

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Severson, on February 16, 1989,
at 1:05 p.m. in Room 325 at the State Capitol.

ROLL CALL

Members Present: Sen. Elmer Severson, Sen. John Anderson,
Jr., Sen. Judy Jacobson, Sen. Al Bishop, Sen. Paul
Rapp-Svrcek, Sen. Loren Jenkins, Sen. Bill Yellowtail.

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 383

Presentation and Opening Statement by Sponsor: Sen.
Yellowtail stated that SB 383 is to correct a terrible
misconception that the lowly meadowlark should be the
state bird of Montana. The magpie deserves to be the
state bird of Montana, because the magpie represents
the very character of Montana and Montanans. It is a
bird for all seasons. The magpie prepares for the
hardships of winter as the meadowlark flies south for
the winter. We all greet, with great joy, the
meadowlarks first song of spring. However, we enjoy
the raucous call of the magpie year round. The magpie
represents the independence and self-reliance that is
the proudest attribute that we Montanans hold for
ourselves. The magpie will survive against all odds.
We Montanans are much the same.

List of Testifying Proponents and What Group they Represent:

John Ortwein, Montana Catholic Conference
Rep. Tom Hannah, HD 86
Robert Van Der Vere, Citizen Lobbyist
Janet Stevens, Missoula County Commissioner
Jim Jensen, Lobbyist
Stan Bradshaw, Attorney and Citizen Lobbyist
George Ochenski, Representing himself
Devin Sullivan, Student from Ray Bjork School
Mike Core, Clancy, Montana

List of Testifying Opponents and What Group They Represent:

Jake Doubek, Student from Ray Bjork School
Mignon Watermon, Montana Association of Churches
David McClure, Montana Farm Bureau
Jim Rehbein, Kalispell, Montana
Mrs. Mary Doubek, Helena, Montana

Testimony:

John Ortwein left his testimony. See Exhibit #1.

Rep. Tom Hannah stated he thinks this bill has real merit. I was driving back from Helena, it was -40 and there wasn't one meadowlark to be found. But I did see magpies. I support this bill.

Robert Van Der Vere stated that the state of Utah has a seagull, which is a scavenger. The federal government has an eagle, which is a scavenger. Now we in Montana are trying to have a magpie. The magpie is one of our best environmentalists in the state. I support this bill.

Janet Stevens stated she was here on behalf of herself, not the commissioners. I support this bill.

Jim Jensen showed the committee a poster created by the U.S. Park Service with the magpie in the center and he supports this bill.

Stan Bradshaw stated that the magpie reminds him of the great corps of lobbyists because magpies can be taught to talk as well as babble. You can teach a magpie what to say, but you can't teach him what it means. It also reminds me of trial lawyers. After magpies, trial lawyers are likely to be the first ones at the scene of an accident. The magpie will clean up the loose ends of an accident much better than a trial lawyer and for a lot less money. I urge your support of this bill.

George Ochenski said that a lot of people think this bill is kind of a joke. But, this is not a joke. The magpie, as the state bird, sends a clear signal that we are concerned about water conservation. It is obvious that the magpie uses much less water than the meadowlark. That is because the meadowlark goes down south in the winter and the magpie deals with the ice and snow. I support this bill.

Devin Sullivan represents 31 fourth graders at Ray Bjork Grade School in Helena. I will report on research we

did to support the change of having the magpie be the state bird. We proud, magnificent royal magpies live in nests made from blades of grass. We are not brightly colored. We are handsome with our head, breasts, back, wings and tail a rich glossy black with bluegreen neckcap. Our shoulders are white, we grow to 17-1/2 to 21 inches and can live up to 12 years. We are known for our musical cry, whistles and cackles. We can be taught to talk in simple syllables. We are natures garbage collectors, feeding on all kinds of food including eggs and the young of other birds. We eat grasshoppers, insects, raw mammals and whatever humans leave behind. Some people think we are bad omens. For instance, if a group of magpies leave an area they have settled, that means the person connected with the land is about to die. The same will happen if the magpies come in summer. If the nest is high up, the person will not die. If the magpie flies around or perches on a house it is said to be a bad omen. Should a flock of magpies abandon the woods where they have kept their nest, there are to be hard times ahead. Even though we magpies think we should be the state bird, school children voted that honor to the meadowlark in 1930. So people know the meadowlark better. We the magpie, beautiful and proud, bow down to the meadowlark, to continue serving as the Montana state bird. Their beauty resembles Montana's magnificent scenery and we must admit, their scenery is much prettier than ours. They are doing a good job, but if they give up we will be happy to take their place.

Mike Core stated he is from Clancy and that is the magpie capital of Montana. He is in support of this bill.

Jacob Doubek stated he represented 31 fourth graders at Ray Bjork Grade School in Helena. I will report on research we did to support keeping the meadowlark as Montana's state bird. Merriweather Lewis recorded first seeing a meadowlark 40 miles northeast of Great Falls on June 22, 1805. We are white, black and yellow with a white head and a black stripe by our beady little eyes. We have a yellow breast and our tail is brown with a white stripe. We are a common bird and one of the best known throughout the state. We live and breed in open grasslands, particularly in irrigated hay fields and meadows in the spring valleys. We feed mostly on grains, wild grasses, wild fruit, grasshoppers and other insects. We forecast rains coming with our flute-like sweet clear music and we can be heard singing from fence posts or shrubs along the surrounding territory. Montana's school voted us the

honor of being the state bird and we have served you faithfully since 1930. We are proud to have served the state so well and feel the honor should continue to be ours.

