Fifty-seventh Legislative Assembly of North Dakota

## HOUSE BILL NO. 1108

Introduced by

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**Human Services Committee** 

(At the request of the Department of Human Services)

- 1 A BILL for an Act to amend and reenact subsection 2 of section 50-01.2-00.1, sections
- 2 50-09-06, 50-09-06.1, and subsection 1 of section 50-09-29 of the North Dakota Century Code,
- 3 relating to the temporary assistance for needy families program; and to repeal sections
- 4 50-06-01.8 and 50-09-26 of the North Dakota Century Code, relating to transition to the
- 5 temporary assistance for needy families program.

## **6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- **SECTION 1. AMENDMENT.** Subsection 2 of section 50-01.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:
  - 2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management temporary assistance for needy families program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

**SECTION 2. AMENDMENT.** Section 50-09-06 of the North Dakota Century Code is amended and reenacted as follows:

1	50-0	<b>09-06.</b> Application for assistance - Assignment of support rights. Application		
2	for assistar	nce under this chapter must be made to the county agency in the manner and form		
3	prescribed	by the state agency. The application must contain such information as the state		
4	agency ma	y require, and the action of the state agency in approving and granting assistance or		
5	in disappro	ving and denying assistance is final and binding on the county agency. An		
6	application	for assistance under this chapter is deemed to create and effect an assignment of		
7	all rights of support, which exist or may come to exist for the benefit of the child, to the state			
8	agency and county agency. The assignment:			
9	<del>1.</del>	Is effective as to both current and accrued child support obligations.		
10	<del>2.</del>	Takes effect upon a determination of eligibility for assistance under this chapter.		
11	<del>3.</del>	Terminates when an applicant ceases to receive assistance under this chapter,		
12		except with respect to the amount of any unpaid support obligation accrued under		
13		the assignment.		
14	SEC	CTION 3. AMENDMENT. Section 50-09-06.1 of the North Dakota Century Code is		
15	amended and reenacted as follows:			
16	50-0	09-06.1. Application for foster care for children - Assignment of support		
16 17		09-06.1. Application for foster care for children - Assignment of support plication for foster care for children must be made to the county agency in the		
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17	rights. Ap	plication for foster care for children must be made to the county agency in the		
17 18	rights. Ap	plication for foster care for children must be made to the county agency in the		
17 18 19	rights. Ap	plication for foster care for children must be made to the county agency in the d form prescribed by the state agency. The application must contain such as the state agency may require. An application for foster care for children under		
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17 18 19 20 21 22 23 24	rights. Apmanner and information this chapter family memagency. The 1.	plication for foster care for children must be made to the county agency in the deform prescribed by the state agency. The application must contain such as the state agency may require. An application for foster care for children under is deemed to create and effect an assignment of all rights to support, which the analysis of county the assignment:  Is effective as to both all current and accrued child support obligations and periods of eligibility;		
17 18 19 20 21 22 23 24 25	rights. Apmanner and information this chapter family memagency. The 1.	plication for foster care for children must be made to the county agency in the d form prescribed by the state agency. The application must contain such as the state agency may require. An application for foster care for children under is deemed to create and effect an assignment of all rights to support, which the anaber or foster child may have or come to have, to the state agency and county he assignment:  Is effective as to both all current and accrued child support obligations: and periods of eligibility;  Takes effect upon a determination that the child is eligible for foster care for		
17 18 19 20 21 22 23 24 25 26	rights. Apmanner and information this chapter family memagency. The 1.	plication for foster care for children must be made to the county agency in the deform prescribed by the state agency. The application must contain such as the state agency may require. An application for foster care for children under is deemed to create and effect an assignment of all rights to support, which the anaber or foster child may have or come to have, to the state agency and county the assignment:  Is effective as to both all current and accrued child support obligations: and periods of eligibility;  Takes effect upon a determination that the child is eligible for foster care for child;		
17 18 19 20 21 22 23 24 25 26 27	rights. Apmanner and information this chapter family memagency. The second of the seco	plication for foster care for children must be made to the county agency in the different prescribed by the state agency. The application must contain such as the state agency may require. An application for foster care for children under is deemed to create and effect an assignment of all rights to support, which the a obser or foster child may have or come to have, to the state agency and county the assignment:  Is effective as to both all current and accrued child support obligations: and periods of eligibility:  Takes effect upon a determination that the child is eligible for foster care for children. Is limited to the total cost of benefits provided to the family or foster child; and		

1	SE	СТІО	N 4. AMENDMENT. Subsection 1 of section 50-09-29 of the North Dakota				
2	Century Code is amended and reenacted as follows:						
3	1.	Exc	ept as provided in subsections 2, 3, and 5 through 7, the department of human				
4		ser	vices, in its administration of temporary assistance for needy families in the				
5		forn	n of the training, education, employment, and management program, shall:				
6		a.	Provide assistance to otherwise eligible women in the third trimester of a				
7			pregnancy;				
8		b.	Except as provided in subdivision c, afford eligible households benefits for no				
9			more than sixty months;				
10		C.	Exempt up to twenty percent of the caseload from the requirements of				
11			subdivision b due to mental or physical disability of a parent or child, mental or				
12			physical incapacity of a parent, domestic violence perpetrated against a				
13			parent, or other hardship;				
14		d.	Unless an exemption, exclusion, or disregard is required by law, count income				
15			and assets whenever actually available;				
16		e.	Unless otherwise required by federal law, and except as provided in				
17			subdivision $\frac{1}{2}$ k, provide no benefits to noncitizen immigrants who arrive in the				
18			United States after August 21, 1996, for the first five years of residence in the				
19			United States, and after five years of residence, until the immigrant has ten				
20			years of work history, provide benefits only after considering the income and				
21			assets of the immigrant's sponsor;				
22		f.	Limit eligibility to households with total available assets, not otherwise				
23			exempted or excluded, of a value established by the department not to				
24			exceed five thousand dollars for a one-person household and eight thousand				
25			dollars for a household of two or more;				
26		g.	Seek approval of appropriate federal officials, and, if approved, use a				
27			simplified food stamp program to provide food stamp benefits to eligible				
28			households receiving temporary assistance for needy families;				
29		<del>h.</del>	Exclude one motor vehicle of any value in determining eligibility;				
30	<del>i.</del>	<u>h.</u>	Require work activities as defined in section 14-08.1-05.1 for all household				
31			members not specifically exempted by the department of human services for				

