

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 535

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
INCREASING FEES TO FUND THE WORKERS' COMPENSATION
ADMINISTRATION; ~~HAFC~~→**INCREASING CERTAIN FEES; PROVIDING FOR THE
ENFORCEMENT OF FEES BY THE PUBLIC REGULATION COMMISSION;
INCREASING THE 911 EMERGENCY SURCHARGE;**←~~HAFC~~ INCREASING THE
TELECOMMUNICATIONS RELAY SERVICE SURCHARGE AND TRANSFERRING THE
MONEY FROM THE INCREASE TO A NEW 988 LIFELINE FUND; ALLOWING
THE STATE BUDGET DIVISION OF THE DEPARTMENT OF FINANCE AND
ADMINISTRATION TO APPROVE THE EXPENDITURE OF UP TO ONE HUNDRED

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SFC/SB 535

PERCENT OF THE TELECOMMUNICATIONS ACCESS FUND FOR EXPENSES INCURRED BY THE COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS IN ADMINISTERING THE TELECOMMUNICATIONS ACCESS ACT;

Hf11 → ENACTING THE SUPPORTED DECISION-MAKING ACT; PROVIDING REQUIREMENTS FOR SUPPORTED DECISION-MAKING AGREEMENTS; PROVIDING DUTIES FOR SUPPORTERS; CREATING REPORTING REQUIREMENTS; CREATING A SUPPORTED DECISION-MAKING PROGRAM IN THE OFFICE OF GUARDIANSHIP WITHIN THE DEVELOPMENTAL DISABILITIES COUNCIL; ← Hf11 MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 52-5-19 NMSA 1978 (being Laws 1987, Chapter 235, Section 52, as amended) is amended to read:

"52-5-19. FEE FOR FUNDING ADMINISTRATION--WORKERS' COMPENSATION ADMINISTRATION FUND CREATED.--

A. Beginning with the calendar quarter ending September 30, 2004 and for each calendar quarter thereafter, there is assessed against each employer who is required or elects to be covered by the Workers' Compensation Act a fee equal to [two dollars thirty cents (\$2.30)] the following amounts, multiplied by the number of employees covered by the Workers' Compensation Act that the employer has on the last working day of each quarter:

(1) prior to July 1, 2025, two dollars thirty cents (\$2.30);

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(2) beginning July 1, 2025 and prior to July 1, 2028, two dollars fifty-five cents (\$2.55);

(3) beginning July 1, 2028 and prior to July 1, 2033, two dollars sixty-eight cents (\$2.68); and

(4) beginning July 1, 2033, two dollars eighty cents (\$2.80).

B. At the same time the fee pursuant to Subsection A of this section is assessed, there is assessed against each employee covered by the Workers' Compensation Act on the last working day of each quarter a fee [~~of two dollars (\$2.00)~~] in the following amounts, which shall be deducted from the wages of the employee by the employer and remitted along with the fee assessed on the employer:

(1) prior to July 1, 2025, two dollars (\$2.00);

(2) beginning July 1, 2025 and prior to July 1, 2028, two dollars twenty-five cents (\$2.25);

(3) beginning July 1, 2028 and prior to July 1, 2033, two dollars thirty-eight cents (\$2.38); and

(4) beginning July 1, 2033, two dollars fifty cents (\$2.50).

C. The fees shall be remitted by the last day of the month following the end of the quarter for which they are due.

~~[B.]~~ D. The taxation and revenue department may

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deduct from the gross fees collected an amount not to exceed five percent of the gross fees collected to reimburse the department for costs of administration.

[G-] E. The taxation and revenue department shall pay over the net fees collected to the state treasurer to be deposited by [him] the treasurer in a fund hereby created and to be known as the "workers' compensation administration fund". Expenditures shall be made from this fund on vouchers signed by the director for the necessary expenses of the workers' compensation administration; provided that an amount equal to thirty cents (\$.30) per employee of the fee assessed against an employer shall be distributed from the workers' compensation administration fund to the uninsured employers' fund.

[D-] F. The workers' compensation fee authorized in this section shall be administered and enforced by the taxation and revenue department under the provisions of the Tax Administration Act."

