

HOUSE BILL NO. 258

INTRODUCED BY HEMSTAD, MARKS, CONN, SIVERTSEN, BENNETT,
DONALDSON, KANDUCH, METCALF, NORDTVEDT, GOULD, MEYER,
DEVLIN, SWITZER, NILSON, R. MANNING, SEIFERT, BRAND,
JACOBSEN, BERGENE, PAVLOVICH, COZZENS, MOORE

IN THE HOUSE

January 15, 1981	On motion by chief sponsor, Representatives Cozzen, Meyer were added as authors to the prefiled bill.
	Introduced and referred to Committee on Human Services.
January 21, 1981	Fiscal note requested.
January 22, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
	Statement of intent attached.
February 23, 1981	Bill printed and placed on members' desks.
	Second reading, pass consideration.
	Second reading, do pass.
	Segregated. Rereferred to Committee on Appropriations.
	Revised fiscal note returned.
March 19, 1981	On motion by chief sponsor, Representative Moore was added as an author to the prefiled bill.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted by the 75th legislative day. Motion adopted.

March 31, 1981 Committee recommend bill do
pass as amended. Report adopted.

April 1, 1981 Bill printed and placed on
members' desks.

April 2, 1981 Second reading, do pass.

April 3, 1981 Correctly engrossed.

April 3, 1981 Third reading, passed.
Ayes, 82; Noes, 9.
Transmitted to Senate.

IN THE SENATE

April 3, 1981 Introduced and referred to
Committee on State Adminis-
tration.

April 9, 1981 Committee recommend bill be
concurrent in. Report adopted.

April 11, 1981 Second reading, pass con-
sideration.

April 13, 1981 Second reading, concurred in.

April 14, 1981 Third reading, concurred in.
Ayes, 36; Noes, 5.

IN THE HOUSE

April 15, 1981 Returned from Senate. Con-
curred in. Sent to enrolling.

Reported correctly enrolled.

Toni Deque
Seiser *Bennett*
 HOUSE BILL NO. 258
 INTRODUCED BY *Seiser Bennett*
Mark Conner
Amador *Konducky* *Mitcal* *Wright* *Burton*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PILOT
Switzer *Nelson* *Robert* *Norming*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INTRODUCED BY *Seiser Bennett*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PILOT
 WORK PROGRAM IN AT LEAST SIX COUNTIES IN MONTANA TO PROVIDE
 RECIPIENTS OF PUBLIC ASSISTANCE AN OPPORTUNITY TO CONTRIBUTE
 THEIR EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED
 AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A
 PROGRAM PERMANENTLY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of [this act] is to
 establish a pilot work program to be applied in limited
 areas of the state to provide recipients of public
 assistance an opportunity to contribute their efforts to
 society, to improve their skills and increase their
 employment opportunities, to promote their self-sufficiency,
 and to explore the feasibility of expanding this program to
 cover the entire state.

Section 2. Definitions. As used in [this act], the
 following definitions apply:

- (1) "Board" means the board of social and
 rehabilitation appeals provided for in 2-15-2203.
- (2) "Department" means the department of social and
 rehabilitation services provided for in Title 2, chapter 15,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

part 22.
 (3) "Program" means the pilot work program established
 under [this act].
 (4) "Project" means a place of employment, approved by
 the department, at which a recipient of public assistance
 may work.
 Section 3. Department to establish program. The
 department shall establish a program in which an employable
 or potentially employable person may be required to
 participate to be eligible to receive public assistance.
 Public assistance shall continue to be paid to such a person
 by the same agencies authorized to make such payments prior
 to [the effective date of this act], pursuant to Title 53,
 chapter 2. The department may enter into agreements with
 governmental units or agencies, private employers, or
 nonprofit agencies to establish projects to effectuate this
 program. Pilot projects shall be established in at least
 six counties in the state. More than one project may be
 established in each county.
 Section 4. Exemptions. A person is exempt from
 mandatory participation in the program if he is:
 (1) under 16 years of age;
 (2) attending school full time;
 (3) ill or significantly and substantially
 incapacitated if it has been determined by the department,

1 on the basis of medical evidence or on another sound basis,
2 that the illness or incapacitation is serious enough to
3 temporarily or permanently prevent the person from engaging
4 in employment;

5 (4) the caretaker in the home of a household member
6 who requires the person's presence in the home on a
7 substantially continuous basis as determined by a physician
8 or a licensed or certified psychologist. Only one member of
9 a household may claim this exemption.

10 (5) the mother, the father, or other caretaker of a
11 child under the age of 6. Only one member of a family or a
12 household may claim this exemption.

13 Section 5. Limitation on days of work required. A
14 person participating in the program may not be required to
15 work more than the number of hours necessary to earn the
16 amount to which he is eligible under the public assistance
17 laws of Montana. The equivalent rate of reimbursement may
18 not be less than the minimum wage.

