

FIFTY-FIFTH LEGISLATURE
FIRST SESSION

March 12, 2021

SENATE FLOOR AMENDMENT number 1 to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE
HEALTH AND PUBLIC AFFAIRS
COMMITTEE SUBSTITUTE FOR
SENATE BILL 190

Amendment sponsored by Senator Siah Correa Hemphill

1. On page 4, line 19 through page 5, line 12, strike Subsection J in its entirety and insert in lieu thereof the following new subsection:

"J. "self-determination" means having:

(1) the ability and opportunity to:

(a) communicate and make personal decisions;

(b) communicate choices and exercise control over the type and intensity of services, supports and other assistance that an individual receives; and

(c) participate in, and contribute to, an individual's community;

(2) the authority to control resources to obtain needed services, supports and other assistance; and

(3) support, including financial support, to advocate for oneself and others, develop leadership skills through training in self-advocacy, participate in coalitions, educate policymakers and play a role in the development of public policies that affect individuals with developmental disabilities; and".

2. On page 6, line 3 through page 8, line 14, strike

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Subsection B in its entirety and insert in lieu thereof the following new subsections:

"B. The council shall consist of no fewer than twenty-five members, at least sixty percent of whom shall be:

- (1) individuals with developmental disabilities;
- (2) parents or legal guardians of children with developmental disabilities; or
- (3) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

C. Of the sixty percent of members described in Subsection B of this section, one-third shall be individuals with developmental disabilities, one-third shall be members described in Paragraphs (2) and (3) of Subsection B of this section and one-third shall be a combination of members described in Subsection B of this section. At least one member described in Subsection B of this section shall be an immediate relative or guardian of an individual who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution. No member of the council shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services.

D. The council shall also include:

- (1) the secretary of health, or the secretary's designee;
- (2) the secretary of human services, or the secretary's designee;

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(3) the secretary of children, youth and families, or the secretary's designee;

(4) the secretary of aging and long-term services, or the secretary's designee;

(5) the secretary of public education, or the secretary's designee;

(6) the director of the vocational rehabilitation division of the public education department, or the director's designee;

(7) the director of the state protection and advocacy system established pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act of 1990, or the director's designee;

(8) the director of an entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and

(9) at all times, representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in New Mexico."

3. Reletter the succeeding subsections accordingly.

4. On page 8, lines 16 and 17, strike "Paragraphs (1) and (10) of Subsection B" and insert in lieu thereof "Subsection B and Paragraph (9) of Subsection D".

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____