

MINUTES OF THE MEETING
JOINT RULES COMMITTEE
STATE OF MONTANA

November 19, 1981

The second meeting of the Joint Rules Committee met on the above date in room 405 of the State Capitol. The meeting was called to order by Chairman Stan Stephens at 9:05 a.m. for the purpose of taking a vote on Representative Manning's request to draft a bill for a Community Action Agency (Attachment #1 with the reply from Bob Pyfer, Legislative Council); and the question pending on the Emergency Operating Center Appropriation.

ROLL CALL: All members were present.

Chairman Stephens stated that once you get into the Manning draft it is very comprehensive. In quoting from the reply from Bob Pyfer he said "it appeared fairly clear that portions of the draft proposal would fall within the Call listed in Title 53, but there are several new sections to be included that seem to be in a "gray" area.

Chairman Stephens stated that a decision needs to be made today, and invited discussion.

Representative Moore commented that he feels it is so "gray" he doesn't think it could be considered within the Call. He said the general appropriation bill has already been passed over to the Senate and noting that proposed provisions in Section 9 calls for such sums as are necessary to be made available to community action agencies for the planning, conduct, administration and evaluation of community action programs appropriated to the Department of Social and Rehabilitation Services. This would have to come out of the general fund. Previous funding has been through the federal government.

Representative Fabrega questioned whether it would fit within the time frame of this session since it would entail bringing H.B. 2 back to the House to be acted on, therefore, he would oppose it for that reason.

Representative Kemmis remarked that it is such a complicated proposal that he is reluctant to have this committee act as an appropriation committee. The question we are charged with is whether it falls within the scope of the Call.

Representative Marks reminded members that the fact of the matter is this session was called to deal with budget modifications and the draft would affect this very issue.

Representative Sivertsen asked Representative Moore if this matter was ever dealt with during the appropriations meetings?

Senator Boylan said he remembered the problem was presented during Committee III's meeting, and he was aware of it from the start.

Representative Marks suggested that our decision should be based on whether or not the material before us is within the Call. He asked what section or chapter would it refer to, and if the proposal covers areas other than those listed the committee can say "yes, it is outside the Call".

Representative Spilker said that Mr. Pyfer's letter addressed this when he stated that the request would probably include several new sections to be included in Title 53 as a new chapter or part and amendment or repeal of several existing sections in those chapters of Title 53 listed in the Call for Special Session.

Dialogue continued about the possibility of drafting the bill deleting the sections that fall outside the Call. This approach would consume quite a lot of time by the Council staff (about two days according to Diana Dowling), and there would still be the "gray" areas after all this.

Representative Marks moved that the committee consider this proposal to be outside the Call.

Representative Kemmis said he feels the only fair way to handle this would be to submit it for drafting keeping it within the sections or chapters that fall within the scope of the Call, and made a substitute motion to that effect.

Representative Sivertsen said that in that regard you will be leaving it up to the Council to say what is within the Call.

Representative Kemmis replied that in reality they are saying it falls within when they accept it for drafting.

Chairman Stephens suggested that maybe we are groping to make a camel out of a horse. He said the council already has the authority to draft, but he does not feel that this committee should function as any other committee. Only those matters that are in doubt will be referred to Joint Rules.

Senator Graham asked if the material before us is within the Call?

Senator Norman submitted that if any part of it should fall outside the Call then he believes we should consider the entire proposal to be outside.

Representative Manning, sponsor of the proposal, was invited to comment. He stated it would not work for the people unless it is in its original form, and he does agree there are sections that are outside the call. He would rather get what he started after or disallow the entire proposal.

Minutes of Joint Rules
November 19, 1981
Page -3-

Representative Kemmis withdrew his substitute motion. Question was called on the original motion. Motion carried on an unanimous roll call vote.

Representative Manning thanked the committee and said he felt he had a very fair hearing.

Next on the agenda was the unfinished item "Emergency Operating Center appropriation.

Chairman Stephens read the letter from David Lewis, Budget Director (attachment #2). This matter was thoroughly discussed at the first Joint Rules meeting.

Representative Moore stated that it is his understanding that anything over \$25,000 in construction type money has to be approved by the legislature, and that is the reason the \$75,000 for the Emergency Operating Center was not budgeted.

Mr. Lewis stated that in his opinion the proposed appropriation is clearly within the expressed title of H.B. 500, and properly included within the Governor's Call.

