

SENATE BILL NO. 122

INTRODUCED BY JACOBSON, REAM, LYNCH, REGAN,
QUILICI, HAFHEY, KEENAN, STIMATZ, KEATING, FULLER,
HARDING, LORY, MENAHAN, PAVLOVICH, ECK, HALLIGAN,
B. WILLIAMS, MAZUREK, YELLOWTAIL, VAN VALKENBURG,
CHRISTIAENS, GAGE, HARRINGTON, BLAYLOCK, KRUEGER

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Finance and Claims.
January 21, 1985	Fiscal Note requested.
January 25, 1985	Fiscal Note returned. Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 26, 1985	Bill printed and placed on members' desks.
January 28, 1985	Second reading, do pass as amended. Statement of Intent amended.
January 29, 1985	Correctly engrossed.
January 30, 1985	Third reading, passed. Ayes, 48; Noes, 1. Transmitted to House.

IN THE HOUSE

February 5, 1985	Introduced and referred to Committee on Human Services and Aging.
February 7, 1985	Rereferred to Committee on Appropriations.

February 21, 1985	Committee recommend bill be concurred in. Report adopted.
February 22, 1985	Second reading, concurred in as amended. Second reading, segregated from Committee of the Whole.
February 23, 1985	Second reading, concurred in as amended. On motion rules suspended and bill placed on third reading this day. Third reading, concurred in. Returned to Senate.

IN THE SENATE

February 26, 1985	Received from House. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *122* *Blaylock Keene*
 2 INTRODUCED BY *Judy Jacobson Bob Rahn Lynch*
 3 *Blaine Miller Haffey Keenan Edwards Keating Miller*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING PARENTAL *11.21*
 5 UNEMPLOYMENT TO THE ELIGIBILITY CRITERIA FOR AID TO *Long*
 6 DEPENDENT CHILDREN; PROVIDING GUIDELINES FOR DETERMINING *Meyers*
 7 WHETHER A PARENT IS UNEMPLOYED; AMENDING SECTION 53-4-201, *Blaylock*
 8 MCA; AND PROVIDING AN EFFECTIVE DATE." *Yellowtail Kelly*
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Meyers*

11 Section 1. Section 53-4-201, MCA, is amended to read:
 12 "53-4-201. Definitions. (1) (a) The term "dependent
 13 child", for public assistance purposes, means:
 14 (i) a child under the age of 18; or
 15 (ii) a person under the age of 19 who is a student
 16 under the regulations prescribed by the department.
 17 (b) The child ((a)(i) or (a)(ii) above) must be
 18 deprived of parental support or care by reason of the death,
 19 continued absence from the home, continued unemployment, or
 20 physical or mental incapacity of a parent and be living with
 21 his father, mother, grandfather, grandmother, brother,
 22 sister, stepfather, stepmother, stepbrother, stepsister,
 23 uncle, aunt, nephew, niece, or first cousin in a place of
 24 residence maintained by one or more of such relatives as his
 25 or their own home.

1 (2) The term "aid to dependent children" means money
 2 payments with respect to or payments made for medical care
 3 in behalf of a dependent child or dependent children,
 4 including money payments or payments made for medical care
 5 for any month to meet the needs of a relative with whom a
 6 dependent child is living if money payments have been made
 7 with respect to such child for such month. The term shall
 8 also include emergency assistance to families with children
 9 as provided by the federal Social Security Act.

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

13 (4) "Public assistance" or "assistance" means any type
 14 of monetary or other assistance furnished under this title
 15 to a person by a state or county agency, regardless of the
 16 original source of the assistance."

17 NEW SECTION. Section 2. Aid not to be denied because
 18 parent is unemployable or unable to find work. Aid to
 19 dependent children may not be denied to or for the care of
 20 children who would otherwise be entitled to such aid under
 21 the laws of this state by the fact that the child is living
 22 with both parents if, in the opinion of the county welfare
 23 board of the appropriate county, the parent who is the
 24 principal earner is unemployable or is honestly and
 25 responsibly seeking proper employment and is unable to find

1 such employment or is receiving job training under the laws
 2 of this state, nor may the benefits that would otherwise
 3 accrue to the child for aid to dependent children under the
 4 laws of the state be reduced by reason of any such cause.

