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SENATE BILL 95

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Manny M Aragon

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; REMOVING THE HOUSING SUBSIDY FROM THE NEW MEXICO WORKS ACT.

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

Section 1. Section 27-2B-7 NMSA 1978 (being Laws 1998, Chapter 8, Section 7 and Laws 1998, Chapter 9, Section 7) is amended to read:

"27-2B-7. FINANCIAL STANDARD OF NEED. --

A. The secretary shall adopt a financial standard of need based upon the availability of federal and state funds and based upon appropriations by the legislature of the available federal temporary assistance for needy families grant made pursuant to the federal act in the following categories:

- (1) cash assistance;

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- 1 (2) child-care services;
- 2 (3) other services; and
- 3 (4) administrative costs.

4 The legislature shall determine the actual percentage of each  
5 category to be used annually of the federal temporary  
6 assistance for needy families grant made pursuant to the  
7 federal act.

8 ~~[B. The cash benefit level for a benefit group not~~  
9 ~~living in government-subsidized housing or receiving~~  
10 ~~government-subsidized housing payments shall be increased by~~  
11 ~~one hundred dollars (\$100) per month.~~

12 ~~C.]~~ B. The following income sources are exempt  
13 from the gross income test, the net income test and the cash  
14 payment calculation:

- 15 (1) medicaid;
- 16 (2) food stamps;
- 17 (3) government-subsidized foster care and  
18 adoption payments;
- 19 (4) supplemental security income;
- 20 (5) government-subsidized housing or housing  
21 payments;
- 22 (6) federally excluded income;
- 23 (7) educational payments made directly to an  
24 educational institution;
- 25 (8) government-subsidized child care;

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1 (9) earned and unearned income that belongs  
2 to a person eighteen years of age or younger who is not the  
3 head of household;

4 (10) for the first two years of receiving  
5 cash assistance or services, if a participant works over the  
6 work requirement rate set by the department pursuant to the  
7 New Mexico Works Act, one hundred percent of the income earned  
8 by the participant beyond that rate;

9 (11) for the first two years of receiving  
10 cash assistance or services, for a two-parent benefit group in  
11 which one parent works over thirty-five hours per week and the  
12 other works over twenty-four hours per week, one hundred  
13 percent of income earned by each participant beyond the work  
14 requirement rate set by the department;

15 (12) unearned income that belongs to the  
16 household group but not to the benefit group; and

17 (13) other income sources as determined by  
18 the department.

19 ~~[D.]~~ C. Earned income over one hundred thirty  
20 percent of the federal poverty guidelines that belongs to the  
21 household group but not to the benefit group is countable  
22 income. The department shall count the entire household group  
23 to determine family size when applying the federal poverty  
24 guidelines.

25 ~~[E.]~~ D. The department shall count the entire

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1 household group to determine family size when applying the  
2 financial standard of need. For a benefit group to be  
3 eligible to participate:

4 (1) gross countable earned income that  
5 belongs to the household group but not to the benefit group  
6 must not exceed one hundred eighty-five percent of the  
7 financial standard of need; and

8 (2) net countable earned income that belongs  
9 to the household group must not equal or exceed the financial  
10 standard of need after applying the disregards set out in  
11 Paragraphs (1) through (5) of Subsection [ F ] E of this  
12 section.

13 [~~F.~~] E. Subject to the availability of state and  
14 federal funds, the department shall determine the cash payment  
15 of the benefit group by applying the following disregards to  
16 the benefit group's earned gross income and then subtracting  
17 that amount from the financial standard of need:

18 (1) one hundred fifty dollars (\$150) of  
19 monthly earned income and one-half of the remainder, or for a  
20 two-parent family, two hundred fifty dollars (\$250) of monthly  
21 earned income and one-half of the remainder for each parent;

22 (2) monthly payments made for child care at a  
23 maximum of two hundred dollars (\$200) for a child under two  
24 years of age and at a maximum of one hundred seventy-five  
25 dollars (\$175) for a child two years of age or older;

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- (3) costs of self-employment income;
- (4) business expenses; and
- (5) fifty dollars (\$50.00) of collected child

support passed through to the participant by the department's child support enforcement program. [~~and then subtracting that amount from the financial standard of need.~~]

~~G.]~~ F. The department may recover overpayments of cash assistance on a monthly basis not to exceed fifteen percent of the financial standard of need applicable to the benefit group. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4  
5 March 1, 1999

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8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
11 referred

12  
13 SENATE BILL 95

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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 FINANCE COMMITTEE.

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19 Respectfully submitted,

Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Garcia, Stockard, Smith

Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5  
6 March 8, 1999  
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8 Mr. President:  
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10 Your FINANCE COMMITTEE, to whom has been referred  
11

12 SENATE BILL 95  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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18 Respectfully submitted,  
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24 Ben D. Altamirano, Chairman  
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Adopted \_\_\_\_\_ Not

1 Adopted \_\_\_\_\_

2 (Chief Clerk)

(Chief Clerk)

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6 Date \_\_\_\_\_

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9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 No: 0

12 Excused: Campos, Carraro, Ingle, McKibben, Tsosie

13 Absent: None

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