

**Fifty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2155  
(Human Services Committee)  
(At the request of the Department of Human Services)

AN ACT to create and enact a new subsection to section 50-09-01 of the North Dakota Century Code, relating to the definition of work activity for purposes of the temporary assistance for needy families program; and to amend and reenact subdivision m of subsection 2 of section 14-08.1-05.1 and section 50-09-29 of the North Dakota Century Code, relating to work and the requirements for the administration of temporary assistance for needy families.

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

**SECTION 1. AMENDMENT.** Subdivision m of subsection 2 of section 14-08.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

- m. Postsecondary education and any other activity permitted or required to be treated by the federal government as work for purposes of calculating a work participation rate under 42 U.S.C. 607(b).

**SECTION 2.** A new subsection to section 50-09-01 of the North Dakota Century Code is created and enacted as follows:

"Work activity" means any activity permitted or required to be treated as work for purposes of calculating a work participation rate.

**SECTION 3. AMENDMENT.** Section 50-09-29 of the North Dakota Century Code is amended and reenacted as follows:

**50-09-29. Requirements for administration of temporary assistance for needy families.**

1. Except as provided in subsections 2, 3, and ~~5 through 7~~ 4, the department of human services, in its administration of the temporary assistance for needy families program, shall:
  - a. Provide assistance to otherwise eligible women in the third trimester of a pregnancy;
  - b. Except as provided in subdivision c, afford eligible households benefits for no more than sixty months;
  - c. ~~Exempt up to twenty percent of the caseload~~ eligible households from the requirements of subdivision b due to mental or physical disability of a parent or child, mental or physical incapacity of a parent, or other hardship including a parent subject to domestic violence as defined in section 14-07.1-01;
  - d. Unless an exemption, exclusion, or disregard is required by law, count income and assets whenever actually available;
  - e. ~~Unless otherwise required by federal law, and except~~ Except as provided in subdivision ~~k~~ j, and as required to allow the state to receive funds from the federal government under title IV-A, provide no benefits to noncitizen immigrants who arrive in the United States after August 21, 1996, ~~for the first five years of residence in the United States, and after five years of residence, until the immigrant has ten years of work history, provide benefits only after considering the income and assets of the immigrant's sponsor;~~

- f. Limit eligibility to households with total available assets, not otherwise exempted or excluded, of a value established by the department not to exceed five thousand dollars for a one-person household and eight thousand dollars for a household of two or more;
- g. Exclude one motor vehicle of any value in determining eligibility;
- h. Require work activities ~~as defined in section 14-08.1-05.1~~ for all household members not specifically exempted by the department of human services for reasons such as mental or physical disability of a parent or child or mental or physical incapacity of a parent;
- i. Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies and establish numerical goals for reducing the illegitimacy rate for the state for periods through calendar year 2005;
- j. ~~Conduct a program, designed to reach state and local law enforcement officials, the education system, and relevant counseling services, which provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men;~~
- ~~k. Provide~~ To the extent required to allow the state to receive funds from the federal government under title IV-A, provide benefits to otherwise eligible noncitizens who are lawfully present in the United States ~~as refugees, asylees, veterans, active duty military personnel, spouses and dependents of active duty military personnel, and Cuban-Haitian entrants;~~
- l. k. Establish and enforce standards against program fraud and abuse;
- ~~m. Establish procedures to screen and identify victims of domestic violence for referral to appropriate services which are to be incorporated into the temporary assistance for needy families program assessment;~~
- ~~n. l.~~ l. Provide an employment placement ~~program~~ programs;
- ~~o. m.~~ m. ~~Implement, as soon as practicable,~~ Consider implementing an electronic fund transfer system;
- ~~p. n.~~ n. Consider exempting funds in individual development accounts;
- ~~q. o.~~ o. Determine the unemployment rate of adults living in a county that includes Indian reservation lands and a significant population of Indian individuals by using unemployment data provided by job service North Dakota;
- ~~r. p.~~ p. When appropriate, require household members to complete high school;
- ~~s. q.~~ q. ~~Exempt~~ To the extent required to allow the state to receive funds from the federal government under title IV-A, exempt single parents from required work activities ~~as defined in section 14-08.1-05.1 if the exempted parent has a child under four months of age;~~
- ~~t. r.~~ r. Provide for sanctions, including termination of assistance to the household, if a household member fails to cooperate with work requirements;
- ~~u. s.~~ s. Provide for sanctions, including termination of assistance to the household, if a household member fails, without good cause, to cooperate with child support activities;

- v. t. Deny assistance with respect to a minor child absent from the household for more than one calendar month, except as specifically provided by the state agency for absences;
  - w. u. Require each household to participate in developing an individual responsibility plan and provide for sanctions, including termination of assistance to the household, if adult or minor household members age sixteen or older fail to cooperate in developing an individual responsibility plan;
  - x. v. Provide pre-pregnancy family planning services that are to be incorporated into the temporary assistance for needy families program assessment;
  - y. ~~Seek federal funding to assist in the evaluation of the program;~~
  - z. w. Except in cases of pregnancy resulting from rape or incest, not increase the assistance amount to recognize the increase in household size when a child is born to a household member who was a recipient of assistance under this chapter during the probable month of the child's ~~probable~~ conception;
  - aa. x. Disregard earned income as an incentive allowance for no more than twelve months;
  - bb. ~~Except as otherwise may be permitted by federal law, not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:~~
    - (1) ~~Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;~~
    - (2) ~~Unavailability or unsuitability of informal child care by a relative or under other arrangements; or~~
    - (3) ~~Unavailability of appropriate and affordable formal child care arrangements; and~~
  - ee. y. Consider, and if determined appropriate, authorize demonstration projects in defined areas which may provide benefits and services that are not identical to benefits and services provided elsewhere.
2. If the secretary of the United States department of health and human services determines that funds otherwise available for the temporary assistance for needy families program in this state must be reduced or eliminated should the department of human services administer the program in accordance with any provision of subsection 1, the department of human services shall administer the program in a manner that avoids the reduction or loss.
  3. ~~If the caseload of households provided assistance exceeds projections provided to the fifty fifth legislative assembly by the department of human services, the department of human services, subject to the approval of the legislative council, shall administer the temporary assistance for needy families program in a manner that avoids expending or committing all funds appropriated for that purpose earlier than June 30, 1999.~~
  4. ~~If administratively feasible, the department may establish a program that provides for payment of assistance after performance by individuals required to engage in work activities, as defined in section 14-08.1-05.1.~~
  5. If the department of human services determines, subject to the approval of the legislative council, that there is insufficient worker opportunity, due to increases in the unemployment rate, to participate in work activities ~~as defined by section 14-08.1-05.1~~, the department

may administer the temporary assistance for needy families program in a manner different than provided in subsection 1.

6. 4. If the department of human services determines, subject to the approval of the legislative council, that administration of the temporary assistance for needy families program, in the manner provided by subsection 1, causes otherwise eligible individuals to become a charge upon the counties under chapter 50-01, the department may administer the program in a manner that avoids that result.
7. ~~If projected rates of expenditures for operation of the temporary assistance for needy families program, approved by the legislative council, indicate that appropriations for that purpose will be expended or committed earlier than June 30, 1999, the department of human services shall administer the temporary assistance for needy families program in a manner that avoids that result.~~

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2155.

Senate Vote:    Yeas    41        Nays    0        Absent    6

House Vote:    Yeas    89        Nays    0        Absent    5

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2003.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State