Steve Brown stated that this bill is for the birds. I oppose this bill because of the images that come to mind when you think of these two birds. The magpie is a raven. The magpie, the raven, is obviously associated with death, evil, darkness and carrying off the remains of roadkills. The meadowlark, on the other hand, does not conjure up those terrible images. We see springtime, life, fertility, beautiful songs, happiness. I have prepared a few amendments. See Exhibit #2.

Mignon Waterman stated they are concerned about the selection of the magpie for the Montana state bird. We urge a do not pass.

David McClure stated that the Montana Farm Bureau opposes this bill. I just don't agree that a scavenger should be the state bird.

Jim Rehbein stated that perhaps rather than changing the Montana state bird we should add the snowbird along with the meadowlark.

Mrs. Mary Doubek urged the committee to keep the meadowlark as the Montana state bird. As fast as my husband seeds his fields, the scavengers eat them up. Please "Just Say No" to this bill.

Questions From Committee Members: None

Closing by Sponsor: Sen. Yellowtail recited a poem by Frank Bird Linder called "To A Magpie" and then thanked everyone who came.

HEARING ON SENATE BILL 388

Presentation and Opening Statement by Sponsor: Sen. Dorothy Eck stated that this bill establishes and provides for a Montana Conservation Corps. This is a vision that we had and have worked with for the last six years. The proposal is one that is in existence in a lot of states. It is programed to bring together young people and others who are unemployed. But, it is not just a work program. It is a program that looks at the work that needs to be done in our state parks and other state lands and tries to provide a way of bringing those people who want work, together with work that

needs to be done. These programs have been very good at providing young people with a way to appreciate their environment and it is a group experience. For a lot of young people that is the most important thing it provides, being able to work on a project and see it completed and to live with a group of people with whom they share this experience. This will be of value to them for many years. This bill was first introduced by Rep. Vincent and we have been working for the last two sessions trying to come up with the kind of funding that would make this program possible.

I think this will really work. The program will be headed under the Department of Fish, Wildlife & Parks. Our Human Resource Development Councils around the state have summer youth programs. The Department of Fish, Wildlife & Parks will contract with those groups to do the work around the state. Later on the Job Service will work with adults. A lot of this is inspired by those who have seen it work and have seen the good results we have had from our summer youth programs in Montana.

List of Testifying Proponents and What Group they Represent:

Ron Marcoux, Department of Fish, Wildlife & Parks
Don Hinkle, Department of Fish, Wildlife & Parks
Larry Dominick, N.W. Mt. Human Resources Development
Council of Kalispell
Janet Ellis, Montana Audubon Legislative Fund
Jerry Grimes, Dir. Social & Rehabilitation Services

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Mr. Ron Marcoux stated that the Department supports SB 388. He introduced Don Hinkle of FWP who is the Parks Division Administrator, to present a slide presentation that depicts what happens with a program of this type. See Exhibit #3.

Mr. Don Hinkle gave a slide presentation showing the improvements of such a program.

Larry Dominick stated his support of SB 388. I thank Sen. Eck for her continued support for the conservation corps program. I have directed the Dept. of Human Resources for the last 13 years and I have worked with the State Department of Natural Resources and with the

Federal Government in administration of conservation corps programs. I think the absence of those programs for the last several years has left a great deficit in our ability to teach kids about stewardship of our public lands and the kind of values that are inherent in the activities of conservation corps programs. I also like to thank the Department of Fish, Wildlife and Parks for their interest and willingness to work with this kind of conservation corps project. It was partnership with them last summer that enabled us to do all the things you saw in the slide presentation. I attended the meetings that developed this conservation corps legislation. Throughout that project I have had a lot of concerns about the way they were approaching the conservation board because a lot of the programs are geared for welfare recipients and those under employed or unemployed. We should consider a conservation corps that includes people from all economic backgrounds. We need to integrate those people and have them work together.

Janet Ellis stated that the Montana Audubon Legislative Fund supports this bill.

Jerry Grimes stated that the Department of SRS supports the concept of SB 388. See Exhibit #4.

Questions From Committee Members: None

Closing by Sponsor: Sen. Eck passed out some amendments that take care of a lot of the administrative problems between the different departments. I urge passage of this bill.

DISPOSITION OF SENATE BILL 388

Discussion: None.

Amendments and Votes: Sen. Yellowtail moved the amendments for the bill. It passed on a voice vote.

Recommendation and Vote: Sen. Yellowtail moved to pass the bill as amended. Sen. Rapp-Svrcek seconded the motion. Bill passed on a roll-call vote. DO PASS AS AMENDED.

DISPOSITION OF SENATE BILL 383

Discussion: Sen. Rapp-Svrcek objected to the amendments because they go too far. Sen. Yellowtail stated he really wanted to take this bill to the Senate Floor.

Amendments and Votes: Sen. Jenkins moved to pass the

amendments. The amendments failed.

Recommendation and Vote: Sen. Yellowtail moved to pass the bill. Sen. Rapp-Svrcek seconded the motion. It passed on a voice vote. DO PASS.

ADJOURNMENT

Adjournment At: 2:30 p.m.


