

<b>LFC Requester:</b>	<b>Hernandez, Allegra</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) 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:** 03/08/2025 *Check all that apply:*  
**Bill Number:** HB120 Original  Correction   
 Amendment  Substitute

**Sponsor:** Tara L. Lujan, Kathleen Cates  
Patricia Roybal Caballero &  
Cynthia Borrego **Agency Name  
and Code** Commission for the Blind (60600)  
**Short Title:** ACCESSIBILITY OF STATE  
AGENCIES **Number:** \_\_\_\_\_  
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**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
<b>Total</b>						

(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: HB 120 requires state agency websites, mobile applications, and physical facilities to comply with digital and physical accessibility standards, requires the Department of Information Technology to adopt digital accessibility standards, creates the Office of Accessibility to implement and administer the Accessibility Act, and creates reporting requirements for the Office of Accessibility.

#### **FISCAL IMPLICATIONS**

HB 120 does not impose obligations with respect to websites, mobile applications, and physical facilities that are not already in place under Title II of the Americans with Disabilities Act of 1990 (ADA). Instead, HB 120 puts in place measures to ensure effective compliance with the ADA. The cost of the actions required by HB 120 are far lower than the cost of defending an agency from a lawsuit under the ADA, The cost of discontinuing use of inaccessible websites or applications due to court orders. It is far less expensive to design and build accessible websites, applications, and physical facilities than it is to retroactively make those websites, applications, and physical facilities accessible.

The Commission will have to hire a qualified director to implement the requirements of HB 120. It is unlikely that a single individual will possess the requisite qualifications regarding website or application accessibility and physical accessibility, so the Commission will need to contract with qualified individuals and/or companies.

#### **SIGNIFICANT ISSUES**

#### **PERFORMANCE IMPLICATIONS**

HB 120 puts in place measures to ensure effective compliance with the ADA, which will help to ensure effective delivery of services to all New Mexicans.

#### **ADMINISTRATIVE IMPLICATIONS**

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

Title II of the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973 (Section 504), impose an obligation on governmental entities to make their programs and services accessible to individuals with disabilities.

#### **TECHNICAL ISSUES**

HB 120 does not expressly address information kiosks, though the physical accessibility of information kiosks would be included within the overall requirements for physical and digital accessibility and also the information technology services described in Section 4. Information kiosks use applications that should be accessible, and the Department of Information Technology should be able to adopt digital accessibility standards that would include information kiosks.

Another technical issue is whether and how accessibility will be handled in the case of leased

buildings or facilities. New leases should require that only accessible buildings be leased, or that any lack of accessibility be addressed within the lease agreement.

Finally, the provisions of the Build America, Buy America Act, Public Law No. 117-58, §§ 70901-52 may also need to be considered by the Office of Accessibility in certain instances. Pursuant to BABAA, “none of the funds made available for a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” Should any Federal funds be expended for a covered infrastructure project, any non-Federal funds expended for that infrastructure project must also comply with the provisions of BABAA. This prohibition includes alteration, maintenance, or repair of infrastructure. Broadband infrastructure includes components of a broadband infrastructure backbone, such as hardware, fiberoptics and cabling.

## **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

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

The state would continue to risk being out of compliance with the ADA, and the state would have greater legal exposure as a result.

### **AMENDMENTS**

Deleting the word “mobile” when referring to applications would ensure that the act covers information kiosks and other systems of delivering information that may be developed in the future, though the physical accessibility of information kiosks would be included within the overall requirements for physical and digital accessibility and also the information technology services described in Section 4. The Department of Information Technology should also be able to adopt digital accessibility standards that would include information kiosks.