19 Section 6. Suitability of employment. (1) A project
20 established under [this act] may not be used to supplant or
21 perform any work ordinarily performed by:

22 (a) a regular employee, whether paid or voluntary; or
23 (b) a regular employee whose position is vacant due to
24 a labor strike or a lockout currently in active progress.

25 (2) No person may be required to participate in a

1 project if such participation would interfere with his
2 participation in a training program approved by the
3 department designed to improve his employability.

4 Section 7. Disqualification from public assistance --
5 right of appeal. (1) If the department or its authorized
6 designee determines that a person required to participate in
7 the program has failed or refused to do so or has failed to
8 comply with the rules established under [section 9], that
9 person, upon written notice by the department or its
10 authorized designee, shall be disqualified from receiving
11 public assistance. The termination of public assistance of
12 any person may not affect public assistance received by
13 other members of the same household.

14 (2) Upon written notification of disqualification, an
15 affected person may appeal to the board for a fair hearing.
16 The board shall, upon receipt of a request for a hearing,
17 give the affected person prompt notice and opportunity for a
18 fair hearing. All decisions of the board are final and
19 binding.

20 Section 8. Adoption of rules. (1) The department shall
21 adopt rules for:

22 (a) the determination of suitable projects;
23 (b) the determination of employability;
24 (c) registration and participation in the program;
25 (d) the determination of disqualification for public

1 assistance and subsequent reeligibility of persons who fail
2 to comply with the provisions of [this act] and rules
3 adopted under [it];

4 (e) reporting and other responsibilities of the
5 sponsoring project; and

6 (f) hearing procedures required under [section 7].

7 (2) The department may adopt any other rules necessary
8 for the administration of the program.

9 Section 9. Department to report results and make
10 recommendations. The department shall report to the 48th
11 legislature the results of the program established under
12 [this act] and make recommendations as to the feasibility of
13 continuing the program and expanding it throughout the
14 state. The department's report shall be accompanied by
15 legislation necessary to implement the recommendations made.

16 Section 10. Conflict with federal law. If any portion
17 of the program is found to conflict with federal law or
18 rules, that portion may be suspended. The reason for
19 suspension shall be reflected in the report required under
20 [section 9].

21 Section 11. Expiration of act. This act expires June
22 30, 1983.

-End-

HB 258

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19 _____, there is hereby submitted a Fiscal Note for H.B. 258 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

This proposal would establish a pilot work program for recipients of public assistance in at least six counties:

Estimate No. 1

This estimate is based on the assumption of a comprehensive program directed at recipients of Aid to Families with Dependent Children and assumes no change in the current federal regulation which does not provide financial participation in the wages to be paid under this proposal. Based on the above assumptions general fund expenditures would increase by \$1,422,600 in FY 82 and by \$3,427,200 in FY 83.

Estimate No. 2

This estimate is based on a pilot work program for county general assistance recipients. The estimate assumes a full time employee to help counties initiate a work program and to perform an evaluation of the results. Under these assumptions, general fund expenditures would increase \$32,300 in FY 82 and \$32,900 in FY 83. There will be some monetary savings at the county level but it is impossible to estimate the amount.

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-81

STATE OF MONTANA

REQUEST NO. 138-81

FISCAL NOTE

Revised
Form BD-15

In compliance with a written request received February 23, 19 81, there is hereby submitted a Fiscal Note for House Bill 258 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to establish a pilot work program to provide recipients of AFDC payments an opportunity to contribute their efforts to society in return for assistance received and to explore the feasibility of establishing such a program to include recipients of other forms of Public Assistance.

Assumptions

1. The Department will use existing staff.
2. The Department will be able to run a program to require all able bodie AFDC recipients to work at a government or private non-profit work experience job for 3 days a week.
3. There will be day care for two children per family during the summer months only.
4. Day care costs may be used as match for 90/10 federal funding through Department of Labor and Industry.

<u>Fiscal Impact</u>	<u>FY 1982</u>	<u>FY 1983</u>
Increased Expenditure under proposed law:		
Local assistance, Grants, Benefits, Claims (Daycare)	\$153,900	\$153,900
Fund Information:		
General Fund	\$ 53,865	\$ 53,865
Federal Matching Title IVA	100,035	100,035
Labor & Industry Federal Matching	1,539,000	1,539,000

All WIN funds have been budgeted.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/23/81

1 STATEMENT OF INTENT

2 HOUSE BILL 258

3 House Human Services Committee

4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Social and Rehabilitation Services and to the Department of
8 Labor and Industry in section 7.

9 It is intended that the Departments adopt rules similar
10 to those used under the WIN program, unless the Departments
11 determine that more efficient procedures can be established
12 which do not interfere with obtaining federal funds in the
13 maximum amount and most advantageous proportion possible.

14 It is the intent of subsection (1)(b) of section 7 that
15 the Departments establish procedures for a recipient to
16 prove qualification under the exemptions of section 4.