5 NEW SECTION. Section 3. Primary factors in
 6 determining whether parent honestly and responsibly seeking
 7 work. Primary factors in determining whether a parent is
 8 honestly and responsibly seeking employment include the
 9 parent's willingness to register for employment with the
 10 department of labor and industry if that department has a
 11 representative in the parent's county of residence and the
 12 parent's willingness to accept employment that will increase
 13 the parent's ability to maintain the child's family.

14 NEW SECTION. Section 4. Department criteria for
 15 determining whether parent honestly and responsibly seeking
 16 work. The department may establish by rule criteria in
 17 addition to the criteria established in [section 3] for
 18 determining whether a parent is honestly and responsibly
 19 seeking employment.

20 NEW SECTION. Section 5. Extension of authority. Any
 21 existing authority of the department of social and
 22 rehabilitation services to make rules on the subject of the
 23 provisions of this act is extended to the provisions of this
 24 act.

25 NEW SECTION. Section 6. Codification instruction.

1 Sections 2 through 4 are intended to be codified as an
 2 integral part of Title 53, chapter 4, part 2, and the
 3 provisions of Title 53 apply to sections 2 through 4.

4 NEW SECTION. Section 7. Effective date. This act is
 5 effective July 1, 1985.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 142-85

Form BD-15

In compliance with a written request received January 21 19 85, there is hereby submitted a Fiscal Note for S.B. 122 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:

This act would add parental unemployment to the eligibility criteria for aid to dependent children, provides rule-making authority and providing an effective date.

ASSUMPTIONS:

Department of Social and Rehabilitative Services:

1. The non-state administered counties (non-SAC) would pick up 22.5% of the non-federal share. This is the same as current law for regular AFDC.
2. The general fund requirements in state-administered counties (SAC) would be 34.11% in FY 86 and 33.62% in FY 87.
3. The federal share in both SAC and non-SAC would be 65.89% in FY 86 and 66.38% in FY 87.
4. The percentage of AFDC-UP cases to total AFDC cases prior to termination of the program in 1981 was approximately 8%. Based on current AFDC caseload projections, the unemployed parent caseload will be 450 in FY 86 and 600 in FY 87. It is estimated that the caseload will phase in from an immediate 200 cases at the beginning of FY 86 to a maximum of 600 by fiscal year end; maintaining this level in FY 87.
5. The percentage ratio of AFDC-UP costs prior to 1981 was 82% in SAC and 18% in non-SAC. Source: SRS Statistical Reports.
6. The average total number of AFDC-UP cases statewide from January 1980 to December 1981 was approximately 480.
7. No dollar savings amounts are estimated for the situation where families broke up when AFDC-UP terminated and the mother/child(ren) continued on Regular AFDC and the father either left or became eligible for general assistance.
8. The savings to the General Assistance Program in SAC are based on a 6% increase in number of cases in FY86 (212 cases) and FY87 (225 cases) with a comparable mix of family size and projected payment level that would be experienced in the AFDC program.
9. The general fund savings assumes the payment levels in General Assistance in SAC will be at the level mandated by Judge Olsen's rule in the Butte Community Union vs. SRS court case.
10. The County Poor Fund savings in non-SAC are based on a 6% increase in the number of cases in FY86 (27 cases) and FY87 (28 cases) with a comparable mix of family size and projected payment levels that would be experienced in the AFDC Program.

David H. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 25, 1985

Department of Labor & Industry:

1. Assume federal AFDC regulations provide for unemployed parent program at state option.
2. All AFDC recipients must comply with Work Incentive (WIN) Program regulations unless legally exempt.
3. All WIN registrants must be available for and seek proper employment.
4. The WIN Program will be instituted in all 56 counties.
5. A staff increase of 4 (grade 12) in FY86 and 5 (grade 12) in FY87 will be needed to handle the increased caseload.

