

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING
SECOND SPECIAL SESSION - 1986
HOUSE OF REPRESENTATIVES

March 27, 1986

The second meeting of the Human Services and Aging Committee was called to order by Chairman Nancy Keenan on March 27, 1986 at 1:00 p. m. in Room 312-3 of the State Capitol.

ROLL CALL: Upon roll call all members were present with the exception of Representative Wallin who was excused.

Karen Renne was taking the place of Tom Gomez as Researcher. At this time Chairman Keenan asked Karen Renne to give the Committee a Bill Summary and explain what is going on in other states. (Exhibit 1 and Exhibit 2)

Chairman Keenan asked Representative Winslow if anything had changed since last night pertaining to the bill.

Representative Winslow replied that he had not heard of anything.

ACTION ON HOUSE BILL NO. 12: Representative Gould moved that House Bill No. 12 DO PASS AS AMENDED. Motion was seconded by Rep. Phillips.

Chairman Keenan asked the Committee at this time if they wanted to open the meeting to those people who wanted to be heard for discussion.

Rep. Gilbert said it should be opened to only relevant answers to specific questions and not testimony.

Rep. Stella Jean Hansen asked how they arrived at the Work Fare program in Missoula.

Ann Mary Dussault replied that when the Missoula Work Fare was initiated all of the interested parties were brought together. Missoula County contributed to the administration financially. All of those things is what makes the program work.

Rep. Bradley asked whether it would be possible to put this in an informal study to polish up when we are back this summer. She stated it seems to me it would make a great deal more sense. She asked Dave Lewis or Rep. Winslow to comment on this suggestion.

Rep. Winslow replied that he didn't think that's necessary.

If you look at the grey bill it is very, very clear on the first page that the Department of SRS will still be responsible and they can designate other agencies. To wait until June is just stalling the process.

Representative Bradley stated that one of the most successful in the state is in Missoula and they say a substantial rewrite didn't improve it a great deal.

Representative Winslow answered that in one out of 12 counties it is purely effective. This bill is more than work fare. We have 11 other counties that don't have a good program.

Dave Lewis, Director of the Department of Social and Rehabilitative Services, replied that the one element that this bill contains that they don't have is to impose a 40-hour work week on participants. All we have right now is ability to mandate the work fare part of it. The major element here is the 40-hour week obligation.

Rep. Stella Jean Hansen stated that if you mandate the 40-hour week program you are going to cut out the 3-day week.

Rep. Gilbert stated that we are getting a fear here that someone is going to step on someone's turf. What may work real well in Missoula County may not work in Custer County and we have to take that in consideration. I think Rep. Winslow has an excellent bill. I can't see any problem in this bill that can't be rectified.

Rep. Phillips said he thinks people in the state are going to expect us to do something before we go home. I don't think we should just stop here.

Rep. Keenan stated that there is already established a committee on job training - that study is already existing.

Rep. Cohen said he was concerned about the amendments that were put in - since there is a lot of mandatory language. I don't think what we have done to date is giving it a fair review. I would really like to see us wait until June.

Rep. Bradley stated she would request the committee to listen to Commissioner Dussault.

Rep. Keenan asked Commissioner Dussault if she would like to go through some of those revisions.

Commissioner Dussault at this time explained the changes in full.

Rep. Bradley asked if Dave Lewis would like to respond.

Dave Lewis said it is really difficult to say without reviewing all the specifics.

Rep. Gilbert said that Speaker wants all the bills brought out today.

Rep. Keenan replied that's the bottom line - is time. There are some concerns on this legislation. We as a committee can say we have other alternatives and can put it into a study. This will affect people for many years.

Rep. Gilbert said you could apply that to every piece of legislation that has come before us this session. We are here to pass some laws and do something for the state of Montana.

Rep. Winslow replied that no offense to the Chairman but I don't think we are talking about time - we are talking about getting people to work. There are 2,000 people out there that don't have jobs. I think we can work out the details. I don't think Ann Mary and I are very far off.

Rep. Simon said I think we are here to do what we can to get people off of GA and get a job. If we delay action on this bill until summer time - if we don't do it till July. We need it now.

Rep. Cohen said Rep. Winslow is willing to talk with the other party - there is very serious reservations of this bill in its form.

Rep. Darko said the effective date of July 1 in this - to rebut Rep. Simon about seasonal work we have until that time.

Rep. Bradley asked what was the price on that.

Bob Crosser, from the Office of Budget & Planning, answered the first year, \$624,000, and the second year, \$559,000.

Rep. Winslow stated that the money is not additional money. The money will come from the savings on GA rolls.

