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HOUSE BILL 228

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

INTRODUCED BY

Judy Vanderstar Russell

AN ACT

RELATING TO PUBLIC ASSISTANCE; ALLOWING SELF-EMPLOYMENT TO
COUNT AS A WORK ACTIVITY.

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, including self-
employment;

(2) subsidized private sector employment,
including self-employment;

(3) subsidized public sector employment;

(4) work experience, including work

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1 associated with the refurbishing of publicly assisted housing
2 if sufficient private sector employment is not available;

3 (5) on-the-job training;

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

6 (7) community service programs;

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

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

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

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

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

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

25 C. The department may not require a participant to

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1 work more than four hours per week over the work requirement
2 rate set pursuant to the federal act.

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

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

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

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

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

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

25 (5) in the case of a participant who does not

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1 speak English, participating in a course in English as a
2 second language.

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

- 8 (1) participating in unpaid internships with
9 private and government entities;
- 10 (2) refurbishing publicly assisted housing;
- 11 (3) volunteering at a head start program or a
12 school;
- 13 (4) weatherizing low-income housing; and
- 14 (5) restoring public sites and buildings,
15 including monuments, parks, fire stations, police buildings,
16 jails, libraries, museums, auditoriums, convention halls,
17 hospitals, buildings for administrative offices and city
18 halls.

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

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1 (1) through (5) or (7) of Subsection A of this section unless
2 the participant suffers from a temporary or complete
3 disability that bars him from engaging in a work activity or
4 he is barred from engaging in a work activity because he
5 provides sole care for a disabled person.

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

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

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

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

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

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

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

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

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

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 4, 1999
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8 Mr. Speaker:
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10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 228
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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.

18 Respectfully submitted,
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22 _____
23 Sheryl Williams Stapleton,
24 Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HLC/HB 228

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 8 For 0 Against

11 Yes: 8

12 Excused: Pederson

13 Absent: None

15 J: \99BillsWP\H0228

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 February 15, 1999

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7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

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12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

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15 Respectfully submitted,

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20 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

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Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Garcia, Godbey, Luna, Thompson, T.

Absent: None

J: \99BillsWP\H0228

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1 HJ/ HB 333

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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March 12, 1999

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Mr. Presi dent:

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Your PUBLIC AFFAIRS COMMI TTEE, to whom has been

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referred

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has had it under consideration and reports same with

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recomm~~endation~~ that it DO PASS.

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FORTY-FOURTH LEGISLATURE
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1 HJ/HB 333

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 5 For 0 Against

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Yes: 5

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No: 0

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Excused: Boitano, Howes, Ingle, Smith

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Absent: None

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