17 It is the intent of subsection (1)(c) of section 7 that
18 the Departments prescribe procedural rules for applications
19 for project placement, time deadlines, attendance
20 requirements for project participants, guidelines for lines
21 of authority, and related personnel matters. The Departments
22 should provide AFDC recipients with general information
23 regarding the program's structure and the consequences of a
24 person's refusal to participate in the program.

25 It is the intent of subsection (1)(e) of section 7 that

1 the Departments require the sponsoring project to complete
2 attendance reports and to provide meaningful job
3 supervision. The Departments should clarify, in the
4 agreement with the sponsoring project, who will be
5 responsible for materials, equipment, and tools necessary to
6 participate in the project.

Approved by Comm. On Human Services

1 HOUSE BILL NO. 258
 2 INTRODUCED BY HEMSTAD, MARKS, CONN, SIVERTSEN, BENNETT,
 3 DONALDSON, KANDUCH, METCALF, NORDTVEOT, GOULD, MEYER,
 4 DEVLIN, SWITZER, NILSON, R. MANNING, SEIFERT,
 5 JACOBSEN, BERGENE, PAVLOVICH, BRAND, COZZENS

6
 7 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A ~~PILOT~~
 8 WORK EXPERIENCE AND TRAINING PROGRAM ~~IN--AT--LEAST--5*~~
 9 ~~COUNTIES--IN--MONTANA~~ TO PROVIDE RECIPIENTS OF PUBLIC
 10 ASSISTANCE AFDC PAYMENTS AN OPPORTUNITY TO CONTRIBUTE THEIR
 11 EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO
 12 EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM
 13 PERMANENTLY TO INCLUDE RECIPIENTS OF OTHER FORMS OF PUBLIC
 14 ASSISTANCE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Refer to Introduced Bill

18 (Strike everything after enacting clause and insert:)

19 Section 1. Purpose. The purpose of [this act] is to
 20 establish a work experience and training program to be
 21 coordinated, whenever fiscally advantageous, with the
 22 federal WIN program to provide recipients of AFDC payments
 23 an opportunity to contribute their efforts to society, to
 24 improve their skills and increase their employment
 25 opportunities, to promote their self-sufficiency, and to

1 explore the feasibility of expanding this program to include
 2 recipients of other forms of public assistance.

3 Section 2. Definitions. As used in [this act], the
 4 following definitions apply:

5 (1) "AFDC" means aid to families with dependent
 6 children, as defined in the federal Social Security Act, 42
 7 U.S.C. 601 through 626.

8 (2) "Board" means the board of social and
 9 rehabilitation appeals provided for in 2-15-2203.

10 (3) "Departments" means the department of social and
 11 rehabilitation services provided for in Title 2, chapter 15,
 12 part 22, and the department of labor and industry provided
 13 for in Title 2, chapter 15, part 17.

14 (4) "Program" means the work experience and training
 15 program established under [this act].

16 (5) "Project" means a place, approved by the
 17 departments, at which a recipient of AFDC payments may
 18 receive work experience or training.

19 (6) "WIN" means the federal work incentive program
 20 provided for in 42 U.S.C. 630 through 644.

21 Section 3. Departments to establish program. The
 22 departments shall work jointly to establish a program in
 23 which an employable or potentially employable person may be
 24 required to participate as a condition of eligibility for
 25 AFDC payments. AFDC payments shall continue to be paid to

1 such a person by the same agencies authorized to make such
 2 payments prior to [the effective date of this act], pursuant
 3 to Title 53, chapter 4, and regulations under WIN. The
 4 departments may jointly or individually enter into
 5 agreements with governmental units or agencies or nonprofit
 6 agencies to establish projects to effectuate this program.
 7 The departments shall, to the extent practicable, establish
 8 the program on a statewide basis.

9 Section 4. Exemptions. A person may be exempt from
 10 mandatory participation in the program if he is:

- 11 (1) under 16 years of age;
- 12 (2) enrolled in and attending school full time when
 13 attendance is appropriate and 16 but not yet 21 years of
 14 age;
- 15 (3) ill or significantly and substantially
 16 incapacitated if it has been determined by the department,
 17 on the basis of medical evidence or on another sound basis,
 18 that the illness or incapacitation is serious enough to
 19 temporarily or permanently prevent the person from engaging
 20 in a work experience or training project;
- 21 (4) the caretaker in the home of a household member
 22 who requires the person's presence in the home on a
 23 substantially continuous basis as determined by a physician
 24 or a licensed or certified psychologist. Only one member of
 25 a household may claim this exemption.

1 (5) the mother, the father, or other caretaker
 2 relative of a child under the age of 6. Only one member of a
 3 household may claim this exemption.

4 (6) 65 years of age or older; or

5 (7) for any other reason exempt from participating in
 6 the WIN program pursuant to federal regulations.