HAFC→SECTION 2. Section 62-8-8 NMSA 1978 (being Laws 1967, Chapter 96, Section 6, as amended) is amended to read:

"62-8-8. INSPECTION AND SUPERVISION FEE.--

A. Each utility doing business in this state and subject to the control and jurisdiction of the commission with respect to its rates or service regulations shall pay annually to the state a fee for the inspection and supervision of such business in an amount equal to five hundred [six] ninety

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thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. That sum shall be payable on ~~[or before]~~ the ~~[first]~~ last day of ~~[April]~~ July in each year. An inspection and supervision fee shall be paid by utilities in addition to all property, franchise, license, intangible and other taxes, fees and charges provided by law. No similar inspection and supervision fee shall be measured by the amount of the gross receipts of such utility for the calendar year next preceding the date fixed in this section for the payment of the fee. In the case of utilities engaged in interstate business, the inspection and supervision fee shall be measured by the gross receipts of those utilities from intrastate business only for that preceding calendar year and not in any respect upon receipts derived wholly or in part from interstate business. No inspection and supervision fee shall be charged on the gross receipts from the sale of gas, water or electricity to a utility regulated by the commission for resale to the public.

B. Prior to July 1, 2031, the fees established pursuant to this section may be adjusted annually by the commission; provided that any increase shall not be greater than the prior year's increase in the employment cost index for state and local government as published by the federal bureau of labor statistics."

SECTION 3. Section 62-13-2 NMSA 1978 (being Laws 1957,

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Chapter 25, Section 2, as amended) is amended to read:

"62-13-2. FEES.--The commission shall collect fees for the following [fees], which shall be remitted to the state treasurer not later than the day following receipt; provided that the commission may increase by administrative rule the fees set forth in this section in amounts that do not exceed the cost of administrative proceedings before the commission:

A. for filing any rate schedule, service rule or regulation or sample form, or amendment thereto, one dollar (\$1.00);

B. for filing each application, petition or complaint, twenty-five dollars (\$25.00);

C. for copies of papers, testimony and records, the reasonable cost of such copies as the commission may provide from time to time by rule; and

D. for certifying any copy of any paper, testimony or record, two dollars (\$2.00)."

SECTION 4. Section 63-7-20 NMSA 1978 (being Laws 1951, Chapter 194, Section 1, as amended) is amended to read:

"63-7-20. UTILITY INSPECTION--FEE.--

A. Each utility doing business in this state that is subject to the control and jurisdiction of the commission by virtue of the provisions of Article 11 of the constitution of New Mexico with respect to its rates and service shall pay annually to the commission a fee in performance of its duties

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as now provided by law. The fee for utilities shall not exceed five hundred ~~[eleven]~~ ninety thousandths percent of its gross receipts from business transacted in New Mexico for the preceding calendar year. This sum shall be payable annually on ~~[or before April 1]~~ July 31 in each year. No similar fee shall be imposed upon the utility. In the case of utilities engaged in interstate business, the fees shall be measured by the gross receipts of the utilities from intrastate business only for the preceding calendar year and not in any respect upon receipts derived wholly or in part from interstate business. Prior to July 1, 2031, the fees established pursuant to this section may be adjusted annually by the commission; provided that any increase shall not be greater than the prior year's increase in the employment cost index for state and local government, as published by the federal bureau of labor statistics. As used in this section, "utility" includes telephone companies and transmission companies but does not include public utilities subject to the Public Utility Act.

B. When a fee is not paid on the date it is due, interest shall be paid to the state on the amount due. The interest on the amount due shall start to accrue on the day following the due date and shall continue to accrue until the total amount due is paid. The rate of interest on a late fee payment shall be fifteen percent per year, computed at the rate of one and one-fourth percent per month.

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C. In addition to any interest due on a late fee payment, a penalty shall be paid to the state for failure to pay the fee when it is due. The penalty imposed shall be two percent of the amount of the fee due.

D. The ~~[attorney general, in the name of the state]~~ commission shall bring suit to collect fees, interest and penalties that remain unpaid."

SECTION 5. Section 63-9D-5 NMSA 1978 (being Laws 1989, Chapter 25, Section 5, as amended) is amended to read:

"63-9D-5. IMPOSITION OF SURCHARGE.--

A. ~~[There is imposed]~~ A 911 emergency surcharge is imposed in the amount of ~~[fifty-one cents (\$.51)]~~ one dollar (\$1.00) to be billed to each subscriber access line by a communications service provider, on each active number for a commercial mobile radio service subscriber and on the number of VoIP lines for which the VoIP service provider enables the capacity for simultaneous calls, regardless of actual usage, to be connected to the public switched telephone network during the period for which the fixed charge is imposed. The surcharge is imposed on all subscribers whose place of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, is in New Mexico; provided, however, that the surcharge shall not be imposed upon subscribers receiving reduced rates pursuant to the Low Income Telephone Service Assistance Act; and provided further that the surcharge shall

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not apply to prepaid wireless communication service; and provided further that a 911 emergency surcharge shall not be assessed on the provision of broadband internet access service.

