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FISCAL IMPACT REPORT

ORIGINAL DATE 02/15/13
LAST UPDATED 03/05/13 **HB** _____

SPONSOR Rodriguez

SHORT TITLE Disabilities Concerns Committee **SB** 171/aSRC/aSFC

ANALYST Trowbridge

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Unknown*	Unknown*	Unknown*	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications

SOURCES OF INFORMATION

LFC Files

Responses Received From

Division of Vocational Rehabilitation (DVR)
 Governor's Commission on Disability (GCD)
 Developmental Disabilities Planning Council (DDPC)
 Department of Health (DOH)
 Human Services Department (HSD)

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee amendment to Senate Bill 171 removes the One Million Dollar (\$1,000,000) appropriation that the Senate Rule Committee had amended into the bill.

Synopsis of SRC Amendment

The Senate Rules Committee amendments to SB 171 does the following:

1. On page 1, line 16, after "COMMITTEE", insert "; MAKING AN APPROPRIATION".
2. On page 3, between lines 23 and 24, insert the following new section to read:
 "SECTION 2. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the general fund to the Legislative Council Service (LCS) for expenditure in fiscal year 2014 to provide for the operation of the disabilities concerns committee, including committee travel

expenses, studies, expenses related to obtaining expert testimony and other necessary expenses of the committee. Any unexpended or unencumbered balance remaining at the end of fiscal year 2014 shall revert to the general fund.”

3. Renumber the succeeding section accordingly.

Synopsis of Original Bill

Senate Bill 171 (SB 171) enacts a new section of Chapter 2, Article 13 NMSA 1978 to create a permanent joint interim committee; repealing a section of Chapter 2, Article 13 NMSA 1978 relating to the Disabilities Concerns subcommittee of the Legislative Health and Human Services Committee. The bill proposes that the subcommittee be composed of six voting members and two advisory members. The LCS will appoint three voting members and one advisory member from the Senate. The LCS also designates the chair and vice chair. The members would also be comprised of the same proportion of members from the two major political parties. Membership may be removed at the request of the committee chair. Vacancies may be filled by the LCS, which can also reduce the LCS size. If passed, the disabilities concerns committee will conduct a continuing study of the programs, agencies, policies, issues and needs relating to individuals with disabilities; including review and study of the statutes, constitutional provisions, regulations and court decisions governing the various programs, agencies and issues. Additionally, the subcommittee shall study the full continuum of programs and services available and needed for individuals with disabilities.

The committee will report its findings and recommendations for consideration of each session of the legislature, on or before December 15 of each year. Staff is to be provided by the LCS. Subcommittees can be created by majority vote of all members appointed to the committee.

FISCAL IMPLICATIONS

The Governor’s Commission on Disability (GCD) indicates that the fiscal impact would include the cost of staff time for scheduling and attending meetings as well as mileage and per diem of staff and committee members. The committee would have a membership of eight (8). The calculated cost is dependent on the number of times the committee meets in a year.

SIGNIFICANT ISSUES

The Division of Vocational Rehabilitation (DVR) states that the intent of this bill is to promote an increased understanding of issues affecting the disability community and to highlight any issues that may require legislation. The DVR is supportive of any effort to educate and promote the interests of persons with disabilities. The DVR enjoys a productive relationship with other state agencies serving persons with disabilities either directly or in an administrative capacity (Commission for the Blind, Governor’s Commission on Disability, Commission for the Deaf/Hard of Hearing, Developmental Disabilities Planning Council), and would consider it beneficial for legislators to be educated and aware of prevailing issues affecting the disability community at large. It would also provide a venue for understanding the complex funding mechanisms of the various entities. For the DVR, the primary area of focus is on assisting the efforts of persons with disabilities to reach their goals for working and living independently in their communities.

The GCD observes that the State is facing an ongoing increase in the population of persons with disabilities in addition to the overall increase in population. According to data from the 2011 American Community Survey (ACS) (2012 Cornell University), the prevalence of disability in the State among non-institutionalized individuals aged 21 and over was 31.7 percent. The State is also a popular retirement destination, which has resulted in an even greater portion of seniors living in the State and a higher percentage who reported having a disability (55.65 percent for persons aged 65 and older).

The GCD states in addition, the Health and Human Services Committee reviews disability issues in addition to all other health and human services issues; however, disability has had little time allotted in the schedules. A disability sub-committee was appointed to address disability issues and the meetings demonstrated that the issues are broad, affecting wide segments of the population. More time is needed to review and address issues pertaining to New Mexicans with disabilities. It was also found that disability usually cuts across all health and human services concerns.

The Department of Health (DOH) reports that the Advisory Council on Quality Supports for Individuals with Developmental Disabilities and Their Families (referred to as the ACQ) provides advice and counsel to the DOH's Developmental Disabilities Supports Division (DDSD) regarding the provision of services and needs of individuals with developmental disabilities and their families. The ACQ is authorized in accordance with the New Mexico Developmental Disabilities Act of 1993 (Section 28-16A-13 NMSA 1978).

The DDSD also receives advice from and collaborates with the Developmental Disabilities Planning Council, the Governor's Committee on Disability and other existing legislative committees including the Disabilities Concerns Subcommittee of the Legislative Health and Human Services Committee. Under the proposed legislation, the DOH would continue to provide information and testimony to the new Disabilities Concerns Committee.

TECHNICAL ISSUES

From the perspective of the DVR, the agency operates under very specific federal regulations that are fairly complex and unique to its operations. As such, the Division must carry out activities as outlined under Title 1 and 7 of the Rehabilitation Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Services and the legislative process would continue as they traditionally have. The proposed permanent council could provide an additional avenue to highlight disability related issues and priorities; if SB 171 is not enacted, the Disabilities Concern Committee would not be created as a permanent interim committee of the legislature.

TT/blm:svb