7 Section 5. Suitability of project. A project
 8 established under [this act] may not be used to supplant or
 9 perform any work ordinarily performed by:

- 10 (1) a regular employee, whether paid or voluntary; or
 11 (2) a regular employee whose position is vacant due to
 12 a labor strike or a lockout currently in active progress.

13 Section 6. Disqualification from public assistance --
 14 right of appeal. (1) If the departments or their authorized
 15 designees determine that a person required to participate in
 16 the program has failed or refused to do so or has failed to
 17 comply with the rules established under [section 7], that
 18 person, upon written notice by one of the departments or its
 19 authorized designee, shall be disqualified from receiving
 20 AFDC payments. The termination of AFDC payments for any
 21 person may not affect AFDC payments or any other form of
 22 public assistance received by other members of the same
 23 household.

24 (2) Upon written notification of disqualification, an
 25 affected person may appeal to:

1 (a) the board for a fair hearing, pursuant to Title
2 53, chapter 2, part 6; or

3 (b) the department of labor and industry for redress
4 under the WIN adjudication process, pursuant to CFR part 56
5 and 45 CFR part 1398.

6 Section 7. Adoption of rules. (1) The departments
7 jointly shall adopt rules for:

8 (a) the determination of suitable projects;

9 (b) the determination of employability;

10 (c) registration and participation in the program;

11 (d) the determination of disqualification for AFDC
12 payments and subsequent reeligibility of persons who fail to
13 comply with the provisions of [this act] and rules adopted
14 under [it];

15 (e) reporting and other responsibilities of the
16 sponsoring project;

17 (f) hearing procedures required under [section 6], and
18 the determination of which appeal process is appropriate for
19 the recipient; and

20 (g) the administration of the program and the
21 delegation of responsibilities between the departments.

22 Section 8. Compliance with federal requirements
23 authorized. The departments are authorized to comply with
24 such federal requirements and to adopt such methods of
25 administration as may be necessary under WIN or similar

1 federal programs to obtain federal funds in the maximum
2 amount and most advantageous proportion possible.

3 Section 9. Departments to make recommendations. The
4 departments shall make recommendations to the 48th
5 legislature as to the feasibility of expanding the program
6 to include recipients of other forms of public assistance.
7 The departments' recommendations may be accompanied by
8 suggested legislation necessary to implement the
9 recommendations made.

10 Section 10. Conflict with federal law. If any portion
11 of the program is found to conflict with federal law or
12 rules, that portion may be suspended.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 258

3 House Human Services Committee
4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Social and Rehabilitation Services and to the Department of
8 Labor and Industry in section 7.

9 It is intended that the Departments adopt rules similar
10 to those used under the WIN program, unless the Departments
11 determine that more efficient procedures can be established
12 which do not interfere with obtaining federal funds in the
13 maximum amount and most advantageous proportion possible.

14 It is the intent of subsection (1)(b) of section 7 that
15 the Departments establish procedures for a recipient to
16 prove qualification under the exemptions of section 4.

17 It is the intent of subsection (1)(c) of section 7 that
18 the Departments prescribe procedural rules for applications
19 for project placement, time deadlines, attendance
20 requirements for project participants, guidelines for lines
21 of authority, and related personnel matters. The Departments
22 should provide AFDC recipients with general information
23 regarding the program's structure and the consequences of a
24 person's refusal to participate in the program.

25 It is the intent of subsection (1)(e) of section 7 that

1 the Departments require the sponsoring project to complete
2 attendance reports and to provide meaningful job
3 supervision. The Departments should clarify, in the
4 agreement with the sponsoring project, who will be
5 responsible for materials, equipment, and tools necessary to
6 participate in the project.

Approved by Comm. On Human Services

HOUSE BILL NO. 258

INTRODUCED BY HEMSTAD, MARKS, CONN, SIVERTSEN, BENNETT, DONALDSON, KANDUCH, METCALF, NORDTVEDT, GOULD, MEYER, DEVLIN, SWITZER, NILSON, R. MANNING, SEIFERT, BRAND, JACOBSEN, BERGENE, PAVLOVICH, COZZENS, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PUBLIC WORK EXPERIENCE AND TRAINING PROGRAM IN--AT--LEAST--SIX COUNTIES--IN--MONTANA TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AFDC PAYMENTS AN OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM PERMANENTLY TO INCLUDE RECIPIENTS OF OTHER FORMS OF PUBLIC ASSISTANCE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer to Introduced Bill

(Strike everything after enacting clause and insert:)

Section 1. Purpose. The purpose of [this act] is to establish a work experience and training program to be coordinated, whenever fiscally advantageous, with the federal WIN program to provide recipients of AFDC payments an opportunity to contribute their efforts to society, to improve their skills and increase their employment opportunities, to promote their self-sufficiency, and to

explore the feasibility of expanding this program to include recipients of other forms of public assistance.

Section 2. Definitions. As used in [this act], the following definitions apply:

(1) "AFDC" means aid to families with dependent children, as defined in the federal Social Security Act, 42 U.S.C. 601 through 626.

