Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2062
(Human Services Committee)
(At the request of the Department of Human Services)

AN ACT to amend and reenact section 50-09-29 of the North Dakota Century Code, relating to the administration of temporary assistance for needy families.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

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

   f. Limit eligibility to households with total available assets, not otherwise exempted or excluded, of a value established by the department ~~not to exceed five thousand dollars for a one-person household and eight thousand dollars for a household of two or more~~;

   g. Exclude one motor vehicle of any value in determining eligibility;

   h. Require work activities for all household members not specifically exempted by the department of human services for reasons such as mental or physical disability of a parent or child or mental or physical incapacity of a parent;

   i. Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies and establish numerical goals for reducing the illegitimacy rate for the state for periods through calendar year 2005;

   j. To the extent required to allow the state to receive funds from the federal government under title IV-A, provide benefits to otherwise eligible noncitizens who are lawfully present in the United States;

   k. Establish and enforce standards against program fraud and abuse;

   l. Provide employment placement programs;

m. ~~Consider implementing an electronic fund transfer system;~~

~~n.~~ Exempt from assets and income the savings and proportionate matching funds in individual development accounts;

~~o.~~n. Determine the unemployment rate of adults living in a county that includes Indian reservation lands and a significant population of Indian individuals by using unemployment data provided by job service North Dakota;

~~p.~~o. When appropriate, require household members to complete high school;

~~q.~~p. To the extent required to allow the state to receive funds from the federal government under title IV-A, exempt single parents from required work activities;

~~r.~~q. Provide for sanctions, including termination of assistance to the household, if a household member fails to cooperate with work requirements;

~~s.~~r. Provide for sanctions, including termination of assistance to the household, if a household member fails, without good cause, to cooperate with child support activities;

~~t.~~s. Deny assistance with respect to a minor child absent from the household for more than one calendar month, except as specifically provided by the state agency for absences;

~~u.~~t. Require each household to participate in developing an individual ~~responsibility~~employment plan and provide for sanctions, including termination of assistance to the household, if adult or minor household members age sixteen or older fail to cooperate ~~in developing an~~with the terms of the individual ~~responsibility~~employment plan;

~~v.~~u. Provide pre-pregnancy family planning services that are to be incorporated into the temporary assistance for needy families program assessment;

~~w.~~v. Except in cases of pregnancy resulting from rape or incest, not increase the assistance amount to recognize the increase in household size when a child is born to a household member who was a recipient of assistance under this chapter during the probable month of the child's conception;

~~x.~~w. Disregard earned income as an incentive allowance for no more than twelve months;

~~y.~~x. Consider, and if determined appropriate, authorize demonstration projects in defined areas which may provide benefits and services that are not identical to benefits and services provided elsewhere; and

~~z.~~y. Unless at least seven years has elapsed since the most recent felony conviction that has as an element the possession, use, or distribution of a controlled substance, deny assistance to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)].

2. If the secretary of the United States department of health and human services determines that funds otherwise available for the temporary assistance for needy families program in this state must be reduced or eliminated should the department of human services administer the program in accordance with any provision of subsection 1, the department of human services shall administer the program in a manner that avoids the reduction or loss.

3. If the department of human services determines, subject to the approval of the legislative management, that there is insufficient worker opportunity, due to increases in the unemployment rate, to participate in work activities, the department may administer the

temporary assistance for needy families program in a manner different than provided in subsection 1.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2062.

Senate Vote:	Yeas 43	Nays 0	Absent 4
House Vote:	Yeas 85	Nays 0	Absent 9

Secretary of the Senate

Received by the Governor at 8:45 A.M. on March 12, 2015.

Approved at 10:14 A.M. on March 13, 2015.

Governor

Filed in this office this 13th day of March, 2015,

at 1 o'clock P.M.

Secretary of State