



AUG 18 2008

Legal Advisory Unit

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John Hoeven, Governor  
Carol K. Olson, Executive Director

August 18, 2008

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-01.2  
Temporary Assistance for Needy Families Program

Dear Mr. Walstad:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. Chapter 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on September 22, 2008, beginning at 3:30 p.m. and continuing until 5:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer  
Legal Advisory Unit

JL/ca

Cc: Carol Cartledge, Public Assistance  
Susan Van Asperen, Public Assistance

Enclosures



John Hoeven, Governor  
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTER 75-02-01.2  
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Chapter 75-02-01.2, at 3:30 p.m. on Monday, September 22, 2008, in Bismarck, N.D. in the Pioneer Room – Room G-15, located on the ground floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code Chapter 75-02-01.2, Temporary Assistance for Needy Families Program, are to clarify and revise the rules in accordance with federal and state standards and laws, and to comply with Senate Bill No. 2186 of the Sixtieth Legislative Assembly, relating to establishment of a transitional assistance program. The proposed amendment may have an impact on the regulated community in excess of \$50,000.

**Section 75-02-01.2-02.1, Diversion assistance** is amended to clarify the eligibility and benefits of the diversion assistance program. (Included the requirement to participate in Pathways to Work and the consequences for not following through with the referral to Pathways to Work. Add language to clarify the four month limitation and use of supportive services based on TANF rules.)

**Section 75-02-01.2-02.2, Kinship care assistance** is amended to add language to include the executive director of the department or the division of juvenile services as custodian of a child for the child to be eligible for kinship care assistance.

**Section 75-02-01.2-02.3, Transition assistance** is created to establish eligibility requirements for transition assistance pursuant to 2007 Senate Bill No. 2186.

**Section 75-02-01.2-12, Determining claims of good cause** is amended to reflect more than one contractor for the JOBS program.

**Section 75-02-01.2-35.1, Time limit on certain benefits – Exceptions** is amended to change “filing unit” to “temporary assistance for needy families household” and to remove the subsection which allowed the state a lifetime limit for caretakers with a disqualification.

**Subdivision a of subsection 2 of section 75-02-01.2-51(2)(a)** is amended to clarify the standard employment expense allowance for any child who is a full-time elementary or high-school student.

**Section 75-02-01.2-52, Voluntary quit or refusal of employment** is amended to clarify the entity that must approve good cause for a voluntary quit of employment and to reflect more than one contractor for the JOBS program.

**Section 75-02-01.2-60, Computing payment if stepparent or alien parent income is deemed** is amended to allow the department to provide the marriage incentive to more TANF individuals.

**Section 75-02-01.2-73, Health tracks** is amended to remove the penalty for not following through with a Health Track screening.

**Section 75-02-01.2-80, Good cause determination** is amended to reflect more than one contractor for the JOBS program, to change the requirement from ten days to two days for the employment contractor to send notification of a good cause meeting to a TANF client who is not complying with program requirements, and to change the requirement to meet with the employment contractor from seven days to five days to present good cause for not meeting requirements.

**Section 75-02-01.2-82, Job opportunities and basic skills program – Definitions** is amended to add definitions for “eligible individual” and “work-eligible individual”.

**Section 75-02-01.2-83, Job opportunities and basic skills program – Basic requirement** is repealed.

**Section 75-02-01.2-84, Job opportunities and basic skills program – Satisfactory participation** is amended to reflect changes in the Definitions section.

**Section 75-02-01.2-86, Job opportunities and basic skills program – Tribal native employment works program** is amended to reflect changes in the Definitions section.

**Section 75-02-01.2-87, Job opportunities and basic skills program – Exemptions from participation** is amended to add an exemption policy for a parent providing care for a disabled family member living in the home.

**Section 75-02-01.2-89, Job opportunities and basic skills program – Orientation, assessment, and employability planning** is repealed.

**Section 75-02-01.2-90, Job opportunities and basic skills program – Supportive services and transitional supportive services** is amended to reflect more than one contractor for the JOBS program and to clarify approval to move for greater employment opportunities.

**Section 75-02-01.2-91, Job opportunities and basic skills program – Educational activities related to secondary education, basic and remedial education, or education in English proficiency is repealed.**

**Section 75-02-01.2-92, Job opportunities and basic skills program – Job skills training directly related to employment is repealed.**

**Section 75-02-01.2-93, Job opportunities and basic skills program – Unsubsidized employment is repealed.**

**Section 75-02-01.2-94, Job opportunities and basic skills program – Job search and job readiness is repealed.**

**Section 75-02-01.2-95, Job opportunities and basic skills program – Job development and job placement activities is repealed.**

**Section 75-02-01.2-96, Job opportunities and basic skills program – Vocational education is repealed.**

**Section 75-02-01.2-97, Job opportunities and basic skills program – Provision of child care services to another participant engaged in a community service program is repealed.**

**Section 75-02-01.2-98, Job opportunities and basic skills program – Work experience and community service program is repealed.**

**Section 75-02-01.2-100, Job opportunities and basic skills program – On-the-job training is repealed.**

**Section 75-02-01.2-101, Job opportunities and basic skills program – Subsidized public and private sector employment is repealed.**

**Section 75-02-01.2-102, Job opportunity and basic skills program – Failure or refusal to participate is amended to reflect more than one contractor for the JOBS program.**

**Section 75-02-01.2-103, Job opportunities and basic skills program – Good cause for failure or refusal to comply with a referral to, or participate in, the job opportunities and basic skills program is amended to reflect changes in the Definitions section and to remove the provision that allows the department to limit the number of individuals referred to the job opportunities and basic skills program.**

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written

data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Thursday, October 2, 2008.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 14<sup>th</sup> day of August, 2008.