

HOUSE BILL NO. 529
INTRODUCED BY BOHARSKI

IN THE HOUSE

FEBRUARY 1, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS. FIRST READING.
FEBRUARY 4, 1989	ON MOTION, TAKEN FROM COMMITTEE ON LABOR AND REREFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 94; NOES, 2. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS. FIRST READING.
MARCH 23, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 29, 1989	SECOND READING, CONCURRED IN.
MARCH 31, 1989	THIRD READING, NOT CONCURRED IN. AYES, 25; NOES, 25.
APRIL 14, 1989	ON MOTION, RULES SUSPENDED TO RECONSIDER PREVIOUS ACTION AND

REQUEST RETURN OF BILL FROM THE HOUSE
-
IN THE HOUSE

APRIL 15, 1989

ON MOTION OF REPRESENTATIVE HARPER,
REQUEST OF SENATE GRANTED FOR RETURN
OF HB 529 FOR FURTHER CONSIDERATION.

IN THE SENATE

APRIL 17, 1989

SECOND READING, CONCURRED IN.

APRIL 19, 1989

THIRD READING, CONCURRED IN.
AYES, 40; NOES, 10.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 19, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 529
2 INTRODUCED BY Wm F. B...
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COORDINATION
5 OF PROGRAMS UNDER TITLE II-A OF THE FEDERAL JOB TRAINING
6 PARTNERSHIP ACT WITH OTHER PROGRAMS TO ASSURE THE DELIVERY
7 OF A COMPREHENSIVE, INTEGRATED RANGE OF NONDUPLICATIVE
8 EMPLOYMENT AND TRAINING SERVICES TO ECONOMICALLY
9 DISADVANTAGED PERSONS; AND TO PROVIDE AN IMMEDIATE EFFECTIVE
10 DATE AND AN APPLICABILITY DATE."

11
12 STATEMENT OF INTENT

13 A statement of intent is not required for this bill
14 although included because [sections 7 and 8] require the
15 private industry council in each service delivery area to
16 develop performance standards to measure the effectiveness
17 of programs administered under the federal Job Training
18 Partnership Act.

19 In developing performance standards, each private
20 industry council shall consider the legislative findings and
21 intent stated in [sections 1 and 2] and the requirements of
22 [section 8]. In addition, each private industry council
23 shall include in performance standards a measure of the
24 extent to which programs under Title II-A of the Job
25 Training Partnership Act increase the employment and

1 earnings of public assistance recipients and the extent to
2 which programs reduce expenditures for public assistance
3 programs.

4 In order to determine whether performance standards are
5 met, each private industry council shall monitor and
6 evaluate the program in each service delivery area on the
7 basis of appropriate factors that must include the
8 following:

9 (1) attainment of enrollment and placement goals for
10 the program as determined by:

11 (a) the number of persons actually enrolled in the
12 program during the program year as compared to the number
13 planned for enrollment;

14 (b) the number of persons in subsection (1)(a) who are
15 members of a specific target group;

16 (c) the number of persons who obtained a job placement
17 as a result of participation in the program and the quality
18 of such placements as determined based on the criteria
19 established in subsection (2);

20 (d) the number of persons in subsection (1)(c) who are
21 members of a specific target group;

22 (e) the number of persons who were unsuccessful in
23 being placed in employment following completion of the
24 program; and

25 (f) the number of persons who failed to complete the

1 program, including the reasons for such failure and the
2 point in time during participation in the program that the
3 failure occurred;

4 (2) the quality of job placements as indicated by:

5 (a) the length of time that each person was retained
6 in the original job placement;

7 (b) the actual wages earned by each person upon
8 placement in employment;

9 (c) the average wages of all persons receiving job
10 placements; and

11 (d) the type of employment obtained by each person
12 upon placement; and

13 (3) the number of persons who have ceased receiving
14 public assistance as a result of participation in the
15 program and the number who return or stay on public
16 assistance despite enrollment and successful completion of
17 the program.

18 It is intended that performance standards adopted under
19 [sections 7 and 8] remain within the parameters established
20 by the U.S. secretary of labor under section 106 of the
21 federal Job Training Partnership Act (29 U.S.C. 1516) and
22 that standards be consistent with federal requirements.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 NEW SECTION. Section 1. Legislative findings. The

1 legislature finds and declares that:

2 (1) many economically disadvantaged persons are unable
3 to take their place in the economic mainstream of society
4 because they lack the skills and training needed to obtain
5 productive employment or to avoid long-term dependency on
6 public assistance programs;

7 (2) existing state and federal employment and training
8 programs, including the work incentive program, the work
9 programs provided for in 53-3-304, and the programs
10 administered under Title II-A of the Job Training
11 Partnership Act, have proved to be a multiple, uncoordinated
12 response to the needs of the economically disadvantaged; and

13 (3) a successful job training program will require a
14 comprehensive, integrated range of nonduplicative employment
15 and training services for economically disadvantaged persons
16 that will result in economic self-sufficiency through
17 placement of economically disadvantaged persons in
18 long-term, sustainable employment.

