

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51ST LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on January 20, 1989, at
2:30 p.m.

ROLL CALL

Members Present: All, except

Members Excused: Rep. Gould

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

EXECUTIVE ACTION

Discussion: Rep. Russell made a Motion to DO PASS.

Rep. Simon stated that he wished the minutes to reflect that on
page, line 3, that this term applies to subsections 2
and 3 also.

Rep. Boharski made opposition to the amendments.

Recommendations and Votes: A vote was taken to accept the
amendments. Vote was taken with all voting acceptance
except Res. Stickney, Whalen, Hansen, McCormick,
Russell and Boharski.

Rep. Squires made a Substitute Motion to place this bill in a
subcommittee.

Discussion followed by Res. Good, Boharski and Simon.

Recommendations and Votes: A vote was taken to place in
subcommittee. All voted in favor. Rep. Lee, Squires
and Brown were appointed to the subcommittee.

HEARING ON HB 259

Presentation and Opening Statement by Sponsor: Rep. Spaeth did
not appear to open on this bill, hearing cancelled.

HOUSE COMMITTEE ON HUMAN SERVICES AND AGING
January 20, 1989

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HEARING ON HB 224

Presentation and Opening Statement by Sponsor: Rep. Roth stated that this bill was an act to limit the duration of nonmedical general relief assistance provided to able-bodied persons and to require able-bodied recipients of general relief to conduct a verifiable job search.

List of Testifying Proponents and What Group They Represent:

Mike Matthew, Yellowstone County

List of Testifying Opponents and What Group They Represent:

Mignon Waterman, Montana Association of Churches
John Ortwein, Montana Catholic Conference
Jim Smith, Human Resource Development Council
Virginia Jellison, Low Income Coalition
Chris Deveny, League of Women Voters
Bob Deaton, University of Montana

Testimony:

Mike Matthew stated his support of this legislation.

Mignon Waterman, an opponent of this bill stated that welfare reform should be undertaken only after thoughtful consideration that takes into account the 3 needs and concerns of all Montanans. An arbitrary limit such as two months is unjustified and is not an appropriate way to deal with this issue. Exhibit 1.

John Ortwein stated his opposition stated that the Montana Catholic Conference was not happy with the four month benefit limitation but it is certainly better than the two month limitation contained in this legislation. Exhibit 2.

Jim Smith opposed this bill and said that a time limited, work oriented program for recipients of general assistance is the proper approach to be taken.

Virginia Jellison opposes this bill and states that it would further destitute the poorest of the poor who would work if they were able and if jobs were available to them. There are some bills coming up that will be addressing this problem in a reasonable manner by

HOUSE COMMITTEE ON HUMAN SERVICES AND AGING
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accomplishing the goal of helping general assistance recipients off the program. Exhibit 3.
Christine Deveny opposes this bill and states that the League of Women Voters feels that the recommendations made by the Interim Welfare Committee take a much more comprehensive and much better thought out approach toward improving Montana's welfare system than does this bill.

Bob Deaton opposes this legislation and stated that the most common length to stay on general assistance, according to a recent study done by his students, was four months.

Questions from Committee Members:

Rep. Whalen asked Mr. Deaton a question regarding the help wanted adds in the Billings Gazette and how Mr. Deaton would account for able-bodied people being on general assistance and all of those adds being in the newspapers. Mr. Deaton said that most people on general assistance did not qualify for the jobs which were listed in these adds. Rep. Whalen then asked Mr. Deaton if the minimum wage controversy have an impact on this problem and Mr. Deaton said that it did. Rep. Whalen asked Rep. Roth about the deletion of the language regarding minor children in the household. If a woman is living by herself, taking care of her children, she is released from the program in two months and Rep. Roth said that this bill does not regard AFDC recipients.

Closing By Sponsor: Rep. Roth stated that the issue of fitting into a certain job and having skill levels is certainly a factor but there are a number of jobs available that these people could be taking. It is Roth's opinion that in order to break the cycle of continued welfare and general assistance one must make an effort to get off.

DISPOSITION OF HB 224

Motion: Rep. Squires made a Motion to DO NOT PASS.

Recommendations and Votes: A vote was taken with Reps. Lee, Nelson, Knapp, Simon and Gould opposing. Motion passes.

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HEARING ON HB 192

Presentation and Opening Statement By Sponsor: Rep. Rice stated that this bill was an act allowing the Department of Health and Environmental Sciences to enjoin and collect civil penalties for violations of statutes and departmental rules and orders relating to the regulation of sources or ionizing radiation. Exhibit 4.

List of Testifying Proponents and What Group They Represent:

Adrian Howe, Montana Department of Health and Environmental Sciences.

