

N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(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

House Bill 120 (HB120), the Accessibility Act, aims to improve access to state services for all residents, especially those with disabilities. This act requires state agencies to make their websites, mobile apps, and physical facilities comply with accessibility standards. It establishes the Office of Accessibility to oversee implementation, mandates regular reporting, and allows for private lawsuits to enforce compliance. The bill also allocates funding to support these initiatives.

FISCAL IMPLICATIONS

HB120 appropriates two hundred thousand dollars (\$200,000) from the General Fund to the Governor's Commission on Disability to operate the Office of Accessibility in FY26. Any unexpended or unencumbered balance remaining at the end of FY26 reverts to the General Fund.

The New Mexico Higher Education Department (NMHED) does not foresee any operational costs associated with website and mobile application compliance, as existing contractors can implement required digital accessibility updates within current contract parameters.

However, potential financial challenges may emerge from physical accessibility compliance, particularly in leased facilities where upgrade costs could burden NMHED's existing operational budget. NMHED currently occupies leased space in both its Santa Fe and Albuquerque locations.

If physical accessibility upgrades are required for NMHED's leased spaces, the department would collaborate with the General Services Department (GSD) and the landlord to amend existing lease agreements. While the exact costs are uncertain, NMHED may be responsible for these upgrades. Since the bill's appropriation doesn't specifically cover compliance costs, NMHED would need to fund any necessary modifications from its current operational budget.

NMHED currently recommends capital funding for higher education institutions (HEI's) and already requires compliance with accessibility building codes for new construction. NMHED understands there are facilities managed and owned by HEI's constructed prior to updated code requirements will require funding to bring facilities into compliance.

The NMHED's analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies analyses.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

NMHED ensures Americans with Disabilities Act (ADA) compliance for its public-facing websites through its contractors. These requirements as outlined in the Web Content Accessibility Guidelines (WCAG) are considered the official standard for website design. NMHED's website outlines within the department's commitment accessibility and incorporates several features to improve that accessibility for all users.

As previously noted, NMHED operates from leased spaces in Santa Fe and Albuquerque. If physical accessibility upgrades are required, NMHED would collaborate with GSD and the landlord to amend existing lease agreements.

HEIs with facilities constructed prior to updated code requirements may require funding to meet updated accessibility requirements. While larger HEIs have the staff and capacity as well as robust facility management systems in place to assess compliance, smaller institutions may lack the resources or expertise to review or verify facility compliance.

The NMHED's analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies analyses.

ADMINISTRATIVE IMPLICATIONS

HB120 mandates state agencies, including NMHED, to comply with digital accessibility standards for websites and mobile applications by April 1, 2026. Office of the Governor has tasked NMHED to submit a compliance report by July 1, 2025, reviewing compliance measures and detailing corrective measures taken or planned in accordance with the United States Department of Justice final rule revising the regulation implementing Title II of the ADA regarding web and mobile accessibility.

Additionally, HB120 requires each state agency to comply with physical accessibility standards. As noted previously, NMHED currently occupies leased space in both Santa Fe and Albuquerque. If compliance with physical accessibility standards in leased space is required, NMHED would collaborate with GSD and the landlord to amend existing lease agreements. Currently, NMHED lacks dedicated staff or resources to track accessibility requirements within our current leased facilities and would require support if reporting on these facilities became necessary.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

There are no conflicts or duplicates found at this time.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB120 is not enacted, NMHED and HEI's will continue adhering to existing WCAG standards for digital accessibility and New Mexico building physical facility access.

AMENDMENTS

N/A