ELMER D. SEVERSON, Chairman

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SENATE STANDING COMMITTEE REPORT

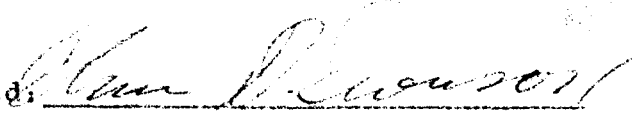
February 16, 1989

MR. PRESIDENT:

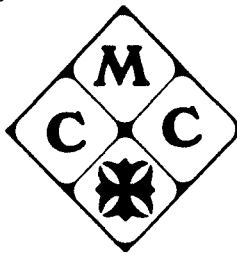
We, your committee on Fish and Game, having had under consideration SB 383 (first reading copy -- white), respectfully report that SB 383 do pass.

DO PASS

Signed:


Elmer D. Severon, Chairman

2-17-89
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Montana Catholic Conference

SENATE FISH AND GAME

EXHIBIT NO. 1

DATE February 16, 1989

BILL NO. SB 383

February 16, 1989

CHAIRMAN SEVERSON AND MEMBERS OF THE FISH AND GAME COMMITTEE

I am John Ortwein representing the Montana Catholic Conference.

The Catholic Church has never taken a position on the Montana state bird before and only reluctantly is taking a position at this time. We do not have strong feelings either one way or the other about the meadowlark or the magpie as the state bird, but we are concerned about the magpie being referred to as the "Catholic pheasant" on line 16, page 1 of Senate Bill 383 for several reasons.

Reason number 1: When Catholics think specifically of colors we tend to think of the purples of the local Bishops, the simple white garments of our Holy Father, the Pope, and last but not the least "cardinal red."

Reason number 2: Much of my work is in the area of ecumanism and I have noted at many functions which I have attended that black suits and white collars are not restricted to the Roman Catholic clergy, but many Lutheran pastors and Episcopalian priests wear the black and white as well. Therefore, in the spirit of ecumanism I do not feel it proper for the magpie to be limited to the Roman Catholic Church.

Reason number three: Although the "Catholic pheasant" as described in lines 16-18 of page 1 (Montana's pioneer spirit with its scrappy persistence, extraordinary cunning, and tenacious energy) is certainly reflective of early pioneer priests such as Father Ravalli and Father DeSmet, I feel it is only fair to mention such Protestant leaders as Brother Van of the Methodist Church who also wore a black robe. Therefore in fairness to my Christian brothers and sisters of other faith traditions I do not feel it proper to limit the wording of this bill to "Catholic pheasant."



Therefore, I would propose that the "Catholic" capital "C" on line 16 meaning, "Of the Christian church governed by the pope" be amended to read "catholic" small "c" meaning of interest or use to all people; broad; or universal. By amending the bill in this manner it better reflects the universality so often referred to in Senate bill 383.

PROPOSED AMENDMENTS TO S.B. 383

1. Page 1, lines 4 and 5:
Strike: "CHANGING THE DESIGNATION OF"
Insert: "DESIGNATING"
2. Page 1, line 5:
Strike: "BIRD"
Insert: "SCAVENGER"
3. Page 1, line 6:
Following: "MONTANA TO"
Insert: "BE"
4. Page 1, line 6:
Following: "PICA PICA"
Strike: "; AND AMENDING SECTION 1-1-504, MCA"
5. Page 1, lines 9 through 11:
Strike: Lines 9 through 11 in their entirety.
6. Page 1, line 16:
Strike: "Catholic"
Insert: "North Dakota"
7. Page 1, line 24 through page 2, line 4:
Following: "Section 1."
Strike: the remainder of line 24 through page 2,
line 4 in their entirety.
Insert: "State scavenger. The bird known as the
black-billed magpie, Pica pica, is the official scavenger of
the state of Montana."

SENATE FISH AND GAME

EXHIBIT NO. 2

DATE February 16, 1989

BILL NO. SB383

SB 388
February 16, 1989

Testimony presented by Ron Marcoux, Department of Fish,
Wildlife & Parks

The Department of Fish, Wildlife and Parks supports SB 388 which will provide for the organization of a Montana Conservation Corps similar to the 44 conservation corps programs which have proven successful in other states.

The Montana Conservation Corps will provide work experience, valuable job skill training, and important educational opportunities for youth and adults throughout the state. It will help "build Montana" through the preservation of natural resources and the rehabilitation of our deteriorating park facilities. The result will be better parks for Montanans and for people from around the world who visit Montana. It will encourage tourism and the associated economic benefits to Montana.

The Conservation Corps can not only provide the intensive labor that will be necessary to assist in rejuvenating our parks, but can do it very efficiently as well. Studies have shown that corps projects typically return \$1.25 to \$1.93 for every public dollar invested. The estimated savings from our two pilot Conservation Corps projects last summer at Makoshika and Wayfarers were nearly \$17,000.

The passage of this bill should provide the coordination and financial resources necessary to establish a Montana Conservation Corps which would achieve the worthy goal of helping people while helping parks. We urge your strong support for SB 388.

SENATE FISH AND GAME
EXHIBIT NO. 3
DATE February 16, 1989
BILL NO. SB 388

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES



STAN STEPHENS, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604-4210

February 16, 1989

TO: Chairperson and Committee Members
Senate Fish and Game Committee

PRESENTED BY: Jerry Grimes *Jerry Grimes*
Employment and Training Coordinator

ON BEHALF OF: Social and Rehabilitation Services

RE: Testimony on the Montana Conservation Corps

SENATE FISH AND GAME

EXHIBIT NO. 4

DATE February 16, 1989

BILL NO. SB 388

The Department of Social and Rehabilitation Services supports the concept contained in SB 388. There are a number of technical aspects related to grant diversion for Aid to Families of Dependent Children (AFDC) and General Relief Assistance (GA) recipients that need to be presented.