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Adrian Howe stated that he supports this bill and also said that the current mechanism of enforcement by seeking criminal penalties is expensive, requires a great deal of staff time, is cumbersome, and slow. The slowness of this system is not conducive to protection of the public health and safety. The statutory authority sought in the bill would serve to enhance the regulatory efforts of the department by streamlining the system, reducing staff time required for follow-up over long periods of time, being more cost effective, and protecting the public health and safety in a more timely manner. Exhibit 4.

Questions From Committee Members: Rep. Strizich asked Mr. Howe if this bill would be centered around x-ray machines and their operators and Mr. Howe indicated that it would.

Rep. Russell asked Mr. Howe how large a problem was this situation and Mr. Howe stated that the problem occurred three or four times a year.

Closing By Sponsor: Rep. Rice closed on the bill.

DISPOSITION OF HB 192

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Motion: Rep. Stickney made a Motion to DO PASS.

Discussion: Rep. Strizich stated that a recommended amendment was in order for this bill which would add the word "seek" in front of "enjoin" in the title.

Mary McCue stated that this would be recommended.

Rep. Whalen questioned section 1 and Mary McCue responded.

Amendments and Votes: A vote was taken on the amendment with all voting in favor with the exception of Rep. Knapp.

Rep. Stickney made a Motion to DO PASS AS AMENDED.

Recommendation and Vote: A vote was taken with all voting in favor.

DISPOSITION OF HB 86

Discussion: Bob Bartholomew of the Department of Family Services, Aging Services Bureau, supplied Exhibit 5.

Rep. Squires asked Mr. Bartholomew about the liability issues and the over-duplication. Mr. Bartholomew stated that the section by section analysis addresses this situation.

Rep. Simon asked Mr. Bartholomew if the local ombudsman would be required to follow the directives of the Health Care Information Act in order to obtain that information. An amendment was adopted in that regard. The ombudsman does not even need this information because he has access to those records right now through the act. The federal government seems to be interested in knowing whether or now we have access through the ombudsman to those records. Would you not agree with that? Mr. Bartholomew stated that it was not specific enough to the ombudsman.

Rep. Good made a Substitution Motion DO NOT PASS.

Rep. Whalen then made Substitute, Substitute Motion to TABLE the bill.

Recommendation and Votes: A vote was taken will all voting yes with the exception of Reps. Russell, McCormick,

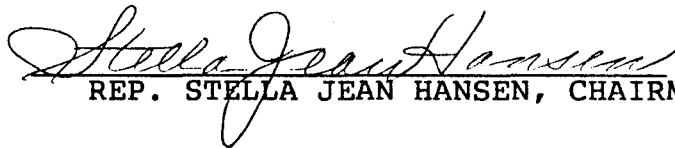
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Strizich, Hansen and Squires.

ADJOURNMENT

Adjournment At: 4:45 p.m.


REP. STELLA JEAN HANSEN, CHAIRMAN

SJH/ajs

2007.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1/20/89

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp	✓		
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould			✓
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE 1/23/89 BILL NO. HB 243 NUMBER 1

NAME	AYE	NAY
Stella Jean Hansen	✓	
Bill Strizich	✓	
Robert Blotkamp	✓	
Jan Brown	✓	
Lloyd McCormick	✓	
Angela Russell	✓	
Carolyn Squires	✓	
Jessica Stickney	✓	
Timothy Whalen	✓	
William Boharski	✓	
Susan Good		✓
Budd Gould	✓	
Roger Knapp	✓	
Thomas Lee	✓	
Thomas Nelson	✓	
Bruce Simon	✓	

TALLY

Secretary

Chairman

MOTION: A Motion was made to DO PASS AS AMENDED.

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging,
with a quorum present and voting, report that HOUSE BILL 86
(first reading copy -- white) has been TABLED.

Signed: Stella Jean Hansen, Chairman

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that HOUSE BILL 192 (first reading copy -- white) do
pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Title, line 7.
Following: "SCIENCES"
Insert: "TO SEEK"

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that HOUSE BILL 224 (first reading copy -- white) do
NOT pass.

Signed: _____
Stella Jean Hansen, Chairman



MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 745 • Helena, MT 59624

WORKING TOGETHER:

American Baptist Churches
of the Northwest

Christian Churches
of Montana
(Disciples of Christ)

Episcopal Church
Diocese of Montana

Evangelical Lutheran
Church in America
Montana Synod

Presbyterian Church (U. S. A.)
Glacier Presbytery

Presbyterian Church (U. S. A.)
Yellowstone Presbytery

Roman Catholic Diocese
of Great Falls - Billings

Roman Catholic Diocese
of Helena

United Church
of Christ
Mt.-N. Wyo. Cont.

United Methodist Church
Yellowstone Conference

January 20, 1989

CHAIRWOMAN HANSEN AND MEMBERS OF THE HUMAN SERVICES COMMITTEE:

I am Mignon Waterman of Helena and I am testifying on behalf of the Montana Association of Churches in opposition to HB224.

