

1 HOUSE BILL NO. 425

2 INTRODUCED BY G. MASOLO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA PARENTS AS SCHOLARS
5 PROGRAM; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CREATE A
6 STATE-FUNDED PROGRAM WITH TEMPORARY ASSISTANCE FOR NEEDY FAMILIES MAINTENANCE OF
7 EFFORT FUNDS TO FUND PUBLIC ASSISTANCE TO RECIPIENTS IN APPROVED EDUCATIONAL
8 PROGRAMS; AMENDING SECTIONS 53-4-201 AND 53-4-212, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

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

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13 **Section 1.** Section 53-4-201, MCA, is amended to read:14 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

15 (1) "Approved educational program" means a program in a unit of the Montana university system
16 provided in 20-25-201, a community college, a tribal college, or any other accredited college in Montana
17 in pursuit of a baccalaureate or associate's degree or an accredited high school or training program
18 approved by the department by rule.

19 ~~(1)~~(2) "Department" means the department of public health and human services provided for in
20 2-15-2201.

21 ~~(2)~~(3) (a) "Dependent child", for public assistance purposes, means:

22 (i) a child under 18 years of age; or

23 (ii) a person under 19 years of age who is a student, as defined by the department by rule.

24 (b) The person described in subsection ~~(2)(a)(i)~~ (3)(a)(i) or ~~(2)(a)(ii)~~ (3)(a)(ii) must be living with a
25 specified caretaker relative, as defined by the department by rule.

26 ~~(3)~~(4) "FAIM financial assistance" means the program that provides participants in the job
27 supplement program, pathways program, and community services program of the FAIM project with
28 benefits that may include cash, services, and noncash assistance.

29 ~~(4)~~(5) "FAIM project" means the families achieving independence in Montana project as
30 established in 53-4-601.

1 ~~(5)~~(6) "Family" means a group of people who live with a dependent child, each of whom is related
2 to the dependent child by blood, marriage, or adoption or by law, such as:

3 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
4 to be a parent in the case of a child conceived by artificial insemination; or

5 (b) a sibling.

6 ~~(6)~~(7) "Federal poverty level" means the measure of indigence established annually by the U.S.
7 office of management and budget.

8 ~~(7)~~(8) "Public assistance" or "assistance" means a type of monetary or other assistance furnished
9 under this title to a person by a state or county agency, regardless of the original source of the assistance.

10 ~~(8)~~(9) "Specified caretaker relative" means a person within a degree of kinship to the dependent
11 child, as specified by department rule, who lives with the child and exercises care and control over the
12 child.

13 ~~(9)~~(10) "State plan" means the policies and procedures governing the state of Montana's FAIM
14 financial assistance program and other programs funded by temporary assistance for needy families. It is
15 prepared by the department and certified by the federal agency that provides funding for those programs.

16 ~~(10)~~(11) "Temporary assistance for needy families" means the federal block grant that funds FAIM
17 financial assistance and other programs to strengthen and preserve families pursuant to Title IV of the
18 Social Security Act, 42 U.S.C. 601, et seq., as amended by the Personal Responsibility and Work
19 Opportunity Reconciliation Act of 1996."

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21 **Section 2.** Section 53-4-212, MCA, is amended to read:

22 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
23 necessary or desirable for the administration of the FAIM financial assistance program and other programs
24 funded under the temporary assistance for needy families block grant.

25 (2) The department shall adopt rules that may include but are not limited to rules concerning:

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

28 (b) amounts of assistance and methods for computing benefit amounts;