Aid to Families with Dependent Children:

The Montana IV-A State Plan of Operation for the Aid to Families with Dependent Children Program (AFDC) was recently amended to allow for the operation of a Work Supplementation Program (WSP), also known as grant diversion. The Plan allows the operation of WSP under certain guidelines in four counties. To include the counties that would have an MCC site would require an amendment to the State Plan. I do not foresee that approval would be difficult to obtain.

WSP is designed to be utilized by hard to place AFDC recipients who have been unsuccessful in obtaining employment without a subsidy to the employer. Typically prior to participation in WSP, a recipient would receive job search training and complete an extensive job search component. If not successful in obtaining unsubsidized employment, a WSP job developer would find employment for the recipient.

Participants in WSP, regardless of the amount of their AFDC check, receive Medicaid coverage and free day care. Beginning on April 1, 1990, sliding scale day care and an additional Medicaid extension will be provided to AFDC recipients who obtain employment.

Administrative Rules (attached) have been filed which allow for maximization of Federal Financial Participation and which fulfill the requirements of federal regulations. They identify the specific criteria to be used in the operation of work supplementation in Montana.

The proposed Conservation Corps legislation implies very broad use of AFDC recipients. However, there are currently limitations on the eligibility of AFDC recipients to participate in WSP due to the governing federal legislation and the approved State Plan. Under the approved State Plan, only recipients who meet the following guidelines would be eligible to receive services under the WSP program. AFDC recipients are eligible to participate if they:

1. Are receiving an AFDC grant of at least \$150 per month in the month prior to entering the program;
2. Have received AFDC for six of the past twelve months; and
3. Have completed a four week job search program.

Participation in WSP must be voluntary and is limited to six months. A \$150 monetary incentive is paid each month for six months to the employer as a reimbursement for training expenditures. The Conservation Corps would be required to provide funding for the balance of the wages and administrative costs of each participant. Consequently the budget figures given by the Department of Fish, Wildlife and Parks may need to be adjusted to reflect the contribution by SRS toward the salary and support services for participants.

Participants must be granted employee status by the end of the 13th week of participation. The bill is unclear in this area.

The department would support the use of WSP, under the above guidelines, for appropriate AFDC recipients participating in the Montana Conservation Corps.

General Relief:

Presently there is no statutory authority to operate WSP in the General Relief Program. To operate such a program, Title 53 of the Montana Codes Annotated would need to be amended to allow specific authority to operate WSP and to provide State Medical coverage. Legislative changes would also need to address WSP budgeting and proposed legislation that would limit the duration of time that recipients may receive General Relief.

I am available to answer any questions regarding Work Supplementation or the proposed role of WSP in the operation of the Montana Conservation Corps.

JG/962

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the adoption)
of Rules I through X per-)
taining to the AFDC work)
supplementation program)
NOTICE OF PUBLIC HEARING ON
THE PROPOSED ADOPTION OF
RULES I through X
PERTAINING TO THE AFDC WORK
SUPPLEMENTATION PROGRAM

TO: All Interested Persons

1. On February 2, 1989, at 1:30 p.m., a public hearing will be held in the auditorium of the Social and Rehabilitation Services, Building, 111 Sanders, Helena, Montana to consider the proposed adoption of Rules I through X pertaining to the AFDC work supplementation program.

2. The rules as proposed to be adopted provide as follows:

RULE I AFDC WORK SUPPLEMENTATION PROGRAM, GENERAL (1)
The department may operate an employment training and experience program in which long-term AFDC recipients may volunteer to participate. The program will provide, as set forth in this sub-chapter, a subsidized employment opportunity for participants in those counties designated by the department.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.
IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE II AFDC WORK SUPPLEMENTATION PROGRAM, DEFINITIONS
Unless the context requires otherwise, the following definitions shall apply in this sub-chapter:

(1) "Base grant" means the amount of AFDC assistance which the participant's assistance unit would receive in the month of the participant's placement in a work supplementation program (WSP) job if no member of the assistance unit were placed in a WSP job and if no income were received by the assistance unit.

(2) "Completion" means completion by the participant of the maximum period of employment under the program.

(3) "Department" means the department of social and rehabilitation services.

(4) "Diverted grant" means the amount of the AFDC grant that remains after subtracting the amount of the residual grant, if any, from the amount of the base grant.

(5) "Employability assessment and training" means a battery of evaluations, tests and/or interviews directed at ascertaining the interests, attitudes, aptitudes, skills and knowledge of participants related to obtaining and holding a job, and training determined by the department or its agent to

MAR Notice No. 46-2-552

be necessary and appropriate to prepare the participant for subsidized employment.

(6) "Grant diversion" means a procedure whereby all or part of an AFDC recipient's grant is diverted into a central pool from which funds can be drawn to reimburse employers for a portion of the wage paid to a participant to provide an incentive to the employer.

(7) "Gross monthly income (GMI) standard" means the levels of gross income for each size assistance unit as specified in ARM 46.10.403, which cannot be exceeded if the unit is to remain eligible for a residual grant.

