

## 1 SENATE BILL NO. 366

2 INTRODUCED BY C. VINCENT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE DEPARTMENT OF PUBLIC HEALTH  
5 AND HUMAN SERVICES' RESPONSIBILITIES REGARDING ADMINISTRATION OF THE TEMPORARY  
6 ASSISTANCE TO NEEDY FAMILIES PROGRAM; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND  
7 HUMAN SERVICES TO ADOPT REGULATIONS REQUIRING A ~~60-DAY~~ 30-DAY SUSPENSION OF  
8 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BENEFITS WHEN AN ADULT FAMILY MEMBER  
9 VOLUNTARILY QUILTS A JOB; REQUIRING COMPLETION OF ALL WORK ACTIVITIES FOR THE BENEFIT  
10 PERIOD BEFORE RECEIPT OF BENEFITS; AND AMENDING SECTION 53-4-212, MCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 53-4-212, MCA, is amended to read:  
15 **"53-4-212. (Temporary) Department to adopt rules.** (1) The department shall adopt rules and take  
16 action as necessary or desirable for the administration of public assistance programs.

17 (2) Subject to subsections (3) and (4), the department shall adopt rules that may include but are not  
18 limited to rules concerning:

19 (a) eligibility requirements, including gross and net income limitations, resource limitations, and income  
20 and resource exclusions;

21 (b) amounts of assistance, methods for computing benefit amounts, and the length of time for which  
22 benefits may be granted;

23 (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be  
24 eligible for assistance;

25 (d) procedures and policies for employment and training programs, requirements for participation in  
26 employment and training programs, and exemptions, if any, from participation requirements; including but not  
27 limited to adopting rules:

28 (i) providing that when an adult family member has voluntarily quit a job WITHOUT GOOD CAUSE in which  
29 the family member was working at least 20 hours a week, the family is not eligible for financial assistance for:

30 (A) ~~60~~ 30 days from the date that the family member quit the job; or

1           (B) 60 30 days from the date of an application for financial assistance if the application is made  
2 immediately after the family member quit the job:

3           (ii) by October 12, 2012, providing that financial assistance is paid only upon completion of all allowable  
4 work activities required for the benefit period as consistent with federal law.

5           (e) requirements for specified caretaker relatives, including cooperation with assessments, the number  
6 of hours of participation required for each month, specific activities required to address employment barriers, and  
7 other terms of performance;

8           (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients,  
9 including maximum amounts of assistance payable and amounts of copayments required by specified caretaker  
10 relatives;

11           (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;

12           (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who  
13 fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's  
14 obligations under the agreement, including the length of the period of ineligibility, if any;

15           (i) requirements, if any, for participation in the employment and training demonstration project;

16           (j) eligibility for and terms and conditions of extended medical assistance benefits;

17           (k) reporting requirements;

18           (l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or  
19 requirements of a public assistance program;

20           (m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or  
21 for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section  
22 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including  
23 but not limited to the duration of the exemption;

24           (n) individuals who must be included as members of an assistance unit;

25           (o) categories of aliens who may receive assistance, if any;

26           (p) requirements relating to the assignment of child and medical support rights and cooperation in  
27 establishing paternity and obtaining child and medical support;

28           (q) requirements for eligibility and other terms and conditions of other programs to strengthen and  
29 preserve families;

30           (r) special eligibility or participation requirements applicable to teenage parents, if any;

1 (s) conditions under which assistance may be continued when an adult or a dependent child is  
2 temporarily absent from the home and the length of time for which assistance may be continued;

3 (t) any random drug testing or reporting requirements for persons who are required to comply with the  
4 conditions provided under 53-4-231(3) and graduated sanctions that may include terms of ineligibility for violations  
5 of conditions of supervision or treatment requirements. The department may enter into agreements with the  
6 department of corrections regarding testing and reporting on offenders under the supervision of the department  
7 of corrections.

8 (u) approved educational programs, appropriate educational courses of study, employee assessment  
9 instruments, and administration of the Montana parents as scholars program provided for in 53-4-209.

10 (3) By October 1, 2009, the department shall adopt rules establishing a net income limit of 250% of the  
11 current federal poverty level for federal funds or state general fund money used for participating families in the  
12 child care for working caretaker relatives program. The department may incorporate an earned income work  
13 disregard of \$200 and an additional 25% disregard from the household's gross income to determine the  
14 household's net income.

