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HOUSE BILL 743

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Kathy A. McCoy

AN ACT

RELATING TO PUBLIC ASSISTANCE; EXEMPTING THE INCOME OF A
BIOLOGICAL GRANDPARENT FROM AN ELIGIBILITY DETERMINATION FOR
PUBLIC BENEFITS.

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

Section 1. Section 27-2-1 NMSA 1978 (being Laws 1973,
Chapter 376, Section 1) is amended to read:

"27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act~~
~~and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17,~~
~~13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21,~~
~~13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28,~~
~~13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37,~~
~~13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through
27-2-34 NMSA 1978 may be cited as the "Public Assistance Act"."

Section 2. Section 27-2-3 NMSA 1978 (being Laws 1973,

underscoring material = new
[bracketed material] = delete

1 Chapter 376, Section 3, as amended) is amended to read:

2 "27-2-3. STANDARD OF NEED--INCOME DETERMINATION.--

3 A. Consistent with the federal act and subject to
4 the availability of federal and state funds, the ~~[board]~~ income
5 support division of the human services department shall adopt a
6 standard of need ~~[which shall establish]~~ that establishes a
7 reasonable level of subsistence.

8 B. Consistent with the federal act, the ~~[board]~~
9 income support division shall define by regulation exempt and
10 nonexempt income and resources. Medical expenses shall not be
11 deducted from either income or resources in determining
12 eligibility.

13 C. The income of a biological grandparent shall not
14 be considered in determining eligibility for public benefits."