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SENATE BILL 356

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 ENSURE THAT AN INDIVIDUALIZED EVALUATION OF EACH PARTICIPANT IS CONDUCTED.

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. The department shall  
9 determine that a parent, caretaker or other adult who is a  
10 member of a benefit group is ready to engage in a work  
11 activity by conducting an individualized assessment of him.  
12 The department shall not impose a uniform time period for all  
13 parents, caretakers or other adults who are members of a  
14 benefit group to engage in a work activity.

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

- 18 (1) participating in parenting classes, money  
19 management classes or life skills training;
- 20 (2) participating in a certified alcohol or  
21 drug addiction program;
- 22 (3) in the case of a homeless benefit group,  
23 finding a home;
- 24 (4) in the case of a participant who is a  
25 victim of domestic violence residing in a domestic violence

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1 shelter or receiving counseling or treatment or participating  
2 in criminal justice activities directed at prosecuting the  
3 domestic violence perpetrator, for no longer than twenty-four  
4 weeks; and

5 (5) in the case of a participant who does not  
6 speak English, participating in a course in English as a  
7 second language.

8 F. Subject to the availability of funds, the  
9 department in cooperation with the labor department, New  
10 Mexico office of Indian affairs and other appropriate state  
11 agencies may develop projects to provide for the placement of  
12 participants in work activities, including the following:

13 (1) participating in unpaid internships with  
14 private and government entities;

15 (2) refurbishing publicly assisted housing;

16 (3) volunteering at a head start program or a  
17 school;

18 (4) weatherizing low-income housing; and

19 (5) restoring public sites and buildings,  
20 including monuments, parks, fire stations, police buildings,  
21 jails, libraries, museums, auditoriums, convention halls,  
22 hospitals, buildings for administrative offices and city  
23 halls.

24 G. If a participant is engaged in full-time post-  
25 secondary education studies or an activity set out in

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1 Paragraphs (9) through (11) of Subsection A of this section,  
2 the participant shall engage in another work activity at the  
3 same time. Additionally, for two-parent families that receive  
4 federally funded child-care assistance, the participant's  
5 spouse shall engage in a work activity set out in Paragraphs  
6 (1) through (5) or (7) of Subsection A of this section unless  
7 the participant suffers from a temporary or complete  
8 disability that bars him from engaging in a work activity or  
9 he is barred from engaging in a work activity because he  
10 provides sole care for a disabled person.

11 H. A participant engaged in post-secondary  
12 education studies shall make reasonable efforts to obtain a  
13 loan, scholarship, grant or other assistance to pay for costs  
14 and tuition and the department shall disregard those amounts  
15 in the eligibility determination.

16 I. For as long as the described conditions exist,  
17 the following are exempt from the work requirement:

18 (1) a participant barred from engaging in a  
19 work activity because he is temporarily or completely  
20 disabled;

21 (2) a participant over age sixty;

22 (3) a participant barred from engaging in a  
23 work activity because he provides the sole care for a disabled  
24 person;

25 (4) a single custodial parent caring for a

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1 child less than twelve months old for a lifetime total of  
2 twelve months;

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

6 (a) unavailability of appropriate child  
7 care within a reasonable distance from the parent's home or  
8 work as defined by the children, youth and families  
9 department;

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

13 (c) unavailability of appropriate and  
14 affordable formal child-care arrangements as defined by the  
15 children, youth and families department;

16 (6) a pregnant woman during her last  
17 trimester of pregnancy;

18 (7) a participant prevented from working by a  
19 temporary emergency or a situation that precludes work  
20 participation for thirty days or less;

21 (8) a participant who demonstrates by  
22 reliable medical, psychological or mental reports, court  
23 orders or police reports that family violence or threat of  
24 family violence effectively bars the participant from  
25 employment; and

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

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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5  
6 March 7, 1999

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8 Mr. President:

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

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13 SENATE BILL 356

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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,  
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Shannon Robinson, Chairman

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

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Howes, Ingle

Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 10, 1999  
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8 Mr. President:  
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10 Your FINANCE COMMITTEE, to whom has been referred  
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12 SENATE BILL 356  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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17  
18 Respectfully submitted,  
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24 Ben D. Altamirano, Chairman  
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1 Adopted \_\_\_\_\_

2 (Chief Clerk)

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

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9 The roll call vote was 6 For 1 Against

10 Yes: 6

11 No: Wilson

12 Excused: Carraro, Eisenstadt, McKibben, Rodriguez, Tsosie, Fidel

13 Absent: None

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 15, 1999

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8 Mr. Speaker:

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10 Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
11 whom has been referred

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13 SENATE BILL 356

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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 Max Coll, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 5 Against

Yes: 7

No: Buffett, Heaton, Pearce, Townsend, Wallace

Excused: Larrañaga, Marquardt, Parsons, Salazar, Watchman

Absent: None

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