(8) "Long-term AFDC recipient" means an individual who at the time of application for WSP is receiving AFDC and has been receiving AFDC benefits for at least six (6) out of the previous twelve (12) months.

(10) "Net earned income" means the portion of the assistance unit's earnings remaining after allowable deductions and disregards.

(11) "Net monthly income (NMI) standard" means levels of net monthly income for each size assistance unit as specified in ARM 46.10.403 which cannot be exceeded if the unit is to remain eligible for a residual grant.

(12) "Residual grant" means the portion of a recipient's base grant amount that is provided directly to the recipient when participating in WSP, as specified in Rule VI(3).

(13) "Subsidized employment" means an employment position for which a monetary incentive is paid to the employer over a specified period of time as reimbursement for anticipated training costs.

(14) "Termination" refers to the termination of employment under WSP for any reason, whether voluntary or involuntary, prior to completion of the program.

(15) "Volunteer" means an AFDC recipient who makes the decision to participate in WSP.

(16) "Work supplementation program" (WSP) means a grant diversion project in which all or part of a recipient's grant amount is paid to an employer as a subsidy to cover training costs and to induce the employer to employ the recipient and thereby prepare the recipient for the unsubsidized job market.

(17) "WSP job" means a job subsidized by the WSP program that is full-time for at least 32 hours per week or in which the participant earns a gross monthly wage equivalent to the federal minimum wage multiplied by 138 hours, and where the work is not related to any labor dispute and is not a job from which a regular employee has been displaced.

(18) "WSP participant" means an AFDC recipient employed in a WSP job.

(19) "WSP placement" means placement in a WSP job.

(20) "WSP service" means counseling, training, educational, assessment or other supportive services available to a

volunteer as provided in these rules and in the discretion of the department or its agent.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.
IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE III AFDC WORK SUPPLEMENTATION PROGRAM, PARTICIPANT ELIGIBILITY (1) To be eligible to participate in the WSP program, the volunteer must:

(a) be receiving an AFDC grant of at least \$150 per month during the month immediately prior to placement in a WSP job ;

(b) at the time of application, have received AFDC in six (6) of the previous twelve (12) months;

(c) at the time of application, have completed at least a 4-week structured job search program or a program determined by the department or its agent to be equivalent;

(d) agree to the terms and conditions of the WSP program; and

(e) during the volunteer's period of participation in the WSP program, not be a member of a household with another member participating in the WSP program.

(2) Participants with gross wages, excluding WSP wages, projected to exceed 185% of the NMI standard specified in ARM 46.10.403 shall not be eligible for continued participation in WSP.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.
IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE IV AFDC WORK SUPPLEMENTATION PROGRAM, APPLICATION AND PLACEMENT, EMPLOYER REQUIREMENTS (1) A volunteer must submit a WSP application on the form and in the manner prescribed by the department or its agent.

(2) Following application and a preliminary determination of eligibility, the participant shall cooperate and participate in:

(a) an employability assessment prescribed and administered by the department or its designated agent; and

(b) any training determined by the department or its agent to be appropriate and necessary to prepare the participant for subsidized employment.

(3) Following application and preliminary determination of eligibility, or, in the discretion of the department or its agent, following completion of an employability assessment and any appropriate and necessary training, the department or its agent shall commence a job search to locate an employer who agrees to provide a WSP job to the participant under written contract with the department.

(a) The participant may locate an employer, but the department or its agent shall have no obligation to place the participant with an employer unless the employer enters into a written contract with the department and all other WSP requirements are met.

(b) The department and its agent shall have no obligation to provide a WSP placement to a participant unless an employer agrees to provide a WSP job to the participant in compliance with all applicable rules, regulations, laws and contract requirements.

(4) The department may contract with another department, agency or organization to conduct employability assessments, provide employment training, conduct job searches or provide WSP services for participants. Such contractor may be referred to as the "job developer".

(5) The department shall pay a monetary incentive to an employer who enters into a written contract with the department and complies with the terms of the contract and all applicable rules, regulations and laws. The amount of the incentive shall be specified in the contract and shall be paid each month for a maximum of six (6) months during the participant's WSP placement, except as otherwise specified in Rule V.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE V AFDC WORK SUPPLEMENTATION PROGRAM, TERMINATION AND REASSIGNMENT (1) If the participant's WSP job is terminated voluntarily or involuntary, the recipient may be placed in another WSP job only if the county director and job developer concur that:

(a) termination was beyond the recipient's control or for good cause, and

(b) the reassignment is likely to lead to future unsubsidized employment.

(2) A participant who either terminates WSP employment without good cause, as defined in ARM 46.10.311, or reduces earned income within 30 days preceding the benefit month, shall be subject to the following penalties and sanctions:

(a) the earned income disregards provided in ARM 46.10.512 shall not be allowed; and

(b) if the participant is a nonexempt WIN participant, the participant may be deregistered from the WIN program as specified in ARM 46.10.310.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE VI AFDC WORK SUPPLEMENTATION PROGRAM, AFDC ELIGIBILITY; RESIDUAL GRANT

(1) The need for and amount of AFDC assistance for WSP participants shall be determined according to the provisions of ARM 46.10.101 through 608, except as specifically stated otherwise in this sub-chapter. WSP participants must continue to meet non-financial eligibility criteria as specified in ARM Title 46, Chapter 10 to continue participation in WSP.

