

LFC Requester:

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**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://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:** 1/14/26*Check all that apply:***Bill Number:** HB 36Original ☒ Correction ☐Amendment ☐ Substitute ☐

**Sponsor:** Kathleen Cates

**Agency Name and Code Number:** 361 – NM Department of Information Technology

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

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$350 (To Department of Health)	\$350 (To Department of Health)	Nonrecurring	

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$350	\$850	\$1,200	\$1,055 non-recurring	Enterprise

					\$145 recurring	
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(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 36 (“the Bill”) would create the Accessibility Act (“the Act”).

#### **Section 2: Definitions**

- **Accessible/Accessibility:** Ensuring people with disabilities can fully and equally participate by removing physical, sensory, and cognitive barriers.
- **Department:** Refers to the Department of Health.
- **Disability:** Includes physical or mental impairments that substantially limit major life activities, as well as individuals with a record of or perceived disability.
- **Office:** The Office of Accessibility.
- **State Agency:** Any department, institution, board, bureau, commission, district, or committee of state government.

#### **Section 3: Office of Accessibility – Creation**

- Establishes the **Office of Accessibility** within the Department of Health.
- **Chief Accessibility Officer:**
  - Appointed by the Secretary of Health.
  - Oversees the office and staff.
  - Can contract services and use volunteers.
- Duties include:
  - Create a standard process for agencies to identify accessibility challenges in websites, apps, and facilities.
  - Provide training and information on best practices for digital and physical accessibility.
  - Assist agencies in developing accessibility statements and plans.
  - Support evaluation of physical accessibility barriers.
  - Promulgate rules to implement the Act.

#### **Section 4: Reporting Requirements**

- **Annual Report:**
  - Due May 1, 2028, and every May 1 thereafter.
  - Submitted to the Governor, legislative health committee, and general services department.
  - Must include:
    - Accessibility assessments of state agency facilities, websites, and apps.
    - Evaluation of procurement procedures.
    - Recommendations for improvements.
    - Actions taken and progress made.
    - Planned corrective measures.
- **Public Access:** Report published on legislative and relevant state websites.
- **Agency Obligations:**
  - Submit an accessibility analysis 120 days before the report deadline.
  - Analysis must document efforts, identify barriers, describe initiatives, and list

needed resources.

### **Section 5: Appropriation**

- **\$350,000** appropriated from the general fund to the Department of Health for FY 2026 and 2027.
- Funds are for implementing and administering the Accessibility Act.
- Unspent funds revert to the general fund at the end of FY 2027.

### **FISCAL IMPLICATIONS**

If enacted, this bill will have a direct fiscal impact on DoIT, which will be shared by all agencies that have websites.

One fiscal impact will result from direct compliance. DoIT maintains six public facing websites (DoIT, Gov's Office, Lut Gov's, Business Portal, Sunshine Portal, & NM.gov). DoIT contracts with third parties for web design and hosting of these sites. DoIT estimates that it will incur **\$350,000** in FY26 and \$850,000 in FY27 for contractual services required to bring all six websites into compliance with HB36 and federal mandates. Starting in FY27, DoIT will annually incur **\$145,000** to ensure continued compliance reviews, updates and reporting.

### **SIGNIFICANT ISSUES**

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- On April 24, 2024, the DOJ finalized Title II ADA regulations requiring compliance with **WCAG 2.1, Level AA** by April 24, 2026.
- New Mexico agencies have **already begun preliminary work** to assess digital accessibility gaps and identify vendor solutions.
- Vendor capacity is limited, and demand will surge as the compliance deadline approaches, creating potential procurement challenges.

### **PERFORMANCE IMPLICATIONS**

Assessing whether a website meets accessibility expectations requires time and expertise. It is unlikely the \$350,000 appropriation to the Office of Accessibility will fund sufficient staff and contract labor required to conduct the required compliance reviews and fulfill reporting obligations. Existing agency efforts—such as preliminary gap analyses and vendor engagement—will help mitigate these challenges but require additional support.

### **ADMINISTRATIVE IMPLICATIONS**

There is the potential need for a RFP to be issued to secure price agreements with vendors qualified to perform accessibility services to include, but not limited to: Accessibility Assessment, Implementation, and Maintenance. IT services price agreements routinely require more than a year to complete, including pre-RFP work on scoping qualifications and pricing model. This may lead to a multitude of potentially redundant RFPs offered by individual agencies. Work is already underway to scope qualifications and pricing models for accessibility services, which this Act will formalize and accelerate.

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

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

Given the timeline provided for compliance, there will be a significant strain on state agency budgets and resources. Most agencies will require additional funding to cover the cost required to reconfigure the numerous state websites to the state accessibility standard (WCAG 2.1 AA). Given the FY27 C2 request cycle is now closed, agencies do not have the opportunity to request project funding for website accessibility enhancement, which will leave numerous agencies without budget for compliance. If possible, consideration may be made by the legislature for a designated digital accessibility fund that can be tapped by agencies in FY27 who present fully developed plans, including scope, schedule and cost elements for the purpose of assessment, gap analysis, planning, and implementation of digital accessibility websites and web applications. Further, accessibility is not limited to websites. All public facing applications would also have to be modified to ensure compliance with accessibility standards. This endeavor will take years to become fully compliant and C1 operating budgets will experience an increase to provide proper maintenance to maintain compliance.

To further reinforce this initiative, the State-Wide IT Strategic Plan should identify Digital Accessibility as a Goal with the objective of attaining compliance and sustainability. Agencies will leverage the State-Wide plan in to mirror similar objectives in their own annual Agency IT Strategic Plans. This will serve as the basis for future agency C2 funding requests for the purpose of digital accessibility.

Initial efforts to qualify and establish State-Wide price agreements will demand resources from the General Services Department, State Purchasing Division.

### **ALTERNATIVES**

Develop comprehensive funding mechanisms to help state agencies meet the digital accessibility requirements.

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

State agencies will still be required to comply with the US Department of Justice's WCAG 2.1 by the deadline of April 24, 2026.

## AMENDMENTS