FISCAL IMPACTS:

This proposal would result in the following increases and (decreases) in expenditures and funding:

Department of Social & Rehabilitative Services:

<u>Expenditures</u>	<u>FY86</u>	<u>FY87</u>
AFDC-UP	\$ 2,279,100	\$ 3,189,600
Medicaid	1,616,458	2,284,512
State-GA	(1,073,568)	(1,194,612)
State-Medical	(582,474)	(618,192)
County GA	(134,196)	(149,326)
County Medical	-0-	-0-
Total	\$ 2,105,320	\$ 3,511,982
<u>Funding</u>	<u>FY86 Diff</u>	<u>FY87 Diff</u>
General Funds	\$ (338,006)	\$ 13,001
Federal Funds	2,566,783	3,633,715
County Funds	(123,457)	(134,734)
Total	\$ 2,105,320	\$ 3,511,982

Department of Labor & Industry:

<u>Expenditures</u>	<u>FY86</u>	<u>FY87</u>
FTE (grade 12/2)	4.00	5.00
Personal Services	\$ 86,704	\$ 110,505
Operating	14,321	18,616
Total	\$101,025	\$ 129,121
<u>Funding</u>		
Federal	\$101,025	\$ 129,121

APPROVED BY COMM. ON
FINANCE AND CLAIMS

1 STATEMENT OF INTENT

2 SENATE BILL 122

3 Senate Finance and Claims Committee

4
5 Because sections 4 and 5 delegate rulemaking authority
6 to the department of social and rehabilitation services, a
7 statement of legislative intent is required. It is the
8 intent of the legislature that the department adopt rules to
9 administer this program pursuant to Title IV, section 407 of
10 the Social Security Act, as amended.

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A BILL FOR AN ACT ENTITLED: "AN ACT ADDING PARENTAL
UNEMPLOYMENT TO THE ELIGIBILITY CRITERIA FOR AID TO
DEPENDENT CHILDREN; PROVIDING GUIDELINES FOR DETERMINING
WHETHER A PARENT IS UNEMPLOYED; AMENDING SECTION 53-4-201,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-4-201, MCA, is amended to read:

"53-4-201. Definitions. (1) (a) The term "dependent
child", for public assistance purposes, means:

- (i) a child under the age of 18; or
(ii) a person under the age of 19 who is a student
under the regulations prescribed by the department.

(b) The child ((a)(i) or (a)(ii) above) must be
deprived of parental support or care by reason of the death,
continued absence from the home, continued unemployment, or
physical or mental incapacity of a parent and be living with
his father, mother, grandfather, grandmother, brother,

sister, stepfather, stepmother, stepbrother, stepsister,
uncle, aunt, nephew, niece, or first cousin in a place of
residence maintained by one or more of such relatives as his
or their own home.

(2) The term "aid to dependent children" means money
payments with respect to or payments made for medical care
in behalf of a dependent child or dependent children
PURSUANT TO THE FEDERAL SOCIAL SECURITY ACT, including money
payments or payments made for medical care for any month to
meet the needs of a relative with whom a dependent child is
living if money payments have been made with respect to such
child for such month. The term shall also include emergency
assistance to families with children as provided by the
federal Social Security Act.

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

(4) "Public assistance" or "assistance" means any type
of monetary or other assistance furnished under this title
to a person by a state or county agency, regardless of the
original source of the assistance."

NEW SECTION:--Section 2:--Aid not to be denied--because
parent--is--unemployable--or--unable--to--find--work;--Aid to
dependent children may not be denied to or for the--care--of
children--who--would--otherwise--be--entitled--to--such--aid--under



1 the laws of this state by the fact that the child is living
 2 with both parents if, in the opinion of the county welfare
 3 board of the appropriate county, the parent who is the
 4 principal earner is unemployable or is honestly and
 5 responsibly seeking proper employment and is unable to find
 6 such employment or is receiving job training under the laws
 7 of this state, nor may the benefits that would otherwise
 8 accrue to the child for aid to dependent children under the
 9 laws of the state be reduced by reason of any such cause.

10 NEW SECTION. Section 3. Primary factors in
 11 determining whether parent honestly and responsibly seeking
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 14 parent's willingness to register for employment with the
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 17 parent's willingness to accept employment that will increase
 18 the parent's ability to maintain the child's family.

19 NEW SECTION. Section 4. Department criteria for
 20 determining whether parent honestly and responsibly seeking
 21 work. The department may establish by rule criteria in
 22 addition to the criteria established in {section 3} for
 23 determining whether a parent is honestly and responsibly
 24 seeking employment.

