

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2155

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Y. Beresa d. Lee  
Operator's Signature

10-16-03  
Date

2003 SENATE HUMAN SERVICES

SB 2155

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Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2155

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	X		2260 - end
		X	0 - 2912
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE, Chairman, called the meeting to order..

JOHN HOUGEN: Director of Public Assistance for the Department of Human Services provided comments on proposed changes to state law concerning the Temporary Assistance to Needy Families (TANF) program. (Written testimony) (Meter # 2260 - 4100)

Question by SENATOR FISCHER regarding unemployment rates being changed from Job Service to BIA and response by JOHN HOUGEN. He stated that they wanted to continue doing what they doing with Job Service. He stated they are proposed what might happen with the Feds. (Meter #4101)

SENATOR BROWN asked what if the Federal Law does not change and JOHN HOUGEN responded: (Meter #4450) One of the things that we were trying to do here was anticipate things that are most talked about that are most likely to change and kind of remove the potential for

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*10-16-03*  
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Senate Human Services Committee

Bill/Resolution Number SB 2155

Hearing Date 01-08-03

conflict between what is in Century Code and what is in Federal Law. If the Federal Law doesn't change, we will continue to follow what the Federal Law is.

SENATOR LEE: (Meter # 4485) I have been several meetings of the National Conference of State Legislatures and they continue to get misguided information about their efforts to get the reauthorization of TANF completed. It's a frustration for every state and for the NPSL that this continues only by resolution and we do hope that something good will come before the end of our legislative session. The best we can hope for is a two-year reauthorization with perhaps not a great deal of change.

JOHN HOUGEN: (Meter # 4607) What we chose to change tends to be things that have been emphasized quite a bit in this discussion. Even if we are wrong, Federal Law takes precedent in many areas over state law so we will have to work with that. This is our best guess about something that will us flexibility to accomplish what we need to accomplish.

SENATOR FAIRFIELD: (Meter # 4751) Questioned Federal primacy and if we can maintain primacy if our standards are above and beyond what the Federal government is requiring.

JOHN HOUGEN: (Meter #4895) Would like as much flexibility as possible to craft our program and make allowable requirements as we can.

SENATOR FAIRFIELD: (Meter # 5236) Questioned directives with the Health Department.  
and JOHN HOUGEN responded that a good working relationship exists.

SENATOR LEE: (Meter #5398) Questioned whether there would be any areas of "red flags" for us in any way as far as making these changes are concerned or do you see them as housekeeping in order to comply with the Feds.

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Senate Human Services Committee

Bill/Resolution Number SB 2155

Hearing Date 01-08-03

JOHN HOUGEN: We took the task to correct some things, hopefully not to offend anybody. I can't predict with certainty that there is not somebody out there who might take issue with some things.

SENATOR LEE: Questioned the 12 month per child instead of 12 month per family?

JOHN HOUGEN: ( Meter #5621) Responded regarding work participation rates and child care costs that are in place.

SENATOR LEE: (Meter #5875) There were some very strict rules that came through 1997.

This bill will allow us more latitude.

LARRY BERNHARDT, Director of Stark County Social Services, representing the County Social Services Directors Association, testified. (Meter # 6110) They reviewed bill and do not have any problem with it. Supporting the passage of the bill.

LINDA ISAKSON, Rural Project Coordinator, NDCAWS. (Meter #34, Side B) (Written testimony) Some issues.

CONNIE HILDEBRAND, ND Chapter of National Association of Social Workers and on behalf of the American Association of University Women. (Meter # 516, Side B) Promoted the support of this bill.

CHRISTOPHER DODSON, Executive Director of North Dakota Catholic Conference. (Meter # 625, Side B) One question regarding clarification of certain terminology.

SENATOR LEE: (Meter # 765, Side B) Instructed Intern to follow up and make sure that the language we have through Legislative Council allows it to be permissive.

NICOLE ANDONOV representing Red River Valley Community Action. (Meter #943, Side B)

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Senate Human Services Committee

Bill/Resolution Number SB 2155

Hearing Date 01-08-03

Gave testimony regarding Line 14, Page 3, "Consider exempting funds in individual development accounts." Had an issue with the amendment. (Written copy of testimony requested by Senator Lee)

Public Hearing closed on SB 2155. (Meter # 1174, Side B)

Committee Meeting on SB 2155: (Meter # 1517, Side B)

SENATOR LEE: Asked for discussion or review.

