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SENATE BILL 346

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

INTRODUCED BY

Linda M Lopez

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS
ACT TO CLARIFY THE CHILD-CARE EXEMPTION FROM THE WORK
REQUIREMENT.

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

Section 1. Section 27-2B-5 NMSA 1978 (being Laws 1998,
Chapter 8, Section 5 and Laws 1998, Chapter 9, Section 5) is
amended to read:

"27-2B-5. WORK REQUIREMENTS--WORK PARTICIPATION RATES. --

A. The following qualify as work activities:

- (1) unsubsidized employment;
- (2) subsidized private sector employment;
- (3) subsidized public sector employment;
- (4) work experience, including work

associated with the refurbishing of publicly assisted housing

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1 if sufficient private sector employment is not available;

2 (5) on-the-job training;

3 (6) job search and job readiness assistance,
4 as long as the department complies with the federal act;

5 (7) community service programs;

6 (8) vocational education, except that
7 vocational education shall not qualify as a work activity for
8 longer than is provided by the federal act;

9 (9) job skills training activities directly
10 related to employment;

11 (10) education directly related to employment
12 for a participant who has not received a high school diploma
13 or a certificate of high school equivalency;

14 (11) satisfactory attendance at a secondary
15 school or course of study leading to a certificate of general
16 equivalency in the case of a participant who has not completed
17 secondary school or received such a certificate; and

18 (12) the provision of child-care services to
19 a participant who is participating in a community service
20 program.

21 B. The department shall recognize community
22 service programs and job training programs that are operated
23 by an Indian nation, tribe or pueblo.

24 C. The department may not require a participant to
25 work more than four hours per week over the work requirement

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1 rate set pursuant to the federal act.

2 D. The department shall require a parent,
3 caretaker or other adult who is a member of a benefit group to
4 engage in a work activity once the department determines he is
5 ready to engage in a work activity or once he has received
6 cash assistance or services for twenty-four months or as
7 otherwise required by the federal act, whether or not
8 consecutive, whichever is earlier.

9 E. The following qualify as temporary alternative
10 work activities that the department may establish for no
11 longer than twelve weeks except as otherwise provided:

12 (1) participating in parenting classes, money
13 management classes or life skills training;

14 (2) participating in a certified alcohol or
15 drug addiction program;

16 (3) in the case of a homeless benefit group,
17 finding a home;

18 (4) in the case of a participant who is a
19 victim of domestic violence, residing in a domestic violence
20 shelter or receiving counseling or treatment or participating
21 in criminal justice activities directed at prosecuting the
22 domestic violence perpetrator, for no longer than twenty-four
23 weeks; and

24 (5) in the case of a participant who does not
25 speak English, participating in a course in English as a

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1 second language.

2 F. Subject to the availability of funds, the
3 department in cooperation with the labor department, New
4 Mexico office of Indian affairs and other appropriate state
5 agencies may develop projects to provide for the placement of
6 participants in work activities, including the following:

7 (1) participating in unpaid internships with
8 private and government entities;

9 (2) refurbishing publicly assisted housing;

10 (3) volunteering at a head start program or a
11 school;

12 (4) weatherizing low-income housing; and

13 (5) restoring public sites and buildings,
14 including monuments, parks, fire stations, police buildings,
15 jails, libraries, museums, auditoriums, convention halls,
16 hospitals, buildings for administrative offices and city
17 halls.

18 G. If a participant is engaged in full-time
19 post-secondary education studies or an activity set out in
20 Paragraphs (9) through (11) of Subsection A of this section,
21 the participant shall engage in another work activity at the
22 same time. Additionally, for two-parent families that receive
23 federally funded child-care assistance, the participant's
24 spouse shall engage in a work activity set out in Paragraphs
25 (1) through (5) or (7) of Subsection A of this section unless

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1 the participant suffers from a temporary or complete
2 disability that bars him from engaging in a work activity or
3 he is barred from engaging in a work activity because he
4 provides sole care for a disabled person.

5 H. A participant engaged in post-secondary
6 education studies shall make reasonable efforts to obtain a
7 loan, scholarship, grant or other assistance to pay for costs
8 and tuition and the department shall disregard those amounts
9 in the eligibility determination.

10 I. For as long as the described conditions exist,
11 the following are exempt from [the] an approved work
12 [~~requirement~~] activity:

13 (1) a participant barred from engaging in a
14 work activity because he is temporarily or completely
15 disabled;

16 (2) a participant over age sixty;

17 (3) a participant barred from engaging in a
18 work activity because he provides the sole care for a disabled
19 person;

20 (4) a single custodial parent caring for a
21 child less than twelve months old for a lifetime total of
22 twelve months;

23 (5) a single custodial parent caring for a
24 child under six years of age if the parent is unable to obtain
25 child care for one or more of the following reasons:

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1 (a) unavailability of appropriate child
2 care within a reasonable distance from the parent's home or
3 work as ~~defined~~ determined by the children, youth and
4 families department;

5 (b) unavailability or unsuitability of
6 informal child care by a relative under other arrangements as
7 defined by the children, youth and families department; or

8 (c) unavailability of appropriate and
9 affordable formal child-care arrangements as defined by the
10 children, youth and families department;

11 (6) a pregnant woman during her last
12 trimester of pregnancy;

13 (7) a participant prevented from working by a
14 temporary emergency or a situation that precludes work
15 participation for thirty days or less;

16 (8) a participant who demonstrates by
17 reliable medical, psychological or mental reports, court
18 orders or police reports that family violence or threat of
19 family violence effectively bars the participant from
20 employment; and

21 (9) a participant who demonstrates good cause
22 of the need for the exemption.

