

LFC Requester:	Rachel Mercer-Garcia
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/28/25 *Check all that apply:*
Bill Number: HB 149 Original Correction
 Amendment Substitute

Sponsor: Michelle Paulene Abeyta **Agency Name and Code** NM Governor’s Commission on Disability, 645
Joanne J. Ferrary **Number:** _____
Person Writing Lisa McNiven
Short Title: Supported Decision-Making Act **Email** Lisa.mcniven@gcd.nm.gov
Phone: 505-435-9326 : m.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	\$289,000	Non-recurring	General Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

The Supported Decision-Making Act is an important step towards providing support in decisions about one's life for people with disabilities who can independently decide for themselves what they want but need a supportive adult to understand the choices they make. This doesn't replace the guardianship program, but it offers an alternative for those who can and want to retain the right to make decisions for themselves with trusted friends/or family members they choose. A development of a Decision-Making Agreement would take place between the Supported Decision Maker and their Supporter on the types of support, information or decisions would be made.

The Administration for Community Living (ACL) states it best, that it "involves tools that help individuals identify the type or types of help they need and how to go about getting that help" and "recognizes that different people need different kinds of help." Help could be in the area of one's health or financial situation such as purchasing a home. Help could be in many areas, or just one or two things. It is discussed with the Supported Decision Maker and the Supporter at length with an agreement written about how the relationship between the two individuals would work together.

There is a National Resource Center for Supported Decision Making which has resources to assist with the creation of this new program. It has best practices that are successful, have conducted research to fill data and information gaps, has developed training materials and provided technical assistance, and provides presentations to the public on how this program works.

This program has been enacted in many states across the country, and if enacted here in NM it would be the first time in allowing individuals with disabilities to have the ability to make their own life choices. This would come with support that includes rules and standards from the expertise of staff to create the boundaries of the agreement decided between the Decision Maker and the Supporter.

BILL SUMMARY

Synopsis: This bill is to enact the Supported Decision-Making Act, which allows for the person with the disability (the Supported Decision-Maker) who is at least 18 years of age to receive support from a supporter (any adult who can support the decision made by the Supported Decision Maker) to live life as independently as possible with information to make informed choices. This act involves an appropriation of \$289,000 to support additional staff to be housed under the Guardianship Program of the Developmental Disabilities Council (DCC) in which the Supported Decision-Making program based on this Act will be under.

FISCAL IMPLICATIONS

There is an appropriation of \$289,000 using general funds to support this program that is reverting if any unencumbered balance remains in fiscal year 2026. If this bill were to pass through legislative session and the Governor's desk, it may be a good idea to include non-reverting status to the unencumbered balance. This will help support the program year to year with the expectation that the DDC will include a budget in their request for this program year to year to support the program fully.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

The performance of this act by the Developmental Disabilities Council is actionable as they have the expertise, knowledge and experience with their existing guardianship program. In addition, they have been providing presentations on this "Supported Decision Making" Act to the public that shows knowledge and understanding of how it would be implemented based on research and their own work with individuals with developmental disabilities (Autism, Intellectual and developmental). They have the space, initiative and drive including the population to support in the state of NM through their office.

ADMINISTRATIVE IMPLICATIONS

The administration of this program will need ongoing fiscal support to drive the program's mission with marketing materials, staff, and training to the public in the use of this program as enacted in this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None that is identified

TECHNICAL ISSUES

None that is identified

OTHER SUBSTANTIVE ISSUES

None that is identified

ALTERNATIVES

None that is identified

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If it's not enacted, options will be limited for individuals with disabilities to choose with support on their life choices (i.e. Health and Finances).

AMENDMENTS

None