B. ~~[All]~~ A communications service ~~[providers]~~ provider shall ~~[be required to]~~ bill and collect the surcharge from ~~[their]~~ subscribers whose places of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, are in New Mexico. The surcharge required to be collected by the communications service provider shall be added to and stated clearly and separately in the billings to the subscriber. The surcharge collected by the communications service provider shall not be considered revenue of the communications service provider.

C. A billed subscriber is liable for payment of the 911 emergency surcharge until it has been paid to the communications service provider.

D. A communications service provider has no obligation to take legal action to enforce the collection of the surcharge; an action may be brought by or on behalf of the department. A communications service provider, upon request and not more than once a year, shall provide to the department a list of the surcharge amounts uncollected, along with the names and addresses of subscribers who carry a balance that can be determined by the communications service provider to be nonpayment of the surcharge. The communications service

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provider shall not be held liable for uncollected surcharge amounts."←H AFC

SECTION H AFC→2.←H AFC H AFC→6.←H AFC Section 63-9F-11 NMSA 1978 (being Laws 1993, Chapter 54, Section 11, as amended) is amended to read:

"63-9F-11. IMPOSITION OF SURCHARGE.--

A. A telecommunications relay service surcharge of [~~thirty-three~~] one and sixty-six hundredths percent is imposed on the gross amount paid:

(1) by customers, except customers whose telephone service rates are reduced as authorized by the Low Income Telephone Service Assistance Act, for intrastate telecommunications services provided in this state;

(2) by customers for the intrastate portion of interconnected voice over internet protocol service;

(3) by customers for intrastate mobile telecommunications services that originate and terminate in the same state, regardless of where the mobile telecommunications services originate, terminate or pass through, provided by home service providers to customers whose place of primary use is in New Mexico; and

(4) by a prepaid consumer in a retail transaction.

B. The telecommunications relay service surcharge shall be included on the monthly bill of each customer of a

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local exchange company or other telecommunications company providing intrastate telecommunications services, interconnected voice over internet protocol services or intrastate mobile telecommunications services and paid at the time of payment of the monthly bill. Receipts from selling those services to any other telecommunications company or provider for resale are not subject to the surcharge. The customer is liable for the payment of the surcharge to the provider of intrastate mobile telecommunications services, the provider of interconnected voice over internet protocol services or the local exchange company or other telecommunications company providing intrastate telecommunications services to the customer.

C. For the purposes of the surcharge imposed on a retail transaction pursuant to Paragraph (4) of Subsection A of this section:

(1) the surcharge shall be collected by the seller from the prepaid consumer with respect to each retail transaction occurring in this state. The amount of the surcharge shall be either separately stated on an invoice, receipt or other similar document that is provided to the prepaid consumer by the seller or otherwise disclosed to the prepaid consumer;

(2) for the purposes of Paragraph (1) of this subsection, a retail transaction that is effected in person by

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a prepaid consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction is treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of the Gross Receipts and Compensating Tax Act;

(3) the surcharge is the liability of the prepaid consumer and not of the seller or any provider, except that the seller shall be liable to remit all surcharges collected from the prepaid consumer as provided in this subsection, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt or other similar document provided to the prepaid consumer by the seller;

(4) the amount of the surcharge that is collected by a seller from a prepaid consumer, if such amount is separately stated on an invoice, receipt or other similar document provided to the prepaid consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by this state, any political subdivision of this state or any intergovernmental agency;

(5) when prepaid wireless communications service is sold with one or more other products or services for a single, non-itemized price, the percentage specified in

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Subsection A of this section shall apply to the entire non-itemized price unless the seller elects to apply such percentage to:

(a) if the amount of the prepaid wireless communications service is disclosed to the prepaid consumer as a dollar amount, such dollar amount; or

(b) if the seller can identify the portion of the price that is attributable to the prepaid wireless communications service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes, such portion;