(2) "Board" means the board of social and rehabilitation appeals provided for in 2-15-2203.

(3) "Departments" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22, and the department of labor and industry provided for in Title 2, chapter 15, part 17.

(4) "Program" means the work experience and training program established under [this act].

(5) "Project" means a place, approved by the departments, at which a recipient of AFDC payments may receive work experience or training.

(6) "WIN" means the federal work incentive program provided for in 42 U.S.C. 630 through 644.

Section 3. Departments to establish program. The departments shall work jointly to establish a program in which an employable or potentially employable person may be required to participate as a condition of eligibility for AFDC payments. AFDC payments shall continue to be paid to

SECOND PRINTING

1 such a person by the same agencies authorized to make such
 2 payments prior to [the effective date of this act], pursuant
 3 to Title 53, chapter 4, and regulations under WIN. The
 4 departments may jointly or individually enter into
 5 agreements with governmental units or agencies or nonprofit
 6 agencies to establish projects to effectuate this program.
 7 The departments shall, to the extent practicable, establish
 8 the program on a statewide basis.

9 Section 4. Exemptions. A person may be is exempt from
 10 mandatory participation in the program if he is:

- 11 (1) under 16 years of age;
- 12 (2) enrolled in and attending school full time when
 13 attendance is appropriate and 16 but not yet 21 years of
 14 age;
- 15 (3) ill or significantly and substantially
 16 incapacitated if it has been determined by the department,
 17 on the basis of medical evidence or on another sound basis,
 18 that the illness or incapacitation is serious enough to
 19 temporarily or permanently prevent the person from engaging
 20 in a work experience or training project;
- 21 (4) the caretaker in the home of a household member
 22 who requires the person's presence in the home on a
 23 substantially continuous basis as determined by a physician
 24 or a licensed or certified psychologist. Only one member of
 25 a household may claim this exemption.

1 (5) the mother, the father, or other caretaker
 2 relative of a child under the age of 6. Only one member of a
 3 household may claim this exemption.

4 (6) 65 years of age or older; or

5 (7) for any other reason exempt from participating in
 6 the WIN program pursuant to federal regulations.

7 Section 5. Suitability of project. A project
 8 established under [this act] may not be used to supplant or
 9 perform any work ordinarily performed by:

- 10 (1) a regular employee, whether paid or voluntary; or
 11 (2) a regular employee whose position is vacant due to
 12 a labor strike or a lockout currently in active progress.

13 Section 6. Disqualification from public assistance --
 14 right of appeal. (1) If the departments or their authorized
 15 designees determine that a person required to participate in
 16 the program has failed or refused to do so or has failed to
 17 comply with the rules established under [section 7], that
 18 person, upon written notice by one of the departments or its
 19 authorized designee, shall be disqualified from receiving
 20 AFDC payments. The termination of AFDC payments for any
 21 person may not affect AFDC payments or any other form of
 22 public assistance received by other members of the same
 23 household.

24 (2) Upon written notification of disqualification, an
 25 affected person may appeal to:

1 (a) the board for a fair hearing, pursuant to Title
2 53, chapter 2, part 6; or

3 (b) the department of labor and industry for redress
4 under the WIN adjudication process, pursuant to CFR part 56
5 and 45 CFR part 1398.

6 Section 7. Adoption of rules. (1) The departments
7 jointly shall adopt rules for:

8 (a) the determination of suitable projects;

9 (b) the determination of employability;

10 (c) registration and participation in the program;

11 (d) the determination of disqualification for AFDC
12 payments and subsequent reeligibility of persons who fail to
13 comply with the provisions of [this act] and rules adopted
14 under [it];

15 (e) reporting and other responsibilities of the
16 sponsoring project;

17 (f) hearing procedures required under [section 6], and
18 the determination of which appeal process is appropriate for
19 the recipient; and

20 (g) the administration of the program and the
21 delegation of responsibilities between the departments.

22 Section 8. Compliance with federal requirements
23 authorized. The departments are authorized to comply with
24 such federal requirements and to adopt such methods of
25 administration as may be necessary under WIN or similar

1 federal programs to obtain federal funds in the maximum
2 amount and most advantageous proportion possible.

3 Section 9. Departments to make recommendations. The
4 departments shall make recommendations to the 48th
5 legislature as to the feasibility of expanding the program
6 to include recipients of other forms of public assistance.
7 The departments' recommendations may be accompanied by
8 suggested legislation necessary to implement the
9 recommendations made.

10 Section 10. Conflict with federal law. If any portion
11 of the program is found to conflict with federal law or
12 rules, that portion may be suspended.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 258

3 House Human Services Committee
4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Social and Rehabilitation Services and to the Department of
8 Labor and Industry in section 7.

9 It is intended that the Departments adopt rules similar
10 to those used under the WIN program, unless the Departments
11 determine that more efficient procedures can be established
12 which do not interfere with obtaining federal funds in the
13 maximum amount and most advantageous proportion possible.

