

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

N.D. Admin. Code Chapter 75-02-01.2 Temporary Assistance for Needy Families Program (Pages 111-112))))))	<u>REPORT OF THE</u> <u>DEPT. OF HUMAN SERVICES</u> December 3, 2019
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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, relating to Temporary Assistance for Needy Families Program (TANF), is necessary to incorporate tribal agencies into the TANF Kinship Care requirements for the administration of the program. The addition of this rule aligns the State’s intent to provide kinship care to all eligible North Dakota families. There was a general fund increase in 2019 Senate Bill No. 2012 to provide for the expansion of the program to eligible tribal families.
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 5, 2019. The record was held open until 5:00 PM on, September 16, 2019, to allow written comments to be submitted. No comments were received at the public hearing. No written comments were received within the comment period. A 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 \$2372.02
6. The proposed rules amend chapter 75-02-01.2. The following specific changes were made:
Section 75-02-01.2-02.2 is amended to add language to include the additional option of a tribal agency as having a child's care, custody, and control in order to be eligible for kinship care assistance.
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. Any fiscal impact resulting from the implementation of the proposed amendment is accounted for in the Department's appropriation provided by the 2019 Legislative Assembly in Senate Bill No. 2012 for the Temporary Assistance for Needy Families Program.
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:

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November 29, 2019