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HOUSE BILL 109

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Ben Lujan

AN ACT

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

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

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

"[NEW MATERIAL] COMPENSATION UNDER CONTINGENT FEE
CONTRACTS--SUSPENSE FUND CREATED.--

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

B. When pursuing a claim arising under Section
27-2-23 or 27-2-28 NMSA 1978, in addition to other available

.180309.1

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1 alternatives, the department may contract with a person to
2 represent the department on a contingent fee basis if the
3 contract:

4 (1) is approved by the attorney general;

5 (2) provides that all amounts received by the
6 contractor as satisfaction of the claim shall be transferred to
7 the department and deposited into the human services department
8 reimbursement suspense fund to the credit of the department;
9 and

10 (3) provides that, upon the direction of the
11 secretary of human services, the compensation due to the
12 contractor shall be disbursed from the suspense fund to the
13 contractor.

14 C. After a disbursement to a contractor pursuant to
15 Paragraph (3) of Subsection B of this section, the balance of
16 each deposit into the human services department reimbursement
17 suspense fund shall be distributed to the general fund and is
18 appropriated to the department for the purpose of reimbursing
19 the department for the public assistance from which the claim
20 arose and, if required, for reimbursing the federal
21 government."

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