14 It is the intent of subsection (1)(b) of section 7 that
15 the Departments establish procedures for a recipient to
16 prove qualification under the exemptions of section 4.

17 It is the intent of subsection (1)(c) of section 7 that
18 the Departments prescribe procedural rules for applications
19 for project placement, time deadlines, attendance
20 requirements for project participants, guidelines for lines
21 of authority, and related personnel matters. The Departments
22 should provide AFDC recipients with general information
23 regarding the program's structure and the consequences of a
24 person's refusal to participate in the program.

25 It is the intent of subsection (1)(e) of section 7 that

1 the Departments require the sponsoring project to complete
2 attendance reports and to provide meaningful job
3 supervision. The Departments should clarify, in the
4 agreement with the sponsoring project, who will be
5 responsible for materials, equipment, and tools necessary to
6 participate in the project.

HOUSE BILL NO. 258

INTRODUCED BY HEMSTAD, MARKS, CONN, SIVERTSEN, BENNETT,
DONALDSON, KANDUCH, METCALF, NORDTVEDT, GOULD, MEYER,
DEVLIN, SWITZER, NILSON, R. MANNING, SEIFERT, BRAND,
JACOBSEN, BERGENE, PAVLOVICH, COZZENS, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A ~~PILOT~~
~~WORK EXPERIENCE AND TRAINING PROGRAM IN--AT--LEAST--SIX~~
~~COUNTIES--IN--MONTANA~~ TO PROVIDE RECIPIENTS OF ~~PUBLIC~~
~~ASSISTANCE~~ AFDC PAYMENTS AN OPPORTUNITY TO CONTRIBUTE THEIR
EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO
EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM
PERMANENTLY TO INCLUDE RECIPIENTS OF OTHER FORMS OF PUBLIC
ASSISTANCE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer to Introduced Bill

(Strike everything after enacting clause and insert:)

Section 1. Purpose. The purpose of [this act] is to
establish a work experience and training program to be
coordinated, whenever fiscally advantageous, with the
federal WIN program to provide recipients of AFDC payments
an opportunity to contribute their efforts to society, to
improve their skills and increase their employment
opportunities, to promote their self-sufficiency, and to

explore the feasibility of expanding this program to include
recipients of other forms of public assistance.

Section 2. Definitions. As used in [this act], the
following definitions apply:

(1) "AFDC" means aid to families with dependent
children, as defined in the federal Social Security Act, 42
U.S.C. 601 through 626.

(2) "Board" means the board of social and
rehabilitation appeals provided for in 2-15-2203.

(3) "Departments" means the department of social and
rehabilitation services provided for in Title 2, chapter 15,
part 22, and the department of labor and industry provided
for in Title 2, chapter 15, part 17.

(4) "Program" means the work experience and training
program established under [this act].

(5) "Project" means a place, approved by the
departments, at which a recipient of AFDC payments may
receive work experience or training.

(6) "WIN" means the federal work incentive program
provided for in 42 U.S.C. 630 through 644.

Section 3. Departments to establish program. The
departments shall work jointly to establish a program in
which an employable or potentially employable person may be
required to participate as a condition of eligibility for
AFDC payments. AFDC payments shall continue to be paid to

1 such a person by the same agencies authorized to make such
 2 payments prior to [the effective date of this act], pursuant
 3 to Title 53, chapter 4, and regulations under WIN. The
 4 departments may jointly or individually enter into
 5 agreements with governmental units or agencies or nonprofit
 6 agencies to establish projects to effectuate this program.
 7 The departments shall, to the extent practicable, establish
 8 the program on a statewide basis.

9 Section 4. Exemptions. A person may-be is exempt from
 10 mandatory participation in the program if he is:

- 11 (1) under 16 years of age;
 12 (2) enrolled in and attending school full time when
 13 attendance is appropriate and 16 but not yet 21 years of
 14 age;
 15 (3) ill or significantly and substantially
 16 incapacitated if it has been determined by the department,
 17 on the basis of medical evidence or on another sound basis,
 18 that the illness or incapacitation is serious enough to
 19 temporarily or permanently prevent the person from engaging
 20 in a work experience or training project;
 21 (4) the caretaker in the home of a household member
 22 who requires the person's presence in the home on a
 23 substantially continuous basis as determined by a physician
 24 or a licensed or certified psychologist. Only one member of
 25 a household may claim this exemption.

1 (5) the mother, the father, or other caretaker
 2 relative of a child under the age of 6. Only one member of a
 3 household may claim this exemption.

4 (6) 65 years of age or older; or

5 (7) for any other reason exempt from participating in
 6 the WIN program pursuant to federal regulations.

7 Section 5. Suitability of project. A project
 8 established under [this act] may not be used to supplant or
 9 perform any work ordinarily performed by:

- 10 (1) a regular employee, whether paid or voluntary; or
 11 (2) a regular employee whose position is vacant due to
 12 a labor strike or a lockout currently in active progress.