25 THERE IS A NEW MCA SECTION THAT READS:

1 NEW SECTION. Section 2. Aid to dependent children --
 2 unemployed parent program. Aid to dependent children shall
 3 be granted to or for the care of children who would not
 4 otherwise be entitled to such aid because the child is
 5 living in the home with both parents.

6 NEW SECTION. Section 3. Extension of authority. THE
 7 DEPARTMENT MAY ADOPT RULES TO ADMINISTER THIS PROGRAM
 8 PURSUANT TO TITLE IV, SECTION 407, OF THE FEDERAL SOCIAL
 9 SECURITY ACT, AS AMENDED. Any existing authority of the
 10 department of social and rehabilitation services to make
 11 rules on the subject of the provisions of this act is
 12 extended to the provisions of this act.

13 NEW SECTION. Section 4. Codification instruction.
 14 Sections 2 through 4 AND 3 are intended to be codified as an
 15 integral part of Title 53, chapter 4, part 2, and the
 16 provisions of Title 53 apply to sections 2 through 4 AND 3.

17 NEW SECTION. Section 5. Effective date. This act is
 18 effective July 17, 1985 ON PASSAGE AND APPROVAL.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 122

3 Senate Finance and Claims Committee

4

5 Because ~~sections 4 and 5~~ delegate SECTION 3 DELEGATES
6 rulemaking authority to the department of social and
7 rehabilitation services, a statement of legislative intent
8 is required. It is the intent of the legislature that the
9 department adopt rules to administer this program pursuant
10 to Title IV, section 407 of the Social Security Act, as
11 amended.

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WHETHER A PARENT IS UNEMPLOYED; AMENDING SECTION 53-4-201,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-4-201, MCA, is amended to read:

"53-4-201. Definitions. (1) (a) The term "dependent
child", for public assistance purposes, means:

- (i) a child under the age of 18; or
(ii) a person under the age of 19 who is a student
under the regulations prescribed by the department.

(b) The child ((a)(i) or (a)(ii) above) must be
deprived of parental support or care by reason of the death,
continued absence from the home, continued unemployment, or
physical or mental incapacity of a parent and be living with
his father, mother, grandfather, grandmother, brother,

sister, stepfather, stepmother, stepbrother, stepsister,
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residence maintained by one or more of such relatives as his
or their own home.

(2) The term "aid to dependent children" means money
payments with respect to or payments made for medical care
in behalf of a dependent child or dependent children
PURSUANT TO THE FEDERAL SOCIAL SECURITY ACT, including money
payments or payments made for medical care for any month to
meet the needs of a relative with whom a dependent child is
living if money payments have been made with respect to such
child for such month. The term shall also include emergency
assistance to families with children as provided by the
federal Social Security Act.

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

(4) "Public assistance" or "assistance" means any type
of monetary or other assistance furnished under this title
to a person by a state or county agency, regardless of the
original source of the assistance."

NEW-SECTION--Section-2--Aid-not-to-be-denied--because
parent--is--unemployable--or--unable--to--find-work--Aid-to
dependent-children-may-not-be-denied-to-or-for-the--care--of
children--who--would-otherwise-be-entitled-to-such-aid-under

1 the laws of this state by the fact that the child is living
 2 with both parents if, in the opinion of the county welfare
 3 board of the appropriate county, the parent who is the
 4 principal earner is unemployable or is honestly and
 5 responsibly seeking proper employment and is unable to find
 6 such employment or is receiving job training under the laws
 7 of this state, nor may the benefits that would otherwise
 8 accrue to the child for aid to dependent children under the
 9 laws of the state be reduced by reason of any such cause.

10 NEW SECTION. Section 3. Primary factors in
 11 determining whether parent honestly and responsibly seeking
 12 work. Primary factors in determining whether a parent is
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 15 department of labor and industry if that department has a
 16 representative in the parent's county of residence and the
 17 parent's willingness to accept employment that will increase
 18 the parent's ability to maintain the child's family.

19 NEW SECTION. Section 4. Department criteria for
 20 determining whether parent honestly and responsibly seeking
 21 work. The department may establish by rule criteria in
 22 addition to the criteria established in {section 3} for
 23 determining whether a parent is honestly and responsibly
 24 seeking employment.

