

HOUSE BILL NO. 400

INTRODUCED BY WALDRON, BERGENE, RAMIREZ, REGAN, ELLISON,
JACOBSON, VINCENT, CURTISS, ECK, FABREGA, BERTELSEN,
KITSELMAN, DONALDSON, METCALF, HAND, MENAHAN, ZABROCKI,
NORDTVEDT, FULLER, HALLIGAN, DRISCOLL, SCHULTZ, PHILLIPS,
HEMSTAD, FARRIS, HANSON, O'CONNELL, J. BROWN, DARKO,
CONNELLY, HART, HOWE, HOLLIDAY, MARKS, BENGTSON, HANSEN,
MCBRIDE, HARP, ASAY, BRAND, KEYSER, IVERSON, KEMMIS,
EUDAILY, LORY, NILSON, HARPER, KENNERLY, YARDLEY,
HARRINGTON, MARBUT, VAN VALKENBURG, DOZIER, MANUEL,
WILLIAMS, ERNST, MUELLER, QUILICI, KEENAN, D. BROWN,
BARDANOUE, NISBET, REAM, VELEBER, ADDY, ROUSH, MOHAR,
FAGG, J. JENSEN, STIMATZ, KADAS, SCHYE, J. HAMMOND,
LYNCH, LYBECK

BY REQUEST OF THE GOVERNOR'S OFFICE

IN THE HOUSE

January 26, 1983

Introduced and referred to
Committee on Appropriations.

March 28, 1983

Committee recommend bill do
pass as amended. Report
adopted.

Bill printed and placed on
members' desks.

Second reading, do pass.

Third reading, passed.
Transmitted to Senate.

IN THE SENATE

April 5, 1983

Introduced and referred to
Committee on Finance and
Claims.

April 14, 1983

On motion taken from
Committee on Finance
and Claims as amended and
placed on second reading.

Second reading, concurred in.

April 15, 1983

Third reading, concurred in.
Ayes, 34; Noes, 12.

IN THE HOUSE

April 16, 1983

Returned to House with
amendments.

April 18, 1983

Second reading, amendments
not concurred in.

On motion Free Conference
Committee requested and
appointed.

April 21, 1983

Free Conference Committee
reported.

Second reading, Free
Conference Committee report
adopted.

Third reading, Free
Conference Committee report
adopted.

Free Conference Committee
report adopted by Senate.

Sent to enrolling.

Reported correctly enrolled.

1 *J. Jackson* *House* BILL NO. *400*
 INTRODUCED BY *William Bergene* *Ellison*
 3 *Amended* BY REQUEST OF THE GOVERNOR'S OFFICE *Marks*
 4 *Connelly* *Steve* *John* *House*
 5 *M. Hark* *Ballinger* *McBride*
 6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A DISPLACED
 7 HARP HOMEMAKER PROGRAM, AND PROVIDING FOR AN APPROPRIATION;
 8 AMENDING SECTION 2-1-201, MCA; AND PROVIDING AN EFFECTIVE
 9 DATE." *FAK* *DOJ* *Leahy* *Symk* *Long*
 10 *J. Jensen* *Hachos* *J. Hammond* *Ely* *Nikola*
 11 WHEREAS, the Legislature finds that there is an
 12 increasing number of persons in the state who, being in
 13 their middle years and having fulfilled the role of
 14 homemaker, find themselves displaced because of dissolution
 15 of marriage, death or disability of spouse, or other loss of
 16 family income; and
 17 WHEREAS, the Legislature finds that displaced
 18 homemakers have a greatly reduced income and a high rate of
 19 unemployment due to age, education, or lack of paid work
 20 experience and are likely to be ineligible for Social
 21 Security benefits, Unemployment Compensation, Medicaid, and
 22 other health insurance benefits or pension plans of the
 23 spouse; and
 24 WHEREAS, the Legislature finds that homemakers are an
 25 unrecognized part of the work force who make an invaluable
 contribution to the welfare of society as a whole.