SENATOR ERBELE: Moved for a do pass.

SENATOR BROWN: Seconded the motion.

Discussion: (Meter # 1621, Side B - # 2761)

SENATOR LEE: Requested clerk to call the roll. (Meter # 2772)

Roll call was read for the vote. Unanimous vote.

Bill passed. SENATOR LEE to carry bill to the floor.

Meeting adjourned..

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10-16-03  
Date

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/03/2003**

Bill/Resolution No.: SB 2155

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There is no fiscal impact as a result of this bill. The purpose of this bill is to change state law to allow for any adjustments that need to be made due to possible changes in federal TANF legislation. This bill does not change eligibility rules to cause additional people to qualify for TANF, nor does it extend eligibility for an additional period of time.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Debra A. McDermott	Agency:	Human Services
Phone Number:	328-3695	Date Prepared:	01/06/2003

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Date

Date: 01-08-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2155

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Erbele Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

If the vote is on an amendment, briefly indicate intent:

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Y. Erbele  
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10-14-03  
Date



**REPORT OF STANDING COMMITTEE (410)**  
January 8, 2003 1:18 p.m.

Module No: SR-02-0378  
Carrier: J. Lee  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SB 2155: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the  
Eleventh order on the calendar.

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10-16-03  
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2003 HOUSE HUMAN SERVICES

SB 2155

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Yuberba S. Lee  
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10-16-03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2155

House Human Services Committee

☐ Conference Committee

Hearing Date March 3, 2003

Tape Number	Side A	Side B	Meter #
1		x	34.5 - 61.5
2	x		0.0 - 2.0
Committee Clerk Signature <i>Sharon Hufnaw</i>			

Minutes:

John Hougan, Director of Public Assistance for Dept. of Human Services appeared in support with written testimony and went through changes.

Rep. Niemeier: On page 4, line 7, isn't there any possibility of getting an evaluation up for TANF that would address the levers?

Answer: We are doing that. Concerns are tied directly to the original TANF.

Rep. Price: What are the 5 work activities in this proposed legislation?

Answer: 1) Unsubsidized employment; 2) subsidized private-sector employment; 3) subsidized public-sector employment; 4) on the job training; 5) Supervised work experience; 6) Supervised Community Service.

Rep. Price: Currently what's our percentage of Native American?

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*10-16-03*  
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House Human Services Committee

Bill/Resolution Number SB 2155

Hearing Date March 3, 2003

Answer: It fluctuates but not by much, usually between 54 & 56 percent of our quota population, not all that is on the reservation. Rolette & Benson Counties alone take up about a third of our case load.

Rep. Price: If we make the change on the unemployment, will that put more in the 50% and over?

Answer: All 4 Reservations could be caught up in that.

Rep. Price: My fear is that if they keep putting those types of restrictions on it, some are just going to say they just can't afford TANF.

Answer: The issue is not just North Dakota, its South Dakota, Montana, etc., there is no break for us and I have some concerns.

Closed Hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2155

House Human Services Committee

☐ Conference Committee

Hearing Date March 4, 2003

Tape Number	Side A	Side B	Meter #
2		x	9.8 - 23.1
Committee Clerk Signature <i>Shawn Lenzen</i>			

Minutes: Committee Work.

Rep. Price: There are 3 areas of concern, page 3, lines 13 and 14, and line 17. The language was agreement that we came to with all the parties and has worked well, I don't want to go back on that language.

Rep. Porter: Regarding Mr. Hougan's point on page 4, line 11 to remove the word "probable"

Rep. Price: My only concern is that if they keep making these special changes for the tribes, were gonna get to the point where TANF is no longer gonna be affordable for the State. Its my fear that at some point, some people are just going to say, that's it. Because if they don't have to move to look for a job like someone that lives off reservation, if they play by different unemployment figures that's still are factored in our denominator. All of these types of things and the tribes do not wish to run their own program and if we move to the 40 hr, 70% work participation, were gonna get to the point where we are gonna be sanctioned for the tribes. I

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*10-16-03*  
Date

Page 2  
House Human Services Committee  
Bill/Resolution Number SB 2155  
Hearing Date March 4, 2003

would like to leave this for nothing else but a message that this is still an issue and Congress is just blowing it off.

Rep. Sandvig: If its going to mess up our unemployment rates, than this makes sense.

