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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 36

SHORT TITLE: Accessibility Act & Office

SPONSOR: Cates/Thomson

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/6/2026 **ANALYST:** Hilla

APPROPRIATION* (dollars in thousands)

| FY26 | FY27 | Recurring or Nonrecurring | Fund Affected |
|---------|------|---------------------------|---------------|
| \$350.0 | | Nonrecurring | General Fund |

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

| Agency/Program | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|----------------|------------------|------------------|------------------|-------------------|---------------------------|-------------------|
| DOH | No fiscal impact | \$350.0 | \$350.0 | \$700.0 | Recurring | General Fund |
| DoIT | \$350.0 | \$850.0 | No fiscal impact | \$1,200.0 | Nonrecurring | Other State Funds |
| DoIT | No fiscal impact | \$145.0 | \$145.0 | \$290.0 | Recurring | Other State Funds |
| Total | \$350.0 | \$1,345.0 | \$495.0 | \$2,190.0 | | |

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

General Services Department

Department of Information

Cultural Affairs Department

Vocational Rehabilitation Division

Higher Education Department

Agency or Agencies That Were Asked for Analysis but did not Respond

Department of Health

Governor's Commission on Disability

SUMMARY

Synopsis of House Bill 36

House Bill 36 (HB36) appropriates \$350 thousand to the Department of Health (DOH) for the creation of the Office of Accessibility. The office, if created, would lead a standard process for each state agency to identify challenges to accessibility in the state agency’s website, mobile applications, and physical facilities. The office would also provide training and information to state agencies and employees on best practices for digital and physical accessibility, including procurement of technical and physical goods.

Starting May 1, 2028, and every year after, the office is required to submit an annual report to the governor, the interim Legislative Health and Human Services Committee (LHHS), and the General Services Department (GSD) documenting the accessibility of state websites and physical facilities after various assessments. Each state agency shall submit an analysis of the accessibility of its own facilities and mobile applications at least 120 days before the annual report is submitted, or by January 1 of each year. The report will be made public on the websites of the Legislature, the Governor’s Commission on Disability, DOH, the Department of Information Technology (DoIT), and the New Mexico Technology Assistance Program.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The appropriation of \$350 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY27 shall revert to the general fund. While the initial appropriation is a one-time special appropriation, the creation of the Office of Accessibility creates recurring liabilities to DOH’s recurring general fund operating budget. This analysis assumes at least \$350 thousand would be needed to be built into the department’s recurring operating budget to carry out the provisions of this bill, though it is likely DOH will need more than \$350 thousand to establish the Office of Accessibility. The fiscal impact for DOH can be updated following analysis on the bill from the department. This appropriation is not in the current version of the General Appropriation Act.

As noted in DoIT’s, GSD’s, and the Higher Education Department’s (HED) analyses, HB366 will create fiscal impacts on each state agency with no funding provided either through a special nonrecurring appropriation or through the agencies’ operating budgets. The fiscal impact for state agencies is indeterminate and not included in the tables of this analysis. Agencies will need staff and resources for procurement of software, assistive technology, and physical infrastructure improvements. GSD notes HB36 will have various fiscal impacts across all domains, such as website updates and building modifications. A scored fiscal impact from DoIT is a nonrecurring impact of \$350 thousand in FY26 and another nonrecurring \$850 thousand in FY27 for contractual services to bring its six websites into compliance of HB36. Starting in FY27, the department will incur \$145 thousand to maintain compliance.

HED states it may have to incur the costs for accessibility requirements for its leased facilities in Santa Fe and Albuquerque. As called out in HED’s analysis, HB36 does not provide for agency compliance costs, which presumably will be absorbed by each state agency.

SIGNIFICANT ISSUES

As of April 2024, the federal Department of Justice updated its regulations for the Title II of the Americans with Disabilities Act (ADA), which includes requirements about ensuring web content and mobile devices are accessible to people with disabilities. Per these requirements, the state has until April 24, 2026, to comply with the new federal ruling.

As noted by DoIT, various state agencies have begun preliminary work to assess digital accessibility gaps. Starting in 2025, the Legislature has provided nonrecurring funding for agencies to become compliant with new ADA changes, such as providing a \$350 thousand appropriation to the Cultural Affairs Department for these efforts.

GSD points out that it has property control authority and jurisdiction over all land assets and state-owned facilities for executive branch agencies, which is over 1.5 billion square feet of space across 800 buildings and structures. In June 2025, GSD completed a statewide ADA transition plan for state facilities and the department's digital accessibility. GSD will need to coordinate with state agencies to hire certified accessibility consultants to provide accessibility assessment of each state facility. This data will be requested and compiled into the annual capital outlay appropriation process. HB36 may create ambiguity between GSD's role and the Office of Accessibility because GSD retains responsibility for facilities planning, design, and execution of improvements. The Office of Accessibility may be better suited at GSD than at DOH. Regardless of where the office is administratively attached, HB36 would significantly impact GSD's administrative workload.

ADMINISTRATIVE IMPLICATIONS

Requests for proposals (RFPs) will need to be issued for vendor price agreements. Noted by DoIT, information technology services price agreements routinely require more than a year to complete, which may lead to a multitude of potentially redundant RFPs by individual agencies.

ALTERNATIVES

DoIT notes the Legislature could create a digital accessibility fund that could be tapped starting in FY27 by agencies that have provided complete plans including scope, schedule and cost elements, gap analyses, planning, and implementation of digital accessibility websites. GSD points out an alternative could be providing more funding for its ADA transition plan to address physical ADA compliance.

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