

HOUSE BILL NO. 581

INTRODUCED BY MCCORMICK, MANNING, WALKER, NISBET, PISTORIA

IN THE HOUSE

APRIL 16, 1987

SECOND READING, CONCURRED IN.

APRIL 17, 1987

THIRD READING, CONCURRED IN.
AYES, 46; NOES, 4.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 581
2 INTRODUCED BY McLanich, Richard E. Manning
3 Walter M. M. Astoria
4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE FIRST \$50
5 EARNED EACH MONTH FROM THE MONTHLY INCOME STANDARD FOR
6 GENERAL RELIEF AND ALLOWING A GENERAL RELIEF RECIPIENT WITH
7 INCOME FROM EMPLOYMENT TO KEEP A PORTION OF HIS MONTHLY
8 GRANT; REQUIRING REIMBURSEMENT OR EXEMPTION OF RECIPIENTS
9 WHO LIVE MORE THAN 10 MILES FROM THE TRAINING OR WORK SITE;
10 AMENDING SECTIONS 53-3-205 AND 53-3-304, MCA; AND PROVIDING
11 AN EFFECTIVE DATE."

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

14 Section 1. Section 53-3-205, MCA, is amended to read:
15 "53-3-205. Eligibility for general relief. (1) A
16 person or persons constituting a household may receive
17 general relief assistance for basic necessities if the
18 household is determined to be eligible under the provisions
19 of this section and is in need of such assistance as a
20 result of their infirmity, misfortune, or indigency.

21 (2) A household is eligible for general relief if the
22 household income, exclusive of the first \$50 earned each
23 month by each household member, does not exceed that set
24 forth in the following table:

25 Number of Persons Monthly Income Standard

in Household		
1	1	\$212
3	2	282
4	3	354
5	4	426
6	5	501
7	6	570
8	7	642
9	8	713
10	9	785
11	10 or more	857
12	<u>(3) In each month that a household member earns more than \$50, the grant for that household may be reduced by \$1 for each \$2 earned in excess of the first \$50, until earned income in excess of \$50 is greater than twice the monthly grant.</u>	
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17	<u>t3}(4) Able-bodied persons without dependent minor children living in the household are not eligible for nonmedical general relief assistance, except as provided in 53-3-209.</u>	
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21	<u>t4}(5) (a) When the household's income exceeds the monthly income standard for a household of that size because of receipt of lump-sum income, the household will be ineligible for general relief for the full number of months, beginning with the month of receipt, derived by dividing the</u>	
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1 total of the lump-sum income and other income by the monthly
 2 income standard for a household of that size. Any income
 3 remaining from this calculation will be considered as income
 4 in the first month following the period of ineligibility.

5 (b) The period of ineligibility may be recalculated if
 6 the household size changes or if a portion of the lump sum
 7 was used to pay medical bills for a serious medical
 8 condition.

9 (c) Ineligibility due to the receipt of a lump sum
 10 does not preclude eligibility for general relief medical
 11 assistance.

12 ~~(5)(6)~~ All applicants for and recipients of general
 13 relief assistance who reside in the same residence are
 14 considered as one household.

15 ~~(6)(7)~~ Prospective income that is reasonably certain
 16 to be received by the household during an eligibility period
 17 must be considered when determining eligibility.

18 ~~(7)(8)~~ The following resources of a household must be
 19 excluded from consideration of resources for eligibility
 20 purposes:

21 (a) the domicile of the household, including necessary
 22 appurtenant land not exceeding 10 acres;

23 (b) a motor vehicle that has no more than \$1,500 in
 24 equity value;

25 (c) personal items, clothing, household furniture,

1 appliances, and other essential household items, the total
 2 equity value of which does not exceed resource eligibility
 3 limits established by rule; and
 4 (d) tools of a trade that are essential to the current
 5 or future employment of a household member.

6 ~~(8)(9)~~ A person who is committed or sentenced by legal
 7 process to a state institution or a secure facility or who
 8 is incarcerated in a secure facility pending resolution of
 9 legal process is not eligible for general relief.

10 ~~(9)(10)~~ A person who resides for a period of 1 day or
 11 more in any state or federally operated institution or
 12 residence is not eligible for general relief for the period
 13 of that residency.