Rep. Price: It is, and as our work participation rates have to move up and if we end up with all 4 reservations being out of the picture as far as having to meet the 60 months. They are exempted from the 60 months if we go with the BIA figures just because of their definition and as a State we are really going to run into trouble and get sanctioned before too many years go by.

Rep. Niemeier had concerns with domestic violence on page 3, line 9, but Rep. Price read the NDCC stating it is covered.

Rep. Porter moves the amendments on page 3, line 13 to remove the overstrike and line 14 to remove the overstrike, page 3 lines 16 and 17 to remove the overstrike, page 4, line 11, after the word "the" insert the word probable and after the word "child", overstrike the word probable.

Second by Rep. Pollert. Also on line 13, remove implement as soon as practicable.

Vote: 13 - 0 - 0      Passed

Rep. Sandvig: The Tribes may be starting their own programs, with reply by Rep. Price as they run their own programs.

Rep. Kreidt made a motion for Do Pass as Amended and second by Rep. Pollert.

Vote: 13 - 0 - 0      Rep. Weisz will carry the bill.

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10-16-03  
Date

Date: March 4, 2003  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2155

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Rep. Kreidt Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Weisz

If the vote is on an amendment, briefly indicate intent:

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Yherosa d. Lee 10-16-03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
March 6, 2003 9:28 a.m.

Module No: HR-40-4068  
Carrier: Welsz  
Insert LC: 38210.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2155: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Sixth order on the calendar.

Page 3, line 13, after "e." insert "m.", after the second overstruck comma insert "Consider implementing", and remove the overstrike over "~~an electronic fund transfer system;~~"

Page 3, line 14, after "p." insert "n." and remove the overstrike over "~~Consider exempting funds in individual development accounts;~~"

Page 3, line 15, replace "m." with "o."

Page 3, line 16, remove the overstrike over "by"

Page 3, line 17, remove the overstrike over "~~using unemployment data provided by job service North Dakota~~"

Page 3, line 18, replace "n." with "p."

Page 3, line 19, replace "o." with "q."

Page 3, line 23, replace "p." with "r."

Page 3, line 25, replace "q." with "s."

Page 3, line 28, replace "r." with "t."

Page 4, line 1, replace "s." with "u."

Page 4, line 5, replace "t." with "v."

Page 4, line 8, replace "u." with "w."

Page 4, line 11, after the first "the" insert "probable" and overstrike "probable"

Page 4, line 12, replace "v." with "x."

Page 4, line 25, replace "w." with "y."

Renumber accordingly



2003 TESTIMONY

SB 2155

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**TESTIMONY**

**SB 2155 - DEPARTMENT OF HUMAN SERVICES**

**SENATE HUMAN SERVICES**

**JUDY LEE, CHAIRMAN**

**JANURARY 8, 2003**

**Chairman Lee and members of the Senate Human Services Committee. I am John Hougén, Director of Public Assistance for the Department of Human Services. I am here today to provide comments on proposed changes to state law concerning the Temporary Assistance to Needy Families (TANF) program.**

**The situation with TANF now is much like it was for the 1997 legislature. At that time the original TANF legislation had passed but the regulations had not been issued. The task then was to anticipate the regulations and draft legislation to allow DHS to implement the TANF program. The situation now is that TANF is operating under a continuing resolution that ends March 31, 2003. There may be another continuing resolution keeping the program operating under existing rules, or a full reauthorization effort may make major changes. A full reauthorization may take place before the end of March or at some other time before the state legislature comes back in session in 2005. We are attempting in this bill draft to anticipate changes at the federal**

level so we can continue to operate TANF in a manner consistent with state law.

The changes we are suggesting are because of anticipated changes in federal law, corrections to our state law suggested because of changes to conform to federal law, or because some sections have become dated. I will review these proposed changes now.

- The change on page 1, line 9, is because of an anticipated change in federal law. The reauthorization debate has included many suggestions for changing the federal work requirements. The language added gives us the flexibility to conform to those changes. The new subsection on page 1, line 14, gives us the same flexibility to conform to possible changes.
- Another example of an anticipated change is on page 2, line 3. Here we suggest the removal of the twenty percent limit on hardship cases. The debate on reauthorization has included many suggestions about changes to the hardship requirement, including changes in the percentage. Regardless of what happens, we will conform to federal law.

