

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: 1/06/2025 *Check all that apply:*
Bill Number: HB 49 Original Correction
 Amendment Substitute

Sponsor: Cynthia Borrego **Agency Name and Code Number:** NM Governor's Commission on Disability; 645
Person Writing Lisa McNiven
Short Title: Closed Captioning Act **Email** Lisa.mcniven@gcd.nm.gov
Title: _____ **Phone:** 505-435-9326 : m.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(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:

House Bill 49 is to create an act that requires closed captioning on TV's that is not showing the same programming material in places of public accommodations. There are 181 bars/nightclubs, 3,838 restaurants, 3 International Airports with other regional airports throughout NM, and 1 major bus terminal station. All of which have TV stations that could provide information to the public who have hearing loss.

There are approximately 2,114,371 individuals living in New Mexico according to the US Census and of this there are 7% of the population that have a hearing loss according to the CDC. The enforcement of this bill will be provided by the State Attorney General's office that has recently been named the Department of Justice Office of New Mexico.

The State Attorney General, as stated in the bill, would enforce a civil penalty not to exceed \$250 for the initial violation and \$500 for subsequent violations. The bill states that all TV's that have different programming on from each other will have captioning available, however if they are shown the same program only one TV needs to have its captions on. There are also other exceptions where the program or receiver is not able to display captioning, or it is exempt from captioning requirements under federal law.

The Federal law exemptions states that closed captioning is not required for video programming that is: 1) locally produced by the video programming distributor; 2) Has no repeat value (is not worth showing more than one time); 3) is of local public interest; 4) is not news programming; and 5) cannot be captioned using the "electronic news room" technique of captioning as stated by the National Association for the Deaf (NAD).

All complaints will be received by the New Mexico Department of Justice (DOJNM) office and be made available under the Inspection of Public Records.

FISCAL IMPLICATIONS

This bill may impact the Attorney General's office hiring an additional person to operate this act, this is under the assumption that they are unable to assume the cost without an additional FTE or budget support. It is recommended to consider an appropriation of 150k to support such efforts, this is based on the 2023 recommendation under HB 288.

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

This bill does not address any process to challenge or appeal any penalties imposed, nor does it state any shared responsibilities to other regulatory agencies.

This bill goes further than the ADA with specific intent to create clarity on what is expected.

The bill doesn't specify what the funds from fines will go to and/or how it will be used.

PERFORMANCE IMPLICATIONS

If this bill were to become law, it may be needed for the NMDOJ to work with the NM Commission for the Deaf and Hard of Hearing to provide statewide training on this topic.

ADMINISTRATIVE IMPLICATIONS

N/A

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

The continued frustration of individuals with hearing loss (Deaf, Hard of Hearing and Deafblind) to be excluded from public accommodation to public information addressed over the television set in which litigation may occur through the US Department of Justice in violation of the ADA Title III, which would overburden the department's resources to respond to this issue that could be solved on a state level.

AMENDMENTS

N/A