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AN ACT

RELATING TO GOVERNMENT ORGANIZATION; CHANGING THE NAME OF THE GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED TO THE GOVERNOR'S COMMISSION ON DISABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 28-10-1 NMSA 1978 (being Laws 1973, Chapter 349, Section 1, as amended) is amended to read:

"28-10-1. GOVERNOR'S COMMISSION ON DISABILITY.--

A. There is created the "governor's commission on disability" consisting of fifteen members, nine of whom shall be appointed by the governor. The six remaining members shall be the director of the vocational rehabilitation division of the public education department, the secretary of labor or his designee, the director of the behavioral health services division of the department of health, the secretary of children, youth and families or his designee, the director of the state agency on aging or his designee and the secretary of human services or his designee. Initially, three members shall be appointed for terms ending December 31, 1978, three members for terms ending December 31, 1980 and three members for terms ending December 31, 1982. Thereafter, appointments shall be for six years expiring on December 31 of even-numbered years. Appointed members shall be appointed from different geographic areas of the state and

1 from the major disability services in the state. Appointed
2 members shall include individuals with disabilities,
3 representatives of government, private enterprise, parents or
4 guardians of individuals with disabilities and professionals
5 in, or those who are interested in, service for individuals
6 with disabilities. Not more than five of the members
7 appointed by the governor shall be of the same political
8 party.

9 B. A majority of the members of the commission
10 constitutes a quorum for the transaction of business. The
11 commission shall meet at least twice a year and shall
12 annually elect a chairman and a vice chairman.

13 C. The commission shall be primarily concerned
14 with those individuals with disabilities who have a condition
15 which, regardless of its physical or mental origin,
16 constitutes a substantial occupational disadvantage."

17 Section 2. Section 28-10-2 NMSA 1978 (being Laws 1973,
18 Chapter 349, Section 2, as amended) is amended to read:

19 "28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS
20 AND DUTIES.--The governor's commission on disability shall
21 establish and maintain a comprehensive statewide program
22 designed to encourage and promote attention to the concerns
23 of the training and employment of individuals with
24 disabilities in this state. To further this purpose, the
25 commission shall:

1 A. cooperate with the president's committee on
2 employment of individuals with disabilities and other federal
3 efforts on behalf of disability concerns;

4 B. cooperate with all employers and training
5 leaders, both public and private, in locating or developing
6 employment opportunities for individuals with disabilities;

7 C. encourage and assist in the organization and
8 operation of committees at the community level, the chairmen
9 of which shall automatically become members of the advisory
10 council authorized under Section 28-10-4 NMSA 1978;

11 D. assist state, local and federal agencies to
12 coordinate their activities to secure maximum utilization of
13 funds and efforts that aid in the training and employment of
14 individuals with disabilities;

15 E. enter into written agreements with public and
16 private employers, unions and rehabilitation agencies for the
17 purpose of achieving the maximum employment of individuals
18 with disabilities;

19 F. inform individuals with disabilities who are
20 seeking jobs of specific facilities available to assist them
21 in locating suitable training and employment;

22 G. conduct educational programs via publications
23 and other means to acquaint the public, the legislature and
24 the governor with the abilities and the accomplishments of
25 individuals with disabilities;

1 H. promote the elimination of architectural
2 barriers in construction so as to make buildings used by the
3 public readily accessible to and usable by persons with
4 physical limitations;

5 I. make such rules as it determines advisable for
6 the conduct of its own business;

7 J. designate standing committees related to state
8 planning, community organization, public relations and
9 information, legislative action, federal coordination, state
10 coordination, youth, medical rehabilitation, employers and
11 awards;

12 K. designate such special committees as necessary
13 for undetermined periods to carry out special short-term
14 programs;

15 L. establish and administer a residential
16 accessibility modification program to assist low-income
17 individuals with disabilities to make accessibility
18 modifications to residential dwellings as needed to enable
19 those individuals with disabilities to remain in their homes
20 or to leave institutional settings and be reintegrated into
21 the community; and

22 M. give advice and testimony on disability
23 concerns to the governor or the legislature or any committee
24 established by them, upon request."

25 Section 3. Section 28-10-3 NMSA 1978 (being Laws 1973,

1 Chapter 349, Section 3, as amended) is amended to read:

2 "28-10-3. ADDITIONAL POWERS.--The governor's commission
3 on disability:

4 A. may receive on behalf of the state any gifts,
5 donations or bequests from any source to be used in carrying
6 out its duties; and

7 B. is designated as the state agency for handling
8 all programs of the federal government related to the
9 concerns of individuals with disabilities except those
10 designated by law as the responsibility of another state
11 agency and may enter into contracts and agreements with
12 agencies of the federal government for this purpose that do
13 not conflict with existing programs of other state agencies."

14 Section 4. Section 28-10-3.1 NMSA 1978 (being Laws
15 1995, Chapter 95, Section 1) is amended to read:

16 "28-10-3.1. FULL-SERVICE GASOLINE STATIONS--DECAL
17 DISPLAY--SERVICE TO INDIVIDUALS WITH DISABILITIES.--

18 A. The governor's commission on disability shall
19 design and produce a decal for display in full-service
20 gasoline stations signifying that the gasoline station will
21 provide gasoline pumping, window washing, fluid checks and
22 other services provided at its full-service island to any
23 properly permitted or certified disabled driver at a
24 self-service island.