13 Section 6. Disqualification from public assistance --
 14 right of appeal. (1) If the departments or their authorized
 15 designees determine that a person required to participate in
 16 the program has failed or refused to do so or has failed to
 17 comply with the rules established under [section 7], that
 18 person, upon written notice by one of the departments or its
 19 authorized designee, shall be disqualified from receiving
 20 AFDC payments. The termination of AFDC payments for any
 21 person may not affect AFDC payments or any other form of
 22 public assistance received by other members of the same
 23 household.

24 (2) Upon written notification of disqualification, an
 25 affected person may appeal to:

1 (a) the board for a fair hearing, pursuant to Title
2 53, chapter 2, part 6; or

3 (b) the department of labor and industry for redress
4 under the WIN adjudication process, pursuant to CFR part 56
5 and 45 CFR part 1398.

6 Section 7. Adoption of rules. (1) The departments
7 jointly shall adopt rules for:

- 8 (a) the determination of suitable projects;
- 9 (b) the determination of employability;
- 10 (c) registration and participation in the program;
- 11 (d) the determination of disqualification for AFDC
12 payments and subsequent reeligibility of persons who fail to
13 comply with the provisions of [this act] and rules adopted
14 under [it];
- 15 (e) reporting and other responsibilities of the
16 sponsoring project;
- 17 (f) hearing procedures required under [section 6], and
18 the determination of which appeal process is appropriate for
19 the recipient; and
- 20 (g) the administration of the program and the
21 delegation of responsibilities between the departments.

22 Section 8. Compliance with federal requirements
23 authorized. The departments are authorized to comply with
24 such federal requirements and to adopt such methods of
25 administration as may be necessary under WIN or similar

1 federal programs to obtain federal funds in the maximum
2 amount and most advantageous proportion possible.

3 Section 9. Departments to make recommendations. The
4 departments shall make recommendations to the 48th
5 legislature as to the feasibility of expanding the program
6 to include recipients of other forms of public assistance.
7 The departments' recommendations may be accompanied by
8 suggested legislation necessary to implement the
9 recommendations made.

10 Section 10. Conflict with federal law. If any portion
11 of the program is found to conflict with federal law or
12 rules, that portion may be suspended.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 258

3 House Human Services Committee
4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Social and Rehabilitation Services and to the Department of
8 Labor and Industry in section 7.

9 It is intended that the Departments adopt rules similar
10 to those used under the WIN program, unless the Departments
11 determine that more efficient procedures can be established
12 which do not interfere with obtaining federal funds in the
13 maximum amount and most advantageous proportion possible.

14 It is the intent of subsection (1)(b) of section 7 that
15 the Departments establish procedures for a recipient to
16 prove qualification under the exemptions of section 4.

17 It is the intent of subsection (1)(c) of section 7 that
18 the Departments prescribe procedural rules for applications
19 for project placement, time deadlines, attendance
20 requirements for project participants, guidelines for lines
21 of authority, and related personnel matters. The Departments
22 should provide AFDC recipients with general information
23 regarding the program's structure and the consequences of a
24 person's refusal to participate in the program.

25 It is the intent of subsection (1)(e) of section 7 that

1 the Departments require the sponsoring project to complete
2 attendance reports and to provide meaningful job
3 supervision. The Departments should clarify, in the
4 agreement with the sponsoring project, who will be
5 responsible for materials, equipment, and tools necessary to
6 participate in the project.

HOUSE BILL NO. 258

INTRODUCED BY HEMSTAD, MARKS, CONN, SIVERTSEN, BENNETT,
DONALDSON, KANDUCH, METCALF, NORDTVEDT, GOULD, MEYER,
DEVLIN, SWITZER, NILSON, R. MANNING, SEIFERT, BRAND,
JACOBSEN, BERGENE, PAVLOVICH, COZZENS, MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A ~~PILOT~~
WORK EXPERIENCE AND TRAINING PROGRAM ~~IN--AT--LEAST--SIX~~
~~COUNTIES--IN--MONTANA~~ TO PROVIDE RECIPIENTS OF ~~PUBLIC~~
~~ASSISTANCE~~ AFDC PAYMENTS AN OPPORTUNITY TO CONTRIBUTE THEIR
EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO
EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM
PERMANENTLY TO INCLUDE RECIPIENTS OF OTHER FORMS OF PUBLIC
ASSISTANCE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Refer to Introduced Bill

(Strike everything after enacting clause and insert:)

Section 1. Purpose. The purpose of [this act] is to
establish a work experience and training program to be
coordinated, whenever fiscally advantageous, with the
federal WIN program to provide recipients of AFDC payments
an opportunity to contribute their efforts to society, to
improve their skills and increase their employment
opportunities, to promote their self-sufficiency, and to

explore the feasibility of expanding this program to include
recipients of other forms of public assistance.

