

Senators Harrell of the 40th and Albers of the 56th offered the following amendment #1:

1 *Amend the House substitute to SB 12 (LC 49 1943S) by replacing line 8 with the following:*
 2 conservators; to amend Chapter 1 of Title 37 of the Official Code of Georgia Annotated,
 3 relating to governing and regulation of mental health, so as to create the Georgians with
 4 Intellectual and Developmental Disabilities Innovation Commission; to provide for
 5 legislative findings; to provide for definitions; to provide for members and officers; to
 6 provide for meetings, agendas, quorum, and compensation; to provide for the commission's
 7 duties and powers; to provide for consultation with subject matter experts designated by the
 8 Department of Behavioral Health and Developmental Disabilities and the Department of
 9 Community Health; to provide for subcommittees; to provide for automatic repeal; to amend
 10 Title 43 of the Official Code of Georgia Annotated, relating to

11 *By redesignating Sections 18 through 21 as Sections 19 through 22, respectively, and by*
 12 *inserting after line 508 the following:*

13

SECTION 18.

14 Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to governing and
 15 regulation of mental health, is amended by adding a new article to read as follows:

16

"ARTICLE 8

17 37-1-130.

18 The General Assembly finds and determines that:

19 (1) While the State of Georgia has made progress fulfilling the 2010 settlement
 20 agreement with the United States Department of Justice to expand support for adults with

21 IDD in their homes and communities, Senate Resolution 770 was passed during the
22 2021-2022 legislative session to create the Senate Study Committee on People with
23 Intellectual and Developmental Disabilities and Waiver Plan Access. The mission of the
24 committee was to evaluate the impact of the growing population in Georgia and the
25 resultant increasing demand for services for Georgians with IDD, understand and address
26 shortfalls in the direct service provider workforce, and develop a flow of capital
27 investment resources targeted at the development of a comprehensive service structure,
28 to include adequately trained workers; and

29 (2) Based on the research and testimony presented, the committee found the need to
30 establish an IDD innovation commission for long-term strategic planning purposes
31 around such complex issues as managed care, workforce wages and incentives, direct
32 service provider career paths, transportation, housing, employment, systems management,
33 innovation and technology processes, service delivery innovations and technology,
34 planning list management, funds utilization and evaluation, and other topics as needed.

35 37-1-131.

36 As used in this article, the term:

37 (1) 'Commission' means the Georgians with Intellectual and Developmental Disabilities
38 Innovation Commission created pursuant to Code Section 37-1-132.

39 (2) 'IDD' means intellectual and developmental disability.

40 37-1-132.

41 There is created the Georgians with Intellectual and Developmental Disabilities Innovation
42 Commission for the purpose of conducting a comprehensive review of the conditions,
43 issues, and problems related to support for Georgians with intellectual and developmental
44 disabilities.

45 37-1-133.

46 (a) The commission shall be composed of 22 members as follows:

47 (1) The following members appointed by the Governor:

48 (A) A chairperson;

49 (B) A chief executive officer or agency lead of an IDD direct service provider agency;

50 (C) An IDD direct service provider;

51 (D) A family member who is also the caregiver of an adult with IDD with self-directed
52 supports;

53 (E) A family member who is also the caregiver of an adult with IDD who receives
54 direct services; and

55 (F) An adult with IDD who receives either direct services or self-directed supports;

56 (2) The following members appointed by the President of the Senate:

57 (A) Two members of the Senate;

58 (B) A family member who is the caregiver of an adult with IDD with self-directed
59 supports;

60 (C) An adult with IDD who receives either direct services or self-directed supports;

61 (D) An expert in Medicaid eligibility and service delivery;

62 (E) An expert in IDD supportive housing;

63 (F) An employment service provider serving adults with IDD in competitive,
64 integrative environments; and

65 (G) An academic researcher in the field of IDD; and

66 (3) The following members appointed by the Speaker of the House of Representatives:

67 (A) Two members of the House of Representatives;

68 (B) A family member who is the caregiver of an adult with IDD who receives direct
69 services;

70 (C) An adult with IDD who receives either direct services or self-directed supports;

71 (D) A special education teacher;

72 (E) An expert in transportation for adults with IDD;

73 (F) A representative from a private IDD advocacy organization; and

74 (G) A clinical researcher in the field of IDD.

75 (b) Each nonlegislative member of the commission shall be appointed to serve for a term
76 of two years or until his or her successor is duly appointed. Legislative members of the
77 commission shall serve until completion of their current terms of office. Any member may
78 be appointed to succeed himself or herself on the commission. If a member of the
79 commission is an elected or appointed official, such member, or his or her designee, shall
80 be removed from the commission if such member no longer serves as such elected or
81 appointed official.

82 (c) The following officers shall serve as nonvoting ex officio members of the commission:

83 (1) The commissioner or his or her designee;

84 (2) The commissioner of the Department of Community Health or his or her designee;

85 (3) The special education director of the Department of Education or his or her designee;

86 (4) The executive director of the Georgia Vocational Rehabilitation Agency or his or her
87 designee; and

88 (5) The executive director of the Georgia Council on Developmental Disabilities or his
89 or her designee.