- On page 2, line 9, we suggest adding language that will allow us to conform to federal law on immigrants.
- On page 2, line 21, we propose to take away the reference to section 14-08.1-05.1, because the term "work activities" will be defined in section 50-09-01.
- We propose to remove the subdivision on page 2, line 28. The department was involved in the initial discussions with the Health Department and other agency representatives in setting up this program after the 1997 legislative session, the Health Department continues to implement the program.
- A change was made on page 3, beginning with line 3, because the definition of eligible noncitizens could change.
- We propose to eliminate the subdivision on page 3, line 9, because it is stated with more detail in section 50-09-31.
- We propose a minor change on line page 3, line 12. During the reauthorization debate, there were proposals that could make it attractive for states to work with Tribal Employment programs. By changing from a singular to the

plural "programs", we would be allowed to contract with multiple providers for JOBS services.

- We propose to eliminate the subdivision on page 3, line 13. We have considered the electronic fund transfer system at many different times and it has not been feasible. In the future it may become feasible, and we will continue to consider it as situations change.
- We propose to eliminate the subdivision on page 3, line 14. Individual development accounts have been considered and for now we haven't found a plan that would be meaningful for a broad group of TANF recipients. We will continue to be able to consider individual development account proposals because this is allowed under federal law and the law also defines how these funds are considered.
- A change is suggested on page 3, line 15, because included in the federal discussion was talk about using specific data, such as BIA figures, to establish this unemployment rate.
- The change on page 3, line 19, was made because of reauthorization suggestions to change this exemption to 12

months for each child instead of a total of 12 months per family as it is now.

- On page 4, line 7, we propose to eliminate this section because it was specifically included to seek funds to evaluate the TEEM pilot program, not a statewide TANF program. Federal funds to evaluate TEEM were secured and the study was completed.
- We propose to remove the subdivision on page 4, line 14, because it is taken directly from federal law and there have again been suggestions that this may change. Because it is in federal law, we are required to follow this directive, if it is modified we will follow the new version.
- We propose to eliminate two subsections on page 5, line 3, and on page 5, line 12, because they relate only to the 1997- 1999 biennium.
- We propose to eliminate the subsection starting on page 5, line 9. Pay after performance was considered when we designed the system to administer TANF, and it wasn't feasible.

- On page 5, line 12, we again have suggested the removal of the reference to section 14-08.1-05.1 because the term "work activities" will be defined in section 50-09-01.

**This concludes my formal testimony. It would be my pleasure to answer any questions.**

**BISMARCK**Abused Adult Resource Center  
222-8370**BOTTINEAU**Family Crisis Center  
3-2028**DEVILS LAKE**Safe Alternatives for  
Abused Families  
1-888-662-7378**DICKINSON**Domestic Violence and  
Rape Crisis Center  
225-4506**ELLENDALE**Kedish House  
349-4729**FARGO**Rape and Abuse Crisis Center  
800-344-7273**FORT BERTHOLD RESERVATION**Coalition Against  
Domestic Violence  
627-4171**FORT YATES**Tender Heart Against  
Domestic Violence  
854-3402**GRAFTON**Tri-County Crisis  
Intervention Center  
352-4242**GRAND FORKS**Community Violence  
Intervention Center  
746-0405**JAMESTOWN**S.A.F.E. Shelter  
888-353-7233**MCLEAN COUNTY**McLean Family  
Resource Center  
800-651-8643**MERCER COUNTY**Women's Action and  
Resource Center  
873-2274**MINOT**Domestic Violence Crisis  
Center  
852-2258**RANSOM COUNTY**Abuse Resource Network  
683-5061**STANLEY**Domestic Violence Program,  
NW, ND  
628-3233**VALLEY CITY**Abused Persons Outreach  
Center  
845-0078**WAPETON**Two Rivers Crisis Center  
642-2115**WILLISTON**Family Crisis Shelter  
572-0757

Senator Judy Lee

Senate Human Services Committee

January 8, 2003

Chair Lee and Members of the Committee:

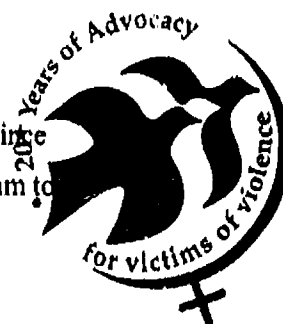
My name is Linda Isakson, Rural Project Coordinator for the North Dakota Council on Abused Women's Services. Over the past several months I have been working with Mr. Hougen of the Department of Human Services in implementation of the Family Violence Option in TANF. Currently we have participated in training discussions with 12 different county social service offices, their Job Service counterparts and advocates from nineteen domestic violence programs in North Dakota. These discussions have brought about some significant changes in the way employment challenges facing battered women have been addressed. I believe that changes made to this statute the last session were vital to the process. Since the implementation work has begun, we have collected some data regarding the Option's use; however, because we have a number of places yet to visit, the data is incomplete. But we will be happy to provide what we have available.