14 ~~(10)(11)~~ For the purposes of an eligibility
 15 determination, an applicant for or recipient of general
 16 relief may be requested to produce all financial and other
 17 information concerning the household.

18 ~~(11)(12)~~ Whenever practical, an eligibility
 19 determination must be made within 30 days of the date of
 20 application and the applicant must be notified in writing of
 21 the eligibility determination and the reasons for the
 22 determination.

23 ~~(12)(13)~~ An alien determined to be illegally within the
 24 United States is not eligible for general relief."

25 Section 2. Section 53-3-304, MCA, is amended to read:

1 "53-3-304. Power to require recipient to participate
2 in job search, training, and work programs. (1) The
3 department shall cooperate with the department of labor and
4 industry and other designated agencies to initiate, promote,
5 and develop job search, training, and work programs that
6 will contribute to the employability of persons receiving
7 general relief under the provisions of this chapter. These
8 programs must be designed to preserve and improve the work
9 habits and job-finding skills of recipients for whom jobs
10 are not otherwise immediately available.

11 (2) For each county with state-assumed welfare
12 services, the department shall contract with the department
13 of labor and industry or other designated agencies to
14 institute a job search, training, and work program that
15 provides able-bodied general relief recipients with the
16 necessary job-finding skills to seek unsubsidized employment
17 independently.

18 (3) In a county with state-assumed welfare services,
19 an able-bodied recipient of general relief shall enroll in a
20 structured job search and training program at an employment
21 office or other site designated by the department. The
22 program must include but is not limited to the following
23 elements:

24 (a) assessment and testing;
25 (b) an employability plan;

1 (c) remedial education or job skills training, if it
2 is called for in the employability plan and if it provides
3 for immediate referral to an appropriate Job Training
4 Partnership Act program;
5 (d) a job readiness and job search program that must
6 include but is not limited to:
7 (i) self-assessment and occupational testing;
8 (ii) instruction in completing applications, writing
9 resumes, and preparing for interviews;
10 (iii) identification of and contact with potential
11 employers; and
12 (iv) participation in simulated job interviews;
13 (e) a supervised effort to find employment; and
14 (f) efforts to address barriers to employment.
15 (4) (a) In addition to the training required in
16 subsection (3), if a public agency or a private nonprofit
17 agency has work available which a recipient of general
18 relief is capable of performing or the department of social
19 and rehabilitation services is required to operate a work
20 program under the provisions of 53-2-822, then the county
21 department of public welfare or the department of social and
22 rehabilitation services may require a recipient to perform
23 work at the minimum wage or may pay a recipient at the
24 prevailing rate of wages paid in that county by that agency
25 for similar work, to be paid from the county poor fund or

1 state funds, in place of granting him general relief.

2 (b) No currently employed worker may be displaced by
 3 any recipient (including partial displacement such as a
 4 reduction in the hours of nonovertime work, wages, or
 5 employment benefits).

6 (c) No recipient may be employed when any other person
 7 is on layoff from the same or any substantially equivalent
 8 job or when the employer has terminated the employment of
 9 any regular employee or otherwise reduced its workforce with
 10 the intention of filling the vacancy so created by hiring a
 11 recipient whose wages are subsidized under this section.

12 (5) The county department of public welfare or the
 13 department of social and rehabilitation services, as the
 14 case may be, shall provide coverage under the Workers'
 15 Compensation Act for those recipients of general relief
 16 working under the provisions hereof and may enter into such
 17 agreements with the division of workers' compensation of the
 18 department of labor and industry as may be necessary to
 19 carry out the provisions of this section.

20 (6) A recipient who has completed the assessment and
 21 testing portions of the program and has developed an
 22 employability plan shall participate in the job readiness
 23 and job search program provided for in subsection (3)(d) for
 24 at least 80 hours in any 5-week period and shall spend at
 25 least 8 hours a week in a supervised effort to find

1 employment.