Senator Smith submitted that he feels it could be handled by budget amendment.

Senator Norman moved to approve the appropriation by amending it into H.B. 500 now in the Senate. Motion carried with Smith, Moore, and Menehan recorded as voting "no".

The meeting adjourned at 9:50 a.m.



Stan Stephens, Chairman

ROLL CALL

JOINT

RULES COMMITTEE _____

Date Nov 19 1981 Bill No. _____ Time _____

NAME			ROLL CALL VOTE	
	PRESENT	ABSENT	YES	NO
Stephens, Stan, Chrm.	✓		✓	
Hazelbaker, Frank, V. Chrm.	✓		✓	
Turnage, Jean	✓		✓	
Kolstad, Allen		✓	<i>Absent</i>	
Smith, Ed	✓		✓	
Galt, Jack	✓		✓	
Blaylock, Chet	✓		✓	
Norman, Bill	✓		✓	
Graham, Carol	✓		✓	
Boylan, Paul	✓		✓	
Fagg, Harrison, Chrm.		✓	<i>Absent</i>	
Marks, Bob, V. Chrm.	✓		✓	
Moore, Jack	✓		✓	
Spilker, Bobby	✓		✓	
Sivertsen, Bob	✓		✓	
Lund, Art Fabrega	✓		✓	
Vincent, John	✓		✓	
Dussault, Ann Mary		✓	<i>Absent</i>	
Kemmis, Dan	✓		✓	
Menahan, Red	✓		✓	
	17	3	17	

Neil McKay
Secretary

Stan Stephens
Chairman

Motion: That Representative Manning's proposed draft request does not fall within the scope of the Call for the Special Session.

(include enough information on motion--put with yellow copy of committee report)

STANDING COMMITTEE REPORT

November 19, 19 81

MR. **SPEAKER**

We, your committee on **JOINT RULES**

having had under consideration **Proposed bill drafting request by Representative Manning** Bill No.

Respectfully report as follows: That Bill No.

That Representative Manning's proposed draft request does not fall within the scope of the call for the Special Session.

DO PASS

STANDING COMMITTEE REPORT

November 19, 19 81

MR. **PRESIDENT**

We, your committee on **JOINT RULES**

having had under consideration **Proposed bill drafting request by Representative Manning** Bill No.

Respectfully report as follows: That Bill No.

That Representative Manning's proposed draft request does not fall within the scope of the call for the Special Session,

DO PASS

4/10



Montana Legislative Council

State Capitol
Helena, MONT. 59620

(406) 449-3064

SENATE MEMBERS

PAT M. GOODOVER
CHAIRMAN
CARROLL GRAHAM
JOSEPH P. MAZUREK
JESSE O'HARA

HOUSE MEMBERS

JOHN VINCENT
VICE CHAIRMAN
REX MANUEL
BURT L. HURWITZ
BOBBY SPILKER

DIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER
ELEANOR ECK
ADMINISTRATIVE ASSISTANT
ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES
ROBERT PERSON
DIRECTOR, RESEARCH
SHAROLE CONNELLY
DIRECTOR, ACCOUNTING DIVISION
ROBERT C. PYFER
DIRECTOR, LEGAL SERVICES

November 17, 1981

To: Rep. Richard Manning, Joint Rules Committee,
Diana Dowling

From: Bob Pyfer

Re: Representative Manning's Bill Draft Request--
Community Action Agencies

Representative Richard Manning has submitted a bill drafting request for a bill creating community action agencies to deal with problems of the poor. The rough draft submitted with the request touches on so many areas and ideas that it is somewhat difficult to ascertain the specific intent of the proposal or to envision how the proposal would be incorporated into existing law. Nevertheless, it is relatively clear that the proposal calls for locally-based agencies administering broad-based poverty programs. Each agency's geographical jurisdiction would be based on "commonality of interest" within the area to be administered. The programs that could be administered or coordinated by an agency would appear to run the gamut of social services, including health services, food, training and education, job placement, housing, and encouragement of involvement in community affairs with emphasis on developing individual self-sufficiency. Each agency would be governed by a board consisting of county officials, "elected" representatives of the poor, and representatives of business, labor, etc. Each agency would be empowered to receive funds from various sources including state funds funnelled through SRS. The draft provides for an unspecified appropriation to SRS for disbursement to community action agencies.