I have a number of issues which I would like to address in response to the Department's recommendations in SB2155.

First, this session provides us with an opportunity to look at the way we view educational opportunities under TANF. Research available supports the provision of a post secondary educational opportunity to help women out of poverty. If we can help women get back to school, into career positions that mean good paying jobs, and support them in this effort, we are moving in a direction which keeps them off the welfare rolls and contributing to their community. Getting back to school is difficult for anyone without the burden of a 20/30 hour work week. When do the children get time, when do mom or dad visit with teachers, and where do they find the additional childcare costs? Education is key to eliminating poverty in our families and our children. Therefore we support an additional post secondary educational opportunity in regard to TANF.

Secondly, understanding that much of welfare reform is driven by the federal act, I think the suggested changes in the definition of immigrants will allow the flexibility the state needs as Congress considers the status question in federal legislation, and we support those proposed changes.

Third, there has been strong support of the Individual Development Accounts program since its inclusion in the federal legislation of 1996. It was placed there as an incentive program to



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota

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encourage women to build assets while on TANF. It was seen as an opportunity to have something when the transition from welfare to self-sufficiency was made. It allows the recipient, the state, a financial institution and advocates to partner with in this effort. The IDA program allows women to save money each month without it being counted against their TANF grant. Money saved is additional income not considered to be part of the TANF grant. Key elements of IDA programs include:

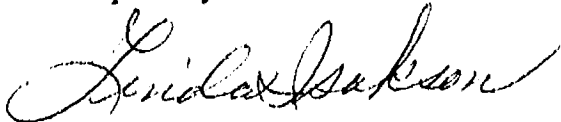
1. Cooperation from the state regarding the income
2. IDA matching funds from TANF funds or private entity
3. Financial education and counseling
4. Support from an advocate or agency to encourage participation by the recipient

Rules for these programs encourage the participation of financial institutions, specify the amount of money that can be saved, and allow for a dollar match to be established. While I believe that the ways women can use these funds at the end of 60 months is limiting, I believe that the three stated goals (education, home, business) are the most difficult for women to achieve. So by limiting these choices we are providing women with a headstart on school, a home or a business. I support not only leaving IDA language in the statute, but strengthening it to support those agencies that have begun to work with IDA accounts and to encourage participation and matching dollars.

Finally, the challenge of mothers with young children while on TANF will always be one of the most difficult to address. When should a mother be willing to leave her infant to a caregiver and move to the workplace? I would like to suggest that only when the work is a worthwhile enterprise and provides her with needed skills or adequate wages should we force this issue. In rural communities, where competition for jobs is great and opportunities to build jobs skills that will help women gain self-sufficiency are limited, I would hesitate to place a child in a childcare setting when mom could stay at home and benefit her child and her community. If taking language out means a more flexible way of working with parents of young children, the change should be made; however, if it will create more difficult choices for parents, then we should reconsider the exceptions allowed under this section.


Thank you for your time.

Respectfully Submitted:



Linda Isakson,  
Rural Project Coordinator  
NDCAWS

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**TESTIMONY**

**SB 2155 - DEPARTMENT OF HUMAN SERVICES**

**HOUSE HUMAN SERVICES**

**CLARA SUE PRICE, CHAIRMAN**

**MARCH 3, 2003**

**Chairman Price and members of the House Human Services Committee. I am John Hougen, Director of Public Assistance for the Department of Human Services. I am here today to provide comments on proposed changes to state law concerning the Temporary Assistance to Needy Families (TANF) program.**

**The situation with TANF now is much like it was for the 1997 legislature. At that time the original TANF legislation had passed but the regulations had not been issued. The task then was to anticipate the regulations and draft legislation to allow DHS to implement the TANF program. The situation now is that TANF is operating under a continuing resolution that ends March 31, 2003. There may be another continuing resolution keeping the program operating under existing rules, or a full reauthorization effort may make major changes. A full reauthorization may take place before the end of March or at some other time before the state legislature comes back in session in 2005. We are attempting in this bill draft to anticipate changes at the federal level so we can continue to operate TANF in a manner consistent with state law.**