2 (7) A recipient who has completed the job search
 3 program provided for in subsection (3) shall:
 4 (a) continue to spend at least 8 hours a week in a
 5 supervised effort to find employment; and

6 (b) for the duration of his eligibility for general
 7 relief, spend 32 hours a week, as called for in the
 8 employability plan, in:

9 (i) remedial education;

10 (ii) counseling;

11 (iii) job skills training;

12 (iv) work for a public agency or a private nonprofit
 13 agency, as required in subsection (4); or

14 (v) job-seeking or other related activities.

15 (8) Nothing in this chapter requires a recipient to:
 16 (a) participate in the job search and training program
 17 required by subsection (3) or to perform work under
 18 subsection (4) if the training or work site is more than 10
 19 miles from his residence, unless the department provides
 20 transportation or reimburses the recipient for
 21 transportation costs; or

22 (b) continue the activities required by subsection (7)
 23 for longer than 6 months.

24 (9) Where a labor organization represents a
 25 substantial number of employees who are engaged in similar

1 work or training in the area where it is proposed to assign
2 the recipient to work or training, an opportunity must be
3 provided for that organization to submit comments with
4 respect to such proposal.

5 (10) No work program may impair existing contracts for
6 services or collective bargaining agreements, and no work
7 program that would be inconsistent with the terms of a
8 collective bargaining agreement may be undertaken without
9 the written concurrence of the labor organization and
10 employer concerned."

11 NEW SECTION. Section 3. Extension of authority. Any
12 existing authority of the department of social and
13 rehabilitation services to make rules on the subject of the
14 provisions of this act is extended to the provisions of this
15 act.

16 NEW SECTION. Section 4. Effective date. This act is
17 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB581, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting the first \$50 earned each month from the monthly income standard for general relief and allowing a general relief recipient with income from employment to keep a portion of his monthly grant; requiring the reimbursement or exemption of recipients who live more than 10 miles from the training or work site; amending sections 53-3-205 and 53-3-304, MCA; and providing an effective date.

ASSUMPTIONS:

1. The income exemption was assumed to be applied monthly as specified in 53-3-205(2). The exemption of income will have little or no impact on the amount paid for general relief benefits as only one percent of GA recipients have earned income. However, if the fiscal note would have been based on the eligibility criteria established in subsection (3), general fund costs would be significantly higher. See technical note.
2. Reimbursement of transportation costs is estimated at 20.5 cents per mile. If only the cost of gasoline is reimbursed, costs would be about 22 percent of the estimated amount.
3. The projected GA caseload is 2,150 in FY88 and 2,500 in FY89 and 64 percent of the caseload is estimated to be able-bodied.
4. Of the total GA caseload able to participate in workfare, only 77 percent are assumed to participate due to availability of job placements. This assumption is based on the second quarter participation rates in FY87. The total cost of the proposed legislation would increase about \$50,000 per year if adequate workfare opportunities were available for all able-bodied GA recipients.
5. Ten percent of the able-bodied recipients are estimated to need transportation to work or to the training site at a round trip of 30 miles per day for 20 days each month.

David L. Hunter DATE 2/9/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Lloyd J. McCormick DATE 2/9/1987
LOYD J. MCCORMICK, PRIMARY SPONSOR

Fiscal Note for HB581, as introduced.

HB 581

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Benefits	\$12,000	\$156,456	\$142,456	\$12,000	\$181,548	\$169,548
<u>Funding:</u>						
General Fund	\$12,000	\$156,456	\$142,456	\$12,000	\$181,548	\$169,548

NOTE: This fiscal note is based on 53-3-205(2). If it were based on eligibility requirements defined in subsection (3), general fund costs would be significantly higher. (See technical note)

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Section 53-3-205 (2) and 53-3-205 (3) appear to be contradictory. Subsection (2) indicates that a household is eligible for general relief if income does not exceed the monthly grant amount listed in the table plus \$50. However, subsection 3 states that total household earned income may be greater than twice the monthly grant plus \$50 and that household would be eligible for general relief payments. A one person household could earn up to \$262 per month before becoming ineligible for payments under section (2) and up to \$474 per month under section (3). This fiscal note is based on the provisions of section (2).

HB 581

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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3 Walter Misch Pistoria
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SECOND READING
HB-581

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11 NEW SECTION. Section 3. Extension of authority. Any
12 existing authority of the department of social and
13 rehabilitation services to make rules on the subject of the
14 provisions of this act is extended to the provisions of this
15 act.

