

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

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

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

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

6 **50-09-29. Requirements for administration of temporary assistance for needy**
7 **families.**

8 1. Except as provided in subsections 2, 3, and 4, the department of human services, in
9 its administration of the temporary assistance for needy families program, shall:

10 a. Provide assistance to otherwise eligible women in the third trimester of a
11 pregnancy;

12 b. Except as provided in subdivision c, afford eligible households benefits for no
13 more than sixty months;

14 c. Exempt eligible households from the requirements of subdivision b due to mental
15 or physical disability of a parent or child, mental or physical incapacity of a
16 parent, or other hardship including a parent subject to domestic violence as
17 defined in section 14-07.1-01;

18 d. Unless an exemption, exclusion, or disregard is required by law, count income
19 and assets whenever actually available;

20 e. Except as provided in subdivision j, and as required to allow the state to receive
21 funds from the federal government under title IV-A, provide no benefits to
22 noncitizen immigrants who arrive in the United States after August 21, 1996;

23 f. Limit eligibility to households with total available assets, not otherwise exempted
24 or excluded, of a value established by the department ~~not to exceed five-~~

- 1 ~~thousand dollars for a one-person household and eight thousand dollars for a~~
2 ~~household of two or more;~~
- 3 g. Exclude one motor vehicle of any value in determining eligibility;
- 4 h. Require work activities for all household members not specifically exempted by
5 the department of human services for reasons such as mental or physical
6 disability of a parent or child or mental or physical incapacity of a parent;
- 7 i. Establish goals and take action to prevent and reduce the incidence of
8 out-of-wedlock pregnancies and establish numerical goals for reducing the
9 illegitimacy rate for the state for periods through calendar year 2005;
- 10 j. To the extent required to allow the state to receive funds from the federal
11 government under title IV-A, provide benefits to otherwise eligible noncitizens
12 who are lawfully present in the United States;
- 13 k. Establish and enforce standards against program fraud and abuse;
- 14 l. Provide employment placement programs;
- 15 m. ~~Consider implementing an electronic fund transfer system;~~
- 16 ~~n.~~ Exempt from assets and income the savings and proportionate matching funds in
17 individual development accounts;
- 18 ~~o.~~ Determine the unemployment rate of adults living in a county that includes Indian
19 reservation lands and a significant population of Indian individuals by using
20 unemployment data provided by job service North Dakota;
- 21 ~~p.~~ When appropriate, require household members to complete high school;
- 22 ~~q.~~ To the extent required to allow the state to receive funds from the federal
23 government under title IV-A, exempt single parents from required work activities;
- 24 ~~r.~~ Provide for sanctions, including termination of assistance to the household, if a
25 household member fails to cooperate with work requirements;
- 26 ~~s.~~ Provide for sanctions, including termination of assistance to the household, if a
27 household member fails, without good cause, to cooperate with child support
28 activities;
- 29 ~~t.~~ Deny assistance with respect to a minor child absent from the household for
30 more than one calendar month, except as specifically provided by the state
31 agency for absences;

- 1 u.t. Require each household to participate in developing an individual
2 responsibilityemployment plan and provide for sanctions, including termination of
3 assistance to the household, if adult or minor household members age sixteen or
4 older fail to cooperate ~~in developing an~~with the terms of the individual
5 responsibilityemployment plan;
- 6 v.u. Provide pre-pregnancy family planning services that are to be incorporated into
7 the temporary assistance for needy families program assessment;
- 8 w.v. Except in cases of pregnancy resulting from rape or incest, not increase the
9 assistance amount to recognize the increase in household size when a child is
10 born to a household member who was a recipient of assistance under this
11 chapter during the probable month of the child's conception;
- 12 x.w. Disregard earned income as an incentive allowance for no more than twelve
13 months;
- 14 y.x. Consider, and if determined appropriate, authorize demonstration projects in
15 defined areas which may provide benefits and services that are not identical to
16 benefits and services provided elsewhere; and
- 17 z.y. Unless at least seven years has elapsed since the most recent felony conviction
18 that has as an element the possession, use, or distribution of a controlled
19 substance, deny assistance to any individual who has been convicted of a felony
20 offense that has as an element the possession, use, or distribution of a controlled
21 substance as defined in section 102(6) of the Controlled Substances Act
22 [21 U.S.C. 802(6)].
- 23 2. If the secretary of the United States department of health and human services
24 determines that funds otherwise available for the temporary assistance for needy
25 families program in this state must be reduced or eliminated should the department of
26 human services administer the program in accordance with any provision of
27 subsection 1, the department of human services shall administer the program in a
28 manner that avoids the reduction or loss.
- 29 3. If the department of human services determines, subject to the approval of the
30 legislative management, that there is insufficient worker opportunity, due to increases
31 in the unemployment rate, to participate in work activities, the department may

- 1 administer the temporary assistance for needy families program in a manner different
2 than provided in subsection 1.
- 3 4. If the department of human services determines, subject to the approval of the
4 legislative management, that administration of the temporary assistance for needy
5 families program, in the manner provided by subsection 1, causes otherwise eligible
6 individuals to become a charge upon the counties under chapter 50-01, the
7 department may administer the program in a manner that avoids that result.