19 NEW SECTION. Section 2. Legislative intent.
20 Consistent with the findings in [section 1], it is the
21 intent of the legislature to:

22 (1) establish and promote a system of employment and
23 training programs responsive to the needs of economically
24 disadvantaged persons;

25 (2) maximize resources by combining and coordinating

1 state employment and training programs under Title II-A of
2 the Job Training Partnership Act with state work programs
3 for public assistance recipients and other programs designed
4 to prepare economically disadvantaged persons for
5 employment; and

6 (3) assure cost-effective delivery of employment and
7 training services to those most in need by requiring that
8 programs under Title II-A of the Job Training Partnership
9 Act be performance-based and by mandating legislative review
10 of such programs.

11 NEW SECTION. **Section 3.** Definitions. For the purposes
12 of [this act], unless the context requires otherwise, the
13 following definitions apply:

14 (1) "Economically disadvantaged person" has the same
15 meaning as provided in section 4 of the Job Training
16 Partnership Act (29 U.S.C. 1503).

17 (2) "Job Training Partnership Act" means the federal
18 Job Training Partnership Act of 1982, Public Law 97-300 (29
19 U.S.C. 1501, et seq.), as amended.

20 (3) "Job training plan" means the plan for providing
21 services and training in a service delivery area, as
22 required in [section 7].

23 (4) "Program" means the program created by [section 4]
24 to implement the provisions of Title II-A of the Job
25 Training Partnership Act.

1 (5) "Program year" means the fiscal year beginning on
2 July 1 of the year for which an appropriation is made for
3 the program established under [this act], as provided in
4 section 161 of the Job Training Partnership Act (29 U.S.C.
5 1571).

6 (6) "Public assistance program" means the state
7 program of general relief assistance or aid to families with
8 dependent children.

9 (7) "Service delivery area" means an area designated
10 as provided in section 101 of the Job Training Partnership
11 Act (29 U.S.C. 1511).

12 NEW SECTION. **Section 4.** Establishment of program. (1)
13 There is a program to implement the provisions of Title II-A
14 of the Job Training Partnership Act (29 U.S.C. 1601, et
15 seq.). Except as provided in section 203 of the Job Training
16 Partnership Act (29 U.S.C. 1603), the program must provide
17 employment and training services to economically
18 disadvantaged persons who are eligible to participate in the
19 program.

20 (2) The program must be administered in accordance
21 with a job training plan that meets the requirements of
22 [sections 7 and 8] and sections 103 through 105 of the Job
23 Training Partnership Act (29 U.S.C. 1513 through 1515).

24 NEW SECTION. **Section 5.** State job training
25 coordinating council. (1) There is a state job training

1 coordinating council. Members of the council must be
2 appointed by the governor as required under section 122 of
3 the Job Training Partnership Act (29 U.S.C. 1532).

4 (2) The state job training coordinating council shall
5 perform the functions described in section 122 of the Job
6 Training Partnership Act (29 U.S.C. 1532). The council shall
7 also:

8 (a) recommend to the governor a statement of specific,
9 measurable goals and objectives for employment and training
10 services that must serve as guidelines for each private
11 industry council in the development of a job training plan;

12 (b) recommend to the governor criteria for the
13 coordination of employment and training programs as required
14 under [section 9]; and

15 (c) review plans of all governmental agencies
16 providing employment and training services and provide
17 comments and recommendations to the governor, the state
18 legislature, state agencies, and appropriate federal
19 agencies concerning the relevancy and effectiveness of
20 employment and training services provided in Montana.

21 **NEW SECTION. Section 6. Private industry councils.**

22 (1) There is a private industry council in each service
23 delivery area of the state. Each council must be established
24 as required in section 102 of the Job Training Partnership
25 Act (29 U.S.C. 1512).

1 (2) Each private industry council shall carry out the
2 duties and responsibilities provided in [section 7] and
3 section 103 of the Job Training Partnership Act (29 U.S.C.
4 1513).

5 **NEW SECTION. Section 7. Job training plan --**
6 **requirements.** (1) Each private industry council shall
7 prepare for the service delivery area a job training plan
8 that has been prepared in accordance with [this act] and
9 sections 103 through 105 of the Job Training Partnership Act
10 (29 U.S.C. 1513 through 1515).

11 (2) Each job training plan must include:

12 (a) the council's priorities for services and groups
13 to be served within the service delivery area;

14 (b) procedures to be used in identifying and selecting
15 program participants and in determining and verifying their
16 eligibility;

17 (c) the type of services and training to be provided,
18 including the estimated cost per participant;

19 (d) criteria for evaluating the content and quality of
20 services and training;

21 (e) performance standards as required under [section
22 8];

23 (f) procedures for selecting service providers as
24 required under section 107 of the Job Training Partnership
25 Act (29 U.S.C. 1517);

(g) a plan for the coordination of services and training with other programs as required in [section 9];

(h) a procedure for preparing and submitting to the governor and the legislature an annual report that describes the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet the performance standards adopted in the job training plan; and

(i) all other information required under section 104 of the Job Training Partnership Act (29 U.S.C. 1514).