25 THERE IS A NEW MCA SECTION THAT READS:

1 NEW SECTION. Section 2. Aid to dependent children --
 2 unemployed parent program. Aid to dependent children shall
 3 be granted to or for the care of children who would not
 4 otherwise be entitled to such aid because the child is
 5 living in the home with both parents.

6 NEW SECTION. Section 3. Extension of authority. THE
 7 DEPARTMENT MAY ADOPT RULES TO ADMINISTER THIS PROGRAM
 8 PURSUANT TO TITLE IV, SECTION 407, OF THE FEDERAL SOCIAL
 9 SECURITY ACT, AS AMENDED. Any existing authority of the
 10 department of social and rehabilitation services to make
 11 rules on the subject of the provisions of this act is
 12 extended to the provisions of this act.

13 NEW SECTION. Section 4. Codification instruction.
 14 Sections SECTION 2 through 4 ANB-3 are IS intended to be
 15 codified as an integral part of Title 53, chapter 4, part 2,
 16 and the provisions of Title 53 apply to sections SECTION 2
 17 through 4 ANB-3.

18 NEW SECTION. Section 5. Effective date. This act is
 19 effective July 1, 1985 ON PASSAGE AND APPROVAL.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

2220950P.CW

2-22-85

DATE

9:50

TIME

MR. CHAIRMAN: I MOVE TO AMEND

Senate BillNo. 122

third reading copy (blue) as follows:
Color

1. Page 1, line 23.
Following: "unemployment"
Insert: "as provided in [section 2(2)]"
2. Page 4, line 2.
Following: "program"
Insert: "--contingent on federal funding"
3. Page 4, line 2.
Following: "."
Insert: "(1)"
4. Page 4, following line 5.
Insert: "(2) The department may only use continued unemployment of a parent as an eligibility criteria for aid to dependent children if federal funding participation in the state's program is based on a percentage of the total number of eligible persons or a percentage of the state's total or per capita expenditures for the program."

ADOPT
REJECT

Badenew

COMMITTEE OF THE WHOLE AMENDMENT

2-23-85

DATE

8:00 AM

TIME

MR. CHAIRMAN: I MOVE TO AMEND _____

SENATE BILL

No. **122**

third reading copy (blue) as follows:
Color

BARDANOUE AMENDMENTS OF 2-22-85 AT 9:50 AM:

1. Strike the amendments in their entirety.

122

ADOPT

REJECT

Waldron

Rep. Waldron

1 STATEMENT OF INTENT

2 SENATE BILL 122

3 Senate Finance and Claims Committee

4
5 Because ~~sections-4-and-5-delegate~~ SECTION 3 DELEGATES
6 rulemaking authority to the department of social and
7 rehabilitation services, a statement of legislative intent
8 is required. It is the intent of the legislature that the
9 department adopt rules to administer this program pursuant
10 to Title IV, section 407 of the Social Security Act, as
11 amended.

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 9 UNEMPLOYMENT TO THE ELIGIBILITY CRITERIA FOR AID TO
 10 DEPENDENT CHILDREN; PROVIDING GUIDELINES FOR DETERMINING
 11 WHETHER A PARENT IS UNEMPLOYED; AMENDING SECTION 53-4-201,
 12 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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 20 under the regulations prescribed by the department.

21 (b) The child ((a)(i) or (a)(ii) above) must be
 22 deprived of parental support or care by reason of the death,
 23 continued absence from the home, continued unemployment AS
 24 PROVIDED IN [SECTION 2(2)], or physical or mental incapacity
 25 of a parent and be living with his father, mother,

1 grandfather, grandmother, brother, sister, stepfather,
 2 stepmother, stepbrother, stepsister, uncle, aunt, nephew,
 3 niece, or first cousin in a place of residence maintained by
 4 one or more of such relatives as his or their own home.

5 (2) The term "aid to dependent children" means money
 6 payments with respect to or payments made for medical care
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 8 PURSUANT TO THE FEDERAL SOCIAL SECURITY ACT, including money
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 19 of monetary or other assistance furnished under this title
 20 to a person by a state or county agency, regardless of the
 21 original source of the assistance."

