

1 SENATE BILL 488

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics

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10 AN ACT

11 RELATING TO AGING; STRENGTHENING AND INTEGRATING THE AGING AND
12 LONG-TERM SERVICES POLICY ADVISORY COMMITTEE IN THE AGING AND
13 LONG-TERM SERVICES DEPARTMENT; PROVIDING FOR THE COMMITTEE'S
14 POWERS AND DUTIES; REQUIRING THE DEPARTMENT TO SUPPORT THE
15 COMMITTEE; MAKING AN APPROPRIATION.

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

18 SECTION 1. Section 9-23-1 NMSA 1978 (being Laws 2004,
19 Chapter 23, Section 1) is amended to read:

20 "9-23-1. SHORT TITLE.--~~[Sections 1 through 11 of this~~
21 ~~act]~~ Chapter 9, Article 23 NMSA 1978 may be cited as the "Aging
22 and Long-Term Services Department Act"."

23 SECTION 2. Section 28-4-9 NMSA 1978 (being Laws 1979,
24 Chapter 203, Section 6, as amended) is recompiled in the Aging
25 and Long-Term Services Department Act and is amended to read:

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1 "POLICY ADVISORY COMMITTEE CREATED--DUTIES AND POWERS OF
2 THE COMMITTEE--DEPARTMENT TO SUPPORT.--

3 A. The [governor shall appoint an eleven-member
4 advisory committee to the state agency on aging in accordance
5 with the provisions of the Executive Reorganization Act.]
6 "aging and long-term services policy advisory committee" is
7 created and is administratively attached to the department.
8 The committee shall consist of at least eleven members selected
9 by the secretary and appointed by the governor for staggered
10 terms of two years. The members shall include:

11 (1) at least one member from each planning and
12 service area;

13 (2) representatives of providers of community-
14 based services for older persons; and

15 (3) more than fifty percent older persons,
16 including minority individuals who are participants or who are
17 eligible to participate in programs created, maintained or
18 administered pursuant to the federal Older Americans Act of
19 1965.

20 B. No member shall serve more than four consecutive
21 terms. A member shall serve until a successor is appointed.
22 Vacancies occurring in the membership of an appointed member
23 shall be filled by the secretary for the remainder of the
24 unexpired term.

25 C. A simple majority of members constitutes a

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1 quorum for the conduct of business. The committee shall
2 conduct meetings at the call of the chair at least once
3 quarterly. The meetings shall be held in compliance with the
4 Open Meetings Act and be conducted in all regions of the state.

5 D. The committee shall advise the department on
6 community policies, programs and actions that affect older
7 persons, including:

8 (1) development of the state plan and each
9 area plan;

10 (2) amendments to the state plan and each area
11 plan;

12 (3) administration of the state plan and each
13 area plan;

14 (4) the needs of community-based service
15 providers; and

16 (5) representing the interests of older
17 persons.

18 E. The committee shall establish procedures,
19 practices and policies governing the committee's activities,
20 including selecting from its membership a chair and a vice
21 chair who shall serve terms of one year. The chair, or the
22 vice chair in the absence of the chair, shall preside over the
23 meetings and set the agenda. The chair shall report all
24 findings and recommendations of the committee directly to the
25 secretary.

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1 F. The department shall:

2 (1) consult with the committee on proposed
3 policies, programs and actions that affect older persons; and

4 (2) provide assistance to support the
5 operations of the committee.

6 G. In the performance of its duties, the committee
7 may make presentations to the legislative health and human
8 services committee and the legislative finance committee.

9 H. In establishing the committee, the [governor]
10 secretary shall take note of [any] federal requirements
11 regarding membership [~~and shall appoint members for staggered~~
12 ~~terms of four years].~~

13 I. Members of the committee shall be reimbursed for
14 services as provided for in the Per Diem and Mileage Act and
15 shall receive no other compensation, perquisite or allowance.

16 J. For purposes of this section:

17 (1) "area plan" means a proposal submitted to
18 the department by a person designated by the department with
19 the responsibility for creating an area plan that provides for
20 the timely development and maintenance of services, programs
21 and senior centers to meet the needs of older persons in a
22 planning and service area;

23 (2) "committee" means the aging and long-term
24 services policy advisory committee;

25 (3) "older person" means an individual who is

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1 at least fifty years of age and who is otherwise eligible to
2 receive services or to participate in programs administered by
3 the department or its designees;

4 (4) "planning and service area" means a
5 geographic area of New Mexico designated by the department for
6 purposes of planning, development, delivery, maintenance and
7 administration of services, programs and senior centers for
8 older persons; and

9 (5) "state plan" means a proposal created by
10 the department to develop, deliver and maintain programs,
11 services and public policies that support integrated programs
12 and services to be provided to adults in need, older persons,
13 persons with disabilities and their families that satisfies the
14 requirements to receive grants pursuant to the federal Older
15 Americans Act of 1965."

16 SECTION 3. APPROPRIATION.--One hundred fifty thousand
17 dollars (\$150,000) is appropriated from the general fund to the
18 aging and long-term services department for expenditure in
19 fiscal year 2020 to support the creation and operations of the
20 aging and long-term services policy advisory committee. Any
21 unexpended or unencumbered balance remaining at the end of
22 fiscal year 2020 shall revert to the general fund.