Welfare reform should be undertaken only after thoughtful consideration that takes into account the needs and concerns of all Montanans.

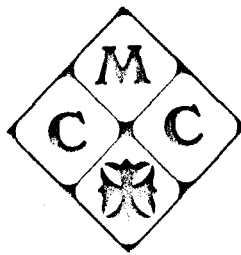
During the past two years, a legislative interim committee studied welfare reform and recommended a number of well thought out bills to revise and to limit welfare programs in Montana. We have supported many of those recommendations as reasonable. If implemented, the recommendations will assist low income individuals to break out of the cycle of poverty and to become productive members of Montana's workforce. That is the way welfare reform should take place.

While the Montana Association of Churches applauds legislative efforts to expand and require job training and to impose reasonable limits on welfare, we oppose the arbitrary two month limit for general assistance proposed in HB224.

We believe an arbitrary limit such as two months is unjustified and is not an appropriate way to deal with this issue.

We urge you to oppose HB224.

EXHIBIT 1
DATE 1-20-89
HB 224



Montana Catholic Conference

January 20, 1989

MADAM CHAIRPERSON HANSEN AND MEMBERS OF THE HOUSE HUMAN SERVICES COMMITTEE

I am John Ortwein, director of the Montana Catholic Conference. The Catholic Conference serves as the liaison between the two Roman Catholic Bishops in matters of public policy.

During the past several legislative sessions the Montana Catholic Conference has appeared at many legislative hearings in our efforts to maintain the constitutional provision to provide for those in need. We also worked to defeat Constitutional Referendum 18 because of our concern for the poorest among us.

Although C-18 did pass in November, the vote of 182,037 (52% for) to 165,056 (48% against) is hardly a mandate to make the cut in general assistance that this bill calls for. I have editorials from the Independent Record, Butte Standard, Great Falls Tribune, and Billings Gazette stating their opposition to C-18. The Gazette stated: It is possible that truly needy Montanans could be sacrificed on the budgetary altar. Vote No! on C-18. The Standard stated: We don't think today's legislators would use the amendment to throw the poor into the streets, but the amendment would make it possible for future lawmakers to do just that, if they wished. The Tribune stated: Proposals for state welfare reform, such as those made recently by an interim study committee, should be meshed with federal welfare reform legislation and given a chance to work. The Independent Record stated: Recent welfare reform on the federal level coupled with state welfare reform will bring balance to the system and eventually reduce welfare costs without denying the people of Montana the constitutional guarantee of help in time of need.

Several days ago, I testified in favor of SB 101. SB 101 is one of a package of bills being introduced by members of the Joint Interim Subcommittee on Welfare. One of the provisions would limit welfare benefits to four months of any 16 month period as long as these individuals participate in a job search, training and work program. We are not happy with the four month benefit limitation, but it is certainly better than the two month limitation contained in front of you today.

The Montana Catholic Conference hopes each of you will vote "NO" on HB 224.

EXHIBIT 2

DATE 1-20-89

HB 224

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530 N. EWING

HELENA, MONTANA 59624



MONTANA LOW-INCOME COALITION



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(406) 443-0012

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BOZEMAN
HOUSING COALITION
226 EAST KOCH
BOZEMAN 59715 • 587-3736

CONCERNED CITIZENS
COALITION
825 THIRD AVENUE SOUTH
GREAT FALLS 59402 • 727-9136

LAST CHANCE
PEACEMAKERS COALITION
107 WEST LAWRENCE
HELENA 59601 • 449-8680

LOW INCOME
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MONTANA ALLIANCE FOR
PROGRESSIVE POLICY
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HELENA 59601 • 443-7283

MONTANA LEGAL SERVICES
EMPLOYEES ASSOCIATION
801 N. MAIN
HELENA 59601 • 442-9830

MONTANA
SENIOR CITIZENS ASSOCIATION
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HELENA 59624 • 443-5341

MONTANANS
FOR SOCIAL JUSTICE
436 NORTH JACKSON
HELENA 59601 • 449-3140 • 227-8694

POWELL COUNTY
NEIGHBORHOOD
SUPPORT GROUP
BOX 342
DEER LODGE 59722 • 846-3437

TESTIMONY IN OPPOSITION TO H.B. 224 BEFORE THE HOUSE HUMAN SERVICES AND AGING COMMITTEE JANUARY 20, 1989

Madam Chairperson, Members of the House Human
Services Committee:

My name is Virginia Jellison. I'm the Lobbyist for the Montana Low Income Coalition. MLIC is a member based coalition of low income grassroots organizations and other organizations that are concerned about social justice and equality issues. We represent the unemployed, underemployed, AFDC, General Assistance, elderly low income and children in poverty.

