MINUTES OF THE MEETING HUMAN SERVICES AND AGING COMMITTEE 49TH LEGISLATURE SPECIAL SESSION NUMBER III HOUSE OF REPRESENTATIVES

June 24, 1986

The meeting of the Human Services and Aging Committee was called to order by chairman Nancy Keenan on June 24, 1986 at 3:00 p.m. in room 312-3 of the State Capitol.

ROLL CALL: All members were present.

DISPOSITION OF HOUSE BILL NO. 28: Rep. Budd Gould made a motion that HB 28 DO PASS. Rep. Paula Darko made substitute motion to amend HB 28 with a set of multiple amendments. (1 & 2) Chairman Keenan called for discussion. Rep. Stella J. Hansen stated in her opinion these amendments were confusing the issue and made a substitute motion for motions pending to delete the amendments bill completely, (definition section from the "voluntarily unemployable"). Rep. Bradley asked Tom Gomez, legislative council researcher, if the amendments that were drafted clarified what the voluntary category was for. Gomez stated it was his understanding that the lawyer who prepared her bill sought to establish a basis for a factual test of a person's particular situation as it would relate their claim that because of misfortune they might be entitled to general relief assistance. This particular category with regard to a "voluntarily needy person" would allow a test of whether that person fit that particular type of individual by looking to see whether or not that person fact sought suitable employment or was unwilling to of appropriate training obtain some type to become employable, and that is seen as something very different from the other two types of categories who are seen to be employable or unemployable.

Rep. Bradley asked Mr. Gomez if a person is found to be infirm, physically or mentally, if no matter what happened or what they did, would they get the six months of support? Mr. Gomez stated they would have to meet the requirements that are elsewhere placed in the bill. Further, her bill eliminated all references to able-bodied person and the job training bill that came before the committee in March used the term "able-bodied persons". This bill on page four strikes out that definition. As a consequence of that there is no definition of an able-bodied person.

Gomez clarified his point by stating that the term able-bodied means that it is proliferated in the bill. It is now law but not defined. It was just simply employed that able-bodied without reference to this particular provision of statue that defines able-bodied persons. The bill was not amended earlier because this problem was not noticed until minutes before the meeting. There was discussion on the three classes which are now put into two classes. There should be three classes because the two classes now; being infirm or unemployed lacking necessary skills. Some people may choose either of the two and in some instances that may not be the case. Rep. Gilbert felt that Rep. Bradley's amendment is far more proper because it addresses all three classes and we should really consider it before we act on Rep. Hansen's amendment.

Rep. Hansen stated that if a person chooses not to go through the training or doesn't pursue the job then it cuts them off and there is a third category present. Rep. Cohen mentioned that the people are trying to be defined as voluntarily needy, that they would fall in the category of employable. Those who are employable and do not follow through the requirements in HB 12 that they will not be eligible for general assistance. Rep. Cohen also stated that this is just too complicated and is going to get the committee into a lot of trouble.

Rep. Darko moved that the Bradley amendments be passed. A roll call vote was taken and the motion passed with a 13 to 4 vote.

Rep. Hansen stated she proposed another amendment to HB 28, line 13, page 13, to change the effective date from July 1 to October 1, 1986. The bill states it is effective upon passage and approval; therefore, she wished to change it to read October 1, 1986. Rep. Hansen then made a motion that this amendment to HB 28 DO PASS. A roll call vote was taken and the motion failed on tie vote.

Rep. Bradley asked Mr. Lewis, director of SRS, if he would explain what the governor's bill would do on workfare. Mr. Lewis stated the governor's bill effective November 1 would depend on the existing definition of able-bodied. It states

November 1 they are entitled to general assistance for only 60 days. He also believed there is a definition problem between the existing statues dealing with able-bodied and the Bradley bill deals with a new concept of employable and we may have a conflict with existing statutes. Chairman Keenan asked if with the extension of authority, could he not define that able-bodied even though it was deleted from this bill, with rule making authority. Mr. Lewis said there is another statute that would have to be amended that is not amended in this bill; you could not pass this and just leave it. There are further discussion. Chairman Keenan stated she felt they were still talking about reinserting that would language into this bill and you have cross-referencing.

