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HOUSE BILL 130

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Larry A. Larrañaga

AN ACT

RELATING TO DISABILITY; ENACTING A NEW SECTION OF CHAPTER 27
NMSA 1978 TO PLACE ADMINISTRATION OF THE BRAIN INJURY SERVICES
FUND WITH THE HUMAN SERVICES DEPARTMENT; ENACTING A TEMPORARY
PROVISION TO TRANSFER THE BRAIN INJURY SERVICES FUND AND ALL OF
ITS PROPERTY, CONTRACTS AND REFERENCES IN LAW TO THE HUMAN
SERVICES DEPARTMENT; REPEALING A SECTION OF THE PUBLIC HEALTH
ACT.

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

SECTION 1. A new section of Chapter 27 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] BRAIN INJURY SERVICES FUND CREATED.--

A. There is created in the state treasury the
"brain injury services fund". The fund shall be invested in
accordance with the provisions of Section 6-10-10 NMSA 1978,
.191018.3SA

underscored material = new
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1 and all income earned on the fund shall be credited to the
2 fund.

3 B. The brain injury services fund shall be used to
4 institute and maintain a statewide brain injury services
5 program designed to increase the independence of persons with
6 traumatic brain injuries.

7 C. The human services department shall adopt all
8 rules, regulations and policies necessary to administer a
9 statewide brain injury services program. The human services
10 department shall coordinate with and seek advice from the brain
11 injury advisory council to ensure that the statewide brain
12 injury services program is appropriate for persons with
13 traumatic brain injuries.

14 D. All money credited to the brain injury services
15 fund shall be appropriated to the human services department for
16 the purpose of carrying out the provisions of this section and
17 shall not revert to the general fund.

18 E. Disbursements from the brain injury services
19 fund shall be made upon warrant drawn by the secretary of
20 finance and administration pursuant to vouchers signed by the
21 secretary of human services."

22 SECTION 2. TEMPORARY PROVISION--BRAIN INJURY SERVICES
23 FUND--TRANSFER OF PROPERTY, CONTRACTS AND REFERENCES IN
24 LAW.--On July 1, 2013:

25 A. the brain injury services fund and all

.191018.3SA

underscoring material = new
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1 appropriations, money, records, equipment, supplies and other
2 property of the aging and long-term services department
3 directly related to the brain injury services fund or the
4 provision of a statewide brain injury services program shall be
5 transferred to the human services department;

6 B. all contracts directly related to the programs
7 listed in Subsection A of this section currently binding and
8 effective upon the aging and long-term services department or
9 on the brain injury services fund shall be binding and
10 effective upon the human services department; and

11 C. all references in law to the brain injury
12 services fund or the statewide brain injury services program
13 shall be deemed to be references to the brain injury services
14 fund and the statewide brain injury services program
15 established and maintained by the human services department.

16 SECTION 3. REPEAL.--Section 24-1-24 NMSA 1978 (being Laws
17 1997, Chapter 242, Section 7 and Laws 1997, Chapter 247,
18 Section 4) is repealed.