

Fifty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2114

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

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 requirements for temporary assistance for needy families.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 50-09-29 of the 1997  
5 Supplement to the North Dakota 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 temporary assistance for needy families in the  
8 form of the training, education, employment, and management 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, ~~or~~  
15 mental or physical incapacity of a parent, or other hardship;
  - 16 d. Unless an exemption, exclusion, or disregard is required by law, count  
17 income and assets whenever actually available;
  - 18 e. Unless otherwise required by federal law, and except as provided in  
19 subdivision m, provide no benefits to noncitizen immigrants who arrive in the  
20 United States after August 21, 1996, for the first five years of residence in the  
21 United States, and after five years of residence, until the immigrant has ten  
22 years of work history, provide benefits only after considering the income and  
23 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  
3 ~~exceeding~~ to exceed five thousand dollars for a one-person household and  
4 eight thousand dollars for a household of two or more;
- 5 g. Seek approval of appropriate federal officials, and, if approved, use a  
6 simplified food stamp program to provide food stamp benefits to eligible  
7 households receiving temporary assistance for needy families;
- 8 h. Exclude one motor vehicle of any value in determining eligibility;
- 9 i. Require work activities as defined in section 14-08.1-05.1 for all household  
10 members not specifically exempted by the department of human services for  
11 reasons such as mental or physical disability of a parent or child, or mental or  
12 physical incapacity of a parent;
- 13 j. Establish goals and take action to prevent and reduce the incidence of  
14 out-of-wedlock pregnancies and establish numerical goals for reducing the  
15 illegitimacy rate for the state for periods through calendar year 2005;
- 16 k. Conduct a program, designed to reach state and local law enforcement  
17 officials, the education system, and relevant counseling services, which  
18 provides education and training on the problem of statutory rape so that  
19 teenage pregnancy prevention programs may be expanded in scope to  
20 include men;
- 21 l. Afford otherwise eligible households that have resided in this state less than  
22 twelve months benefits subject to the lifetime limit of the household's  
23 immediately previous state of residence;
- 24 m. Provide benefits to otherwise eligible noncitizens who are lawfully present in  
25 the United States as refugees, asylees, veterans, active duty military  
26 personnel, spouses and dependents of active duty military personnel, and  
27 Cuban-Haitian entrants;
- 28 n. Establish and enforce standards against program fraud and abuse;
- 29 o. Establish procedures to screen and identify victims of domestic violence for  
30 referral to appropriate services which are to be incorporated into the training,

- 1 education, employment, and management program assessment effective  
2 June 30, 1998;
- 3 p. Provide an employment placement program;
- 4 q. Implement, as soon as practicable, an electronic fund transfer system;
- 5 r. Not exempt funds in individual development accounts;
- 6 s. ~~Sanction parents who, without good cause, fail to ensure dependent minor~~  
7 ~~children attend school unless the child has received a high school diploma or~~  
8 ~~equivalent~~ Determine the unemployment rate of adults living on an Indian  
9 reservation by using the unemployment data that is most appropriate;
- 10 t. When appropriate, require household members to complete high school;
- 11 u. Exempt single parents from required work activities as defined in  
12 section 14-08.1-05.1 if the exempted parent has a child under four months of  
13 age;
- 14 v. Count only approved work activities as defined in section 14-08.1-05.1 for the  
15 purpose of measuring work participation rates;
- 16 w. Provide for progressive sanctions, including termination of assistance to the  
17 household, if a household member fails to cooperate with work requirements;
- 18 x. Provide for progressive sanctions, including termination of assistance to the  
19 household, if a household member fails, without good cause, to cooperate  
20 with child support activities;
- 21 y. Deny assistance with respect to a minor child absent from the household for  
22 more than one calendar month, except as specifically provided by the state  
23 agency for absences;
- 24 z. Require each household to participate in developing an individual  
25 responsibility plan and provide for progressive sanctions, including  
26 termination of assistance to the household, if adult ~~and~~ or minor household  
27 members age sixteen or older fail to cooperate in developing an individual  
28 responsibility plan;
- 29 aa. Provide pre-pregnancy family planning services that are to be incorporated  
30 into the training, education, employment, and management program  
31 assessment effective June 30, 1998;

- 1           bb.    Seek federal funding to assist in the evaluation of the program;
- 2           cc.    Seek the approval of the secretary to develop and use a single application
- 3                 form for all economic assistance programs administered by the county social
- 4                 service boards;
- 5           dd.    After June 30, 1998, except in cases of pregnancy resulting from rape or
- 6                 incest, not increase the assistance amount to recognize the increase in
- 7                 household size when a child is born to a household member who was a
- 8                 recipient of assistance under this chapter during the month of the child's
- 9                 probable conception;
- 10          ee.    Disregard earned income as an incentive allowance for no more than twelve
- 11                 months; and
- 12          ff.    Except as otherwise may be permitted by federal law, not reduce or terminate
- 13                 benefits based on a refusal of an individual to work if the individual is a single
- 14                 custodial parent caring for a child who has not attained six years of age and
- 15                 the individual proves a demonstrated inability to obtain needed child care
- 16                 because of the:
- 17                 (1)    Unavailability of appropriate child care within a reasonable distance
- 18                         from the individual's home or work site;
- 19                 (2)    Unavailability or unsuitability of informal child care by a relative or
- 20                         under other arrangements; or
- 21                 (3)    Unavailability of appropriate and affordable formal child care
- 22                         arrangements.