(6) if a minimal amount of prepaid wireless communications service is sold with a prepaid wireless device for a single, non-itemized price, the seller may elect not to apply the percentage specified in Subsection A of this section to such transaction. For the purposes of this paragraph, an amount of service denominated as ten minutes or less, or five dollars (\$5.00) or less, is minimal;

(7) surcharges collected by sellers shall be remitted to the taxation and revenue department at the times and in the manner provided with respect to the Gross Receipts and Compensating Tax Act. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to the

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Gross Receipts and Compensating Tax Act. A seller shall be permitted to deduct and retain three percent of surcharges that are collected by the seller from the prepaid consumer;

(8) the audit and appeal procedures applicable to the Gross Receipts and Compensating Tax Act shall apply to the surcharge;

(9) the taxation and revenue department shall establish procedures by which a seller of prepaid wireless communications services may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for the Gross Receipts and Compensating Tax Act; and

(10) notwithstanding Paragraph (1) of this subsection, if a 911 surcharge is imposed on prepaid wireless communications service pursuant to the Enhanced 911 Act, the taxation and revenue department shall promulgate rules to permit sellers to combine the surcharge imposed pursuant to this section and the surcharge imposed pursuant to the Enhanced 911 Act into a single surcharge on the invoice, receipt or other similar document that is provided to the prepaid consumer. The department shall ensure that appropriate surcharge revenues are directed proportionately to the respective 911 and telecommunications relay service funds.

D. A telecommunications company providing

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intrastate telecommunications services, a home service provider providing intrastate mobile telecommunications services and a seller of interconnected voice over internet protocol services shall, on sales subject to the telecommunications relay service surcharge, assess and collect the surcharge and remit the surcharge collected monthly to the taxation and revenue department on or before the twenty-fifth day of the month following collection. The department shall administer and enforce the collection of the surcharge in accordance with the Tax Administration Act.

E. The taxation and revenue department shall transfer ~~[to the telecommunications access fund the amount]~~ the following amounts of the net receipts of the telecommunications relay service surcharge collected, less any amount deducted in accordance with Subsection F of this section, ~~[Transfer of the net receipts from the surcharge to the telecommunications access fund shall be made]~~ within the month following the month in which the surcharge is collected:

(1) twenty percent to the telecommunications access fund; and

(2) eighty percent to the 988 lifeline fund.

F. The taxation and revenue department may deduct an amount not to exceed three percent of the telecommunications relay service surcharge collected as a charge for the administrative costs of collection and shall remit that amount

to the state treasurer for deposit in the general fund each month.

G. The commission and the health care authority shall report to the revenue stabilization and tax policy committee annually by September 30 the following information with respect to the prior fiscal year:

(1) the amount and source of revenue received by the telecommunications access fund and the 988 lifeline fund;

(2) the amount and category of expenditures from the [~~fund~~] funds; and

(3) the balance of the [~~fund~~] funds on that June 30."

SECTION H AFC→3.←H AFC H AFC→7.←H AFC Section 63-9F-12 NMSA 1978 (being Laws 1993, Chapter 54, Section 12, as amended) is amended to read:

"63-9F-12. TELECOMMUNICATIONS ACCESS FUND--ESTABLISHED.-- There is created in the state treasury the "telecommunications access fund". Money appropriated to the fund or accruing to it through gifts, grants, fees, surcharges, penalties or bequests shall be delivered to the state treasurer for deposit in the fund. The fund shall be invested as other state funds are invested. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the executive director of the

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commission. The commission shall administer the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the provisions of the Telecommunications Access Act. The commission may request the state budget division of the department of finance and administration to approve the expenditure of funds deposited in the telecommunications access fund for the purpose of defraying salary and other necessary expenses incurred by the commission in the administration of the provisions of the Telecommunications Access Act. The state budget division may approve the expenditure of [~~not more than ten~~] up to one hundred percent of the amount deposited in the telecommunications access fund during any fiscal year for expenses incurred by the commission in administering that act. In addition, money in the fund is subject to appropriation by the legislature to the commission for the performance of its duties pursuant to Chapter 28, Article 11B NMSA 1978 and to the signed language interpreting practices fund for the purpose of defraying salary and other necessary expenses incurred by the signed language interpreting practices board. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert."