(2) AFDC eligibility for WSP participants shall be determined by prospective budgeting, as described in ARM 46.10.505, excluding WSP wages. The amount of the participant's residual grant shall be determined by retrospective budgeting, as described in ARM 46.10.505, including WSP wages as earned income.

(3) Subject to the limitations stated in this sub-chapter, a participant shall be eligible for a residual grant in a particular month in an amount calculated as follows:

(a) The residual grant shall be the amount of the benefit standard for an assistance unit of that size, as provided in ARM 46.10.403, less that household's net earned income for the month, as determined by retrospective budgeting including WSP wages as earned income and subject to the provisions of Rule VIII(4).

(b) The participant and his household shall be ineligible for a residual grant if household income, determined prospectively and retrospectively excluding WSP wages, exceeds either:

(i) the applicable gross monthly income standard specified in ARM 46.10.403; or

(ii) the applicable net monthly income standard specified in ARM 46.10.403.

(c) Participants with gross wages, including WSP wages, retrospectively determined to exceed 185% of the NMI standard specified in ARM 46.10.403 shall not be eligible for a residual grant.

(d) A household shall not be eligible for a residual grant if the participant is the principal wage earner in an AFDC unemployed parent household.

(4) Participants and their households shall not be entitled to the day care disregard provided in ARM 46.10.512.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE VII AFDC WORK SUPPLEMENTATION PROGRAM, MEDICAL ASSISTANCE BENEFITS

(1) An AFDC assistance unit of a participant which continues to meet non-financial eligibility criteria, shall be deemed to be receiving AFDC and assistance unit members shall remain eligible for medical assistance and

child care during the period of any WSP placement and any reassignment under Rule V. This rule shall apply regardless of whether assistance unit income exceeds the GMI or NMI standards for an assistance unit of that size and regardless of whether the assistance unit receives a residual grant.

(2) Beginning the month following the end of grant diversion, the participant and assistance unit members shall be eligible for extended medical assistance for nine (9) months if:

(a) the fourth month of the \$30 and one-third disregard provided in ARM 46.10.512 is used in the last month of WSP placement; and

(b) the grant is closed in the following month solely because of the loss of the \$30 and one-third disregard.

(3) Beginning the month following the end of grant diversion, the participant and assistance members shall be eligible for extended medical assistance for four (4) months if the grant is closed the month following the end of grant diversion solely because of:

(a) increased earned income;

(b) increased child support; or

(c) increased hours of work.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE VIII AFDC WORK SUPPLEMENTATION PROGRAM, CHILD SUPPORT ASSIGNMENT AND EXCLUSION (1) WSP participants must assign child support rights and cooperate in establishing paternity as required by ARM 46.10.314.

(2) WSP participants are entitled to the \$50 unearned income exclusion of child support payments provided in ARM 46.10.506(1)(r). Such \$50 child support payment shall not be considered income for WSP program purposes.

(3) The child support amount collected by the child support enforcement agency from the absent parent shall include the amount of the residual grant paid directly to the family and any amount paid to the employer on the participant's behalf.

(4) Child support retained by the participant, excluding the \$50 exclusion described in subsection (2) of this rule shall be treated as unearned income in determining eligibility for any residual payment to the participant. Once the recipient is determined eligible to participate in WSP, receipt of increased child support payments shall be considered in determining eligibility for and the amount of the residual grant, but shall not affect further participation in WSP.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE IX AFDC WORK SUPPLEMENTATION PROGRAM, WIN AND TITLE IV-A WORK REQUIREMENTS (1) Participation in WSP shall satisfy the recipient's obligation to participate in WIN and all other Title IV-A work requirements.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

RULE X AFDC WORK SUPPLEMENTATION PROGRAM, ADMINISTRATIVE REVIEW AND FAIR HEARING WSP applicants and participants shall be entitled to administrative review and fair hearings as provided in ARM 46.10.104. Participants shall not be entitled to administrative review or fair hearing under Title 46 of the administrative rules of Montana with respect to disputes or grievances with the employer, but shall be entitled to pursue such remedies and procedures provided by any applicable collective bargaining agreement, employer policy or law.

AUTH: Sec. 53-4-212 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-4-211 and 53-4-215.

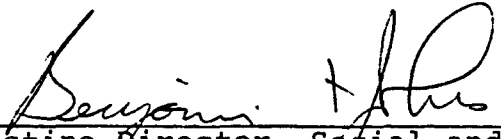
3. These rules are being proposed to allow implementation of work supplementation as a component of the AFDC Model Work Programs. This option was informally requested by four Human Resource Development Councils (HRDC) prior to funding of the AFDC Model proposals. Each of these agencies were subsequently funded by the Department of Labor for a pilot project and the agencies incorporated work supplementation into their formal pilot proposals. The Kalispell HRDC was not funded but will also provide the work supplementation option to participants in a program they have funded from other sources.

Work Supplementation is an allowable work program option provided at 45 CFR 239. Participation must be voluntary on the part of the recipient. Work supplementation provides a \$150 monthly monetary incentive for six months to an employer for hiring a hard-to-place AFDC recipient.

The Montana AFDC State Plan has been amended to allow work supplementation. Work supplementation has not been offered previously in Montana. It is being piloted now to determine whether the program offers enough incentives to motivate AFDC recipients to seek and retain employment. Work supplementation may be expanded to more geographical areas when the Family Support Act of 1988 is implemented.