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

- 1 (d) procedures and policies for employment and training programs, requirements for participation
2 in employment and training programs, and exemptions, if any, from participation requirements;
- 3 (e) requirements for specified caretaker relatives participating in the community services program,
4 including the number of hours of community service work per month and other terms of performance;
- 5 (f) eligibility for and terms and conditions of child-care assistance for FAIM project participants,
6 including maximum amounts of assistance payable and amounts of copayments required by specified
7 caretaker relatives;
- 8 (g) maximum amounts of one-time only cash payments for special employment-related needs and
9 the length of time that a family is required to remain off cash assistance after a payment is received;
- 10 (h) exemptions from time limits in pathways and the community services program;
- 11 (i) terms of a specified caretaker relative's or other family member's ineligibility for assistance
12 because of failure to enter into a family investment agreement or to comply with the individual's
13 obligations under the agreement, including the length of the period of ineligibility;
- 14 (j) requirements, if any, for participation in and exemptions from participation in and procedures
15 and policies of the employment and training demonstration project;
- 16 (k) eligibility for and terms and conditions of extended child-care and medical assistance benefits;
- 17 (l) reporting requirements;
- 18 (m) sanctions, disqualification, or other penalties for failure to comply with the program rules or
19 requirements;
- 20 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on
21 hardship or for families that include an individual who has been battered or subjected to extreme cruelty,
22 as defined in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,
23 42 U.S.C. 608, including but not limited to the duration of the exemption;
- 24 (o) individuals who must be included as members of an assistance unit;
- 25 (p) categories of aliens who may receive assistance, if any;
- 26 (q) requirements relating to the assignment of child and medical support rights and cooperation
27 in establishing paternity and obtaining child and medical support;
- 28 (r) requirements for eligibility and other terms and conditions of other programs to strengthen and
29 preserve families;
- 30 (s) special eligibility or participation requirements applicable to teenage parents, if any; ~~and~~

1 (t) conditions under which assistance may be continued when a dependent child is temporarily
2 absent from the home and the length of time for which assistance may be continued; and
3 (u) approved educational programs, appropriate educational courses of study, employee
4 assessment instruments, and administration of the parents as scholars program provided for in [section
5 3]."
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7 **NEW SECTION. Section 3. Montana parents as scholars program -- department duties.** (1) There
8 is a Montana parents as scholars program administered by the department.

9 (2) The department shall:

10 (a) use state maintenance of effort funds required by temporary assistance to needy families, to
11 the extent practicable, in a separate state-funded program to provide public assistance only to eligible
12 individuals for the purpose of continuation of education leading toward a high school diploma, a general
13 equivalency degree, an associate's degree, or a baccalaureate degree;

14 (b) establish or coordinate a skills training center pilot program in coordination with the board of
15 regents or a community college district to provide training to individuals identified as appropriate through
16 an assessment process;

17 (c) allow an individual receiving public assistance from the state-funded program to attend an
18 approved educational program, as defined in 53-4-201, provided that the individual:

19 (i) has completed an employee assessment conducted as provided by rule;

20 (ii) meets the income and resource eligibility requirements of the FAIM project;

21 (iii) qualifies as a full-time student pursuant to subsection (4); and

22 (iv) completes a 180-hour work activity requirement in a 12-month period that may include work
23 study, internships, or paid employment;

24 (d) limit approved educational programs to educational courses that are intended to promote
25 economic self-sufficiency, not to exceed the baccalaureate level or one vocational training program; and

26 (e) amend the state plan submitted to the United States department of health and human services
27 to provide that the state elects, as authorized by section 402(a)(1)(A)(ii) of Public Law 104-193, to define
28 work as including all activities permitted under section 407 of Public Law 104-193 and satisfactory
29 full-time school attendance.

30 (3) Subject to the availability of funds, the department shall provide to recipients of public

1 assistance from a state-funded program in an approved educational program at least 2 hours of dependent
2 day care, if needed, for each hour the recipient is required to be attending class, laboratory, or other
3 required instructional activity. The department shall also provide for dependent day care while the
4 recipient is in a work activity.

5 (4) A state-funded program must require a recipient to be a full-time student, which means a
6 recipient must:

7 (a) maintain enrollment of at least 12 credit hours each semester and 30 credit hours a year;

8 (b) maintain a 2.00 grade point average on a 4.00 grade point scale;

9 (c) cooperate with paternity and child support requirements;

10 (d) agree to relocate after graduation, if necessary, to seek employment in a job for which the
11 education was intended; and

12 (e) not be allowed to remain in the program after receiving a baccalaureate degree.

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14 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send
15 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little
16 Shell band of Chippewa.

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18 NEW SECTION. **Section 5. Codification instruction.** [Section 3] is intended to be codified as an
19 integral part of Title 53, chapter 4, part 2, and the provisions of Title 53, chapter 4, part 2, apply to
20 [section 3].

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22 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2001.

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