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**The changes we are suggesting are because of anticipated changes in federal law, corrections to our state law suggested because of changes to conform to federal law, or because some sections have become dated. I will review these proposed changes now.**

- The change on page 1, line 9, is because of an anticipated change in federal law. The reauthorization debate has included many suggestions for changing the federal work requirements. The language added gives us the flexibility to conform to those changes. The new subsection on page 1, line 14, gives us the same flexibility to conform to possible changes.**
- Another example of an anticipated change is on page 2, line 3. Here we suggest the removal of the twenty percent limit on hardship cases. The debate on reauthorization has included many suggestions about changes to the hardship requirement, including changes in the percentage. Regardless of what happens, we will conform to federal law.**
- On page 2, line 9, we suggest adding language that will allow us to conform to federal law on immigrants.**
- On page 2, line 21, we propose to take away the reference to section 14-08.1-05.1, because the term "work activities" will be defined in section 50-09-01.**

- We propose to remove the subdivision on page 2, line 28. The department was involved in the initial discussions with the Health Department and other agency representatives in setting up this program after the 1997 legislative session, the Health Department continues to implement the program.
- A change was made on page 3, beginning with line 3, because the definition of eligible noncitizens could change.
- We propose to eliminate the subdivision on page 3, line 9, because it is stated with more detail in section 50-09-31.
- We propose a minor change on line page 3, line 12. During the reauthorization debate, there were proposals that could make it attractive for states to work with Tribal Employment programs. By changing from a singular to the plural "programs", we would be allowed to contract with multiple providers for JOBS services.
- We propose to eliminate the subdivision on page 3, line 13. We have considered the electronic fund transfer system at many different times and it has not been feasible. In the future it may become feasible, and we will continue to consider it as situations change.
- We propose to eliminate the subdivision on page 3, line 14. Individual development accounts have been considered and for

now we haven't found a plan that would be meaningful for a broad group of TANF recipients. We will continue to be able to consider individual development account proposals because this is allowed under federal law and the law also defines how these funds are considered.

- A change is suggested on page 3, line 15, because included in the federal discussion was talk about using specific data, such as BIA figures, to establish this unemployment rate.
- The change on page 3, line 19, was made because of reauthorization suggestions to change this exemption to 12 months for each child instead of a total of 12 months per family as it is now.
- On page 4, line 7, we propose to eliminate this section because it was specifically included to seek funds to evaluate the TEEM pilot program, not a statewide TANF program. Federal funds to evaluate TEEM were secured and the study was completed.
- We propose to remove the subdivision on page 4, line 14, because it is taken directly from federal law and there have again been suggestions that this may change. Because it is in federal law, we are required to follow this directive, if it is modified we will follow the new version.

- We propose to eliminate two subsections on page 5, line 3, and on page 5, line 12, because they relate only to the 1997- 1999 biennium.
- We propose to eliminate the subsection starting on page 5, line 9. Pay after performance was considered when we designed the system to administer TANF, and it wasn't feasible.
- On page 5, line 12, we again have suggested the removal of the reference to section 14-08.1-05.1 because the term "work activities" will be defined in section 50-09-01.

**This concludes my formal testimony. It would be my pleasure to answer any questions.**

1           “(B) SCHOOL ATTENDANCE BY TEEN  
2 HEAD OF HOUSEHOLD.—The work-eligible  
3 members of a family shall be considered to be  
4 engaged in a direct work activity for an average  
5 of 40 hours per week in a month if the family  
6 includes an individual who is married, or is a  
7 single head of household, who has not attained  
8 20 years of age, and the individual—

9           “(i) maintains satisfactory attendance  
10 at secondary school or the equivalent in  
11 the month; or

12           “(ii) participates in education directly  
13 related to employment for an average of at  
14 least 20 hours per week in the month.

15           “(d) DIRECT WORK ACTIVITY.—In this section, the  
16 term ‘direct work activity’ means—

- 17           “(1) unsubsidized employment;  
18           “(2) subsidized private sector employment;  
19           “(3) subsidized public sector employment;  
20           “(4) on-the-job training;  
21           “(5) supervised work experience; or  
22           “(6) supervised community service.”.

23           “(f) PENALTIES AGAINST INDIVIDUALS.—Section  
24 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as  
25 follows:

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