4. Interested parties may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604, no later than February 9, 1989.

5. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.


Acting Director, Social and
Rehabilitation Services

Certified to the Secretary of State January 3, 1989.

Feb 16, 1989

SB 388

SENATE FISH AND GAME

EXHIBIT NO. 4a

DATE February 16, 1989

BILL NO. SB 388

testimony - Patricia Callaghan, Glendive, MT.

I am the executive director of Action for Eastern Montana, which is the Human Resource Development Council for the 17 counties of the eastern third of Montana.

Our agency operated the youth conservation Corps for several years; we also operated the youth conservation community improvements project under CETA. Last Summer we operated a pilot Montana conservation Corps project with the Fish, Wildlife & Parks Dept. that project was located in Makoshiks Park near Glendive.

Our experience with putting low-income youth in conservation projects has been positive both for youth & the communities of Eastern Montana. It's been one of the better work experiences we've offered our youth - they work hard & gain a real appreciation for their natural environment.

I am concerned that, in creating a Montana Conservation Corps, low-income youth not be seen as just a source of labor paid for by the Federal government. The Job Training Partnership Act has stringent requirements for supportive services for these youth & I urge you to remember that those supportive services are really needed by the kids we work with. They need, and JTPA requires, literacy training & tutoring services; many of them need counseling to help them cope with difficult home & school situations; they need career counseling & competency training.

One of the goals of the Job Training Partnership Act is to take kids who are not losing track and help them become productive, wage-earning, self-supporting members of society. WRDCs are experienced & skilled at providing the supportive services needed to attain this goal. The Montana Conservation Corps can be an exciting part of this process as long as the need for free labor for Montana's parks doesn't cause us to forget the needs of the low-income youth targeted as labor for the program.

SENATE STANDING COMMITTEE REPORT

page 1 of 3
February 17, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 388 (first reading copy -- white), respectfully report that SB 388 be amended and as so amended do pass:

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE February 16, 1989

BILL NO. SB0388

1. Page 2, line 25.

Following: line 24

Strike: "and"

Insert: ", "

Following: "adults"

Insert: ", and volunteers who would work without pay"

2. Page 3, line 24

Following: "program"

Strike: the remainder of line 24

Insert: "contract"

3. Page 3, line 25 through page 4, line 1.

Following: "service" on line 25

Strike: the remainder of line 25 through "Montana" on page 4, line 1.

Insert: "or the human resource development council, as defined in 53-10-501"

4. Page 4, line 23.

Following: "coordinator"

Strike: "and crewleaders"

5. Page 5, line 3.

Following: "supervision"

Insert: "utilizing payments from the department of family services"

6. Page 5, line 12.

Following: "of"

Insert: "crewleaders and"

7. Page 5, lines 15 and 16.

Following: "(6)"

Strike: the remainder of line 15 through "services" on line 16

Insert: "develop procedures for awarding incentive vouchers"

8. Page 5, line 22.

Following: "of"

Insert: "services,"

9. Page 7, line 24.

Following: "cost"

Strike: "that does not provide a public benefit"

Insert: "of work on non-public lands"

10. Page 8, line 1.

Following: "program"

Insert: " or for incentive vouchers"

11. Page 8, lines 13 through 16.

Strike: subsections (c) and (d) in their entirety

Re-number: subsequent subsection

12. Page 8, lines 18 through 23.

Strike: subsection (f) in its entirety

Insert: "(d) meet the requirement of the job service and the human resource development council, as defined in 53-10-501, for participation in job training programs, be assigned by the department of family services as a youth under state supervision, or be accepted as an unpaid volunteer."

13. Page 9, lines 1 and 2.

Following: "operators"

Strike: the remainder of line 1 through "division" on line 2

14. Page 9, line 11.

Following: "The"

Strike: "division"

Insert: "program operator"

15. Page 9, line 15.

Following: "The"

Strike: "division"

Insert: "program operator"

16. Page 9, lines 21 and 22.

Following: "services"

Strike: the remainder of line 21 through "[this act]" on line 22

17. Page 10, line 3.

Following: "than"

Strike: "\$3.35 per hour"

Insert: "the federal minimum wage"

18. Page 10, line 6.

Following: "for"

Insert: "holiday pay and"

19. Page 10, line 10.

Following: line 9

Insert: "(5) If funds are available, a person who is employed as a corpsmember for the full period of enrollment and who receives a satisfactory employment evaluation may be awarded an incentive voucher valid for up to 3 years at any Montana institution of higher education or vocational-technical center."

AND AS AMENDED DO PASS

Signed: 

Elmer D. Severson, Chairman

Amendments to Senate Bill No. 388
First Reading Copy

Requested by Senator Eck
For the Senate Committee on Fish and Game

Prepared by Eddy McClure
February 13, 1989

SENATE FISH AND GAME

EXHIBIT NO. 6

DATE February 16, 1989

BILL NO. SB 388

1. Page 2, line 25.

Following: line 24

Strike: "and"

Insert: ", "

Following: "adults"

Insert: ", and volunteers who would work without pay"

2. Page 3, lines 24 through page 4, line 1.

Following: "program"

Strike: the remainder of line 24

Insert: "contract"

Following: "service" on line 25

Strike: "the remainder of line 25 through "Montana" on line 1

Insert: "or the human resource development council, as defined in
53-10-501"