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 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 3 NEW SECTION. Section 1. Short title. [Sections 1
 4 through 10] may be cited as the "Displaced Homemaker Act".
 5 NEW SECTION. Section 2. Purpose. It is the intent of
 6 the legislature to provide necessary counseling, training,
 7 jobs, services, and health care for displaced homemakers so
 8 they may achieve independence and the economic security
 9 vital to a productive life.
 10 NEW SECTION. Section 3. Definitions. As used in
 11 [sections 1 through 10], the following definitions apply:
 12 (1) "Commissioner" means the commissioner of labor and
 13 industry as provided in 2-15-1701.
 14 (2) "Displaced homemaker" means an individual who:
 15 (a) has worked in the home for at least 7 years
 16 providing unpaid household services for family members;
 17 (b) is not gainfully employed or is underemployed;
 18 (c) has had or would have difficulty securing paid
 19 employment; and
 20 (d) was dependent on the income of another family
 21 member but is no longer supported by such income, was
 22 dependent on federal assistance but is no longer eligible
 23 for such assistance, or whose eligibility for such federal
 24 assistance will be terminated within 6 months.
 25 NEW SECTION. Section 4. Multipurpose service programs

1 for displaced homemakers -- administrators. (1) The
 2 commissioner may establish multipurpose service programs for
 3 displaced homemakers and may enter into contracts with and
 4 make grants to nonprofit agencies or organizations, public
 5 or private, to establish, organize, and administer the
 6 programs described in [section 5].

7 (2) The commissioner shall contract with an
 8 administrator for each program.

9 NEW SECTION. Section 5. Programs to aid displaced
 10 homemakers. (1) The programs must be developed in
 11 cooperation with federal, state, and local agencies and with
 12 private employers in order to coordinate efforts directed
 13 toward enabling the displaced homemaker to maintain economic
 14 security and emotional well-being and to avoid unnecessary
 15 duplication of services.

16 (2) The services may include but are not limited to:

17 (a) job counseling services that are:

18 (i) specifically designed for displaced homemakers by
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 20 experiences; and

21 (ii) operated to counsel displaced homemakers with
 22 respect to appropriate job opportunities;

23 (b) job training and job placement services that:

24 (i) include training and placement programs for jobs
 25 in the public and private sectors;

1 (ii) assist displaced homemakers in gaining admission
 2 to existing public or private job training and educational
 3 programs; and

4 (iii) assist in identifying community needs and
 5 creating new jobs in the public and private sectors;

6 (c) referral to or development of programs for
 7 displaced homemakers in cooperation with local agencies that
 8 provide information and assistance with respect to health
 9 care, financial matters, education, nutrition, and legal
 10 problems;

11 (d) support services, such as:

12 (i) day care for preschool children;

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15 (e) development of outreach programs to serve rural
 16 areas where needs for such programs have been identified.

17 NEW SECTION. Section 6. Rulemaking duties of
 18 commissioner. The commissioner, with the advice of other
 19 organizations and agencies who provide services to displaced
 20 homemakers, shall adopt rules:

21 (1) concerning the eligibility of persons who may be
 22 served by the program;

23 (2) concerning a graduated fee schedule for program
 24 services;

25 (3) concerning criteria for making grants as provided

1 for in [section 4]; and

2 (4) necessary to carry out the provisions of [sections
3 1 through 10].

4 NEW SECTION. Section 7. Acceptance of funds by
5 administrator of local program. The administrator of the
6 local displaced homemaker program may accept, use, and
7 dispose of all grants or contributions of money, services,
8 and property for the purpose of carrying out the provisions
9 of [sections 1 through 10]. Such grants or contributions
10 may include grants or in-kind contributions from a local
11 governmental unit.

12 NEW SECTION. Section 8. Evaluation of multipurpose
13 service programs — reports to the commissioner. The
14 administrator of each designated program established under
15 [sections 1 through 10] shall report annually to the
16 commissioner as prescribed by rule, which report must
17 include:

18 (1) an evaluation of the effectiveness of the
19 program's job counseling, training, placement referral,
20 support, and outreach services to displaced homemakers; and

21 (2) an accounting of all expenditures.

22 NEW SECTION. Section 9. Staff of service programs. To
23 the extent possible, supervisory, technical, and
24 administrative positions in the multipurpose service
25 programs must be filled by displaced homemakers.

1 NEW SECTION. Section 10. Partial funding from local
2 community. Fifteen percent of the operational costs of a
3 local displaced homemaker program must come from the local
4 community served by the program. The local contribution may
5 include in-kind contributions.

