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SENATE BILL 374

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Sue F. Wilson

AN ACT

RELATING TO PUBLIC ASSISTANCE; REQUIRING NEW MEXICO WORKS ACT  
PROGRAM APPLICANTS TO COMPLETE A JOB SEARCH AS PART OF THE  
APPLICATION PROCESS; AMENDING A SECTION OF THE NEW MEXICO  
WORKS ACT.

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

Section 1. Section 27-2B-4 NMSA 1978 (being Laws 1998,  
Chapter 8, Section 4 and also Laws 1998, Chapter 9, Section 4  
as amended by Laws 1999, Chapter 71, Section 1 and by Laws  
1999, Chapter 273, Section 2 and also by Laws 1999, Chapter  
280, Section 1) is amended to read:

"27-2B-4. APPLICATION--RESOURCE PLANNING SESSION--  
INDIVIDUAL RESPONSIBILITY PLANS--PARTICIPATION AGREEMENT--  
REVIEW PERIODS.--

A. Application for cash assistance or services  
shall be made to the department's county office in the county

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1 or district in which an applicant resides. The application  
2 shall be in writing or reduced to writing in the manner and  
3 on the form prescribed by the department. The application  
4 shall be made under oath by an applicant having custody of or  
5 residing with a dependent child who is a household group  
6 member and shall contain a statement of the age of the child,  
7 residence, a complete statement of the amount of property in  
8 which the applicant has an interest, a statement of all  
9 income that he and other household group members have at the  
10 time of the filing of the application and other information  
11 required by the department.

12 B. Application for expedited food stamps shall be  
13 made to the department's county office in the county or  
14 district in which an applicant resides. The department shall  
15 process the application for expedited food stamps within  
16 twenty-four hours after the application is made.

17 C. At the time of application for cash assistance  
18 and services, an applicant shall identify household group  
19 members who are to be counted in the benefit group. Once an  
20 application is approved, the participant shall advise the  
21 department if there are any changes in the membership of the  
22 household group or benefit group.

23 D. An applicant who has not requested a waiver of  
24 work requirements from the department must complete an  
25 applicant job search as part of the application process. An  
"applicant job search" requires an applicant to make  
employment contacts and to submit employment applications.

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1 The department shall waive the applicant job search for an  
2 applicant who:

3 (1) lives in a county where the unemployment  
4 rate is ten percent or more;

5 (2) lives in a county with a population of  
6 less than six thousand;

7 (3) lives in an area where a one-way trip to  
8 the nearest labor department office is sixty-five miles or  
9 greater from the applicant's home;

10 (4) is a single parent with a child under  
11 the age of four years;

12 (5) is exempt from work requirements; or

13 (6) is employed at the time of application.

14 ~~[D.]~~ E. No later than forty-five days after an  
15 application is filed, the department shall provide to an  
16 applicant a resource planning session to ascertain his  
17 immediate needs, assess financial and nonfinancial options,  
18 make referrals and act on the application.

19 ~~[E.]~~ F. No later than five days after an  
20 application is approved, the department shall provide  
21 reimbursement for child care.

22 ~~[F.]~~ G. Whenever the department receives an  
23 application for assistance, a verification and record of the  
24 applicant's circumstances shall promptly be made to ascertain  
25 the facts supporting the application and to obtain other  
information required by the department. The verification may  
include a visit to the home of the applicant, as long as the

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1 department gives adequate prior notice of the visit to the  
2 applicant.

3 ~~[G.]~~ H. Within fifteen days after an application  
4 is approved, the department shall assess the education,  
5 skills, prior work experience and employability of the  
6 participant.

7 ~~[H.]~~ I. After the initial assessment of skills,  
8 the department shall work with the participant to develop an  
9 individual responsibility plan that:

10 (1) sets forth an employment goal for the  
11 participant and a plan for moving the participant into  
12 employment;

13 (2) sets forth obligations of the  
14 participant that may include a requirement that the  
15 participant attend school, maintain certain grades and  
16 attendance, keep his school-age children in school, immunize  
17 his children or engage in other activities that will help the  
18 participant become and remain employed;

19 (3) is designed to the greatest extent  
20 possible to move the participant into whatever employment the  
21 participant is capable of handling and to provide additional  
22 services as necessary to increase the responsibility and  
23 amount of work the participant will handle over time;

24 (4) describes the services the department  
25 may provide so that the participant may obtain and keep  
employment; and

(5) may require the participant to undergo

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1 appropriate substance abuse treatment.

2           ~~[F.]~~ J. The participant and a representative of  
3 the department shall sign the participant's individual  
4 responsibility plan. The department shall not allow a  
5 participant to decline to participate in developing an  
6 individual responsibility plan. The department shall not  
7 waive the requirement that a participant develop an  
8 individual responsibility plan. The department shall  
9 emphasize the importance of the individual responsibility  
10 plan to the participant.

11           ~~[G.]~~ K. If a participant does not develop an  
12 individual responsibility plan, refuses to sign an individual  
13 responsibility plan or refuses to attend semiannual reviews  
14 of an individual responsibility plan, he shall be required to  
15 enter into a conciliation pursuant to Subsection C of Section  
16 27-2B-14 NMSA 1978. If the participant persists in  
17 noncompliance with the individual responsibility plan process  
18 after the conciliation, he shall be subject to sanctions  
19 pursuant to Section 27-2B-14 NMSA 1978.

20           ~~[H.]~~ L. The participant shall also sign a  
21 participation agreement that designates the number of hours  
22 that he must participate in work activities to meet  
23 participation standards.

24           ~~[I.]~~ M. The department shall review the current  
25 financial eligibility of a benefit group when the department  
reviews food stamp eligibility.

~~[M.]~~ N. The department shall meet semiannually

