

**FIFTY-SECOND LEGISLATURE
FIRST SESSION, 2015**

March 16, 2015

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
**SENATE JUDICIARY COMMITTEE SUBSTITUTE
FOR SENATE BILL 42**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon, strike "REQUIRING" and insert in lieu thereof "AMENDING A SECTION OF THE PUBLIC ASSISTANCE ACT AND ENACTING A NEW SECTION OF THE NMSA 1978 TO REQUIRE".

2. On page 1, line 12, strike "ENROLLMENT" and insert in lieu thereof "ELIGIBILITY".

3. On page 1, line 13, strike "ELIGIBLE".

4. On page 1, line 14, strike "NEW ENROLLMENT IN" and insert in lieu thereof "ELIGIBILITY FOR".

5. On page 1, between lines 17 and 18, insert the following new section:

"SECTION 1. Section 27-2-4 NMSA 1978 (being Laws 1973, Chapter 376, Section 4, as amended) is amended to read:

"27-2-4. ELIGIBILITY REQUIREMENTS.--Consistent with the federal act, a person is eligible for public assistance grants under the Public Assistance Act if:

A. pursuant to Section [~~13-17-3 NMSA 1953~~] 27-2-3 NMSA 1978, the total amount of [~~his~~] the person's nonexempt income is less than the applicable standard of need; [~~and~~]

B. nonexempt specific and total resources are less than the level of maximum permissible resources established by the [~~board; and~~] department;

C. [~~he~~] the person meets all qualifications for one of the public assistance programs authorized by the Public Assistance

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Act; ~~and~~]

D. within two years immediately prior to the filing of an application for assistance, ~~he~~ the person has not made an assignment or transfer of real property unless ~~he~~ the person has received a reasonable return for the real property or, if ~~he~~ the person has not received ~~such~~ a reasonable return, ~~he~~ the person is willing to attempt to obtain such return and, if ~~such~~ that attempt proves futile, ~~he~~ the person is willing to attempt to regain title to the property; ~~and~~]

E. ~~he~~ the person is not an inmate of any public nonmedical institution at the time of receiving assistance, except that an inmate may be eligible for medical assistance programs administered by the medical assistance division of the department; and

F. ~~he~~ the person is a resident of New Mexico."".

6. Renumber the succeeding section accordingly.

7. On page 1, line 19, strike "ENROLLMENT--ENROLLMENT ASSISTANCE" and insert in lieu thereof "ELIGIBILITY".

8. On page 1, line 21, strike "enrollment in" and insert in lieu thereof "eligibility for".

9. On page 1, line 22, strike "the" and insert in lieu thereof "a".

10. On page 1, line 23, strike "enrolled in" and insert in lieu thereof "eligible for".

11. On page 1, lines 24 and 25, strike "as provided by federal law".

12. On page 2, line 4, strike "enrollment".

13. On page 2, line 5, after the period, strike the remainder of the line.

14. On page 2, strike lines 6 through 9 in their entirety.

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15. On page 2, lines 10 through 16, strike Subsection D in its entirety.

16. Reletter the succeeding subsections accordingly.

17. On page 2, line 20, strike "enrollment in".

18. On page 2, line 24, strike "or" and insert in lieu thereof ", resources," and after "residency", insert "or household composition".

19. On page 2, between lines 24 and 25, insert the following new subsections:

"E. The provisions of this section shall not require the human services department to pay for services on behalf of any incarcerated individual, except as permitted by federal law.

F. A correctional facility shall inform the human services department when an eligible individual is incarcerated and shall notify the department upon that eligible individual's release."

20. Reletter the succeeding subsections accordingly.

21. On page 2, line 25, through page 3, line 4, strike Subsection F in its entirety.

22. Reletter the succeeding subsections accordingly.

23. On page 3, between lines 7 and 8, insert the following new paragraph:

"(1) "eligibility" means a finding by the human services department that an individual has met the criteria established in state and federal law and the requirements established by department rules to enroll in medicaid;".

24. Renumber the succeeding paragraphs accordingly.

25. On page 3, line 17, strike Subparagraph (d) in its entirety.

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26. Reletter the succeeding subparagraphs accordingly.

Respectfully submitted,

Zachary J. Cook, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against
Yes: 12
No: 0
Excused: Gentry
Absent: None

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