6 Section 11. Section 25-1-201, HCA, is amended to read:
7 "25-1-201. Fees of clerk of district court. (1) The
8 clerk of the district court shall collect the following
9 fees:

10 (a) at the commencement of each action or proceeding,
11 from the plaintiff or petitioner, \$20; and for filing a
12 complaint in intervention, from the intervenor, \$20; and for
13 filing a petition for dissolution of marriage, an additional
14 fee of \$25;

15 (b) from each defendant or respondent, on his
16 appearance, \$10;

17 (c) on the entry of judgment, from the prevailing
18 party, \$10;

19 (d) for preparing copies of papers on file in his
20 office, 25 cents per page;

21 (e) for each certificate, with seal, 50 cents;

22 (f) for oath and jurat, with seal, 50 cents;

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25 (i) for filing and docketing a transcript of judgment

1 or abstract of judgment from all other courts, \$5;

2 (j) for issuing an execution or order of sale on a
3 foreclosure of a lien, \$2;

4 (k) for transmission of records or files or transfer
5 of a case to another court, \$5;

6 (l) for filing and entering papers received by
7 transfer from other courts, \$10;

8 (m) for issuing a marriage license, \$30;

9 (n) on the filing of an application for informal,
10 formal, or supervised probate or for the appointment of a
11 personal representative or the filing of a petition for the
12 appointment of a guardian or conservator, from the applicant
13 or petitioner, \$35, which includes the fee for filing a will
14 for probate.

15 (2) Except as provided in subsection (3), 40% of all
16 fees collected by the clerk of the district court ~~shall~~ must
17 be deposited in and credited to the general fund of the
18 county. The remaining portion of the fees ~~shall~~ must be
19 remitted to the state to be deposited as provided in
20 19-5-404.

21 (3) In the case of a fee collected for issuing a
22 marriage license, \$14 must be deposited in and credited to
23 the state general fund, \$6.40 must be deposited in and
24 credited to the county general fund, and \$9.60 must be
25 remitted to the state to be deposited as provided in

1 19-5-404.

2 (4) The additional fee for filing a petition for
3 dissolution of marriage must be deposited in the general
4 fund."

5 NEW SECTION. Section 12. Appropriation. There is
6 appropriated from the general fund to the department of
7 labor and industry the sum of \$250,000 for the biennium
8 ending June 30, 1985, to fund the displaced homemaker
9 program.

10 NEW SECTION. Section 13. Effective date. This act is
11 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 261-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 27, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 400 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. 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:

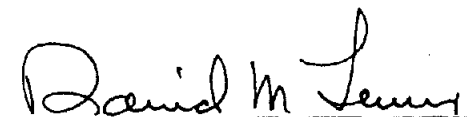
House Bill 400 provides for a displaced homemaker program and appropriates \$250,000 from the general fund to the Department of Labor and Industry.

ASSUMPTIONS:

- 1) Assume 5,000 petitions for dissolution of marriage will be filed per year, and an additional \$25.00 will be assessed.
- 2) Assume 15% of operating costs of all local displaced homemaker programs will be raised by the local community and used to fund the program.
- 3) Assume 5% of general fund appropriation will be used to fund administrative costs of the program.
- 4) Assumes that funding for the program will be used to augment displaced homemaker programs already in place for CETA participants so that non-CETA displaced homemakers can also use facilities (usually first 6 months after separation). Some local communities will need to set up a new program, however.
- 5) Assume 5% of general fund revenue to be used for administrative costs in Job Service Central Office. Assume 65% of administrative costs are personal services, remainder is operating costs.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Revenue:		
General Fund	\$ 125,000	\$ 125,000
Local Community	18,750	18,750
Total	<u>\$ 143,750</u>	<u>\$ 143,750</u>
Expenditures:		
Personal Services	\$ 4,000	\$ 4,000
Operating Expenses	2,250	2,250
Benefits	137,500	137,500
TOTAL	<u>\$ 143,750</u>	<u>\$ 143,750</u>

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-1-83

TECHNICAL NOTES:

Section 11(4) does not specify whether the additional fee is to be deposited in the state or county general fund. Section 10 requires funding contribution from local "community".

FISCAL NOTE 9:X/1

HB400

Approved by Comm.
on Appropriations

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WHEREAS, the Legislature finds that there is an
increasing number of persons in the state who, being in
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of marriage, death or disability of spouse, or other loss of
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homemakers have a greatly reduced income and a high rate of
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Security benefits, Unemployment Compensation, Medicaid, and
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 4 (c) on the entry of judgment, from the prevailing
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 6 (d) for preparing copies of papers on file in his
 7 office, 25 cents per page;
 8 (e) for each certificate, with seal, 50 cents;
 9 (f) for oath and jurat, with seal, 50 cents;
 10 (g) for administering oath, 25 cents;
 11 (h) for taking depositions, per folio, 20 cents;
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 13 or abstract of judgment from all other courts, \$5;
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 8 (3) In the case of a fee collected for issuing a
 9 marriage license, \$14 must be deposited in and credited to
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 17 **NEW SECTION.** Section 12. Appropriation. There is
 18 appropriated from the general fund to the department of
 19 labor and industry the sum of \$250,000 for the biennium
 20 ending June 30, 1985, to fund the displaced homemaker
 21 program.
 22 **NEW SECTION.** Section 13. Effective date. This act is
 23 effective July 1, 1983.

