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

B. A majority of the members of the commission constitutes a

1 quorum for the transaction of business. The commission shall meet at least twice a S  
2 year and shall annually elect a chairman and a vice chairman. B

3 C. The commission shall be primarily concerned with those 1  
4 individuals with disabilities who have a condition which, regardless of its physical or 7  
5 mental origin, constitutes a substantial occupational disadvantage." 7  
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6 Section 2. Section 28-10-2 NMSA 1978 (being Laws 1973, Chapter 349, g  
7 Section 2, as amended) is amended to read: e  
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8 "28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS AND  
9 DUTIES.--The governor's commission on disability shall establish and maintain a  
10 comprehensive statewide program designed to encourage and promote attention to  
11 the concerns of the training and employment of individuals with disabilities in this  
12 state. To further this purpose, the commission shall:

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

15 B. cooperate with all employers and training leaders, both public and  
16 private, in locating or developing employment opportunities for individuals with  
17 disabilities;

18 C. encourage and assist in the organization and operation of  
19 committees at the community level, the chairmen of which shall automatically  
20 become members of the advisory council authorized under Section 28-10-4 NMSA  
21 1978;

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

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

1 F. inform individuals with disabilities who are seeking jobs of specific S  
2 facilities available to assist them in locating suitable training and employment; B

3 G. conduct educational programs via publications and other means 1  
4 to acquaint the public, the legislature and the governor with the abilities and the 7  
5 accomplishments of individuals with disabilities; 7  
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7 H. promote the elimination of architectural barriers in construction so g  
8 as to make buildings used by the public readily accessible to and usable by persons e  
9 with physical limitations; 3

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

12 J. designate standing committees related to state planning,  
13 community organization, public relations and information, legislative action, federal  
14 coordination, state coordination, youth, medical rehabilitation, employers and  
15 awards;

16 K. designate such special committees as necessary for  
17 undetermined periods to carry out special short-term programs;

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

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

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

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

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

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

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

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

12 A. The governor's commission on disability shall design and produce  
13 a decal for display in full-service gasoline stations signifying that the gasoline  
14 station will provide gasoline pumping, window washing, fluid checks and other  
15 services provided at its full-service island to any properly permitted or certified  
16 disabled driver at a  
17 self-service island.

18 B. Any full-service gasoline station providing the services described  
19 in Subsection A of this section may request and shall receive the decal upon  
20 application to the governor's commission on disability.

21 C. No gasoline station shall display the decal issued by the  
22 governor's commission on disability unless it provides full service to any disabled  
23 driver at a  
24 self-service island.

25 D. Any gasoline station owner or operator who displays a decal  
signifying that the station will provide additional services to disabled drivers at a  
self-service island and who fails to provide that service shall be subject to

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1 revocation of their decal for display according to this section."

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

4 "28-10-3.3. PROGRAM CREATED.--The "placard abuse prevention  
5 program" is created in the governor's commission on disability to ensure  
6 compliance with statutes affecting parking privileges for persons with severe  
7 mobility impairment and safe and effective use of designated disabled parking  
8 space. The commission shall design and implement a program to:

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

11 B. provide public awareness education and training to address  
12 barriers to the appropriate use of designated disabled parking space;

13 C. pursue efforts to reduce abuse and misuse of designated  
14 disabled parking space privileges, including revocation of parking placards and  
15 special registration plates; and

16 D. provide education, training and technical assistance to local law  
17 enforcement agencies and volunteers on enforcement of statutes affecting use of  
18 designated disabled parking space."

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

21 "28-10-4. ADVISORY COUNCIL.--

22 A. The governor's commission on disability shall appoint an  
23 appropriate advisory council on disability, which shall include representatives of  
24 state departments and agencies and individuals attentive to the concerns of  
25 individuals with disabilities.

B. The advisory council shall meet at the call of the chairman and  
shall make recommendations to the governor's-commission on disability for the

1 improvement and coordination of state activities relative to the concerns of  
2 individuals with disabilities."

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

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

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

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

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

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

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

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

"28-10-7. COMPENSATION.--Members of the governor's-commission on

1 disability shall be reimbursed as provided in the Per Diem and Mileage Act but shall  
2 receive no other compensation, perquisite or allowance. Members of the advisory  
3 council on disability may receive reimbursement in the same manner from funds  
4 available to the commission, only for advisory council meetings."

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

7 "28-10-8. ADMINISTRATIVE ATTACHMENT.--The governor's-commission  
8 on disability is administratively attached, as defined in the Executive Reorganization  
9 Act, to the department of finance and administration."

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

12 "28-10-8.1. DIRECTOR--COMMISSION STAFF.--The governor's  
13 commission on disability shall appoint a director who is the administrative officer of  
14 the commission. The director shall employ other necessary employees under the  
15 provisions of the Personnel Act."

16 Section 12. TEMPORARY PROVISION--TRANSFERS.--

17 A. On the effective date of this act, all appropriations, money,  
18 personnel, records, files, equipment, furniture and other property of the governor's  
19 committee on concerns of the handicapped are transferred to the governor's  
20 commission on disability.

21 B. On the effective date of this act, all contractual obligations of the  
22 governor's committee on concerns of the handicapped shall be binding on the  
23 governor's commission on disability.

24 C. On the effective date of this act, all  
25 references in law to the governor's committee on concerns of  
the handicapped shall be deemed to be references to the  
governor's commission on disability.