16 NEW SECTION. Section 4. Effective date. This act is
17 effective July 1, 1987.

-End-

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17 subsection (3), if a public agency or a private nonprofit

18 agency has work available which a recipient of general

19 relief is capable of performing or the department of social

20 and rehabilitation services is required to operate a work

21 program under the provisions of 53-2-822, then the county

22 department of public welfare or the department of social and

23 rehabilitation services may require a recipient to perform

24 work at the minimum wage or may pay a recipient at the

25 prevailing rate of wages paid in that county by that agency

1 for similar work, to be paid from the county poor fund or
2 state funds, in place of granting him general relief.

3 (b) No currently employed worker may be displaced by
4 any recipient (including partial displacement such as a
5 reduction in the hours of nonovertime work, wages, or
6 employment benefits).

7 (c) No recipient may be employed when any other person
8 is on layoff from the same or any substantially equivalent
9 job or when the employer has terminated the employment of
10 any regular employee or otherwise reduced its workforce with
11 the intention of filling the vacancy so created by hiring a
12 recipient whose wages are subsidized under this section.

13 (5) The county department of public welfare or the
14 department of social and rehabilitation services, as the
15 case may be, shall provide coverage under the Workers'
16 Compensation Act for those recipients of general relief
17 working under the provisions hereof and may enter into such
18 agreements with the division of workers' compensation of the
19 department of labor and industry as may be necessary to
20 carry out the provisions of this section.

21 (6) A recipient who has completed the assessment and
22 testing portions of the program and has developed an
23 employability plan shall participate in the job readiness
24 and job search program provided for in subsection (3)(d) for
25 at least 80 hours in any 5-week period and shall spend at

1 least 8 hours a week in a supervised effort to find
2 employment.

3 (7) A recipient who has completed the job search
4 program provided for in subsection (3) shall:

5 (a) continue to spend at least 8 hours a week in a
6 supervised effort to find employment; and

7 (b) for the duration of his eligibility for general
8 relief, spend 32 hours a week, as called for in the
9 employability plan, in:

10 (i) remedial education;

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12 (iii) job skills training;

13 (iv) work for a public agency or a private nonprofit
14 agency, as required in subsection (4); or

15 (v) job-seeking or other related activities.

16 (8) Nothing in this chapter requires a recipient to:

17 (a) participate in the job search and training program
18 required by subsection (3) or to perform work under
19 subsection (4) if the training or work site is more than 10
20 miles from his residence, unless the department provides
21 transportation or reimburses the recipient for
22 transportation costs; or

23 (b) continue the activities required by subsection (7)
24 for longer than 6 months.

25 (9) Where a labor organization represents a

1 substantial number of employees who are engaged in similar
2 work or training in the area where it is proposed to assign
3 the recipient to work or training, an opportunity must be
4 provided for that organization to submit comments with
5 respect to such proposal.

6 (10) No work program may impair existing contracts for
7 services or collective bargaining agreements, and no work
8 program that would be inconsistent with the terms of a
9 collective bargaining agreement may be undertaken without
10 the written concurrence of the labor organization and
11 employer concerned."

12 NEW SECTION. Section 3. Extension of authority. Any
13 existing authority of the department of social and
14 rehabilitation services to make rules on the subject of the
15 provisions of this act is extended to the provisions of this
16 act.

17 NEW SECTION. Section 4. Effective date. This act is
18 effective July 1, 1987.

-End-

RE-REFERRED AND
APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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

14 Section 1. Section 53-3-205, MCA, is amended to read:

15 "53-3-205. Eligibility for general relief. (1) A

16 person or persons constituting a household may receive

17 general relief assistance for basic necessities if the

18 household is determined to be eligible under the provisions

19 of this section and is in need of such assistance as a

20 result of their infirmity, misfortune, or indigency.

