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SENATE BILL 115
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY
Leonard Lee Rawson

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT
RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS
ACT.

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

Section 1. Section 27-2B-3 NMSA 1978 (being Laws 1998,
Chapter 8, Section 3 and Laws 1998, Chapter 9, Section 3) is
amended to read:

"27-2B-3. DEFINITIONS. -- As used in the New Mexico Works
Act:

A. "benefit group" means a group of people that
includes at least one dependent child living with [a] his
parent, legal guardian or relative within the fifth degree of
consanguinity; or a pregnant woman;

B. "cash assistance" means cash payments funded by
the temporary assistance for needy families block grant

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1 pursuant to the federal act and by state funds;

2 C. "department" means the human services
3 department;

4 D. "dependent child" means a natural or adopted
5 child or ward who is [~~eighteen~~] seventeen years of age or
6 younger or a household group member who is eighteen years of
7 age and has not graduated from high school ;

8 E. "director" means the director of the income
9 support division of the department;

10 F. "earned income" includes cash or payment in
11 kind that is received as wages from employment or payment in
12 lieu of wages; earnings from self-employment or earnings
13 acquired from the direct provision of services, goods or
14 property, production of goods, management of property or
15 supervision of services; and all other income not classified
16 as unearned income;

17 G. "federal act" means the federal Social Security
18 Act and rules promulgated pursuant to the Social Security Act;

19 H. "federal poverty guidelines" means the level of
20 income defining poverty by family size published annually in
21 the federal register by the United States department of health
22 and human services;

23 I. "household group" means a group [~~including the~~
24 ~~benefit group~~] of people [~~who live together~~] that consists of
25 a benefit group and any other person who resides in a

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1 household, regardless of whether they are related or have a
2 legal support responsibility for a member of the benefit
3 group, but does not include:

4 (1) landlords;

5 (2) tenants; or

6 (3) members of a registered nonprofit
7 organization or church who provide shelter to a benefit group
8 through a program sponsored by the nonprofit organization or
9 church;

10 J. "immigrant" means alien as defined in the
11 federal act;

12 K. "landlord" means the owner of an estate in land
13 or a rental property who has leased it to another person
14 called the tenant;

15 L. "parent" means natural parent, adoptive parent,
16 stepparent or legal guardian;

17 M. "participant" means a recipient of cash
18 assistance or services or a member of a benefit group who has
19 reached the age of majority;

20 N. "person" means an individual;

21 O. "secretary" means the secretary of the
22 department;

23 P. "services" includes child-care assistance;
24 payment for employment-related transportation costs; job
25 search assistance; employment counseling; employment,

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1 education and job training placement; one-time payment for
2 necessary employment-related costs; case management; or other
3 activities whose purpose is to assist transition into
4 employment;

5 Q. "tenant" means a person who pays rent for the
6 use and occupancy of real property owned by a landlord; and

7 R. "unearned income" includes old age, survivors
8 and disability insurance; railroad retirement benefits;
9 veterans administration compensation or pension; military
10 retirement; pensions, annuities and retirement benefits; lodge
11 or fraternal benefits; shared shelter payments; settlement
12 payments; individual Indian money; and similar kinds of
13 income. "

14 Section 2. Section 27-2B-4 NMSA 1978 (being Laws 1998,
15 Chapter 8, Section 4 and Laws 1998, Chapter 9, Section 4) is
16 amended to read:

17 "27-2B-4. APPLICATION-- RESOURCE PLANNING SESSION--
18 INDIVIDUAL RESPONSIBILITY PLANS-- PARTICIPATION AGREEMENT--
19 REVIEW PERIODS. --

20 A. Application for cash assistance or services
21 shall be made to the department's county office in the county
22 or district in which an applicant resides. The application
23 shall be in writing or reduced to writing in the manner and on
24 the form prescribed by the department. The application shall
25 be made under oath by an applicant [~~having custody of a~~

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1 ~~dependent child]~~ with whom a dependent child resides and shall
2 contain a statement of the age of the child, residence, a
3 complete statement of the amount of property in which the
4 applicant has an interest, a statement of all income that he
5 and other household group members have at the time of the
6 filing of the application and other information required by
7 the department.

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

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

19 D. No later than forty-five days after an
20 application is filed, the department shall provide to an
21 applicant a resource planning session to ascertain his
22 immediate needs, assess financial and nonfinancial options,
23 make referrals and act on the application.

24 E. No later than five days after an application is
25 approved, the department shall provide reimbursement for child

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1 care.

2 F. Whenever the department receives an application
3 for assistance, a verification and record of the applicant's
4 circumstances shall promptly be made to ascertain the facts
5 supporting the application and to obtain other information
6 required by the department. The verification may include a
7 visit to the home of the applicant, as long as the department
8 gives adequate prior notice of the visit to the applicant.

9 G. Within fifteen days after an application is
10 approved, the department shall assess the education, skills,
11 prior work experience and employability of the participant.

12 H. After the initial assessment of skills, the
13 department shall work with the participant to develop an
14 individual responsibility plan that:

15 (1) sets forth an employment goal for the
16 participant and a plan for moving the participant into
17 employment;

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

24 (3) is designed to the greatest extent
25 possible to move the participant into whatever employment the

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1 participant is capable of handling and to provide additional
2 services as necessary to increase the responsibility and
3 amount of work the participant will handle over time;

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

7 (5) may require the participant to undergo
8 appropriate substance abuse treatment.

9 I. The participant and a representative of the
10 department shall sign the participant's individual
11 responsibility plan.

12 J. The participant shall also sign a participation
13 agreement that designates the number of hours that he must
14 participate in work activities to meet participation
15 standards.

16 K. The department shall review the current
17 financial eligibility of a benefit group when the department
18 reviews food stamp eligibility.

19 L. The department shall meet semi-annually with a
20 participant to review and revise his individual responsibility
21 plan.

22 M. The department shall develop a complaint
23 procedure to address issues pertinent to the delivery of
24 services and other issues relating to a participant's
25 individual responsibility plan. "

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Section 3. Section 27-2B-12 NMSA 1978 (being Laws 1998, Chapter 8, Section 12 and Laws 1998, Chapter 9, Section 12) is amended to read:

"27-2B-12. SERVICES.--Subject to the availability of federal and state funds, a benefit group [~~of people that includes at least one dependent child living with a parent, legal guardian or relative within the fifth degree of consanguinity or a pregnant woman who~~] that is not receiving cash assistance but has an income less than one hundred percent of the federal poverty guidelines may be eligible to receive services. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4
5 March 1, 1999

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8 Mr. President:

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

12
13 SENATE BILL 115

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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 JUDICIARY COMMITTEE.

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19 Respectfully submitted,

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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: Garcia, Ingle, Stockard, Smith

Absent: None

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 2, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 115

Amendment sponsored by Senator Leonard Lee Rawson

1. On page 2, line 7, strike "has not graduated from high school" and insert in lieu thereof "is enrolled in high school".

Leonard Lee Rawson

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 115

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Adopted _____ Not Adopted

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Date _____

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 11, 1999
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8 Mr. Speaker:
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10 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 SENATE BILL 115, as amended
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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22 Patsy Trujillo Knauer, Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HCPAC/SB 115

Page 14

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 0 Against

Yes: 4

Excused: Hamilton, Hawkins, King

Absent: None

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