22 ~~NEW-SECTION:--Section-2:--Aid-not-to-be-denied--because~~
 23 ~~parent--is--unemployable--or--unable--to--find-work:--Aid-to~~
 24 ~~dependent-children-may-not-be-denied-to-or-for-the--care--of~~
 25 ~~children--who--would-otherwise-be-entitled-to-such-aid-under~~

1 the laws of this state by the fact that the child is living
 2 with both parents if, in the opinion of the county welfare
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 20 determining whether parent honestly and responsibly seeking
 21 work. The department may establish by rule criteria in
 22 addition to the criteria established in {section 3} for
 23 determining whether a parent is honestly and responsibly
 24 seeking employment:

25 THERE IS A NEW MCA SECTION THAT READS:

1 NEW SECTION. Section 2. Aid to dependent children --
 2 unemployed parent program -- CONTINGENT ON FEDERAL FUNDING.
 3 (1) Aid to dependent children shall be granted to or for the
 4 care of children who would not otherwise be entitled to such
 5 aid because the child is living in the home with both
 6 parents.

7 (2) THE DEPARTMENT MAY ONLY USE CONTINUED UNEMPLOYMENT
 8 OF A PARENT AS AN ELIGIBILITY CRITERIA FOR AID TO DEPENDENT
 9 CHILDREN IF FEDERAL FUNDING PARTICIPATION IN THE STATE'S
 10 PROGRAM IS BASED ON A PERCENTAGE OF THE TOTAL NUMBER OF
 11 ELIGIBLE PERSONS OR A PERCENTAGE OF THE STATE'S TOTAL OR PER
 12 CAPITA EXPENDITURES FOR THE PROGRAM.

13 NEW SECTION. Section 3. Extension of authority. THE
 14 DEPARTMENT MAY ADOPT RULES TO ADMINISTER THIS PROGRAM
 15 PURSUANT TO TITLE IV, SECTION 407, OF THE FEDERAL SOCIAL
 16 SECURITY ACT, AS AMENDED. Any existing authority of the
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 22 codified as an integral part of Title 53, chapter 4, part 2,
 23 and the provisions of Title 53 apply to sections SECTION 2
 24 through-4 AND-3.

25 NEW SECTION. Section 5. Effective date. This act is

SB 0122/04

1 effective July-17-1985 ON PASSAGE AND APPROVAL.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 122

3 Senate Finance and Claims Committee

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7 rehabilitation services, a statement of legislative intent
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2 INTRODUCED BY JACOBSON, REAM, LYNCH, REGAN,
3 QUILICI, HAFHEY, KEENAN, STIMATZ, KEATING, FULLER,
4 HARDING, LORY, MENAHAN, PAVLOVICH, ECK, HALLIGAN,
5 B. WILLIAMS, MAZUREK, YELLOWTAIL, VAN VALKENBURG,
6 CHRISTIAENS, GAGE, HARRINGTON, BLAYLOCK, KRUEGER
7

8 A BILL FOR AN ACT ENTITLED: "AN ACT ADDING PARENTAL
9 UNEMPLOYMENT TO THE ELIGIBILITY CRITERIA FOR AID TO
10 DEPENDENT CHILDREN; PROVIDING GUIDELINES FOR DETERMINING
11 WHETHER A PARENT IS UNEMPLOYED; AMENDING SECTION 53-4-201,
12 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
13

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

15 Section 1. Section 53-4-201, MCA, is amended to read:

16 "53-4-201. Definitions. (1) (a) The term "dependent
17 child", for public assistance purposes, means:

18 (i) a child under the age of 18; or

19 (ii) a person under the age of 19 who is a student
20 under the regulations prescribed by the department.

21 (b) The child ((a)(i) or (a)(ii) above) must be
22 deprived of parental support or care by reason of the death,
23 continued absence from the home, continued unemployment AS
24 PROVIDED IN (SECTION 2(2)), or physical or mental incapacity
25 of a parent and be living with his father, mother,

1 grandfather, grandmother, brother, sister, stepfather,
2 stepmother, stepbrother, stepsister, uncle, aunt, nephew,
3 niece, or first cousin in a place of residence maintained by
4 one or more of such relatives as his or their own home.

