



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 80

HOUSE BILL 109, as amended

with emergency clause

Introduced by

REPRESENTATIVE BEN LUJAN AND REPRESENTATIVE AL PARK AND
REPRESENTATIVE PATRICIA A. LUNDSTROM

REPRESENTATIVE KEITH J. GARDNER
REPRESENTATIVE THOMAS C. TAYLOR
REPRESENTATIVE ROBERTO "BOBBY" J. GONZALES



EMERGENCY CLAUSE

Chapter 80

1 AN ACT

2 RELATING TO PUBLIC ASSISTANCE; PROVIDING PROCEDURES FOR THE
3 HUMAN SERVICES DEPARTMENT WHEN COMPENSATING CERTAIN
4 CONTRACTORS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. A new section of Chapter 27, Article 2 NMSA
8 1978 is enacted to read:

9 "COMPENSATION UNDER CONTINGENT FEE CONTRACTS--SUSPENSE
10 FUND CREATED.--

11 A. For the purpose of making disbursements and
12 distributions pursuant to this section, the "human services
13 department reimbursement suspense fund" is created in the
14 state treasury.

15 B. When pursuing a claim arising under Section
16 27-2-23 or 27-2-28 NMSA 1978, in addition to other available
17 alternatives, the department may contract with a person to
18 represent the department on a contingent fee basis if the
19 contract:

20 (1) is approved by the attorney general;

21 (2) provides that all amounts received by
22 the contractor as satisfaction of the claim shall be
23 transferred to the department and deposited into the human
24 services department reimbursement suspense fund to the credit
25 of the department; and

1 (3) provides that, upon the direction of the
2 secretary of human services, the compensation due to the
3 contractor shall be disbursed from the suspense fund to the
4 contractor.

5 C. After a disbursement to a contractor pursuant
6 to Paragraph (3) of Subsection B of this section, the balance
7 of each deposit into the human services department
8 reimbursement suspense fund shall be distributed to the
9 general fund and shall be appropriated to the department for
10 the purpose of reimbursing the department for the public
11 assistance from which the claim arose and, if required, for
12 reimbursing the federal government."

13 Section 2. EMERGENCY.--It is necessary for the public
14 peace, health and safety that this act take effect
15 immediately.

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Ben Lujan

BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

Stephen R. Arias

STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

Diane D. Denish

DIANE D. DENISH, PRESIDENT
SENATE

Lenore M. Naranjo

LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of March, 2010

Bill Richardson

BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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SECRETARY OF STATE
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