Section 2. Definitions. As used in [this act], the
following definitions apply:

(1) "AFDC" means aid to families with dependent
children, as defined in the federal Social Security Act, 42
U.S.C. 601 through 626.

(2) "Board" means the board of social and
rehabilitation appeals provided for in 2-15-2203.

(3) "Departments" means the department of social and
rehabilitation services provided for in Title 2, chapter 15,
part 22, and the department of labor and industry provided
for in Title 2, chapter 15, part 17.

(4) "Program" means the work experience and training
program established under [this act].

(5) "Project" means a place, approved by the
departments, at which a recipient of AFDC payments may
receive work experience or training.

(6) "WIN" means the federal work incentive program
provided for in 42 U.S.C. 630 through 644.

Section 3. Departments to establish program. The
departments shall work jointly to establish a program in
which an employable or potentially employable person may be
required to participate as a condition of eligibility for
AFDC payments. AFDC payments shall continue to be paid to

1 such a person by the same agencies authorized to make such
 2 payments prior to [the effective date of this act], pursuant
 3 to Title 53, chapter 4, and regulations under WIN. The
 4 departments may jointly or individually enter into
 5 agreements with governmental units or agencies or nonprofit
 6 agencies to establish projects to effectuate this program.
 7 The departments shall, to the extent practicable, establish
 8 the program on a statewide basis.

9 Section 4. Exemptions. A person may be is exempt from
 10 mandatory participation in the program if he is:

- 11 (1) under 16 years of age;
- 12 (2) enrolled in and attending school full time when
 13 attendance is appropriate and 16 but not yet 21 years of
 14 age;
- 15 (3) ill or significantly and substantially
 16 incapacitated if it has been determined by the department,
 17 on the basis of medical evidence or on another sound basis,
 18 that the illness or incapacitation is serious enough to
 19 temporarily or permanently prevent the person from engaging
 20 in a work experience or training project;
- 21 (4) the caretaker in the home of a household member
 22 who requires the person's presence in the home on a
 23 substantially continuous basis as determined by a physician
 24 or a licensed or certified psychologist. Only one member of
 25 a household may claim this exemption.

1 (5) the mother, the father, or other caretaker
 2 relative of a child under the age of 6. Only one member of a
 3 household may claim this exemption.

4 (6) 65 years of age or older; or

5 (7) for any other reason exempt from participating in
 6 the WIN program pursuant to federal regulations.

7 Section 5. Suitability of project. A project
 8 established under [this act] may not be used to supplant or
 9 perform any work ordinarily performed by:

- 10 (1) a regular employee, whether paid or voluntary; or
- 11 (2) a regular employee whose position is vacant due to
 12 a labor strike or a lockout currently in active progress.

13 Section 6. Disqualification from public assistance --
 14 right of appeal. (1) If the departments or their authorized
 15 designees determine that a person required to participate in
 16 the program has failed or refused to do so or has failed to
 17 comply with the rules established under [section 7], that
 18 person, upon written notice by one of the departments or its
 19 authorized designee, shall be disqualified from receiving
 20 AFDC payments. The termination of AFDC payments for any
 21 person may not affect AFDC payments or any other form of
 22 public assistance received by other members of the same
 23 household.

24 (2) Upon written notification of disqualification, an
 25 affected person may appeal to:

1 (a) the board for a fair hearing, pursuant to Title
2 53, chapter 2, part 6; or

3 (b) the department of labor and industry for redress
4 under the WIN adjudication process, pursuant to CFR part 56
5 and 45 CFR part 1398.

6 Section 7. Adoption of rules. [1] The departments
7 jointly shall adopt rules for:

8 (a) the determination of suitable projects;

9 (b) the determination of employability;

10 (c) registration and participation in the program;

11 (d) the determination of disqualification for AFDC
12 payments and subsequent reeligibility of persons who fail to
13 comply with the provisions of [this act] and rules adopted
14 under [it];

15 (e) reporting and other responsibilities of the
16 sponsoring project;

17 (f) hearing procedures required under [section 6], and
18 the determination of which appeal process is appropriate for
19 the recipient; and

20 (g) the administration of the program and the
21 delegation of responsibilities between the departments.

22 Section 8. Compliance with federal requirements
23 authorized. The departments are authorized to comply with
24 such federal requirements and to adopt such methods of
25 administration as may be necessary under WIN or similar

1 federal programs to obtain federal funds in the maximum
2 amount and most advantageous proportion possible.

3 Section 9. Departments to make recommendations. The
4 departments shall make recommendations to the 48th
5 legislature as to the feasibility of expanding the program
6 to include recipients of other forms of public assistance.
7 The departments' recommendations may be accompanied by
8 suggested legislation necessary to implement the
9 recommendations made.

10 Section 10. Conflict with federal law. If any portion
11 of the program is found to conflict with federal law or
12 rules, that portion may be suspended.

-End-