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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>SJC</u>	<b>ORIGINAL DATE</b>	03/08/21	
		<b>LAST UPDATED</b>	03/11/21	<b>HB</b>
<b>SHORT TITLE</b>	<u>Dev Disabilities Planning Council</u>			<u>CS/CS/SB190/SHPAC</u>
				<b>SB</b> <u>S/SJCS</u>
		<b>ANALYST</b>	<u>Klundt</u>	

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Developmental Disabilities Planning Council (DDPC)

### SUMMARY

#### Synopsis of Bill

The Senate Judiciary Committee substitute for Senate Health and Public Affairs Committee substitute for Senate Bill 190 strikes the purpose section of the Developmental Disabilities Act, and defines a “comprehensive review and analysis”. The bill updates the name of the council and changes the council make up from 18 to 25 members and the council’s composition. The bill requires the council to provide a five-year plan for council activities and amendments. Finally, the bill adds language requiring reporting to the council for independent review of intermediate care facilities for individuals with intellectual disabilities that are performed.

### FISCAL IMPLICATIONS

On similar legislation DDPC reported the bill would have a positive fiscal impact but did not provide an estimate or fiscal assumptions. SB190/SHPACS/SJCS allows mileage, per diem, and other reasonable accommodations for the council and changes language to disallow council members from receiving any other compensation, perquisite, or allowance for their service on the council. DDPC did not state if this update in council expenses was the result of the positive fiscal impact. However, the agency did state the bill would update state law to more closely align with some federal requirements, resulting in less work for the department to comply with conflicting state and federal requirements.

## SIGNIFICANT ISSUES

On similar legislation DDPC reported,

New Mexico’s Developmental Disabilities (DD) Act is based on an old federal statute and has not been updated in decades. The current state DD Act reflects a time when community-based services for the DD community had not been developed and the DD Planning Council’s primary activities were planning, developing, and coordinating services across state agencies. In 2000, Congress repealed the federal law that was the basis for the current NM DD Act, and enacted a new law that prioritized advocacy, capacity building, and systemic change. The new federal statute notably requires that people with developmental disabilities and their families participate in the design of needed services and supports.

The language of the federal statute is far more supportive of people living with disabilities – promoting self-determination, independence, productivity, and integration/inclusion in all facets of community life – while the older language is more paternalistic and antiquated.

Additionally, as part of the transition that acknowledges the progress made by DD communities, the new federal law requires a DD Council – instead of a Planning Council – in each state. The vast majority of states across the nation have updated their state statutes and renamed their Council. New Mexico is one of only 3 remaining states (with Arizona and Nebraska) that still has a “Planning” Council.

However, some individuals from the disabilities rights community have reported this bill does not align with federal requirements such as the council composition.

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