Rep. Gould said, my motion - my feeling is we are going to get to this bill at 9 or 10 tonite. Rep. Winslow is honest enough person to present the bill and at that time if it

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needs to be put off on order of business No. 6 that can be done. I really think what we should do is do it.

The motion made by Rep. Gould that House Bill No. 12
DO PASS AS AMENDED and seconded by Rep. Phillips carried
unanimously.

ADJOURN: There being no further business for the committee,
the meeting was adjourned at 2:00 p. m.

Rep. Nancy Keenan
Representative Nancy Keenan
Chairman

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

49th LEGISLATIVE SESSION -- 1986
SECOND SPECIAL SESSION

Date 3-27-86

NAME	PRESENT	ABSENT	EXCUSED
Rep. Nancy Keenan, Chairman	✓		
Rep. Budd Gould, Vice Chairman	✓		
Rep. Charlotte Neill	✓		
Rep. Dorothy Bradley	✓		
Rep. Jan Brown	✓		
Rep. Bud Campbell	✓		
Rep. Ben Cohen	✓		
Rep. Mary Ellen Connelly	✓		
Rep. Paula Darko	✓		
Rep. Bob Gilbert	✓		
Rep. Stella Jean Hansen	✓		
Rep. Marian Hanson	✓		
Rep. Marjorie Hart	✓		
Rep. Harriet Hayne	✓		
Rep. John Phillips	✓		
Rep. Bruce Simon	✓		
Rep. Norm Wallin	✓		ef
Rep. Dennis Veleber	✓		

STANDING COMMITTEE REPORT

MARCH 27

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Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 17

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

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PROPOSED AMENDMENT TO HB 17
(revised)

Chairman

1. Title, line 6.
Following: "SECTIONS 53-3-303"
Strike: "AND"
Insert: "THROUGH"
2. Page 1, line 11.
Following: "department"
Insert: "shall cooperate with the department"
3. Page 1, line 12.
Following: line 11
Strike: "shall"
Insert: "to"
4. Page 1, line 16.
Following: "habits and"
Insert: "job-finding"
5. Page 1, line 17.
Following: "available"
Strike: remainder of line 17 through "available" in line 20
6. Page 1, line 21.
Following: "(2)"
Strike: "In"
Insert: "For"
7. Page 1, line 23.
Following: "industry"
Insert: "or other designated agency"
Following: "job search"
Insert: ", training, and work"
8. Page 2, line 9.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

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Page 2 of 3

9. Page 3, line 2.

Following: "at"

Strike: "the employment office where the recipient is registered for employment"

Insert: "an employment office or other site designated by the department"

10. Page 3, line 11.

Following: "work for"

Strike: "the county"

Insert: "a public agency or a private nonprofit organization"

11. Page 3, line 15.

Following: "participate in"

Strike: "job search activities"

Insert: "the job search program provided in [section 1]"

12. Page 4, line 2.

Following: "training;"

Strike: "or"

13. Page 4, line 3.

Following: "work for"

Strike: "the county."

Insert: "a public agency or a private nonprofit organization, as required by 53-3-304; or"

14. Page 4, line 4.

Following: line 3

Insert: "(iv) job-seeking or other related activities."

15. Page 4, line 4.

Strike: subsection (5) in its entirety

Page 2 of 3

16. Page 4, line 9.

Following: line 8

Insert: "Section 3. Section 53-3-304, MCA, is amended to read:

"53-3-304. Power to require recipient to perform work.
(1) If the county a public agency or a private nonprofit organization has work available which a recipient of general relief is capable of performing or the department of social and rehabilitation services is required to operate a work program under the provisions of 53-2-822, then the county department of public welfare or the department of social and rehabilitation services may require a recipient to perform work at the minimum wage or may pay a recipient at the prevailing rate of wages paid by that county for similar work, to be paid from the county poor fund or state funds, in place of granting him general relief.

(2) The county department of public welfare or the department of social and rehabilitation services, as the case may be, shall provide coverage under the Workers' Compensation Act for those recipients of general relief working under the provisions hereof and may enter into such agreements with the division of workers' compensation of the department of labor and industry as may be necessary to carry out the provisions of this section."

