

HOUSE BILL NO. 575  
INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE AMOUNT OF EARNINGS TO BE DISREGARDED IN DETERMINING ELIGIBILITY FOR AND FINANCIAL ASSISTANCE PAYMENTS UNDER THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; AMENDING SECTIONS 53-4-212 AND 53-4-241, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Income disregards for temporary assistance for needy families.** In determining a family's eligibility for benefits and financial assistance payments under the temporary assistance for needy families program, the department shall subtract from the monthly countable earnings of each wage earner in the family:

- (1) the following amounts from earned income:
  - (a) (i) \$300 a month for work expenses; and
  - (ii) 25% of the balance; and
  - (b) a maximum of \$200 a month for dependent care expenses for each dependent if the dependent lives in the same household; and
- (2) the amount a wage earner is obligated to pay for legally binding child support payments for dependents not living with the family, if the payments are made on a regular basis.

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

**"53-4-212. Department to make rules.** (1) The department shall make rules and take action as necessary or desirable for the administration of public assistance programs.

- (2) The department shall adopt rules that may include but are not limited to rules concerning:
  - (a) eligibility requirements, including gross and net income limitations, resource limitations, and income and resource exclusions;
  - (b) amounts of assistance, methods for computing benefit amounts pursuant to [section 1], and the length of time for which benefits may be granted;
  - (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be

eligible for assistance;

(d) procedures and policies for employment and training programs, requirements for participation in employment and training programs, and exemptions, if any, from participation requirements;

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

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

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

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

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

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

(k) reporting requirements;

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

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

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

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

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

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

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

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

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

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

**Section 3.** Section 53-4-241, MCA, is amended to read:

**"53-4-241. Amount of assistance determined by department rules.** The amount of financial assistance or nonfinancial assistance granted in any case must be determined according to [section 1] and the rules and standards of assistance established by the department."

NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 4, part 2, and the provisions of Title 53, chapter 4, apply to [section 1].

NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2007.

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