

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 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: 1/28/26 *Check all that apply:*
Bill Number: HB 36 Original Correction
 Amendment Substitute

Sponsor: K. Cates **Agency Name and Code** Department of Cultural Affairs 505
Short Title: Accessibility Act & Office **Number:** _____
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
350.0	0	Nonrecurring	GF

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0	0	0

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Indeterminate	Recurring	General

(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 36 enacts the Accessibility Act, creating the Office of Accessibility (OA) at the Department of Health, and establishing the duties and responsibilities of the office. Further, HB 36 establishes annual reporting requirements for the OA regarding the accessibility of state agency-operated websites, mobile applications, and physical facilities. To assist the OA in developing the report, every state agency must submit annually an analysis of the accessibility of the agency's facilities, websites, and mobile applications.

The Secretary of Health will appoint a Chief Accessibility Officer (CAO), who will oversee staff, create a form for state agencies to report challenges, provide information and training, assist with development of website accessibility statements and plans to achieve physical accessibility, support evaluation of physical barriers, and promulgate rules as necessary.

House Bill 36 appropriates \$350,000 from the general fund for expenditure in FY26 and FY27 with unexpended balances reverting at the end of FY27.

FISCAL IMPLICATIONS

The Cultural Affairs Department (CAD) will incur administrative costs associated with the personnel time required to compile data and draft the annual report for the OA. These staffing requirements will likely need to be absorbed by existing full-time equivalent positions (FTEs). Additional funding to implement any specific plans or directives issued by the OA will be required.

SIGNIFICANT ISSUES

None identified.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

The CAD maintains a longstanding commitment to accessibility as a core institutional value and has already implemented many of the practices outlined in HB 36. Consequently, the administrative implications of this legislation involve the formalization and scaling of existing internal processes to align with new statewide reporting standards.

The department will utilize existing FTE positions to manage the recurring data collection and annual reporting required by the OA. While the department is well-positioned to integrate these requirements into its current operations, the transition to a centralized reporting framework will necessitate a dedicated and permanent allocation of personnel hours. To ensure the continued success of both existing accessibility initiatives and new mandates, the department will evaluate the long-term fiscal requirements necessary to implement specific directives or large-scale physical remediations identified through the new reporting process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 36 has a relationship with the federal Americans with Disabilities Act (ADA). The rules promulgated by the CAO will presumably work in concert with the federal law.

The department has submitted a reauthorization request to extend through FY27 the remaining balance of a \$350,000 special appropriation to upgrade websites to comply with the ADA.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

Like all other executive agencies, CAD works proactively to increase the accessibility of its websites, facilities, and services through the federal ADA, an effort that is directly aligned with one of the four primary agency goals to, "Expand access and inclusion."

Digital Accessibility Strategy and Execution

The CAD is actively modernizing its digital presence to ensure all division websites meet federal accessibility requirements. Following a comprehensive audit in late 2025, the department is executing a clear transition plan: archiving outdated sites and updating active ones to meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards. This initiative ensures the department remains in compliance with U.S. Department of Justice mandates for state government digital services. To maintain momentum, department leadership and technical teams meet regularly to track progress, resolve barriers, and contribute to the statewide Digital Accessibility and Inclusion Collaboration.

To support these efforts, the department utilizes a centralized project management platform to track remediation tasks and conduct automated weekly scans of each website. These scans generate updated accessibility scores, allowing technical teams to monitor real-time improvements and prioritize remaining issues. Furthermore, the department has implemented mandatory, specialized training through this platform for all division points of contact. This internal capacity building provides staff with the necessary expertise to maintain long-term compliance and ensure that inclusive digital practices become the standard for all department operations.

Facilities Accessibility and Compliance

The CAD proactively manages the complex balance between ADA requirements and historic preservation mandates across its statewide portfolio. This portfolio encompasses more than 240 properties—including over 100 historic structures—totaling 1.3 million square feet. By implementing customized design solutions, the department ensures that all accessibility enhancements respect the unique historical character of these buildings while expanding universal access. This proactive approach allows the department to navigate the unique challenges inherent in maintaining 1,000 acres of diverse public facilities while prioritizing inclusive environments for all New Mexicans.

Since FY21, the department has invested over \$1.33 million to improve access across both historic and non-historic properties. To ensure a systematic approach to future improvements, each division will complete a formal Transition Plan by the end of FY26, as required by ADA Title II—the federal regulation governing the accessibility of state and local government services. These transition plans will serve as living documents, updated annually to reflect the removal of physical barriers and the emergence of new facility requirements.

This structured framework guarantees continuous improvement and ensures that all department facilities reflect ongoing progress in providing inclusive environments for all New Mexicans.

Programmatic Inclusion and Operational Accessibility

The CAD proactively delivers accessible educational programs and statewide services designed to reach all New Mexicans. These initiatives include the provision of American Sign Language interpretation at public events, the operation of a free Library for the Blind and Print Disabled audiobook service, and the integration of specialized equipment, such as wheelchair lifts for the Wonders on Wheels mobile museum. By further institutionalizing sensory-friendly hours and responsive accommodation request protocols, the department ensures that its programs and services remain inclusive and accessible to the entire community.

To support these public-facing services, the department integrates accessibility into its daily operations through the appointment of a designated ADA Coordinator. This coordinator oversees the implementation of inclusive practices across all divisions and ensures that the department maintains a formal Accessibility Statement and Grievance Procedure. This procedure is posted on all digital platforms and remains available at public outlets in braille and large-print formats. This commitment extends to equitable employment practices and comprehensive staff training, ensuring that accessibility is a core competency of the departmental workforce.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

New Mexico agencies will still be subject to federal ADA Title II standards including meeting WCAG 2.1 web accessibility standards by April 2026.

AMENDMENTS

None identified.