

LFC Requester:

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Date

Prepared: 02/20/2025

Original ☐ **Amendment** ☐

Bill No: HB 40

Correction ☐ **Substitute** ☒

Sponsor: Rep. Kathleen Cates

**Agency Name
and Code**

Number: EMNRD 521

Short Traveling with Dignity Act

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Title:

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
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

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Original Bill: HB 40 requires all public buildings owned by the state that receive at least 2,500 visitors per year, and all commercial places of amusement that have a maximum occupancy of 2,500 people or more, to install at least one universal adult changing station that is universally accessible to all genders when the facility is open to the public by July 1, 2032.

A "universal adult changing station" as used in the HB 40 means a powered, height-adjustable and adult-sized changing table that is installed in a single-occupancy restroom that is universal to gender and available to the public.

After July 1, 2025, each public building or commercial place of amusement that undergoes a renovation that costs more than \$50,000 and any newly constructed facility that receives state funding for construction or operating costs shall be required to have at least one universal adult changing station that is universally accessible to all genders when the facility is open to the public.

HCEDC Committee Substitute (CS) Summary

The CS for HB40 adds language that expands the definition of a "covered facility" by including a group of interconnected public buildings or commercial places of public amusement located on a single premises. The amendment states that eligibility is determined using visitor data that is tracked by the Tourism Department. It also adds rest areas to the list of public buildings required to comply with the bill. Furthermore, the amendment specifies that by July 1, 2032, each covered facility that has a family or gender-neutral bathroom shall install and maintain at least one universal adult changing station that is universally accessible to all genders when the facility is open to the public. Finally, the amendment creates an exemption for historic properties, stating that a facility will not be required to install a universal adult changing station if doing so would threaten or destroy the historic significance of the property.

FISCAL IMPLICATIONS

The State Parks Division (SPD) of the Energy, Minerals and Natural Resources Department operates and maintains 35 state parks across the state. There are 34 state parks that have public buildings that meet the definitions of HB 40 that have a total of 87 public buildings with permanent sanitary facilities as defined by HB 40. Most sanitary facilities are restrooms with multiple stalls including one Americans with Disabilities Act (ADA) stall, with separate facilities for men and women. Some parks have public buildings that include a family restroom. None of the existing sanitary facilities are large enough to accommodate a universal adult changing station. Most state park public buildings lack the space to remodel for a universal restroom with an adult changing station. Meeting the HB 40 requirement would require adding an extension to each of the 87 public buildings in state parks.

The minimum space requirement for a universally accessible, single-occupancy restroom with a toilet, sink, and adult changing station is 150 square feet. The estimated construction cost of a 150

square foot addition including architectural and engineering services based on the cost of projects SPD currently has under construction is \$235,000. The estimated total cost to construct an addition of a universally accessible, single-occupancy restroom with an adult changing station at each public building is \$20,445,000.

SPD currently has an estimated \$700,000,000 in facility renovations and aging infrastructure needs, including replacing water lines, septic systems, sewer lines, roads, electrical service, and communication infrastructure and renovating and replacing existing outdoor recreation facilities that are old and beyond repair. The FY 26-30 Infrastructure and Capital Improvement Plan (ICIP) includes \$65,000,000 for facility and infrastructure renovations statewide. The cost of adding universally accessible, single-occupancy restroom with an adult changing station at each public building is not included in the estimate of facility and infrastructure needs and is not included in the current ICIP. Additional capital funding would be required to construct facilities to comply with the requirements of HB 40.

HB 40 also requires SPD to maintain the universal adult changing stations once they are installed. HB 40 defines a universal adult changing station as a powered, height adjustable, adult sized table. The cost of changing tables that meet these requirements range from \$5,000 to \$12,000, conservatively. The tables will require routine cleaning and maintenance. SPD has a persistent issue with people pulling baby changing stations off the walls in the current restroom facilities. SPD will need to plan to repair or replace some portion of the changing tables every year. Additional operating funds will be required for routine maintenance, repair and replacement.