90 (d) The commission may elect officers, other than the chairperson, as it deems necessary.
91 The chairperson shall vote only to break a tie.

92 (e) The commission shall be attached for administrative purposes only to the department.
93 The department shall provide staff support for the commission. The department shall use
94 any funds specifically appropriated to such department to support the work of the
95 commission.

96 37-1-134.

97 (a) The commission may conduct meetings at such places and times as it deems necessary
98 or convenient to enable it to fully and effectively exercise its powers, perform its duties,
99 and accomplish the objectives and purposes of this article. The commission shall hold
100 meetings at the call of the chairperson. The commission shall meet not less than four times
101 per year.

102 (b) Until the conclusion of the settlement agreement with the United States Department
103 of Justice, the agenda for any meeting of the commission shall be submitted to the counsel
104 of record for the state in the *United States of America v. State of Georgia* case for prior
105 approval.

106 (c) A quorum for transacting business shall be a majority of the members of the
107 commission.

108 (d) Legislative members of the commission shall receive the allowances provided for in
109 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
110 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
111 transportation allowance authorized for state employees. Members of the commission who
112 are state officials, other than legislative members, or state employees shall receive no
113 compensation for their services on the commission, but shall be reimbursed for expenses
114 incurred by them in the performance of their duties as members of the commission in the
115 same manner as they are reimbursed for expenses in their capacities as state officials or
116 state employees. The funds necessary for the reimbursement of the expenses of state
117 officials, other than legislative members, and state employees shall come from funds
118 appropriated to or otherwise available to their respective departments. All other funds
119 necessary to carry out the provisions of this article shall come from funds appropriated to
120 the Senate and the House of Representatives.

121 37-1-135.

122 (a) The commission shall have the following duties:

123 (1) To review the conditions, needs, issues, and problems related to support for
124 Georgians with IDD and to recommend any action, including proposed changes to rules,
125 regulations, policies, and programs, and proposed legislation which the commission
126 deems necessary or appropriate;

127 (2) To evaluate and consider the best practices, experiences, and results of legislation in
128 other states with regard to both children and adults with IDD; and

129 (3) To annually report on the work of the commission to the Governor, President of the
130 Senate, and Speaker of the House of Representatives.

131 (b) The commission shall have the following powers:

132 (1) To evaluate how the laws, rules, regulations, policies, and programs affecting people
133 with IDD in this state are working;

134 (2) To request and receive data from and review the records of appropriate state agencies
135 and courts to the greatest extent allowed by state and federal law;

136 (3) To accept public or private grants, devises, and bequests;

137 (4) To authorize entering into contracts or agreements through the commission's
138 chairperson necessary or incidental to the performance of its duties;

139 (5) To establish rules and procedures for conducting the business of the commission; and

140 (6) To conduct studies, hold public meetings, collect data, or take any other action the
141 commission deems necessary to fulfill its responsibilities.

142 (c) The commission shall be authorized to retain the services of attorneys, consultants,
143 subject matter experts, economists, budget analysts, data analysts, statisticians, and other
144 individuals or organizations as determined appropriate by the commission. Such services
145 may be obtained through a request for proposal process conducted through the Office of
146 Planning and Budget; provided, however, that any final selection shall be approved by the
147 commission.

148 (d) The department and the Department of Community Health may arrange for and
149 provide IDD professionals to give consultation and subject matter expert advice to the
150 commission. Such professionals may include, but are not limited to, subject matter experts
151 from the following departments, agencies, divisions, institutions, nonprofit organizations,
152 and private advocacy groups:

153 (1) The Division of IDD;

154 (2) The Department of Community Health's Home and Community Based Services
155 program;

156 (3) The Georgia Council on Developmental Disabilities;

157 (4) The Georgia Association of Community Service Boards;

158 (5) The Georgia Association of Community Care Providers;

159 (6) The Georgia Service Providers Association for Developmental Disabilities; and

160 (7) The University of Georgia's Institute on Human Development and Disability.

161 37-1-136.

162 (a) The chairperson of the commission shall appoint members to the following
163 subcommittees from among the membership of the commission and may also appoint up
164 to two other noncommission-member persons as he or she may determine to be necessary
165 as relevant to and consistent with this article:

166 (1) Managed Care;

167 (2) Service Delivery Workforce;

168 (3) Planning List and Departmental Innovation;

169 (4) Community and Home Services; and

170 (5) Supportive Employment.

171 (b) The chairperson, at his or her discretion, may designate and appoint members to other
172 subcommittees from among the membership of the commission and may also appoint up

- 173 to two other noncommission-member persons as he or she may determine to be necessary
174 as relevant to and consistent with this article.
- 175 37-1-137.
- 176 The commission shall be abolished and this article shall stand repealed on June 30, 2029."