

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 359

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

INTRODUCED BY

Ramsay L. Gorham

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE DISREGARDS INCLUDED IN 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;

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

- 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. The following income sources are exempt from
13 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;

underscored material = new
[bracketed material] = delete

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. Earned income over one hundred thirty percent
20 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. The department shall count the entire household

underscored material = new
[bracketed material] = delete

1 group to determine family size when applying the financial
2 standard of need. For a benefit group to be eligible to
3 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)~~] (4) of Subsection F of this
12 section.

13 F. 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;~~

underscored material = new
[bracketed material] = delete

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

~~(3)~~ (2) costs of self-employment income;
~~(4)~~ (3) business expenses; and
~~(5)~~ (4) 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. 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. "