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HOUSE BILL 908

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

INTRODUCED BY

Max Coll

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

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

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5
6 February 22, 1999

7
8 Mr. Speaker:

9
10 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 908

14
15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS, but that

17 HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
18 SUBSTITUTE FOR HOUSE BILL 908

19
20 DO PASS.
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Respectfully submitted,

Max Coll, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Coll, Watchman

Absent: None

J: \99BillSWP\H0908

1 HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
2 HOUSE BILL 908
3 **44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**
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9 AN ACT

10 RELATING TO THE PUBLIC PEACE, WELFARE AND SAFETY; CHANGING THE
11 CASH PAYMENT PROVIDED TO THOSE NEW MEXICO WORKS PARTICIPANTS
12 WHO DO NOT RECEIVE GOVERNMENT-SUBSIDIZED HOUSING OR HOUSING
13 PAYMENTS; DECLARING AN EMERGENCY.

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

15 Section 1. Section 27-2B-7 NMSA 1978 (being Laws 1998,
16 Chapter 8, Section 7 and Laws 1998, Chapter 9, Section 7) is
17 amended to read:

18 "27-2B-7. FINANCIAL STANDARD OF NEED. --

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

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

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

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

B. ~~[The cash benefit level for]~~ Only a benefit group receiving a cash benefit of seventy-five dollars (\$75.00) or greater, excluding any housing subsidy payment, and who are not living in government-subsidized housing or receiving government-subsidized housing payments shall [be increased by one hundred dollars (\$100)] receive an additional housing allowance of fifty dollars (\$50.00) per month.

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

- (1) medicaid;
- (2) food stamps;
- (3) government-subsidized foster care and adoption payments;
- (4) supplemental security income;
- (5) government-subsidized housing or housing payments;
- (6) federally excluded income;
- (7) educational payments made directly to an educational institution;
- (8) government-subsidized child care;
- (9) earned and unearned income that belongs to a person ~~[eighteen]~~ seventeen years of age or younger who is not the head of household;
- (10) for the first two years of receiving cash assistance or services, if a participant works over the

1 work requirement rate set by the department pursuant to the
2 New Mexico Works Act, one hundred percent of the income earned
3 by the participant beyond that rate;

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

10 (12) unearned income that belongs to the
11 household group but not to the benefit group; [and]

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

15 [~~(13)~~] (14) other income sources as
16 determined by the department.

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

23 E. The department shall count the entire household
24 group to determine family size when applying the financial
25 standard of need. For a benefit group to be eligible to
participate:

(1) gross countable earned income, that
belongs to the household group but not to the benefit group,

1 must not exceed one hundred eighty-five percent of the
 2 financial standard of need; and

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

8 F. Subject to the availability of state and
 9 federal funds, the department shall determine the cash payment
 10 of the benefit group by applying the following disregards to
 11 the benefit group's earned gross income and then subtracting
 12 that amount from the benefit group's financial standard of
 13 need:

14 (1) one hundred fifty dollars (\$150) of
 15 monthly earned income and one-half of the remainder, or for a
 16 two-parent family, two hundred fifty dollars (\$250) of monthly
 17 earned income and one-half of the remainder for each parent;

18 (2) monthly payments made for child care at a
 19 maximum of two hundred dollars (\$200) for a child under two
 20 years of age and at a maximum of one hundred seventy-five
 21 dollars (\$175) for a child two years of age or older;

22 (3) costs of self-employment income; and

23 (4) business expenses [and

24 ~~(5) fifty dollars (\$50.00) of collected child~~
 25 ~~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

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1 assistance on a monthly basis not to exceed fifteen percent of
2 the financial standard of need applicable to the benefit
3 group. "

4 Section 2. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect
6 immediately.

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1 FORTY- FOURTH LEGI SLATURE
2 FIRST SESSI ON, 1999

HB 908/a

3
4 March 1, 1999

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6 Mr. Presi dent:

7
8 Your FINANCE COMMI TTEE, to whom has been referred

9
10 HOUSE APPROPRIATIONS AND FINANCE COMMI TTTEE
11 SUBSTITUTE FOR HOUSE BILL 908

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

14
15 1. On page 1, line 11, strike "WELFARE AND" and insert in
16 lieu thereof "HEALTH,".

17
18 2. On page 1, line 11, after "SAFETY" insert "AND
19 WELFARE".

20 Respectfully submi tted,
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24 _____
Ben D. Altami rano, Chair man

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HAFC/HB 908

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Carraro, Ingle, Lyons, McKibben, Tsosie, Wilson

Absent: None

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