Rep. Bob Gilbert made a motion to amend HB 28, Page 4 line 3 and 4 to reinsert the stricken language and to renumber the subsequent subsections, i.e. reinsert "able-bodied means the condition of a person who is not infirm". Rep. Gilbert explained his only reason for doing this is to make this bill compatible with HB 12, merely allowing the department of SRS to define able-bodied and employable, not infirm, the ability to work back and forth and not have conflicting statues. asked Mr. Gomez to clarify this action. Mr. Gomez stated Rep. Gilbert was correct in all respects with regard to how you do The term "able-bodied person" if brought back into the definition will only have effect as to the reference in that chapter in these sections with regard to the structured job training program. For purposes of Rep. Bradley's bill, establishing eligibility for general relief assistance, she has eliminated all references to able-bodied persons, the basis for determining eligibility for that type of assistance and other types of services under the current general assistance programs. The important thing here is to keep in mind the term able-bodied does not have any meaning for purposes of this particular bill, HB 28; the term able-bodied only has meaning to the extent that it is used elsewhere in the current code. It is important to realize that there is this term in the job-search training program which was There you will find specific established under HB 12. references to the term "able-bodied" person. HB 12 states

that SRS "shall contract with the department of labor and industry or other designated agencies to institute a job search, training, and work program that provides able-bodied general relief recipients with the necessary job-finding skills to seek unsubsidized employment independently." More importantly, HB 12 requires that "an able-bodied recipient of general relief shall enroll in a structured job search and training program," as well as meeting other requirements in order to maintain welfare eligibility.

Gilbert made a motion the committee DO PASS Rep. reinstating the words "able-bodied means the condition of a person who is not infirm" on page 4 line 3 and 4, an amendment to HB 28. A roll call vote was taken and the amendment passed unanimously. Chairman Keenan referred back to the body of the bill. Rep. Darko made a motion that HB 28 DO PASS as amended. There was discussion concerning the fact they cannot pass both HB 28 and HB 33 and the figures referred to in HB 33 do not appear in HB 28. Mr. Lewis explained HB 33 takes into effect the freeze in the general assistance payments at the 1986 level. Rep. Bradley said there could be a motion made just to revise those figures appropriately based on the frozen benefit levels and have it adjusted accordingly within her bill; further there are two concerns; (1) the number of months you are eligible and (2) that the fiscal note was calculated with the rates prior to the time this House passes the freeze on benefit levels. Rep. Bruce Simon made a motion that the necessary schedules be amended into this bill so that the freeze in benefits would become effective on passage and approval. Mr. Lewis explained that we do in fact need both amendments in order to be in sinc with the supreme court decisions. Mr. Cater explained the changes in the freeze data that needs to be implemented to be cost safe. difference in the cost to the state is whether or not we go with two months or six months of eligibility. He did not know if there is any way they can address that particular issue in this committee.

Chairman Keenan reminded that committee that any action taken on HB 28 or HB 33 will not send the bills to the floor of the House for second reading because of their appropriations; it will be her intention to move either bill to the full appropriations committee, not the subcommittee, where this whole issue of the schedules could be addressed by that committee.

Rep. Simon withdrew his motion that the necessary schedules be amended into this bill in order that the freeze in benefits would become effective on passage and approval. Chairman Keenan stated this issue can be addressed then by the appropriations committee. She stated they have a motion DO PASS AS AMENDED on the Bradley bill before them. A roll call vote was taken and HB 28 passes as amended.

DISPOSITION OF HOUSE BILL NO. 33: Rep. Gilbert made a motion that HB 33 be tabled. A roll call vote was taken and the motion passed to table HB 33. (See #4 - Gomez Summary)