21 (2) A household is eligible for general relief if the
22 household income, exclusive of the first \$50 earned each
23 month by each household member, does not exceed that set
24 forth in the following table:

in Household		
2	1	\$212
3	2	282
4	3	354
5	4	426
6	5	501
7	6	570
8	7	642
9	8	713
10	9	785
11	10 or more	857
12	<u>(3) -- In -- each -- month -- that -- a -- household -- member -- earns -- more</u>	
13	<u>than -- \$50, -- the -- grant -- for -- that -- household -- may -- be -- reduced -- by -- \$1</u>	
14	<u>for -- each -- \$2 -- earned -- in -- excess -- of -- the -- first -- \$50, -- until -- earned</u>	
15	<u>income -- in -- excess -- of -- \$50 -- is -- greater -- than -- twice -- the -- monthly</u>	
16	<u>grant.</u>	
17	<u>(3) {4} (3) Able-bodied persons without dependent minor</u>	
18	<u>children living in the household are not eligible for</u>	
19	<u>nonmedical general relief assistance, except as provided in</u>	
20	<u>53-3-209.</u>	
21	<u>{4} {5} (4) (a) When the household's income exceeds the</u>	
22	<u>monthly income standard for a household of that size because</u>	
23	<u>of receipt of lump-sum income, the household will be</u>	
24	<u>ineligible for general relief for the full number of months,</u>	
25	<u>beginning with the month of receipt, derived by dividing the</u>	



1 total of the lump-sum income and other income by the monthly
 2 income standard for a household of that size. Any income
 3 remaining from this calculation will be considered as income
 4 in the first month following the period of ineligibility.

5 (b) The period of ineligibility may be recalculated if
 6 the household size changes or if a portion of the lump sum
 7 was used to pay medical bills for a serious medical
 8 condition.

9 (c) Ineligibility due to the receipt of a lump sum
 10 does not preclude eligibility for general relief medical
 11 assistance.

12 ~~(5)~~⁽⁶⁾ All applicants for and recipients of general
 13 relief assistance who reside in the same residence are
 14 considered as one household.

15 ~~(6)~~⁽⁷⁾ Prospective income that is reasonably
 16 certain to be received by the household during an
 17 eligibility period must be considered when determining
 18 eligibility.

19 ~~(7)~~⁽⁸⁾ The following resources of a household must
 20 be excluded from consideration of resources for eligibility
 21 purposes:

22 (a) the domicile of the household, including necessary
 23 appurtenant land not exceeding 10 acres;

24 (b) a motor vehicle that has no more than \$1,500 in
 25 equity value;

1 (c) personal items, clothing, household furniture,
 2 appliances, and other essential household items, the total
 3 equity value of which does not exceed resource eligibility
 4 limits established by rule; and

5 (d) tools of a trade that are essential to the current
 6 or future employment of a household member.

7 ~~(8)~~⁽⁹⁾ A person who is committed or sentenced by
 8 legal process to a state institution or a secure facility or
 9 who is incarcerated in a secure facility pending resolution
 10 of legal process is not eligible for general relief.

11 ~~(9)~~⁽¹⁰⁾ A person who resides for a period of 1 day
 12 or more in any state or federally operated institution or
 13 residence is not eligible for general relief for the period
 14 of that residency.

15 ~~(10)~~⁽¹¹⁾ For the purposes of an eligibility
 16 determination, an applicant for or recipient of general
 17 relief may be requested to produce all financial and other
 18 information concerning the household.

19 ~~(11)~~⁽¹²⁾ Whenever practical, an eligibility
 20 determination must be made within 30 days of the date of
 21 application and the applicant must be notified in writing of
 22 the eligibility determination and the reasons for the
 23 determination.

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2 "53-3-304. Power to require recipient to participate

3 in job search, training, and work programs. (1) The

4 department shall cooperate with the department of labor and

5 industry and other designated agencies to initiate, promote,

6 and develop job search, training, and work programs that

7 will contribute to the employability of persons receiving

8 general relief under the provisions of this chapter. These

9 programs must be designed to preserve and improve the work

10 habits and job-finding skills of recipients for whom jobs

11 are not otherwise immediately available.

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13 services, the department shall contract with the department

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17 necessary job-finding skills to seek unsubsidized employment

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19 (3) In a county with state-assumed welfare services,

20 an able-bodied recipient of general relief shall enroll in a

21 structured job search and training program at an employment

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