1		reasons such as mental or physical disability of a parent or child or mental or
2		physical incapacity of a parent;
3	<del>j.</del> <u>i.</u>	Establish goals and take action to prevent and reduce the incidence of
4		out-of-wedlock pregnancies and establish numerical goals for reducing the
5		illegitimacy rate for the state for periods through calendar year 2005;
6	<del>к.</del> <u>ј.</u>	Conduct a program, designed to reach state and local law enforcement
7		officials, the education system, and relevant counseling services, which
8		provides education and training on the problem of statutory rape so that
9		teenage pregnancy prevention programs may be expanded in scope to
10		include men;
11	<del>l.</del>	Afford otherwise eligible households that have resided in this state less than
12		twelve months benefits subject to the lifetime limit of the household's
13		immediately previous state of residence;
14	<del>m.</del> <u>k.</u>	Provide benefits to otherwise eligible noncitizens who are lawfully present in
15		the United States as refugees, asylees, veterans, active duty military
16		personnel, spouses and dependents of active duty military personnel, and
17		Cuban-Haitian entrants;
18	<del>n.</del> <u>l.</u>	Establish and enforce standards against program fraud and abuse;
19	<del>o.</del> <u>m.</u>	Establish procedures to screen and identify victims of domestic violence for
20		referral to appropriate services which are to be incorporated into the training,
21		education, employment, and management temporary assistance for needy
22		families program assessment effective June 30, 1998;
23	<del>p.</del> <u>n.</u>	Provide an employment placement program;
24	<del>q.</del> <u>o.</u>	Implement, as soon as practicable, an electronic fund transfer system;
25	<del>r.</del> <u>p.</u>	Consider exempting funds in individual development accounts;
26	<del>s.</del> <u>q.</u>	Determine the unemployment rate of adults living en an in a county that
27		includes Indian reservation lands and a significant population of Indian
28		individuals by using the unemployment data provided by job service North
29		Dakota;
30	<del>t.</del> <u>r.</u>	When appropriate, require household members to complete high school;

1 <del>u.</del> <u>s.</u> Exempt single parents from required work activities as defined in 2 section 14-08.1-05.1 if the exempted parent has a child under four months of 3 age; 4 Count only approved work activities as defined in section 14-08.1-05.1 for the 5 purpose of measuring work participation rates; 6 ₩. t. Provide for progressive sanctions, including termination of assistance to the 7 household, if a household member fails to cooperate with work requirements; 8 Provide for progressive sanctions, including termination of assistance to the <del>x.</del> u. 9 household, if a household member fails, without good cause, to cooperate 10 with child support activities; 11 Deny assistance with respect to a minor child absent from the household for <del>y.</del> <u>v.</u> 12 more than one calendar month, except as specifically provided by the state 13 agency for absences; 14 Require each household to participate in developing an individual <del>Z.</del> W. 15 responsibility plan and provide for progressive sanctions, including 16 termination of assistance to the household, if adult or minor household 17 members age sixteen or older fail to cooperate in developing an individual 18 responsibility plan; 19 Provide pre-pregnancy family planning services that are to be incorporated <del>аа.</del> х. 20 into the training, education, employment, and management temporary 21 assistance for needy families program assessment effective June 30, 1998; 22 Seek federal funding to assist in the evaluation of the program; <del>bb.</del> y. 23 Seek the approval of the secretary to develop and use a single application <del>cc.</del> 24 form for all economic assistance programs administered by the county social 25 service boards; 26 <del>dd.</del> z. After June 30, 1998, except Except in cases of pregnancy resulting from rape 27 or incest, not increase the assistance amount to recognize the increase in 28 household size when a child is born to a household member who was a 29 recipient of assistance under this chapter during the month of the child's 30 probable conception;

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1	<del>ee.</del> <u>aa.</u>	Disregard earned income as an incentive allowance for no more than twelve				
2		months; <del>and</del>				
3	ff. bb.	Except as otherwise may be permitted by federal law, not reduce or terminate				
4		benefits based on a refusal of an individual to work if the individual is a single				
5		custodial parent caring for a child who has not attained six years of age and				
6		the individual proves a demonstrated inability to obtain needed child care				
7		because of the:				
8		(1) Unavailability of appropriate child care within a reasonable distance				
9		from the individual's home or work site;				
10		(2) Unavailability or unsuitability of informal child care by a relative or under				
11		other arrangements; or				
12		(3) Unavailability of appropriate and affordable formal child care				
13		arrangements; and				
14	CC.	Consider, and if determined appropriate, authorize demonstration projects in				
15		defined areas which may provide benefits and services that are not identified				
16		to benefits and services provided elsewhere.				
17	SECTION 5. REPEAL. Sections 50-06-01.8 and 50-09-26 of the North Dakota Century					
18	Code are repeal	d.				