

HOUSE BILL NO. 1460

Introduced by

Representatives Niemeier, Kerzman, Potter

Senator Mathern

1 A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 of the North Dakota
2 Century Code, relating to temporary assistance for needy families benefits.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 50-09-29 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. Except as provided in subsections 2, 3, and 5 through 7, the department of human
7 services, in its administration of the temporary assistance for needy families
8 program, shall:
- 9 a. Provide assistance to otherwise eligible women in the third trimester of a
10 pregnancy;
 - 11 b. Except as provided in subdivision c, afford eligible households benefits for no
12 more than sixty months;
 - 13 c. Exempt up to twenty percent of the caseload from the requirements of
14 subdivision b due to mental or physical disability of a parent or child, mental or
15 physical incapacity of a parent, or other hardship including a parent subject to
16 domestic violence as defined in section 14-07.1-01;
 - 17 d. Unless an exemption, exclusion, or disregard is required by law, count income
18 and assets whenever actually available;
 - 19 e. Unless otherwise required by federal law, and except as provided in
20 subdivision k, provide no benefits to noncitizen immigrants who arrive in the
21 United States after August 21, 1996, for the first five years of residence in the
22 United States, and after five years of residence, until the immigrant has ten
23 years of work history, provide benefits only after considering the income and
24 assets of the immigrant's sponsor;

- 1 f. Limit eligibility to households with total available assets, not otherwise
- 2 exempted or excluded, of a value established by the department not to
- 3 exceed five thousand dollars for a one-person household and eight thousand
- 4 dollars for a household of two or more;
- 5 g. Exclude one motor vehicle of any value in determining eligibility;
- 6 h. Require work activities as defined in section 14-08.1-05.1 for all household
- 7 members not specifically exempted by the department of human services for
- 8 reasons such as mental or physical disability of a parent or child or mental or
- 9 physical incapacity of a parent;
- 10 i. Establish goals and take action to prevent and reduce the incidence of
- 11 out-of-wedlock pregnancies and establish numerical goals for reducing the
- 12 illegitimacy rate for the state for periods through calendar year 2005;
- 13 j. Conduct a program, designed to reach state and local law enforcement
- 14 officials, the education system, and relevant counseling services, which
- 15 provides education and training on the problem of statutory rape so that
- 16 teenage pregnancy prevention programs may be expanded in scope to
- 17 include men;
- 18 k. Provide benefits to otherwise eligible noncitizens who are lawfully present in
- 19 the United States as refugees, asylees, veterans, active duty military
- 20 personnel, spouses and dependents of active duty military personnel, and
- 21 Cuban-Haitian entrants;
- 22 l. Establish and enforce standards against program fraud and abuse;
- 23 m. Establish procedures to screen and identify victims of domestic violence for
- 24 referral to appropriate services which are to be incorporated into the
- 25 temporary assistance for needy families program assessment;
- 26 n. Provide an employment placement program;
- 27 o. Implement, as soon as practicable, an electronic fund transfer system;
- 28 p. Consider exempting funds in individual development accounts;
- 29 q. Determine the unemployment rate of adults living in a county that includes
- 30 Indian reservation lands and a significant population of Indian individuals by
- 31 using unemployment data provided by job service North Dakota;

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- 1 r. When appropriate, require household members to complete high school;
- 2 s. Exempt single parents from required work activities as defined in section
- 3 14-08.1-05.1 if the exempted parent has a child under four months of age;
- 4 t. Provide for sanctions, including termination of assistance to the household, if
- 5 a household member fails to cooperate with work requirements;
- 6 u. Provide for sanctions, including termination of assistance to the household, if
- 7 a household member fails, without good cause, to cooperate with child
- 8 support activities;
- 9 v. Deny assistance with respect to a minor child absent from the household for
- 10 more than one calendar month, except as specifically provided by the state
- 11 agency for absences;
- 12 w. Require each household to participate in developing an individual
- 13 responsibility plan and provide for sanctions, including termination of
- 14 assistance to the household, if adult or minor household members age sixteen
- 15 or older fail to cooperate in developing an individual responsibility plan;
- 16 x. Provide pre-pregnancy family planning services that are to be incorporated
- 17 into the temporary assistance for needy families program assessment;
- 18 y. Seek federal funding to assist in the evaluation of the program;
- 19 z. ~~Except in cases of pregnancy resulting from rape or incest, not increase the~~
- 20 ~~assistance amount to recognize the increase in household size when a child~~
- 21 ~~is born to a household member who was a recipient of assistance under this~~
- 22 ~~chapter during the month of the child's probable conception;~~
- 23 aa. Disregard earned income as an incentive allowance for no more than twelve
- 24 months;
- 25 ~~bb.~~ aa. Except as otherwise may be permitted by federal law, not reduce or terminate
- 26 benefits based on a refusal of an individual to work if the individual is a single
- 27 custodial parent caring for a child who has not attained six years of age and
- 28 the individual proves a demonstrated inability to obtain needed child care
- 29 because of the:
- 30 (1) Unavailability of appropriate child care within a reasonable distance
- 31 from the individual's home or work site;

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- 1 (2) Unavailability or unsuitability of informal child care by a relative or under
2 other arrangements; or
3 (3) Unavailability of appropriate and affordable formal child care
4 arrangements; and
5 ee. bb. Consider, and if determined appropriate, authorize demonstration projects in
6 defined areas which may provide benefits and services that are not identical
7 to benefits and services provided elsewhere.