SIGNIFICANT ISSUES

Original Bill: SPD is committed to making outdoor recreation accessible to everyone and supports equity and inclusion efforts including ADA accessibility. HB 40 expands the requirements for facilities to meet the needs of all members of the public, and there is a growing movement in the United States to install larger, height-adjustable changing tables in public restrooms, designed to accommodate individuals with disabilities or other medical needs who cannot use standard accessible facilities. Adult changing tables provide a more dignified and safe space for adults requiring assistance with personal hygiene needs in public settings. For individuals with disabilities, the lack of accessible changing facilities can significantly limit their ability to participate in public activities, impacting their quality of life. This lack of access has a profound impact not only on the person needing assistance, but on their caregivers who are often their immediate family members. Access to a changing station can empower individuals with disabilities to participate more fully in social activities outside the home, fostering a greater sense of independence. Installing universal changing stations demonstrates a commitment to inclusivity and accessibility for all individuals.

SPD is currently working with consultants at Navajo Lake State Park and Pecos Canyon State Park to consider what it means to construct facilities that provide a quality outdoor recreation experience that is seamless and truly accessible from initial step of planning a trip to the end of the visit.

Our existing SPD facilities need significant ADA upgrades to meet current standards and that provide a truly accessible outdoor recreation experience that is meaningful. Upgrading park facilities for ADA access will require significant capital investment. Until these upgrades are implemented system wide, the universally accessible, single-occupancy restroom with an adult changing station at each public building will be isolated facilities that do not seamlessly connect to other ADA accessible amenities in state parks.

There are many buildings both within state parks and across the state that meet the definition of covered facilities that would be required to install and maintain at least one universal adult changing station that is universally accessible to all genders. Compliance with HB 40 will require a large public investment in public facilities throughout the state.

Significant Issues for HCEDC Committee Substitute

The CS for HB40 does not define “renovation” and does not address that after July 1, 2025, each covered facility that undergoes a renovation that is estimated to cost more than fifty thousand dollars (\$50,000) shall install and maintain at least one universal adult changing station that is universally accessible to all genders when the facility is open to the public. The \$50,000 threshold will be triggered by routine maintenance projects that will then amplify the project scope and cost resulting in routine maintenance projects being deferred.

PERFORMANCE IMPLICATIONS

Original Bill: SPD currently has 3 full time positions that are responsible for managing the design and construction of capital projects for all 35 state parks, as well as the 5 region offices and the central warehouse. Since 2021 SPD received \$20,000,000 in American Rescue Plan Act funding to renovate aging infrastructure and facilities, SPD has tripled its output of capital project expenditures. SPD is encountering multiple capacity issues that limit the ability to increase the implementation of capital improvements any further, including internal staffing, as well as the administrative service for procurement processes, issue contracts and purchase orders, and process payments. SPD’s capacity is further limited by the availability of design and environmental services firms, regulatory agencies that issue environmental and construction permits, product suppliers, and construction contractors. With the influx to federal and state funding, the demand for design and construction services in the state has exceeded capacity. To comply with the requirement in HB 40 for all covered facilities to install and maintain at least one adult changing station that is universally accessible to all genders by July 1, 2032, SPD would have to construct an average of 13 facilities per year. SPD does not currently have the capacity to implement these improvements in addition to the facility and infrastructure renovation needs that have already been identified and are planned.

SPD currently has a 24% vacancy rate across the system. The addition of amenities that require routine cleaning and maintenance, as well as regular repair and replacement, adds to the workload of staff who are already overburdened.

Performance Implications for HCEDC Committee Substitute

The CS for HB40 does not specify a minimum square footage. During committee discussions expert testimony was provided that any family/gender-neutral restroom “should have a minimum size of 85 sq. ft,” which they felt would accommodate an adult changing table. Many of the state parks covered facilities include a shower as well, our state parks division certified architects estimate that a restroom with shower would need to be a minimum of 150 sq. ft. to accommodate an adult changing table. Related to square footage, the CS for HB40 does not account for the existing restroom layout and other fixtures that may impede installation of an adult changing table.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Original Bill: If HB 40 is not enacted, public buildings and commercial places of amusement will not be required to install at least one universal adult changing station that is universally accessible to all genders. Universal adult changing stations will not be broadly available in public facilities to individuals that need this type of amenity.

Consequences of Not Enacting HCEDC Committee Substitute

If the CS for HB40 is not enacted, the definition of "covered facility" will not include a group of interconnected public buildings or commercial places of public amusement located on a single premises, eligibility will not be determined using visitor data that is tracked by the Tourism Department (NMTD), rest areas will not be added to the list of public buildings required to comply with the bill, a family or gender-neutral bathroom will not be a qualifying criteria for covered facilities to have at least one adult changing station by 2032, and there will be no exemption for historic properties.

AMENDMENTS

None.