25 B. Any full-service gasoline station providing the SB 177
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1 services described in Subsection A of this section may
2 request and shall receive the decal upon application to the
3 governor's commission on disability.

4 C. No gasoline station shall display the decal
5 issued by the governor's commission on disability unless it
6 provides full service to any disabled driver at a
7 self-service island.

8 D. Any gasoline station owner or operator who
9 displays a decal signifying that the station will provide
10 additional services to disabled drivers at a self-service
11 island and who fails to provide that service shall be subject
12 to revocation of their decal for display according to this
13 section."

14 Section 5. Section 28-10-3.3 NMSA 1978 (being Laws
15 1999, Chapter 297, Section 2) is amended to read:

16 "28-10-3.3. PROGRAM CREATED.--The "placard abuse
17 prevention program" is created in the governor's commission
18 on disability to ensure compliance with statutes affecting
19 parking privileges for persons with severe mobility
20 impairment and safe and effective use of designated disabled
21 parking space. The commission shall design and implement a
22 program to:

23 A. monitor the system of eligibility for and use
24 of parking placards and special registration plates;

25 B. provide public awareness education and training

1 to address barriers to the appropriate use of designated
2 disabled parking space;

3 C. pursue efforts to reduce abuse and misuse of
4 designated disabled parking space privileges, including
5 revocation of parking placards and special registration
6 plates; and

7 D. provide education, training and technical
8 assistance to local law enforcement agencies and volunteers
9 on enforcement of statutes affecting use of designated
10 disabled parking space."

11 Section 6. Section 28-10-4 NMSA 1978 (being Laws 1973,
12 Chapter 349, Section 4, as amended) is amended to read:

13 "28-10-4. ADVISORY COUNCIL.--

14 A. The governor's commission on disability shall
15 appoint an appropriate advisory council on disability, which
16 shall include representatives of state departments and
17 agencies and individuals attentive to the concerns of
18 individuals with disabilities.

19 B. The advisory council shall meet at the call of
20 the chairman and shall make recommendations to the governor's
21 commission on disability for the improvement and coordination
22 of state activities relative to the concerns of individuals
23 with disabilities."

24 Section 7. Section 28-10-5 NMSA 1978 (being Laws 1973,
25 Chapter 349, Section 5, as amended) is amended to read:

1 "28-10-5. FUND FOR THE HANDICAPPED CREATED.--

2 A. There is created in the state treasury a "fund
3 for the handicapped". All funds, gifts, donations, bequests
4 and other income of the governor's commission on disability
5 shall be deposited by the director of the commission in that
6 fund and shall be available to the commission to further the
7 purpose of Sections 28-10-1 through 28-10-8.1 NMSA 1978 or
8 for the purposes stated by the donor or grantor of the funds.

9 B. Distributions made to the fund for the
10 handicapped from the handicapped housing modification
11 permanent fund shall constitute a separate account in the
12 fund and are appropriated to the governor's commission on
13 disability for the purpose of carrying out a residential
14 accessibility modification program.

15 C. Money in the fund for the handicapped shall not
16 revert but shall be used only as provided in Sections 28-10-1
17 through 28-10-8.1 NMSA 1978."

18 Section 8. Section 28-10-6 NMSA 1978 (being Laws 1973,
19 Chapter 349, Section 6, as amended) is amended to read:

20 "28-10-6. REPORTS.--The governor's commission on
21 disability and the advisory council on disability shall
22 submit reports on their work for the preceding year to the
23 governor and the legislature at least forty-five days prior
24 to each regular legislative session. The report shall
25 contain recommendations on present and future needs of

1 individuals with disabilities."

2 Section 9. Section 28-10-7 NMSA 1978 (being Laws 1973,
3 Chapter 349, Section 7, as amended) is amended to read:

4 "28-10-7. COMPENSATION.--Members of the governor's
5 commission on disability shall be reimbursed as provided in
6 the Per Diem and Mileage Act but shall receive no other
7 compensation, perquisite or allowance. Members of the
8 advisory council on disability may receive reimbursement in
9 the same manner from funds available to the commission, only
10 for advisory council meetings."

11 Section 10. Section 28-10-8 NMSA 1978 (being Laws 1982,
12 Chapter 13, Section 1) is amended to read:

13 "28-10-8. ADMINISTRATIVE ATTACHMENT.--The governor's
14 commission on disability is administratively attached, as
15 defined in the Executive Reorganization Act, to the
16 department of finance and administration."

17 Section 11. Section 28-10-8.1 NMSA 1978 (being Laws
18 1982, Chapter 13, Section 2) is amended to read:

19 "28-10-8.1. DIRECTOR--COMMISSION STAFF.--The governor's
20 commission on disability shall appoint a director who is the
21 administrative officer of the commission. The director shall
22 employ other necessary employees under the provisions of the
23 Personnel Act."

24 Section 12. TEMPORARY PROVISION--TRANSFERS.--

25 A. On the effective date of this act, all

1 appropriations, money, personnel, records, files, equipment,
2 furniture and other property of the governor's committee on
3 concerns of the handicapped are transferred to the governor's
4 commission on disability.

5 B. On the effective date of this act, all
6 contractual obligations of the governor's committee on
7 concerns of the handicapped shall be binding on the
8 governor's commission on disability.

9 C. On the effective date of this act, all
10 references in law to the governor's committee on concerns of
11 the handicapped shall be deemed to be references to the
12 governor's commission on disability. _____

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