15 (4) The department shall raise the eligibility standard for individuals receiving cash assistance benefits  
16 from the federal TANF block grant from at or below 30% of the 2002 federal poverty level to at or below 30% of  
17 the 2009 federal poverty level for the period from July 1, 2009, through September 30, 2010. Beginning October  
18 1, 2010, the department shall reduce the eligibility standard to 30% of the 2006 federal poverty level. If the TANF  
19 caseload increases to a point that expenditures jeopardize the TANF block grant, the department, after  
20 consultation with the legislative finance committee, may lower the eligibility standard as provided in subsection  
21 (2). (Terminates June 30, 2011--sec. 82, Ch. 489, L. 2009.)

22 **53-4-212. (Effective July 1, 2011) Department to adopt rules.** (1) The department shall adopt rules  
23 and take action as necessary or desirable for the administration of public assistance programs.

24 (2) Subject to subsection (3), the department shall adopt rules that may include but are not limited to  
25 rules concerning:

26 (a) eligibility requirements, including gross and net income limitations, resource limitations, and income  
27 and resource exclusions;

28 (b) amounts of assistance, methods for computing benefit amounts, and the length of time for which  
29 benefits may be granted;

30 (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be

1 eligible for assistance;

2 (d) procedures and policies for employment and training programs, requirements for participation in  
3 employment and training programs, and exemptions, if any, from participation requirements; including but not  
4 limited to adopting rules:

5 (i) providing that when an adult family member has voluntarily quit a job WITHOUT GOOD CAUSE in which  
6 the family member was working at least 20 hours a week, the family is not eligible for financial assistance for:

7 (A) 60 30 days from the date that the family member quit the job; or

8 (B) 60 30 days from the date of an application for financial assistance if the application is made  
9 immediately after the family member quit the job;

10 (ii) by October 12, 2012, providing that financial assistance is paid only upon completion of all allowable  
11 work activities required for the benefit period as consistent with federal law.

12 (e) requirements for specified caretaker relatives, including cooperation with assessments, the number  
13 of hours of participation required for each month, specific activities required to address employment barriers, and  
14 other terms of performance;

15 (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients,  
16 including maximum amounts of assistance payable and amounts of copayments required by specified caretaker  
17 relatives;

18 (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;

19 (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who  
20 fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's  
21 obligations under the agreement, including the length of the period of ineligibility, if any;

22 (i) requirements, if any, for participation in the employment and training demonstration project;

23 (j) eligibility for and terms and conditions of extended medical assistance benefits;

24 (k) reporting requirements;

25 (l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or  
26 requirements of a public assistance program;

27 (m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or  
28 for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section  
29 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including  
30 but not limited to the duration of the exemption;

- 1 (n) individuals who must be included as members of an assistance unit;
- 2 (o) categories of aliens who may receive assistance, if any;
- 3 (p) requirements relating to the assignment of child and medical support rights and cooperation in  
4 establishing paternity and obtaining child and medical support;
- 5 (q) requirements for eligibility and other terms and conditions of other programs to strengthen and  
6 preserve families;
- 7 (r) special eligibility or participation requirements applicable to teenage parents, if any;
- 8 (s) conditions under which assistance may be continued when an adult or a dependent child is  
9 temporarily absent from the home and the length of time for which assistance may be continued;
- 10 (t) any random drug testing or reporting requirements for persons who are required to comply with the  
11 conditions provided under 53-4-231(3) and graduated sanctions that may include terms of ineligibility for violations  
12 of conditions of supervision or treatment requirements. The department may enter into agreements with the  
13 department of corrections regarding testing and reporting on offenders under the supervision of the department  
14 of corrections.
- 15 (u) approved educational programs, appropriate educational courses of study, employee assessment  
16 instruments, and administration of the Montana parents as scholars program provided for in 53-4-209.
- 17 (3) By October 1, 2009, the department shall adopt rules establishing a net income limit of 250% of the  
18 current federal poverty level for federal funds or state general fund money used for participating families in the  
19 child care for working caretaker relatives program. The department may incorporate an earned income work  
20 disregard of \$200 and an additional 25% disregard from the household's gross income to determine the  
21 household's net income."

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23 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a  
24 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
25 Chippewa tribe.

26 - END -