

LFC Requester:

Allegra Hernandez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) 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:** January 22, 2025 *Check all that apply:*  
**Bill Number:** HB120 Original  Correction   
 Amendment  Substitute

**Sponsor:** Tara Lujan and Kathleen Cates **Agency Name and Code** Office of Broadband Access and Expansion - 36100  
Accessibility Act **Number:** \_\_\_\_\_ **Person Writing** Cass Brulotte  
**Short Title:** \_\_\_\_\_ **Phone:** 505-699-5260 **Email** cassandra.brulotte@connect.nm.gov

**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$200.0	0	Nonrecurring	General Fund

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(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>	\$60.0	\$250.0	\$60.0	\$370.0	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A  
Duplicates/Relates to Appropriation in the General Appropriation Act: HB2, Governor's Commission on Disability, page 106.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill creates an "Office of Accessibility" within the Governor's Commission on Disability, and codifies in statute the accessibility standards set by federal rule under the Americans with Disabilities Act.

#### **FISCAL IMPLICATIONS**

OBAE is in the process of entering into a professional services contract to:

- 1) Report as to OBAE's website compliance with the Web Content Accessibility Guidelines (WCAG) that must be implemented by April 24, 2026 pursuant to the 28 CFR Part 35; and
- 2) Create training materials for OBAE grant awardees to utilize in ensuring their own compliance with the WCAG. This is a component of OBAE's Digital Equity Plan.

This contract is the basis for our FY25 fiscal assumptions.

Other state agencies have reported spending a minimum of \$250,000 on website redesigns in recent years, so OBAE assumed such as the minimum cost to bring our website into compliance in FY26.

Finally, OBAE assumed the need for a recurring professional services contract to maintain the ADA compliance on digital materials for future years.

#### **SIGNIFICANT ISSUES**

This bill is silent on whether state agency contractors, subcontractors, or grantees are required to comply with the Accessibility Act.

#### **PERFORMANCE IMPLICATIONS**

OBAE has already begun the process of assessing and moving towards full compliance with the final rule revising Title II of the ADA.

#### **ADMINISTRATIVE IMPLICATIONS**

OBAE has already begun the process of assessing and moving towards full compliance with the final rule revising Title II of the ADA.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

The WCAG, which can be found online at: <https://www.w3.org/TR/WCAG21/>, are complex, and will require most state agencies to enter into professional contracts to achieve compliance.

#### **OTHER SUBSTANTIVE ISSUES**

N/A

#### **ALTERNATIVES**

N/A

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

The United States Department of Justice issued its final rule revising the regulation implementing Title II of the ADA regarding web and mobile application accessibility. New Mexico must fully comply with the final rule by April 24, 2026, regardless of the passage of this bill. The Governor's Office has already directed state agencies to begin review and take corrective action where necessary, with a written report due by July 1, 2025.

#### **AMENDMENTS**

N/A