SECTION H AFC→4.←H AFC H AFC→8.←H AFC [NEW MATERIAL] 988

LIFELINE FUND.--The "988 lifeline fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and

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income from investment of the fund. The health care authority shall administer the fund, and money in the fund is appropriated to the authority to administer a confidential telecommunication service for emotional, mental or alcohol and drug use support made available to the public by the authority. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health care authority or the secretary's authorized representative.

Hf11→SECTION 9. [NEW MATERIAL] SHORT TITLE.--Sections 9 through 22 of this act may be cited as the "Supported Decision-Making Act".

SECTION 10. [NEW MATERIAL] DEFINITIONS.--As used in the Supported Decision-Making Act:

A. "adult" means a person who is at least eighteen years of age;

B. "decision-maker" means an adult who seeks to enter, or has entered, into a supported decision-making agreement with one or more supporters pursuant to the Supported Decision-Making Act;

C. "decision-making support" means assistance in understanding the options, responsibilities and consequences of a decision-maker's life decisions without making those decisions on behalf of the decision-maker;

D. "supported decision-making agreement" means an

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agreement entered into between a decision-maker and a supporter pursuant to the provisions of the Supported Decision-Making Act; and

E. "supporter" means an adult who has entered into a supported decision-making agreement with a decision-maker pursuant to the Supported Decision-Making Act.

SECTION 11. [NEW MATERIAL] SUPPORTED DECISION-MAKING AGREEMENTS--SCOPE OF AGREEMENTS.--A decision-maker may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with one or more supporters under which the decision-maker authorizes the supporter to do any or all of the following:

A. provide decision-making support;

B. assist the decision-maker in accessing, collecting and obtaining information that is relevant to a given life decision, including medical, psychological, financial, educational or treatment records, from any person;

C. assist the decision-maker in understanding the information described in Subsection B of this section; and

D. assist the decision-maker in communicating the decision-maker's decisions to appropriate persons.

SECTION 12. [NEW MATERIAL] SUPPORTED DECISION-MAKING AGREEMENT REQUIREMENTS.--

A. A supported decision-making agreement shall be in a form promulgated by the supreme court that shall:

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(1) be in writing;

(2) be dated;

(3) be signed voluntarily, without coercion or undue influence, by the decision-maker and the supporter;

(4) designate a supporter;

(5) list the types of decisions with which the supporter is authorized to assist the decision-maker;

(6) list the types of decisions, if any, with which the supporter is not authorized to assist the decision-maker; and

(7) contain a consent signed by the supporter indicating the supporter's:

(a) relationship to the decision-maker;

(b) willingness to act as a supporter;

and

(c) acknowledgment of the duties of a supporter.

B. Each party to a supported decision-making agreement shall sign the agreement in the presence of at least two adult witnesses whose signatures shall be acknowledged by a notary public.

SECTION 13. [NEW MATERIAL] PRESUMPTION OF CAPACITY.--

A. All decision-makers are presumed to have capacity until such time as the decision-maker's primary care practitioner and one other qualified health professional with

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training and experience in the assessment of functional impairment, or a court, determine that the decision-maker is unable to make the decision-maker's own decisions. A diagnosis of mental illness, intellectual disability or developmental disability, of itself, does not void the presumption of capacity.

B. The manner in which a decision-maker communicates with others is not grounds for determining that the decision-maker is incapable of managing the decision-maker's own affairs.

C. The execution of a supported decision-making agreement may not be used as evidence of capacity or incapacity in any civil or criminal proceeding and does not preclude the ability of the decision-maker who has entered into a supported decision-making agreement to act independently of the agreement.

SECTION 14. [NEW MATERIAL] SUPPORTER DUTIES AND AUTHORITY--SUPPORTER PROHIBITIONS.--

A. A supporter shall:

- (1) act in good faith;
- (2) act with the care, competence and diligence ordinarily exercised by a reasonable person in similar circumstances;
- (3) act only within the scope of authority granted in the supported decision-making agreement;

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(4) not engage in self-dealing;

(5) support the will and preference of the decision-maker rather than the supporter's opinion of the decision-maker's best interests;

(6) not receive compensation as a result of the supporter's duties under a supported decision-making agreement; and

(7) stop serving as a supporter if the supporter questions the capacity of the decision-maker to continue making decisions.

