

HOUSE BILL NO. 158

INTRODUCED BY D. HAINES

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIFIC APPROPRIATION TO FUND THE TRANSFER OF GENERAL FUND MONEY TO AN INDIAN TRIBE OR COMBINATION OF TRIBES THAT HAVE IMPLEMENTED A NEW TRIBAL FAMILY ASSISTANCE PLAN; STABILIZING THE TEMPORARY ASSISTANCE FOR NEEDY FAMILY MAINTENANCE OF EFFORT FUNDS; MAKING FUNDED TRANSFERS TO INDIAN TRIBES CONTINGENT UPON THE RECEIPT OF REQUIRED REPORTS; AMENDING SECTION 53-4-210, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 53-4-210, MCA, is amended to read:

"53-4-210. Tribal family assistance plan. (1) As used in this section, "Indian tribe" means an Indian tribe that has a federally recognized governing body carrying out substantial governmental duties and powers over any area.

(2) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 612, authorizes an Indian tribe or a combination of tribes to request federal approval to implement a tribal family assistance plan.

(3) If a Montana Indian tribe or a combination of tribes receives approval to implement a tribal family assistance plan and chooses to base their share of the federal temporary assistance for needy families block grant on the same federal fiscal year 1994 service population as they plan to serve under their tribal family assistance plan, the legislature shall continue to provide the Indian tribe or combination of tribes with a proportionate state share for cash benefits ~~based on~~ according to the temporary assistance for needy families maintenance of effort level based upon historic state expenditures, as defined in 42 U.S.C. 609(a)(7)(B)(iii), established by the legislature for that biennium or the temporary assistance for needy families maintenance of effort level set in statute.

(4) The Indian tribe or combination of tribes retain eligibility to form a partnership with the department and share funding for approved special projects related to welfare reform.

(5) The department shall provide the Indian tribe or combination of tribes with a reasonable level of

technical assistance in the form of eligibility and case management training, policy interpretation, and automated system background information. The technical assistance must be provided at no cost to the Indian tribe or combination of tribes for a period of 1 year after the inception of the tribal family assistance plan. After 1 year, the Indian tribe or combination of tribes may contract with the department for continued technical assistance.

(6) The Indian tribe or combination of tribes may contract with the department for the provision of participant services or associated administrative functions that the tribe or combination of tribes and the department find appropriate.

(7) ~~The~~ Following the implementation of a new tribal family assistance plan by a tribe or combination of tribes, the department shall transfer to each tribe or combination of tribes implementing a new tribal family assistance plan after April 28, 1999, \$100,000 of general fund money ~~from existing general fund appropriation authority~~ for each of the complete state fiscal years year of the ~~succeeding~~ biennium ~~for the use of each tribe implementing a family assistance plan~~ during which the tribe or combination of tribes implements a new tribal family assistance plan for the first time if:

(a) the department has received a specific appropriation to fund the transfer to a tribe or combination of tribes that have implemented a tribal family assistance plan under this section;

(b) the department has received an appropriation for temporary assistance for needy families maintenance of effort based upon historic state expenditures, as defined in 42 U.S.C. 609(a)(7)(B)(iii), that is at least equal to the appropriation for maintenance of effort that the department would have received prior to any reduction for the implementation of a separate tribal family assistance plan by the tribe or combination of tribes;
and

(c) the tribe or combination of tribes has submitted to the department all required reports in satisfactory form."

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

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2003.

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