5 (2) The term "aid to dependent children" means money
6 payments with respect to or payments made for medical care
7 in behalf of a dependent child or dependent children
8 PURSUANT TO THE FEDERAL SOCIAL SECURITY ACT, including money
9 payments or payments made for medical care for any month to
10 meet the needs of a relative with whom a dependent child is
11 living if money payments have been made with respect to such
12 child for such month. The term shall also include emergency
13 assistance to families with children as provided by the
14 federal Social Security Act.

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

18 (4) "Public assistance" or "assistance" means any type
19 of monetary or other assistance furnished under this title
20 to a person by a state or county agency, regardless of the
21 original source of the assistance."

22 ~~NEW-SECTION--Section-2--Aid-not-to-be-denied--because~~
23 ~~parent--is--unemployable--or--unable--to--find-work--Aid-to~~
24 ~~dependent-children-may-not-be-denied-to-or-for-the-care-of~~
25 ~~children--who--would-otherwise-be-entitled-to-such-aid-under~~

1 the laws of this state by the fact that the child is living
 2 with both parents if, in the opinion of the county welfare
 3 board of the appropriate county, the parent who is the
 4 principal earner is unemployable or is dishonestly and
 5 responsibly seeking proper employment and is unable to find
 6 such employment or is receiving job training under the laws
 7 of this state, nor may the benefits that would otherwise
 8 accrue to the child for aid to dependent children under the
 9 laws of the state be reduced by reason of any such cause.

10 NEW SECTION. Section 3. Primary factors in
 11 determining whether parent honestly and responsibly seeking
 12 work. Primary factors in determining whether a parent is
 13 honestly and responsibly seeking employment include the
 14 parent's willingness to register for employment with the
 15 department of labor and industry if that department has a
 16 representative in the parent's county of residence and the
 17 parent's willingness to accept employment that will increase
 18 the parent's ability to maintain the child's family.

19 NEW SECTION. Section 4. Department criteria for
 20 determining whether parent honestly and responsibly seeking
 21 work. The department may establish by rule criteria in
 22 addition to the criteria established in {section 3} for
 23 determining whether a parent is honestly and responsibly
 24 seeking employment.

25 THERE IS A NEW MCA SECTION THAT READS:

1 NEW SECTION. Section 2. Aid to dependent children --
 2 unemployed parent program ~~---CONTINGENT-ON-FEDERAL-FUNDING.~~
 3 ~~{1}~~ Aid to dependent children shall be granted to or for the
 4 care of children who would not otherwise be entitled to such
 5 aid because the child is living in the home with both
 6 parents.

7 ~~{2}~~ THE DEPARTMENT MAY ONLY USE CONTINUED UNEMPLOYMENT
 8 OF A PARENT AS AN ELIGIBILITY CRITERIA FOR AID TO DEPENDENT
 9 CHILDREN IF FEDERAL FUNDING PARTICIPATION IN THE STATE'S
 10 PROGRAM IS BASED ON A PERCENTAGE OF THE TOTAL NUMBER OF
 11 ELIGIBLE PERSONS OR A PERCENTAGE OF THE STATE'S TOTAL OR PER
 12 CAPITA EXPENDITURES FOR THE PROGRAM.

13 NEW SECTION. Section 3. Extension of authority. THE
 14 DEPARTMENT MAY ADOPT RULES TO ADMINISTER THIS PROGRAM
 15 PURSUANT TO TITLE IV, SECTION 407, OF THE FEDERAL SOCIAL
 16 SECURITY ACT, AS AMENDED. Any existing authority of the
 17 department of social and rehabilitation services to make
 18 rules on the subject of the provisions of this act is
 19 extended to the provisions of this act.

20 NEW SECTION. Section 4. Codification instruction.
 21 Sections SECTION 2 through-4 AND-3 are IS intended to be
 22 codified as an integral part of Title 53, chapter 4, part 2,
 23 and the provisions of Title 53 apply to sections SECTION 2
 24 through-4 AND-3.

25 NEW SECTION. Section 5. Effective date. This act is

SB 0122/05

1 effective July-17-1965 ON PASSAGE AND APPROVAL.

-End-