A sound bill draft effectuating the apparent purposes of the request would probably include several new sections to be included in Title 53 as a new chapter or part and amendment or repeal of several existing sections in those chapters of Title 53 listed in the call for special session.

The proposal would create an extensive new program and therefore might be questioned as necessary to meet budget modifications. However, it is apparently intended to supplement existing programs in order to continue and enhance delivery of social services that may be reduced due to SRS budget modifications. The proposal would appear to provide an alternative for dealing with SRS budget and program modifications. It therefore would appear to be rationally related to the purpose of the call. It also would apparently affect provisions of law listed in the call and, under a somewhat liberal interpretation, could be considered as "resulting from budget modifications".

OCTOBER 8, 1981

ATTACHMENT "A"

STATE OF MONTANA

INTRODUCED

By

Referred to COMMITTEE ON SOCIAL, WELFARE, & LABOR PROGRAM BUDGETS

An ACT to mobilize human and financial resources to enable low-income citizens in Montana to become self-sufficient.

1 Be it ENACTED by the Senate and House of the State of Montana

1. a. This act shall be known and may be cited as the "Community Action Act of 1981".

b. As used in this act, "Director" means the Director of the Department of Social & Rehabilitation Services.

2. The Legislature hereby finds and declares that:

Montana can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society. It is, therefore, the policy of this State to promote the ability of its citizens to become self-sufficient by opening to everyone the opportunity to live and work in decency and dignity. It is the purpose of this act to strengthen, supplement and coordinate efforts in furtherance of that policy.

It is the sense of the Legislature that it is highly desirable to employ the resources of the private sector of the economy of this State in all such efforts to further the policy of this act.

3. This act provides for community action agencies and programs, prescribes the structure and describes the function of community action agencies, and authorizes financial assistance to community action agencies and related projects and activities. Its basic purpose is to stimulate a better focusing of all available local, State, private and Federal resources upon the goal of enabling low-income families and low-income individuals of all ages in rural and urban areas to attain the skills, knowledge and motivations and secure the opportunity needed for them to become fully self-sufficient.

Its specific purposes are to promote, as methods of achieving a better focusing of resources on the goal of individual and family self-sufficiency, the following:

- a. the strengthening of community capabilities for planning and coordinating Federal, State and other resources, so that these services are more responsive to local needs and conditions and so that duplication is eliminated wherever possible, through the efforts of local officials, organizations and interested and affected citizens;
- b. the better organization of a range of services related to the needs of the poor, so that these services may be made more effective and efficient in helping families and individuals to overcome particular problems in a way that takes account of and supports their progress in overcoming related problems;
- c. the greater use, subject to adequate evaluation, of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources;
- d. the development and implementation of all programs and projects designed to serve the poor or low-income areas with the maximum feasible participation of residents of the areas and members of the group served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful and widely utilized by their intended beneficiaries; and
- e. the broadening of the resource base of programs directed to the development of self-sufficiency so as to secure, in addition to the services and assistance of public officials, private, religious, charitable and neighborhood organizations, and individual citizens, a more active role for business, labor and professional groups able to provide employment opportunities and otherwise influence the quantity and quality of services of concern to the poor.

4. a. A community action agency shall be a public or private non-profit agency, or organization which has been designated by the Governor or a political subdivision or combination of political *(constituted that) ** subdivisions which*:

- (1) has the power and authority and will perform the functions set forth in section 6 of this act, including the power to enter into contracts with public and private agencies and organizations to assist in fulfilling the purposes of this act, and
- (2) is determined to be capable of planning, conducting administering and evaluating a community action program and is currently designated as a community action agency of Federal law or the Governor.

b A community action program is a community based and operated program which:

- (1) includes or is designated to include a sufficient number of projects or components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;
 - (2) has been developed and which organizes and combines its component projects and activities in a manner appropriate to carry out all the purposes of this act; and
 - (3) conforms to such other supplementary criteria as the director may prescribe consistent with the purposes and provisions of this act.
- * (b) **c* Components of a community action program may be administered by the community action agency, where consistent with sound and efficient management and applicable law, or by other agencies. They may be projects eligible for assistance under this act or projects assisted from other public or private sources; and they may be either specially designated to meet local needs, or designed pursuant to the eligibility standards of a State or Federal program providing assistance to a particular kind of activity which will help in meeting those needs.
- * (c) **d* For the purpose of this act, a community is defined as those multi-county units presently designated as Human Resource Development Districts, irrespective of boundaries or political subdivisions, which provides a suitable organizational base and possesses the commonality of interest needed for a community action program.
5. a. Each community action agency shall administer its program through a community action board which shall meet the requirements of subsection b. of this section.
 - b. Each board to which this subsection applies shall consist of not more than 51 and not less than 9 members and shall be so *(subdivisions which)*constituted that*;
 - (1) One-third of the members of the board are elected public officials currently holding office, or their designees, except that if the number of elected officials reasonably available and willing to serve is less than 1/3 of the membership of the board, membership on the board of appointive public officials may be counted in meeting such 1/3 requirement;
 - (2) At least 1/3 of the members of the board are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served;

- (3) The remainder of the members of the board are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.

Each member of the board selected to represent a specific geographic area within a community shall reside in the area he represents. No person selected under paragraph (2) or (3) of this subsection as a member of a board shall serve on such board for more than 5 consecutive years, or more than a total of 10 years.

- c. Where a community action agency places responsibility for major policy determinations with respect to the administration and operation of programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area. Each community action agency shall be encouraged to make use of neighborhood based organizations composed of residents of the area or members of the groups served to assist such agency in the planning, conduct, and evaluation of components of the community action program.
6. a. In order to carry out its overall responsibility for planning, coordinating, evaluating and administering a community action program, a community action agency shall have authority under its charter or applicable law to receive and administer funds received pursuant to this act, funds and contributions received from private or local public sources which may be used in support of a community action program, and funds received under any Federal or State assistance program pursuant to which a public or private nonprofit agency, as the case may be, organized in accordance with this act could act as grantee, contractor or sponsor of projects appropriate for inclusion in a community action program. Subject to applicable Federal law or regulation, community action agencies are exclusively eligible to receive Federal funds contained in Federal block grants which have been previously designated as anti-poverty funds. A community action agency shall also be empowered to transfer funds so received and to delegate powers to other agencies subject to the powers of its governing board and its overall program responsibilities. This power to transfer funds and delegate powers shall include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objective.
- b. In exercising its powers and carrying out its overall responsibility for a community action program, a community action agency shall have, subject to the purposes of this act, at least the following functions:

- (1) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities and areas as needed for the best and most efficient use of resources;
- (2) Encouraging agencies engaged in activities related to the community action program to plan for, secure and administer assistance available under this act or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to attack poverty, such as improving day to day communications, closing the service gaps, focusing resources on the most needy, and providing additional opportunities to low-income individuals for regular employment or participation in the programs or activities for which those community action agencies and officials are responsible;
- (3) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs, developing new approaches of new types of services that can be incorporated into other programs, and filling gaps pending the expansion or modification of those programs;
- (4) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interest, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources; and
- (5) Joining with and encouraging business, labor and other private groups and organizations to undertake, together with public officials and agencies, activities in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things as developing new employment opportunities, stimulating investment that will have a measurable impact in reducing poverty among residents of areas of concentrated poverty, and providing methods by which residents of those areas can work with private groups, firms and institutions in seeking solutions to problems of common concern.

November 18, 1981

MEMORANDUM

TO: Members of the Joint Rules Committee

FROM: David M. Lewis, Budget Director

SUBJECT: EMERGENCY OPERATING CENTER APPROPRIATION

I have been informed that the Joint Rules Committee passed a motion to exclude the \$75,000 as requested in the Governor's Revised Budget and proposed in HB500 for the Emergency Operating Center at the Department of Military Affairs. The reason for this action was stated as the impropriety of including such an appropriation in HB500.

As you are aware, the title to HB500 states that it is "An Act to Appropriate Money to Various State Agencies for the Biennium Ending June 30, 1983; and Providing an Effective Date." It is my opinion that the proposed appropriation for the Emergency Operating Center is clearly within the expressed title of HB500 and, therefore, properly included within HB500. Since the entirety of HB500, the "General Appropriations Act of 1981" has been presented to the Legislature for its consideration under the Governor's Call, such an appropriation is within the scope of the Call. There is no need, therefore, to expand the Call in order for the Legislature to consider the proposed \$75,000 appropriation to the Emergency Operating Center.