

**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 Program)	December 5, 2016
(Pages 139-152))	

.....

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

1. The proposed amendments to N.D. Admin. Code chapter 75-02-01.2 are not related to statutory changes made by the Legislative Assembly.
2. These rules are not related to changes in a federal statute or regulation.
3. The Department 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 board directors, the regional human service centers, 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 changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on September 21, 2016. The record was held open until 5:00 p.m. on October 3, 2016, to allow written comments to be submitted. No one attended or provided comments at the public hearing. No written comments were received within the comment period. The "Summary of Comments" is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,280.44.
6. The proposed rules amend chapter 75-02-01.2. The following specific changes are made:

Section 75-02-01.2-02.2. Section 75-02-01.2-02.2 is amended to include the additional monthly maintenances payment as established by the Department as Kinship Care financial assistance.

Section 75-02-01.2-06. Section 75-02-01.2-06 is amended to remove redundant language.

Section 75-02-01.2-11. Section 75-02-01.2-11 is repealed as it is no longer applicable.

Section 75-02-01.2-26. Section 75-02-01.2-26 is amended to clarify when a period of disqualification begins and to change the

length of disqualification when a household transfers assets for eligibility purposes.

Section 75-02-01.2-28. Section 75-02-01.2-28 is repealed as eligibility for aliens who arrived before August 22, 1996, is governed by Federal law.

Section 75-02-01.2-28.1. Section 75-02-01.2-28.1 is repealed as eligibility for aliens who arrived on or after August 22, 1996, is governed by Federal law.

Section 75-02-01.2-44. Section 75-02-01.2-44 is amended to update the Workforce Investment Act of 1998 to Workforce Innovation and Opportunity Act, to change income received from mainstream and green thumb programs to the Older Americans Act, to remove earnings of recipients employed by schools as the Elementary and Secondary Schools Act has been repealed, to ensure all cash contributions are countable unearned income regardless of the source, to remove outdated language, and to remove deeming of income from an alien parent as deeming does not apply to alien parents.

Section 75-02-01.2-45. Section 75-02-01.2-45 is amended to remove all income types that are governed by Federal law.

Section 75-02-01.2-51. Section 75-02-01.2-51 is amended to change the earned income employment incentive to thirteen-months and to remove the unavailability of the earned income disregard if the household fails to complete a monthly report.

Section 75-02-01.2-60. Section 75-02-01.2-60 is amended to remove alien parent as deemed income does not apply to alien parents.

7. No written requests for regulatory analysis have been filed by the

- Governor or by any agency. The rule amendments are not 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. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
 10. A constitutional takings assessment was prepared and is attached to this report.
 11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

Jonathan Alm
Legal Advisory Unit
North Dakota Department of Human Services
December 2, 2016