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FISCAL IMPACT REPORT

ORIGINAL DATE 3/4/19
 SPONSOR Stefanics LAST UPDATED 3/7/19 HB _____
 SHORT TITLE Aging and Long-Term Services Advisory Committee SB 488/aSPAC
 ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		No Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Aging and Long-Term Services Department (ALTSO)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment to Senate Bill 488 strips this bill of its appropriation and makes two other changes:

- 1) Members of the advisory committee who represent older New Mexicans would include those participating in programs of ALTSO or its designees, rather than in federally-authorized programs, and
- 2) The definition of “older persons” is changed to indicate that one must either be over fifty years of age or eligible by means of participation in an ALTSO program or a program of an ALTSO designee.

Synopsis of Original Bill

Senate Bill 488 makes changes to the Aging and Long-Term Services Act, Section 28-4-9 NMSA 1978, to alter the Aging and Long-Term Services Advisory Committee. Its duties are delineated, and its membership is more clearly specified than in current statute, which says little about the membership of the committee and nothing about its duties.

The committee would consist of eleven members, selected by the secretary of ALTSO and appointed by the governor, serving two-year staggered terms, and no more than four two-year terms. More than half of the appointees would be “older persons” (over 50 years of age and

eligible to receive services through ALTSO), and would include one member from each of the four ALTSO service areas, to include minority group members, and one or more representatives of agencies serving older persons. Federal requirements regarding membership would be complied with.

A quorum is defined and meetings are mandated at least quarterly. The committee would develop procedures to select a chair and vice-chair; the chair would be responsible for reporting to ALTSO. The committee's activities would include setting a state plan and a plan for each area, administration of and amendments to these plans, and would represent both the needs of older persons and of the agencies serving them. If it deemed it appropriate, the committee would be empowered to report to the legislative health and human services committee and/or the legislative finance committee. Members would receive no compensation other than per diem and mileage.

ALTSO would be charged with supporting the advisory committee and with consulting with the committee on proposed services for older persons.

Senate Bill 488, Appropriates \$150 thousand from the general fund to Aging and Long-Term Services Department for the purpose of creating and operating the Aging and Long-Term Services Advisory Committee.

FISCAL IMPLICATIONS

The appropriation of \$150 thousand contained in the original bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund. The appropriation was removed, leaving the committee to be supported by ALTSO and its appropriation.

SIGNIFICANT ISSUES

ALTSO indicates that the bill “will allow ALTSD to effectively fulfill its requirements under the OAA to develop policies and plans “in consultation with other appropriate parties in the State.” (45 CFR § 1321.11). SB 488 creates a diverse PAC, reflecting the various communities and populations in New Mexico, which will enable the PAC to effectively advise ALTSD on community policies, programs and actions that affect older persons, including: development of the state plan and each area plan; amendments to the state plan and each area plan; administration of the state plan and each area plan; the needs of community-based service providers; and representing the interests of older persons.”

TECHNICAL ISSUES

ALTSO recommends that the appropriation be non-reverting, or that additional funding for support of the committee be added to the department's annual budget.

AMENDMENTS

In addition to the recommendation for non-reverting or annual funding, the ALTSO recommends the following amendments:

- Proposed amendment to Section 2(C): “The committee shall conduct meetings at the call of the chair quarterly. If the committee wishes to conduct more than quarterly meetings

then it shall do so with the advice and consent of the secretary.”

- Proposed amendment to Section 2(A) (3): “more than fifty percent older persons, including minority individuals who are participants or who are eligible to receive services or to participate in programs administered by the department or its designees.”
- Proposed amendment to Section 2(J)(3): “‘older person’ mean an individual who is at least fifty years of age or who is otherwise eligible to receive services or to participate in programs administered by the department or its designees.”

LAC/sb