

LFC Requester:	LFC
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**AGENCY BILL ANALYSIS
2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Click all that apply:

Original **Amendment**
Correction **Substitute**

Date Prepared: 2026-01-20
Bill No: HB36

Sponsor: Cates, Kathleen
ACCESSIBILITY ACT & OFFICE
Short Title: _____

Agency Name and Code NMHED
Number: _____
Person Writing: Brown, Joe
Joe.Brown@hed.nm.gov
Phone: 5056293051 **Email:** gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
350.0	N/A	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund Affected

FY26	FY27	FY28	or Nonrecurring	
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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 36 (HB36), 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 within the New Mexico Department of Health (NMDOH) to oversee implementation, mandates regular reporting, and allocates funding to support these initiatives.

FISCAL IMPLICATIONS

HB36 appropriates three hundred fifty thousand dollars (\$350,000) from the General Fund to NMDOH to operate the Office of Accessibility in FY26 and FY27. Any unexpended or unencumbered balance remaining at the end of FY27 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 have implemented required digital accessibility updates within current contract parameters based on a directive from the Governor's office and this work is almost complete.

Potential financial challenges may emerge from physical accessibility compliance if required, 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 New Mexico General Services Department (NMGSD) 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 NMGSD 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

HB36 mandates state agencies, including NMHED, to submit to the office an analysis of the accessibility of the agency's facilities, websites and mobile applications at least 120 days before the office is required to submit the report to the Governor's office which is due by May 1, 2028.

As noted previously, NMHED currently occupies leased space in both Santa Fe and Albuquerque. 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 HB36 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