DISPOSITION OF HOUSE BILL NO. 41: Rep. Charlotte Neill made a motion that HB 41 DO PASS. Rep. Ben Cohen then made a motion to amend HB 41 to read that the constitution be amended to delete the entire subsection 3, i.e. page 1, line 23, delete through lines 25; page 2, delete lines 1 through 3. intention is to delete that entire section in the constitution with reference to the legislature's ability to determine benefits. Rep. Cohen stated that on page 2, lines 12 through 17 would have to be adjusted to read "for amending the constitution to delete subsection 3 article 12" and he would subsection 3, article 12 would be given in the referendum on the ballot. There was lengthy discussion on providing assistance relief in reference on the issue of what the legislature may do at their discretion to the subsection. Chairman Keenan clarified Rep. Cohen's suggestion, to just put in very plain English this vote to the people what we (legislature) willdo by changing the constitution potentially not ever giving assistance to those people on general relief assistance. Rep. Wallin said he thought they should go back to the original wording and suggested the word "shall" in place of "may" which addresses the problem but if the whole subsection 3 is deleted, then you do not have anything left in the bill that addresses general assistance.

Chairman Keenan explained it was her understanding that by reinserting the word "shall" instead of "may", you have just eliminated the guts of the bill, because Rep. Moore's intent is to say "may" - the legislature may give certain assistance to the general assistance population. What Rep. Cohen is saying is that it is not discretionary - we have that discretion now - if we are not going to provide that assistance just put it in black and white. Rep. Simon discussed that way it would be worded on the ballot. He was concerned that most people would

not know what subsection 3 or article 3 or section 3 of the constitution is, and all he is saying is you are striking that one subsection and it doesn't give any description. This at least lets the people know what's going on - it says "for allowing the legislature great discretion" or "not allowing the legislature great discretion." Rep. Cohen stated he would include all the wording of the subsection in his amendment and then ask the people if they want to delete that or not. The language "may at the discretion of" - those are things we don't need in the constitution. The present wording in the constitution says that we shall fund; that we shall provide. We will just present the people with that subsection and ask them if they would like to delete that from the constitution or not. Rep. Phillips felt it was unnecessary to alter the constitution and referred to a study concerning seven other states and their limitations on general assistance prepared by the Legislative Council and to a summary prepared by Mr. Gomez this same matter, from a constitutional standpoint. Evidently in practically all these states, the legislature has the power to define and set what general assistance will be and he does not see why Montana has to be so unique obviously the reason is that we have the strongest constitution. However, he was certain that the people want to do something about it and in his opinion we should put it out and let people vote on it. (See Exhibit 1)

Rep. Bradley reminded the committee that when she tried to design this bill they just passed, she wanted to avoid the need to pass a constitutional amendment in the form that is being proposed. Rep. Mary Ellen Connelly made a substitute motion to table HB 51. Roll call vote was taken and the motion failed to table.

Rep. Darko called for a point clarification. She was concerned how many days before the election did they have to get this bill on the ballot without being in statutory trouble. Mr. Gomez said for that reason the committee has before them an amendment requested by the legislative council in order to see that transmittal within a period to allow a vote on that referendum issue is accomplished. Chairman Keenan stated that prior to considering this issue, the Cohen amendment is before the committee at this time. Roll call vote was requested on the Cohen amendment. Cohen amendment on HB 41 dies on tie vote.

Chairman Keenan asked Mr. Gomez to address the issue of HB 4 with the legislative council amendment. (5) Mr. explained that the amendment that is being considered was requested by the legislative council would exclude referendum from the provisions of an existing state statute establishes a certain deadline for transmitting referendum to be placed on the ballot; you also have two other amendments before you relating to HB 41 as requested by Rep. On page 2, line 13, following the word (1) Moore: "great "legislature" vou would insert the language discretion"; (2) Page 2, line 16, following "legislature" you would insert "great discretion". (6) So this would then read, that you would vote for or against amending the constitution allowing the legislature greater discretion to determine who is in need of economic assistance and social services. next one (3) is just for simple clarity: in the title on line 9, following line 8, you would insert "persons", so that it reads "in providing economic assistance and rehabilitation services to those persons' in need." assistance and Also on page 2, line 1, following the stricken language, it says "inhabitants" you would insert the word "persons" so that the whole section would say "the legislature may in its discretion provide economic assistance and social and rehabilitation `persons' those who by reason services for of etc. misfortune, infirmities, are determined legislature to be in need". (7) Chairman Keenan entertained a motion on any one of the three amendments, to be taken separately.