B. In the absence of an applicable power of attorney a supporter is prohibited from:

(1) making decisions on behalf of the decision-maker;

(2) signing legal documents on behalf of the decision-maker;

(3) binding the decision-maker to a legal agreement;

(4) obtaining, without the consent of the decision-maker, information that is not reasonably related to matters with which the supporter is authorized to assist pursuant to the supported decision-making agreement; and

(5) using, without the consent of the decision-maker, information acquired for a purpose other than assisting the decision-maker to make a decision under the

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supported decision-making agreement.

SECTION 15. [NEW MATERIAL] SUPPORTER DISQUALIFICATIONS.--

The following persons are disqualified from acting as a supporter:

A. an individual who is the subject of a civil or criminal order prohibiting contact with the decision-maker;

B. an individual who has been placed on the state's employee abuse registry;

C. an individual who has been convicted of a crime involving violence or dishonesty within the preceding ten years; and

D. an individual who is currently incarcerated.

SECTION 16. [NEW MATERIAL] ACCESS TO PERSONAL

INFORMATION.--If a supporter assists a decision-maker in accessing, collecting or obtaining personal information, including financial information, protected health information under the federal Health Insurance Portability and Accountability Act of 1996 or educational records under the federal Family Educational Rights and Privacy Act of 1974, the supporter shall ensure that the information is kept privileged and confidential, as applicable, and is not subject to unauthorized access, use or disclosure.

SECTION 17. [NEW MATERIAL] DECISION-MAKER ACCESS TO

PERSONAL INFORMATION.--The existence of a supported decision-making agreement does not preclude a decision-maker

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from seeking personal information without the assistance of the supporter.

SECTION 18. [NEW MATERIAL] THIRD PARTY RELIANCE ON SUPPORTED DECISION-MAKING AGREEMENT.--A person who receives an original or a copy of a supported decision-making agreement shall rely on the agreement, unless the person suspects abuse, neglect or exploitation and makes a report pursuant to Section 21 of this 2025 act.

SECTION 19. [NEW MATERIAL] RECOGNITION OF DECISIONS MADE WITH ASSISTANCE OF SUPPORTER.--A decision or request made or communicated with the assistance of a supporter in conformity with the Supported Decision-Making Act shall be recognized for the purposes of any provision of law as the decision or request of the decision-maker.

SECTION 20. [NEW MATERIAL] TERM OF SUPPORTED DECISION-MAKING AGREEMENT--TERMINATION OR REVOCATION OF AGREEMENT.--

A. Except as provided by Subsection B of this section, the supported decision-making agreement extends until terminated by either party or by the terms of the agreement.

B. The supported decision-making agreement is terminated as to a particular supporter if:

(1) the adult protective services division of the aging and long-term services department finds that the decision-maker has been abused, neglected or exploited by the supporter;

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(2) the supporter is the subject of a civil or criminal order prohibiting contact with the decision-maker;

(3) the supporter has been placed on the state's employee abuse registry;

(4) the supporter has been convicted of a crime involving violence or dishonesty;

(5) the supporter is incarcerated;

(6) the decision-maker gives notice to the supporter orally, in writing, through an assistive technology device or by any other means or act showing a specific intent to terminate the agreement; or

(7) the supporter provides written notice of the supporter's resignation to the decision-maker.

SECTION 21. [NEW MATERIAL] REPORTING OF SUSPECTED ABUSE, NEGLECT OR EXPLOITATION.--If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that the decision-maker is being abused, neglected or exploited by the supporter, the person shall report the alleged abuse, neglect or exploitation to the aging and long-term services department's adult protective services division's statewide intake hotline.

SECTION 22. [NEW MATERIAL] SUPPORTED DECISION-MAKING PROGRAM--CREATED--PROGRAM DUTIES.--

A. The "supported decision-making program" is

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Amendments: new = bold, blue, highlight
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created within the office of guardianship in the developmental disabilities council.

B. The supported decision-making program may:

(1) provide information to adults interested in entering into supported decision-making agreements;

(2) facilitate adults in forming, executing and terminating supported decision-making agreements;

(3) monitor supported decision-making agreements to determine if the agreement meets statutory requirements;

(4) provide resources and assistance for a decision-maker who believes a supporter is acting outside the scope of the supported decision-making agreement; and

(5) provide resources to any individual who is seeking information on reporting suspected abuse, neglect or exploitation of the decision-maker.

SECTION Hf11 → HAFG → 5. ← HAFG HAFG → 9. ← HAFG ← Hf11

Hf11 → 23. ← Hf11 EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.

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