-End-

1 HOUSE BILL NO. 400

2 INTRODUCED BY WALDRON, BERGENE, RAMIREZ, REGAN,

3 ELLISON, JACOBSON, VINCENT, CURTISS, ECK, FABREGA,

4 BERTELSEN, KITSELMAN, DONALDSON, METCALF, HAND, MENAHAN,

5 ZABROCKI, NORDTYEDT, FULLER, HALLIGAN, DRISCOLL, SCHULTZ,

6 PHILLIPS, HEMSTAD, FARRIS, HANSON, O'CONNELL, J. BROWN,

7 DARKO, CONNELLY, HART, HOWE, HOLLIDAY, MARKS, BENGTSON,

8 HANSEN, MCBRIDE, HARP, ASAY, BRAND, KEYSER, IVERSON,

9 KEMMIS, EUDAILY, LORY, NILSON, HARPER, KENNERLY, YARDLEY,

10 HARRINGTON, MARBUT, VAN VALKENBURG, DOZIER, MANUEL,

11 WILLIAMS, ERNST, MUELLER, QUILICI, KEENAN, D. BROWN,

12 BARDANOUVE, NISBET, REAN, VELEBER, ADDY, ROUSH, MOHAR,

13 FAGG, J. JENSEN, STIMATZ, KADAS, SCHYE, J. HAMMOND,

14 LYNCH, LYBECK

15 BY REQUEST OF THE GOVERNOR'S OFFICE

16
17 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A DISPLACED
18 HOMEMAKER PROGRAM AND PROVIDING FOR AN APPROPRIATION;
19 AMENDING SECTION 25-1-201, MCA; AND PROVIDING AN EFFECTIVE
20 DATE."

21
22 WHEREAS, the Legislature finds that there is an
23 increasing number of persons in the state who, being in
24 their middle years and having fulfilled the role of
25 homemaker, find themselves displaced because of dissolution

1 of marriage, death or disability of spouse, or other loss of
2 family income; and

3 WHEREAS, the Legislature finds that displaced
4 homemakers have a greatly reduced income and a high rate of
5 unemployment due to age, education, or lack of paid work
6 experience and are likely to be ineligible for Social
7 Security benefits, Unemployment Compensation, Medicaid, and
8 other health insurance benefits or pension plans of the
9 spouse; and

10 WHEREAS, the Legislature finds that homemakers are an
11 unrecognized part of the work force who make an invaluable
12 contribution to the welfare of society as a whole.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Short title. [Sections 1
16 through 10] may be cited as the "Displaced Homemaker Act".

17 NEW SECTION. Section 2. Purpose. It is the intent of
18 the legislature to provide necessary counseling, training,
19 jobs, services, and health care for displaced homemakers so
20 they may achieve independence and the economic security
21 vital to a productive life.

22 NEW SECTION. Section 3. Definitions. As used in
23 [sections 1 through 10], the following definitions apply:

24 (1) "Commissioner" means the commissioner of labor and
25 industry as provided in 2-15-1701.

(2) "Displaced homemaker" means an individual who:

(a) has worked in the home for at least 7 1/2 years providing unpaid household services for family members;

(b) is not gainfully employed or is underemployed;

(c) has had or would have difficulty securing paid employment; and

(d) was dependent on the income of another family member but is no longer supported by such income, was dependent on federal assistance but is no longer eligible for such assistance, or whose eligibility for such federal assistance will be terminated within 6 months.

NEW SECTION. Section 4. Multipurpose service programs for displaced homemakers -- administrators. (1) The commissioner may establish multipurpose service programs for displaced homemakers and may enter into contracts with and make grants to nonprofit agencies or organizations, public or private, to establish, organize, and administer the programs described in [section 5].

(2) The commissioner shall contract with an administrator for each program.