Rep. Hansen made a motion the first amendment inserting the words "greater discretion" on page 2, line 13 following the word "legislature" and on page 2 line 16 following the word "legislature" insert "greater discretion" DO PASS, on HB 41. The motion carried on voice vote. (3) Rep. Wallin made a motion DO PASS on the legislative council amendment to HB 41, the transmittal to the Attorney General, "notwithstanding the provisions of 13-27-310, the secretary of state shall transmit a copy of this act to the attorney general no later than 100 days before the election at which the issue is voted on by the (8) Renumber: subsequent sections. Motion carried on voice vote; Rep. Keenan, Rep. Cohen, Rep. Darko and Rep. Connelly voting NO. Chairman Keenan then moved to the body of the bill. Rep. Wallin made a motion HB 41 DO PASS AS AMENDED. Roll call vote was taken with a tie vote and this bill stand with a no recommendation from the committee. (See 9 - Gomez Summary)

Rep. Bradley addressed the committee concerning reconsideration of HB 28 for an amendment in regard to general assistance. Chairman Keenan stated they could supply a gray bill and would consider the possibility of one more amendment. Rep. Gould made a motion to amend HB 28 to include the language that would indicate that assistance received prior to July 1, 1985 will not be counted toward the limitation of assistance to employable persons. The motion PASSED on voice vote.

Rep. Bradley suggested that the committee move to address the amendments that SRS prepared for HB 33 relating to the monthly income standard for general welfare eligibility for purposes of revising the statutes. Rep. Wallin said he thought the Appropriations Committee would be the proper committee to address this issue and to let them handle it.

There being no further business to come before the committee, the hearing was adjourned at 4:55 p.m.

NANCY KEEVAN, CHAIRMAN

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

49th Legislature Special Session III

Date June 24 1986

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Keenan, Nancy, Chairman	~		
Gould, R. Budd, Vice-Chairman			
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STANDING COMMITTEE REPORT

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2.	Page 2, line 21. Pollowing: "voluntarily Strike: "destitute" Insert: "needy because need in which they: (i) do not seek suitabl (ii) are unwilling to ob become employable.	they have chosen . e employment; or	-
3.	Page 3, line 1. Following: " their " Strike: " plight " Insert: " misfortune "		
4.	Page 3, line 7. Following: "veluntarily Strike: "poor" Insert: "needy"	· 件	
5.	Page 3, line 12. Following: " involuntari Strike: " poor " Insert: " needy "	<u>ly</u> "	
б.	Page 4, line 3. Following: line 2 Insert: " (1) "Able-bod person who is not infirm Renumber: subsequent sub	ant Las	ndition of a

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7. Page 6, lines 21 through 24.
Following: "chapter; "on line 21
Insert: "and "
Following: line 21
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

- 8. Page 7, lines 3 through 5.
 Following: "circumstances; "
 Strike: "; and "
 Insert: "."
 Following: line 3
 Strike: subsection (d) in its entirety
- 9. Page 7, line 11.
 Following: " infirmity; "
 Insert: " or "
- 10. Page 7, lines 13 through 15.
 Following: "chapter "on line 13
 Strike: "; or
 Insert: "."
 Following: line 13
 Strike: subsection (iii) in its entirety
- 11. Page 11, line 19.

 Following: "period "
 Insert: ", except that assistance received prior to November 1, 1986, shall not be counted. "
- 12. Page 11, lines 24 and 25.
 Following: " are "
 Strike: " neither employable nor unemployable "
 Insert: " voluntarily needy as described in
 53-3-108(3)(c) "

NANCY KEENAN

Chairman.

STANDING COMMITTEE REPORT

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	**	Page 2, line 1. Following: " inhabitants ' Insert: " persons "	*		
Se.	3.	Page 2, line 4. Pollowing: line 3 Insert: "NEW SECTION. Seattorney general. Notwith 13-27-310, the secretary of this act to the attornedays before the election aby the people." Renumber: subsequent section	nstanding of state by generated at which	g the pro shall to al no lat	ovisions of cansmit a copy for than 100
	4.	Page 2, line 13. Following: " legislature " Insert: " greater discreti			
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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.