We are concerned about the growing numbers of people dependent upon a system that seems unresponsive to the needs of those served and unrealistic in its expectations of working people who can not find employment. We understand that the majority of G.A. recipients are single men, but we know from our own experience, that many who are identified as able to work have a physical, emotional, or social barrier to obtaining a job or keeping long-term employment. And we also know that the main reason so many able-bodied men are on G.A. is because of a lack of jobs.

Limiting general relief benefits to 2 months will not solve the problem because the cause of the problem is deeper than abuse or misuse of the program. The root of the problem stems from lack of employment that provides a living wage.

Thirty percent of general assistance households are not single men under 30 years but 22% are G.A. households that have children. If General Relief eligibility is limited to 2 months as proposed in H.B. 224, and it effects all G.A. households, including those with children you will have put homeless children on the streets.

EXHIBIT 3
DATE 1-20-89
HB HB 224

In the Joint Interim Subcommittee On Welfare's report, there is a reference to the problem of welfare migration and it states that some nonassumed counties provide bus tickets to potential G.A. recipients of county general relief for transportation to the nearest state-assumed county. This partially explains why state-assumed counties have a higher incident of single men on G.A. Besides, it is common for people to migrate from one area to another looking for work. If employment does not exist they have no choice but to rely on G.A.

MLIC is deeply concerned that H.B. 224 would further destitute the poorest of the poor who would work if they were able and if jobs were available to them. There are some bills coming up that will be addressing this problem in a reasonable manner by accomplishing the goal of helping general assistance recipients off the program. H.B. 224 will only aggravate the situation by creating a poorer class of people who are not eligible for federal or state aid. This will severely harm G.A. families with children.

The Montana Low Income Coalition strongly urges that you recommend a "do not pass" to H.B. 224. Thank you.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TESTIMONY

on

HOUSE BILL NO.192

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COLLECTION OF CIVIL PENALTY FOR A VIOLATION OF THE STATUTES CONCERNING SOURCES OF IONIZING RADIATION AND RULES OR ORDERS ISSUED PURSUANT TO THEM; AND ALLOWING A VIOLATION OF THE STATUTES RELATING TO SOURCES OF IONIZING RADIATION AND RULES OR ORDERS ISSUED PURSUANT TO THEM TO BE ENJOINED."

The purpose of HB 192 is to grant authority to the Department of Health and Environmental Sciences to seek injunctions and civil penalties for violation of the statutes concerning sources of ionizing radiation and rules or orders issued pursuant to them.

Currently, the radiation control law allows for only criminal penalties for a violation. When a non-compliance is located, a report is sent to the violator requesting completion of corrective action within 30 days. If corrective action is not completed in this time frame, another compliance request is sent requiring completion of corrective action within 10 days. At this point in the procedure, if no corrective action notice has been received, a courtesy phone call is made to the facility owner asking their intentions regarding the non-compliance. If additional time is required by the facility, such is granted. Occasionally, a facility will indicate that it has no intention of complying. If this is the case, the Department is required to request that the county attorney file criminal charges. Generally, most county attorney's criminal case

EXHIBIT 4
DATE 1-20-89
HB HB 192

loads are such that the Department request receives a low priority. This procedure is administratively cumbersome and costly. As is outlined, the Department procedure is quite lengthy and any further delays in obtaining compliance only prolong a potentially severe public health problem.

HB 192 would serve to enhance the compliance actions available to the Department by stream-lining the process, reducing staff time for follow-up on county attorney's actions, and protecting the public health and safety in a more timely manner.

It is the Department's intent, in most instances of non-compliance, to waive or defer civil penalties. Since the Department's goal is compliance for health and safety reasons, generally civil penalties will only be sought if the violator refuses to meet compliance.

In summary, the current mechanism of enforcement by seeking criminal penalties is expensive, requires a great deal of staff time, is cumbersome, and slow. The slowness of this system is not conducive to protection of the public health and safety. The statutory authority sought in HB 192 would serve to enhance the regulatory efforts of the department by streamlining the system, reducing staff time required for followup over long periods of time, being more cost effective, and protecting the public health and safety in a more timely manner.

The Department urges the committee's favorable consideration of HB 192.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB ~~252~~ 192DATE 1/20/89SPONSOR Jim Rice

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Adrian C. Howe RD	Helena	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB ~~223~~ 224DATE 1/20/89

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Chris Devery LWV	Helena		X
Vagnia Jecleson	MLIC - Helena		X
Mrs. Mother	Yellowstone	X	
John Patten	Mt. Catholic Conf		X
Mike Mangum	Legislative Auditor's Office		
Kuan Bryan	Yellowstone	X	
Rick Van Oken	Missoula		X
Mignon Waterman	Mt. Assoc of Churches		X
Robert Deaton	Missoula		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB ~~225~~ 259DATE 1/20/89

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
HS Hanson	Hevona		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.