NEW SECTION. Section 5. Programs to aid displaced homemakers. (1) The programs must be developed in cooperation with federal, state, and local agencies and with private employers in order to coordinate efforts directed toward enabling the displaced homemaker to maintain economic

security and emotional well-being and to avoid unnecessary duplication of services.

(2) The services may include but are not limited to:

(a) job counseling services that are:

(i) specifically designed for displaced homemakers by taking into account and building upon their skills and experiences; and

(ii) operated to counsel displaced homemakers with respect to appropriate job opportunities;

(b) job training and job placement services that:

(i) include training and placement programs for jobs in the public and private sectors;

(ii) assist displaced homemakers in gaining admission to existing public or private job training and educational programs; and

(iii) assist in identifying community needs and creating new jobs in the public and private sectors;

(c) referral to or development of programs for displaced homemakers in cooperation with local agencies that provide information and assistance with respect to health care, financial matters, education, nutrition, and legal problems;

(d) support services, such as:

(i) day ~~CARE~~ care for preschool children;

(ii) transportation assistance; and

(iii) grants for education; and

(a) development of outreach programs to serve rural areas where needs for such programs have been identified.

NEW SECTION. Section 6. Rulemaking duties of commissioner. The commissioner, with the advice of other organizations and agencies who provide services to displaced homemakers, shall adopt rules:

(1) concerning the eligibility of persons who may be served by the program;

(2) concerning a graduated fee schedule for program services;

(3) concerning criteria for making grants as provided for in [section 4]; and

(4) necessary to carry out the provisions of [sections 1 through 10].

NEW SECTION. Section 7. Acceptance of funds by administrator of local program. The administrator of the local displaced homemaker program may accept, use, and dispose of all grants or contributions of money, services, and property for the purpose of carrying out the provisions of [sections 1 through 10]. Such grants or contributions may include grants or in-kind contributions from a local governmental unit.

NEW SECTION. Section 8. Evaluation of multipurpose service programs -- reports to the commissioner. The

administrator of each designated program established under [sections 1 through 10] shall report annually to the commissioner as prescribed by rule, which report must include:

(1) an evaluation of the effectiveness of the program's job counseling, training, placement referral, support, and outreach services to displaced homemakers; and

(2) an accounting of all expenditures.

NEW SECTION. Section 9. Staff of service programs. To the extent possible, supervisory, technical, and administrative positions in the multipurpose service programs must be filled by displaced homemakers.

NEW SECTION. Section 10. Partial funding from local community. Fifteen percent of the operational costs of a local displaced homemaker program must come from the local community served by the program. The local contribution may include in-kind contributions.

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-End-

April 20, 1983

FREE CONFERENCE COMMITTEE
ON HOUSE BILL 400

(Report No. 1, April 20, 1983)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on House Bill 400, met April 20, 1983, and considered:

House Bill 400, third reading copy (blue), and respectfully recommend as follows:

That House Bill 400 be amended as specified in CLERICAL INSTRUCTION NO. 1;

That the reference copy of House Bill 400 read as specified in the CLERICAL INSTRUCTIONS;

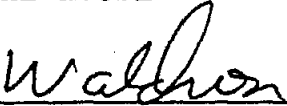
And, that the Free Conference Committee Report on House Bill 400 be adopted.

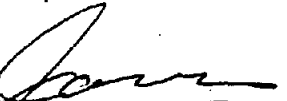
CLERICAL INSTRUCTIONS (for Reference Copy - salmon):


1. Attach a Statement of Intent to House Bill 400 as follows:

"This bill requires a Statement of Intent because Section 6 requires the Commissioner of Labor and Industry to adopt administrative rules relating to the displaced homemaker program. The rules shall prescribe eligibility requirements for benefit recipients, set fees for program services, and set criteria for making grants to agencies administering programs to aid displaced homemakers. In addition, Section 8 authorizes rules to prescribe the contents of annual reports from each program administrator."

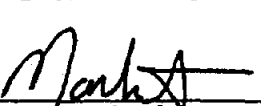
FOR THE HOUSE:

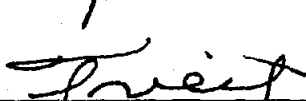

WALDRON, Chairman



JONES


SAUNDERS

FOR THE SENATE:


MARBUT, Chairman


TVEIT


REGAN

CK

1 STATEMENT OF INTENT

2 HOUSE BILL 400

3 House Free Conference Committee

4
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REFERENCE BILL: Includes Free Joint
Conference Committee Report
Dated 4-20-83
Statement of Intent only
Salmon Reference Bill O.K.