Renumber: subsequent sections

17. Page 4, line 13.

Following: "refuses to"

Strike: "complete"

Insert: "participate in"

18. Page 4, line 16.

Following: "relief for"

Strike: "1 week"

Insert: "one-fourth of the monthly benefit amount"

Exhibit 1

BILL SUMMARY

House Bill 12

Prepared by Karen Renne
Staff Researcher
Legislative Council

HB 12, as introduced:

(1) requires the Department of Labor and Industry to provide a structured job search, training, and work program for recipients of general assistance, in counties whose welfare program has been assumed by the state;

(2) makes participation in this program mandatory for able-bodied general assistance recipients; and

(3) defines a structured job search, training, and work program to include assessment and testing; an employability plan; options for remedial education and jobs skills training; instruction in writing applications and resumes and in interviewing; and a supervised search for jobs. All of this would supplement, and could replace the recipient's current "workfare" obligation.

The proposed amendments, which are incorporated in the grey bill, would:

(1) give the Department of Social and Rehabilitation Services the option of contracting with any public or private nonprofit agency for this program; and

(2) increase possible "workfare" sites to include any public or private nonprofit agency

HB 12 does not apply to, and would not affect any program for, recipients of Aid to Families with Dependent Children.

The bill includes an effective date of July 1, 1986.

8/16/11

A Note on the General Relief chapter in Title 53 and the
1986 Montana Supreme Court decision on HB 843.

HB 12's new sections would be codified in part 3 of the General Relief chapter (3) in Title 53. This means that the definitions in part 1 of that chapter would apply. In particular, "department" means SRS; "able-bodied" means "the condition of a person who is not infirm." ("Infirm" means having a medically-diagnosed physical or mental handicap that "significantly impairs the person's ability to be employed.")

The eligibility requirements for general relief, set forth in part 2 of the General Relief chapter, also apply to HB 12. Because of the recent Supreme Court decision, these requirements no longer include any of the references to age that were added in 1985 by HB 843. The most relevant summarizing statement in the Supreme Court decision is:

"We find the provisions of HB 843, which restrict or deny general assistance benefits to 'able-bodied persons under the age of fifty who do not have minor dependent children,' to be unconstitutional."

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WORKFARE PROGRAMS IN OTHER STATES

Workfare programs exist in 21 states, including Montana. In most states this amounts to an exchange of work for a county or city government in exchange for the welfare benefit. In some states, work assignments are one component of a broader employment strategy which includes training and employment seeking activity. In some cases the recipient is paid wages for training time, in others, not.

States that do combine training and job search activity with community work projects include Nebraska, New York, Illinois, Connecticut, and New Jersey. Some of the language in HB 12 (section 1) was taken from the Illinois and New York statutes.

In Utah, general assistance for employable single persons and couples, and AFDC for unemployed parents (AFDC-UP) was terminated in 1980. Subsequently community groups, legislators, and Department of Social Services staff developed the Emergency Work Program, which was funded by the Utah State Legislature in 1983. According to Bill Biggs of the Utah Department of Social Services, details of the program are in the Department's rules and do not appear in statute. Eligibility for the program is determined by Social Services and depends primarily on income and property limitations and being unemployed. The essential elements of the program are as follows:

1. At least 40 hours a week spent in a combination of community work, job search, and short-term skill training or adult education. Most adults do community work for 32 hours and job search for 8 hours.
2. Benefits are paid only after the work requirement is met. The JTPA agency (usually Job Service except in the larger cities) reports performance biweekly to Social Services, which then issues a check.
3. The payment level "ensures there is an incentive to take a minimum wage job:" it ranges from \$220 per month for a single person to \$473 per month for a family of five or more. A minimum wage job pays \$583 per month.
4. Assistance is limited to six months in a twelve-month period.
5. Eligibility verification is not emphasized. If possible, applications are approved in two days.

In the first 18 months of the program, 2,000 families with dependent children, and almost 2,000 single persons and couples without dependents were enrolled, at an annual cost of approximately \$525 per household. Average length of stay in the program was about nine weeks, compared with twelve months in AFDC-UP. Local JTPA agencies reported a placement rate of over 60% for families with dependent children. Less than 10% reached the six-month limit. The total cost of grants to families in the Emergency Work Program was \$800,000 annually, compared with \$9,000,000 for AFDC-UP.

Mr. Biggs attributed the success of this program to its the emphasis on jobs rather than assistance, which is reinforced by making payments after performance. In addition, requiring the JTPA agency to report biweekly ensures active, regular contact with the recipient. Mr. Biggs feels that the six-month limit is not necessary, because most recipients are able to find employment in less time than that. Recipients are encouraged to leave "areas of high unemployment," such as southeastern Utah, but it is recognized that not all recipients can do this.

VISITORS' REGISTER

HUMAN SERVICES & AGING

COMMITTEE

BILL NO. 1012

DATE 3-27-86

SPONSOR Michael

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.