

**FIRST ENGROSSMENT
with House Amendments**

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 2 of section 50-01.2-00.1 and subsection 1
2 of section 50-09-29 of the North Dakota Century Code, relating to local expenses of
3 administration and requirements for temporary assistance for needy families; to authorize the
4 department of human services to negotiate a pilot project for the state's participation in direct
5 funding and administration of tribal temporary assistance to needy families; and to provide for
6 reports to the legislative council.

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

8 **SECTION 1. AMENDMENT.** Subsection 2 of section 50-01.2-00.1 of the 1997
9 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10 2. Local expenses of administration" includes costs for personnel, space, equipment,
11 computer software, ~~costs associated with achieving caseload ratios of sixty-five~~
12 ~~eases to one worker~~, materials, travel, utilities, and related costs, and the indirect
13 costs properly allocated to those costs. The term does not include initial
14 acquisition of computers and related hardware approved by the department for the
15 training, education, employment, and management program, custom computer
16 programs, custom software development, computer operations undertaken at the
17 direction of the department, and computer processing costs to the extent those
18 costs exceed, in any calendar year, that county's costs of operation of the technical
19 eligibility computer system in calendar year 1995 increased by the increase in the
20 consumer price index for all urban consumers (all items, United States city
21 average) after January 1, 1996, or, unless agreed to by the county social service
22 board, any costs related to pilot programs before the programs are implemented
23 on a statewide basis.

- 1 **SECTION 2. AMENDMENT.** Subsection 1 of section 50-09-29 of the 1997
2 Supplement to the North Dakota Century Code is amended and reenacted as follows:
- 3 1. Except as provided in subsections 2, 3, and 5 through 7, the department of human
4 services, in its administration of temporary assistance for needy families in the
5 form of the training, education, employment, and management program, shall:
- 6 a. Provide assistance to otherwise eligible women in the third trimester of a
7 pregnancy;
- 8 b. Except as provided in subdivision c, afford eligible households benefits for no
9 more than sixty months;
- 10 c. Exempt up to twenty percent of the caseload from the requirements of
11 subdivision b due to mental or physical disability of a parent or child, ~~or~~
12 mental or physical incapacity of a parent, or other hardship;
- 13 d. Unless an exemption, exclusion, or disregard is required by law, count
14 income and assets whenever actually available;
- 15 e. Unless otherwise required by federal law, and except as provided in
16 subdivision m, provide no benefits to noncitizen immigrants who arrive in the
17 United States after August 21, 1996, for the first five years of residence in the
18 United States, and after five years of residence, until the immigrant has ten
19 years of work history, provide benefits only after considering the income and
20 assets of the immigrant's sponsor;
- 21 f. Limit eligibility to households with total available assets, not otherwise
22 exempted or excluded, of a value established by the department not
23 ~~exceeding~~ to exceed five thousand dollars for a one-person household and
24 eight thousand dollars for a household of two or more;
- 25 g. Seek approval of appropriate federal officials, and, if approved, use a
26 simplified food stamp program to provide food stamp benefits to eligible
27 households receiving temporary assistance for needy families;
- 28 h. Exclude one motor vehicle of any value in determining eligibility;
- 29 i. Require work activities as defined in section 14-08.1-05.1 for all household
30 members not specifically exempted by the department of human services for

- 1 reasons such as mental or physical disability of a parent or child, or mental or
2 physical incapacity of a parent;
- 3 j. Establish goals and take action to prevent and reduce the incidence of
4 out-of-wedlock pregnancies and establish numerical goals for reducing the
5 illegitimacy rate for the state for periods through calendar year 2005;
- 6 k. Conduct a program, designed to reach state and local law enforcement
7 officials, the education system, and relevant counseling services, which
8 provides education and training on the problem of statutory rape so that
9 teenage pregnancy prevention programs may be expanded in scope to
10 include men;
- 11 l. Afford otherwise eligible households that have resided in this state less than
12 twelve months benefits subject to the lifetime limit of the household's
13 immediately previous state of residence;
- 14 m. Provide benefits to otherwise eligible noncitizens who are lawfully present in
15 the United States as refugees, asylees, veterans, active duty military
16 personnel, spouses and dependents of active duty military personnel, and
17 Cuban-Haitian entrants;
- 18 n. Establish and enforce standards against program fraud and abuse;
- 19 o. Establish procedures to screen and identify victims of domestic violence for
20 referral to appropriate services which are to be incorporated into the training,
21 education, employment, and management program assessment effective
22 June 30, 1998;
- 23 p. Provide an employment placement program;
- 24 q. Implement, as soon as practicable, an electronic fund transfer system;
- 25 r. ~~Not exempt~~ Consider exempting funds in individual development accounts;
- 26 s. ~~Sanction parents who, without good cause, fail to ensure dependent minor~~
27 ~~children attend school unless the child has received a high school diploma or~~
28 ~~equivalent~~ Determine the unemployment rate of adults living on an Indian
29 reservation by using the unemployment data provided by job service North
30 Dakota;
- 31 t. When appropriate, require household members to complete high school;