3. Page 4, line 23.

Following: "coordinator"

Strike: "and crewleaders"

4. Page 5, line 3.

Following: "supervision"

Insert: "utilizing payments from the department of family
services"

5. Page 5, line 12.

Following: "of"

Insert: "crewleaders and"

6. Page 5, lines 15 and 16.

Following: "(6)"

Strike: the remainder of line 15 through "services" on line 16

Insert: "develop procedures for awarding incentive vouchers"

7. Page 5, line 22.

Following: "of"

Insert: "services,"

8. Page 7, line 24.

Following: "cost"

Strike: "that does not provide a public benefit"

Insert: "of work on non-public lands"

9. Page 8, line 1.

Following: "program"

Insert: " or for incentive vouchers"

10. Page 8, lines 13 through 23.

Following: line 12

Strike: subsections (c) and (d) in their entirety

Following: line 16.

Strike: "(d)"

Insert: "(c)"

Following: line 17

Strike: subsection (f) in its entirety

Insert: "(d) meet the requirement of the job service ^{or} and the human resource development council, as defined in 53-10-501, for participation in job training programs, be assigned by the department of family services as a youth under state supervision, or be accepted as an unpaid volunteer."

11. Page 9, lines 1 and 2.

Following: "operators"

Strike: the remainder of line 1 through "division" on line 2

12. Page 9, line 11.

Following: "The"

Strike: "division"

Insert: "program operator"

13. Page 9, line 15.

Following: "The"

Strike: "division"

Insert: "program operator"

14. Page 9, lines 21 and 22.

Following: "services"

Strike: the remainder of line 21 through "[this act]" on line 22

15. Page 10, line 3.

Following: "than"

Strike: "\$3.35 per hour"

Insert: "the federal minimum wage"

16. Page 10, line 6.
Following: "for"
Insert: "holiday pay and"

17. Page 10, line 10.
Following: line 9
Insert: "(5) If funds are available, a person who is employed as a corpsmember for the full period of enrollment and who receives a satisfactory employment evaluation may be awarded an incentive voucher valid for up to 3 years at any Montana institution of higher education or vocational-technical center."

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. SB383

DATE 2/16/89

SPONSOR Yellowtail

| NAME (please print) | RESIDENCE | SUPPORT | OPPOSE |
|---------------------|---------------------------------------|---------|--------|
| Mrs Mary E. Doubek | 7645 N. Montana | | X |
| Steve Brown | 1520 Highland, Helena | | X |
| Devin Sullivan | 624 S. Sanders | X | |
| Jate Doubek | 640 S. Harris | | X |
| JOHN ORTWEIN | MT CATHOLIC CONF. | | |
| GEORGE OCHENSKI | SELF | X | |
| Dave McClure | Levistown ^{Maat Farm Bureau} | | X |
| Keen Carlson | Bonner | | X |
| Robt. Vandenberg | Helena | X | |
| Jerry Crooks | Libby | | |
| Quint Starnes | Self | X | |
| Stan Bradshaw | Self - Helena | ✓ | |
| Dave H. Rehbein | Kalispell | | ✓ |
| Brenda Nordlund | Self - Helena | ✓ | |
| Ray Halgerson | Self | ✓ | |
| Jim Jensen | Self | ✓ | |
| Mignon Waterman | MAC | | ✓ |
| Paul Speck | Self | ✓ | |
| Arnold Huber | SELF / S. Helena | ✓ | |

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

FISH AND GAME

COMMITTEE

BILL NO. SB388

DATE 2/16/89

SPONSOR Eck

| NAME (please print) | RESIDENCE | SUPPORT | OPPOSE |
|---------------------|--------------------|---------|--------|
| Janet Ellis | Helena | ✓ | |
| Patricia Callaghan | Glendora | ✓ | |
| Bill Henny | SRS | ✓ | |
| Jerry Grimes | SRS | ✓ | |
| Jim Hill | Job Service DOLI | | |
| Mark Bond | Job Service DI-OLD | | |
| LARRY ALEY | Helena | ✓ | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

SENATE COMMITTEE FISH AND GAME

Date Feb. 16, 1989 Senate Bill No. 383 Time 2:36 p.m.

| NAME | YES | NO |
|------------------------|-----|----|
| Sen. Elmer Severson | | X |
| Sen. John Anderson Jr. | X | |
| Sen. Judy Jacobson | X | |
| Sen. Al Bishop | | X |
| Sen Paul Rapp-Svrcek | | X |
| Sen. Loren Jenkins | X | |
| Sen. Bill Yellowtail | | X |
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Lucy Borer
Secretary

Sen. Severson
Chairman

Motion: Moved amendments. Amendments failed.

ROLL CALL VOTE

SENATE COMMITTEE FISH AND GAME

Date Feb. 16, 1989 Senate Bill No. 383 Time 2:37 p.m.

| <u>NAME</u> | <u>YES</u> | <u>NO</u> |
|------------------------|------------|-----------|
| Sen. Elmer Severson | X | |
| Sen. John Anderson Jr. | | X |
| Sen. Judy Jacobson | | X |
| Sen. Al Bishop | X | |
| Sen Paul Rapp-Svrcek | X | |
| Sen. Loren Jenkins | | X |
| Sen. Bill Yellowtail | X | |
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Lucy Borer
Secretary

Sen. Severson
Chairman

Motion: Moved to pass the bill. DO PASS.