23 J. The department shall notify all participants of
24 the available programs and services that may assist the
25 participant in selecting appropriate child-care services,

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1 including assistance available through the children, youth and
2 families department.

3 K. The department shall notify a participant:

4 (1) that if appropriate child care is not
5 available, he may seek the exemption to the work requirement
6 in Paragraph (5) of Subsection I of this section;

7 (2) of the department's procedures to be used
8 by the participant to seek the exemption;

9 (3) that if a participant receives an
10 exemption because child care is unavailable, the exemption
11 does not extend the time limits on benefits; and

12 (4) that the participant has access to a fair
13 hearing process if a requested exemption is denied.

14 L. The children, youth and families department
15 shall make reasonable determination regarding whether child
16 care is available for a program participant. The children,
17 youth and families department shall determine whether
18 appropriate child care exists by considering:

19 (1) whether the child-care service allows the
20 participant to engage in a work activity appropriately;

21 (2) the number and predictability of
22 placements required to provide child care;

23 (3) whether the child care is suitable for
24 children with medical needs or other special needs as
25 determined by a physician other licensed health care provider;

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1 (4) whether the child-care service provides
2 infant care if necessary;

3 (5) whether non-center-based child care, if
4 selected by the participant, is suitable;

5 (6) whether a participant has reasonable
6 transportation, either public or private, available at the
7 hours transportation is needed to and from the participant's
8 child care and work activity considered along with the
9 distances the participant needs to travel with a child to
10 child care and to the work activity; and

11 (7) other special or extenuating
12 circumstances that directly affect a participant's ability to
13 access available child-care providers.

14 L. For the purposes of this section, "appropriate
15 child care" includes:

16 (1) reliable and consistent child care;

17 (2) available child care during the hours of
18 a participant's work activity or education activity;

19 (3) licensed or registered child care;

20 (4) child care that addresses special needs;

21 (5) child care that meets minimum health and
22 safety guidelines;

23 (6) child care that is culturally and
24 linguistically appropriate; and

25 (7) child care that is appropriate to a

1 child's age and development.

2 N. For the purposes of this section, "reasonable
3 distance" means that a participant either has:

4 (1) a reliable, independent mode of
5 transportation; or

6 (2) available public transportation that
7 operates at the hours of the participant's work activity or
8 education activity. "

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March 7, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 6, between lines 22 and 23, insert the following subsection:

"J. The department shall ensure that applicants and participants are screened to determine if they are victims of domestic violence. Screening may take place at any time, from application up to the point at which the case is scheduled for closure. Whether the applicant or participant self-identifies as a victim of domestic violence, requests one of the waivers

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available to a victim of family violence or presents indicia of family violence requiring further inquiry on behalf of the department, the department shall notify the applicant or participant about the procedures to apply for a waiver due to family violence. Notifications shall be both verbal and in writing and shall include:

(1) a definition of family violence, including examples of acts and circumstances which may constitute family violence;

(2) an explanation of the availability of exemptions from program requirements; and

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(3) an explanation of the procedures to appeal
the denial of an exemption. "

2. Reletter the succeeding subsections accordingly.

Respectfully submitted,

Shannon Robi nson, Chai rman

Adopted _____ Not

Adopted _____

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Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Stockard

Excused: Boitano, Howes, Ingle

Absent: None

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 10, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 346, as amended

Amendment sponsored by Senator Linda M Lopez

1. Strike Senate Public Affairs Amendments 1 and 2.

2. On page 6, between lines 22 and 23, insert the following subsection:

"J. The department shall notify all applicants and participants of the available programs and services that may assist families who are subject to family violence. Written material shall generally be available in local income support division offices and during group orientations. Notifications shall include:

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(1) a definition of family violence, including examples of acts and circumstances that may constitute family violence;

(2) an explanation of the availability of exemptions from program requirements; and

(3) information about appeals. "

3. Reletter the succeeding subsections accordingly.

4. On pages 8 and 9, strike Subsection L in its entirety.

5. Reletter the succeeding subsection accordingly.

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Linda M Lopez

Adopted _____ Not Adopted

(Chief Clerk)

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Date _____

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 19, 1999
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8 Mr. Speaker:
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10 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
11 whom has been referred
12

13 SENATE BILL 346, 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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21 _____
22 Max Coll, Chairman
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 10 For 5 Against

Yes: 10

No: Larrañaga, Marquardt, Parsons, Townsend, Wallace

Excused: Buffett, Pearce

Absent: None

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