

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 444

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

INTRODUCED BY

Ramsay Gorham

AN ACT

RELATING TO PUBLIC ASSISTANCE; CLARIFYING CERTAIN DEFINITIONS
OF THE NEW MEXICO WORKS ACT; AMENDING THE ELIGIBILITY
DETERMINATION OF THE NEW MEXICO WORKS ACT TO CLARIFY THE CHILD
SUPPORT PASS THROUGH.

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;

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = del ete

1 B. "cash assistance" means cash payments funded by
2 the temporary assistance for needy families block grant
3 pursuant to the federal act and by state funds;

4 C. "department" means the human services
5 department;

6 D. "dependent child" means a natural or adopted
7 child or ward who is eighteen years of age or younger;

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

underscored material = new
[bracketed material] = delete

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,

. 126638. 1

underscored material = new
[bracketed material] = delete

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-7 NMSA 1978 (being Laws 1998,
15 Chapter 8, Section 7 and Laws 1998, Chapter 9, Section 7) is
16 amended to read:

17 "27-2B-7. FINANCIAL STANDARD OF NEED. --

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

- 24 (1) cash assistance;
- 25 (2) child-care services;

underscored material = new
[bracketed material] = delete

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

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

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

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

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

underscored material = new
[bracketed material] = delete

1 to a person eighteen years of age or younger who is not the
2 head of household;

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

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

14 (12) fifty dollars (\$50.00) of collected
15 child support passed through to the participant by the
16 department's child support enforcement program;

17 [~~(12)~~] (13) unearned income that belongs to
18 the household group but not to the benefit group; and

19 [~~(13)~~] (14) other income sources as
20 determined by the department.

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

underscored material = new
[bracketed material] = delete

1 guidelines.

2 E. The department shall count the entire household
3 group to determine family size when applying the financial
4 standard of need. For a benefit group to be eligible to
5 participate:

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

10 (2) net countable earned income that belongs
11 to the household group must not equal or exceed the financial
12 standard of need after applying the disregards set out in
13 Paragraphs (1) through [~~(5)~~] (4) of Subsection F of this
14 section.

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

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

24 (2) monthly payments made for child care at a
25 maximum of two hundred dollars (\$200) for a child under two

1 years of age and at a maximum of one hundred seventy-five
2 dollars (\$175) for a child two years of age or older;

3 (3) costs of self-employment income; and
4 (4) business expenses [and
5 ~~(5) fifty dollars (\$50.00) of collected child~~
6 ~~support passed through to the participant by the department's~~
7 ~~child support enforcement program and then subtracting that~~
8 ~~amount from the financial standard of need].~~

9 G. The department may recover overpayments of cash
10 assistance on a monthly basis not to exceed fifteen percent of
11 the financial standard of need applicable to the benefit
12 group. "