collecting data, compiling reports, and tracking ongoing compliance might take time and resources away from the department's core public safety duties.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Consider engaging an industry vendor partner for assessment, remediation, and conformance. This holistic solution by third party may cost approximately \$400,000.00 – \$500,000.00 to be compliant by April 1, 2026.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.