- 1 u. Exempt single parents from required work activities as defined in
2 section 14-08.1-05.1 if the exempted parent has a child under four months of
3 age;
4 v. Count only approved work activities as defined in section 14-08.1-05.1 for the
5 purpose of measuring work participation rates;
6 w. Provide for progressive sanctions, including termination of assistance to the
7 household, if a household member fails to cooperate with work requirements;
8 x. Provide for progressive sanctions, including termination of assistance to the
9 household, if a household member fails, without good cause, to cooperate
10 with child support activities;
11 y. Deny assistance with respect to a minor child absent from the household for
12 more than one calendar month, except as specifically provided by the state
13 agency for absences;
14 z. Require each household to participate in developing an individual
15 responsibility plan and provide for progressive sanctions, including
16 termination of assistance to the household, if adult ~~and~~ or minor household
17 members age sixteen or older fail to cooperate in developing an individual
18 responsibility plan;
19 aa. Provide pre-pregnancy family planning services that are to be incorporated
20 into the training, education, employment, and management program
21 assessment effective June 30, 1998;
22 bb. Seek federal funding to assist in the evaluation of the program;
23 cc. Seek the approval of the secretary to develop and use a single application
24 form for all economic assistance programs administered by the county social
25 service boards;
26 dd. After June 30, 1998, except in cases of pregnancy resulting from rape or
27 incest, not increase the assistance amount to recognize the increase in
28 household size when a child is born to a household member who was a
29 recipient of assistance under this chapter during the month of the child's
30 probable conception;

- 1 ee. Disregard earned income as an incentive allowance for no more than twelve
2 months; and
- 3 ff. Except as otherwise may be permitted by federal law, not reduce or terminate
4 benefits based on a refusal of an individual to work if the individual is a single
5 custodial parent caring for a child who has not attained six years of age and
6 the individual proves a demonstrated inability to obtain needed child care
7 because of the:
- 8 (1) Unavailability of appropriate child care within a reasonable distance
9 from the individual's home or work site;
- 10 (2) Unavailability or unsuitability of informal child care by a relative or
11 under other arrangements; or
- 12 (3) Unavailability of appropriate and affordable formal child care
13 arrangements.

14 **SECTION 3. REPORTS TO LEGISLATIVE COUNCIL - UNEMPLOYMENT IN INDIAN**

15 **COUNTRY.** The department of human services shall periodically report to the legislative
16 council, or an interim study committee designated by the legislative council, on the progress in
17 its efforts to determine the most reliable current data concerning the proportion of adults living
18 in Indian country who are unemployed.

19 **SECTION 4. LEGISLATIVE INTENT - DEPARTMENT TO NEGOTIATE PILOT**

20 **PROJECT - REPORTS TO LEGISLATIVE COUNCIL.**

- 21 1. It is the legislative intent of the legislative assembly that the department of human
22 services offer to negotiate with the tribal government of any Indian tribe in this
23 state to establish a pilot project to begin operation no sooner than July 1, 2001,
24 under which that tribal government will secure direct funding for the administration
25 of a tribal family assistance grant under 42 U.S.C. 612 from the United States
26 department of health and human services, and under which the state will
27 participate, in cash or in kind, in the cost of providing services under the tribal
28 family assistance grant, provided:
- 29 a. All components of the program are administered by the department of human
30 services, one or more county social service boards, one or more or more

- 1 contractors with the department of human services, or any combination
2 thereof;
- 3 b. Interagency agreements entered into between the department of human
4 services and other state or federal agencies, essential to the state's receipt of
5 federal funds otherwise available under title IV-A, title IV-B, title IV-D, or title
6 IV-E of the Social Security Act, will be honored by the tribe to the extent the
7 department of human services requires the county social service boards to
8 honor those agreements;
- 9 c. The annual funding contributed by the state may not exceed an amount
10 calculated by dividing the nonfederal share of total state expenditures under
11 title IV-A of the Social Security Act for the twelve-month period beginning
12 October 1, 1993, and ending September 30, 1994, by the monthly average
13 number of title IV-A filing units receiving title IV-A benefits in the state during
14 that period, and multiplying the result times the number of IV-A filing units on
15 April 1, 1999, with a primary information person who:
- 16 (1) Is an enrolled member of the tribe or is married to an enrolled member
17 of the tribe who is also a member of that IV-A filing unit; and
- 18 (2) Lives in Indian country within a North Dakota county that also includes
19 Indian reservation lands subject to the exclusive jurisdiction of the tribe;
- 20 d. The state's financial participation in the pilot project will be terminated upon
21 breach of the negotiated agreement.
- 22 2. The department of human services shall periodically report to the legislative
23 council, or to an interim study committee designated by the legislative council, on
24 the progress of any negotiation conducted under subsection 1.
- 25 3. An interim committee designated by the legislative council to receive reports under
26 subsection 2 shall report its findings and recommendations, together with any
27 legislation required to implement the recommendations, to the fifty-seventh
28 legislative assembly.