

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE NORTH DAKOTA LEGISLATIVE COUNCIL**

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-02-01.2, Temporary Assistance)	<u>DEPT. OF HUMAN SERVICES</u>
For Needy Families (Pages 351-383))	July 19, 2005

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For its report, the North Dakota Department of Human Services states:

- 1. The proposed amendments to N.D. Admin. Code Chapter 75-02-01.2 arose out of 2003 S. B. 2012, Section 8, requiring changes to Temporary Assistance for Needy Families (TANF) funded programs so that spending would not exceed TANF funds provided by the federal government.**

- 2. These rules are not related to any changes in federal statutes or regulations.**

- 3. The Department of Human Services uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The department uses a basic mailing list for each rulemaking project that includes the county social service boards, the regional human service centers, all Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the department. Additionally, the department constructs relevant mailing lists for specific rulemaking. The department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.**

The department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any change occasioned by the comments.

4. Comments were received at the public hearings held in Bismarck on December 22, 2004 and April 1, 2005. Written comments were also received. A summary of comments is attached to this report.
5. The approximate cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$1337.35.
6. The rules were amended to comply with 2003 S.B. 2012, Section 8, requiring changes to TANF funded programs so that spending would not exceed TANF funds provided by the federal government. The following specific changes were made:

Section 75-02-01.2-01, Definitions, was amended to add the definition of "benefits" and "supportive services".

Section 75-02-01.2-02.1, Diversion Assistance, was added because diversion assistance helps prevent needy families from becoming dependent on continuing government benefits by providing cash assistance to qualified families to promote job retention.

Section 75-02-01.2-02.2, Kinship Care Assistance, was added

because kinship care provides a monthly maintenance payment and supportive services to a child residing outside the child's parental home with a caretaker who is related to that child within the fifth degree of kinship.

Section 75-02-01.2-03.1, Up-front Eligibility, was added to state: unless first determined exempt or granted good cause for nonparticipation, the applicant, and any member of the family for whom temporary assistance for needy families is requested, shall cooperate with referrals to child support enforcement and job opportunities and basic skills or a tribal native employment works program.

Section 75-02-01.2-10, Monthly Report - Must be Complete and Timely, was amended to revise the requirements of timeliness.

Section 75-02-01.2-22, Asset Limits, was amended to remove the words "or food stamp benefits".

Section 75-02-01.2-35, Combined Requirements, was amended to redefine the requirements.

Section 75-02-01.2-35.1, Time limit on certain benefits - Exceptions, was amended to further define the exceptions.

Section 75-02-01.2-45, Excluded Income, was amended to include stipends in the list of awards for educational purposes.

Section 75-02-01.2-63, Budgeting in Unusual Circumstances, was amended to revise budgeting in unusual circumstances.

Section 75-02-01.2-68, High School Graduate or General Equivalency Diploma, was amended to revise the dollar amount given to each individual in the household upon completion of high school or receipt of general education development diploma.

Section 75-02-01.2-69, Unrestricted Payment of Assistance - Exceptions, was amended to revise the usual method of making payments.

Section 75-02-01.2-72.1, Denial of Assistance for Fugitive Felons, Probation and Parole Violators, and Certain Convicted Drug Offenders, was amended to revise the list of activities that will deny assistance for fugitive felons, probation and parole violators, and certain convicted drug offenders.

Section 75-02-01.2-74, Assessment and Case Plan, was amended to change the title of "program case manager" to "eligibility worker".

Section 75-02-01.2-75, Temporary Assistance for Needy Families Social Contract, was amended to change the title of "program case manager" to "eligibility worker".

Section 75-02-01.2-76, Initial Social Contract, was amended to change the title of "program case manager" to "eligibility worker" and remove the word "initial".

Section 75-02-01.2-79, Sanctions for Noncompliance with Temporary Assistance for Needy Families Program Requirements, was amended to change the title of "program case manager" to "eligibility worker"

and revise the list of sanctions for noncompliance with temporary assistance for needy families program requirements.

Section 75-02-01.2-80, Good Cause Determination, was amended to change the title of "program case manager" to "eligibility worker".

Section 75-02-01.2-83, Job Opportunities and Basic Skills Program - Basic Requirements, was amended to change the title of "program case manager" to "eligibility worker".

Section 75-02-01.2-88, Job Opportunities and Basic Skills Program - Referral, was amended to change "five workdays" to "seven calendar days".

Section 75-02-01.2-96, Job Opportunities and Basic Skills Program - Vocational Education, was amended to remove the word "development".

Section 75-02-01.2-101, Job Opportunities and Basic Skills Program - Subsidized Public or Private Sector Employment, was amended to change the title of "program case manager" to "eligibility worker".

Section 75-02-01.2-102, Job Opportunities and Basic Skills Program - Failure or Refusal to Participate, was amended to revise the list of activities an individual may fail or refuse to participate in.

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, was

amended to change the title of "program case manager" to "eligibility worker".

7. No written requests for regulatory analysis have been filed by the governor or by any agency. The rule amendments are expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. A constitutional takings assessment was prepared and is attached to this report.
10. These rules were not adopted as emergency (interim final) rules.

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