NEW SECTION. Section 8. Performance standards. Each job training plan must contain performance standards to measure the effectiveness and operation of the program in the service delivery area. These standards must include a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and earnings of public assistance recipients and reduce expenditures for public assistance programs.

NEW SECTION. Section 9. Coordination of services. Pursuant to the declaration of state policy set forth in 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and section 201 of the federal Family Support Act of 1988 (42 U.S.C. 683), programs administered

under the Job Training Partnership Act must be coordinated with other employment and training programs including:

(1) programs operated under the federal Family Support Act of 1988; and

(2) programs and services of public assistance agencies, including the programs established in 53-3-304.

NEW SECTION. Section 10. Review of job training plans. At least 120 days before the beginning of the first of the 2 program years covered by the job training plan, the governor shall submit the proposed job training plan for review and comment to an appropriate standing committee of each house of the legislature, as required by 29 U.S.C. 1515, or, if the legislature is not in session, to an appropriate interim committee designated by the speaker of the house of representatives and the president of the senate.

NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 12. Modification of plans. Any job training plan approved by the governor prior to [the effective date of this act] that is subject to the

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1 provisions of [this act] must be modified, as provided in
2 section 104 of the Job Training Partnership Act (29 U.S.C.
3 1514), to comply with the provisions of [this act].

4 NEW SECTION. **Section 13.** Effective date --
5 applicability. [Sections 1 through 9, 11, and 12] and this
6 section are effective on passage and approval and apply to
7 the job training plan for the 2 program years beginning July
8 1, 1989.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 529
INTRODUCED BY BOHARSKI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COORDINATION OF PROGRAMS UNDER TITLE II-A OF THE FEDERAL JOB TRAINING PARTNERSHIP ACT WITH OTHER PROGRAMS TO ASSURE THE DELIVERY OF A COMPREHENSIVE, INTEGRATED RANGE OF NONDUPLICATIVE EMPLOYMENT AND TRAINING SERVICES TO ECONOMICALLY DISADVANTAGED PERSONS; AND TO PROVIDE AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is not required for this bill although included because [sections 7 and 8] require the private industry council in each service delivery area to develop performance standards to measure the effectiveness of programs administered under the federal Job Training Partnership Act.

In developing performance standards, each private industry council shall consider the legislative findings and intent stated in [sections 1 and 2] and the requirements of [section 8]. In addition, each private industry council shall include in performance standards a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and

earnings of public assistance recipients and the extent to which JOB TRAINING PARTNERSHIP ACT programs reduce expenditures for public assistance programs.

In order to determine whether performance standards are met, each private industry council shall monitor and evaluate the program, USING RANDOM, REPRESENTATIVE, STATISTICALLY VALID SAMPLING TECHNIQUES, in each service delivery area on the basis of appropriate factors that must include the following:

(1) attainment of enrollment and placement goals for the program as determined by:

(a) the number of persons actually enrolled in the program during the program year as compared to the number planned for enrollment;

(b) the number of persons in subsection (1)(a) who are members of a specific target group;

(c) the number of persons who obtained a job placement as a result of participation in the program and the quality of such placements as determined based on the criteria established in subsection (2);

(d) the number of persons in subsection (1)(c) who are members of a specific target group;

(e) the number of persons who were unsuccessful in being placed in employment following completion of the program; and

1 (f) the number of persons who failed to complete the
2 program, including the reasons for such failure and the
3 point in time during participation in the program that the
4 failure occurred;

5 (2) the quality of job placements as indicated by:

6 (a) the length of time that ~~each person was~~ PERSONS
7 WERE retained in the original job placement, AS DEFINED IN
8 FEDERAL PERFORMANCE STANDARDS;

9 (b) the actual wages earned by each person upon
10 placement in employment;

11 (c) the average wages of all persons receiving job
12 placements; and

13 (d) the type of employment obtained by each person
14 upon placement; and

15 (3) the number of persons who have ceased receiving
16 public assistance as a result of participation in the
17 program and the number who return or stay on public
18 assistance despite enrollment and successful completion of
19 the program, AS CALCULATED BY THE DEPARTMENT OF SOCIAL AND
20 REHABILITATION SERVICES USING DATA PROVIDED BY THE
21 DEPARTMENT OF LABOR AND INDUSTRY.

22 It is intended that performance standards adopted under
23 [sections 7 and 8] remain within the parameters established
24 by the U.S. secretary of labor under section 106 of the
25 federal Job Training Partnership Act (29 U.S.C. 1516) and

1 that standards be consistent with federal requirements.

2

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

4 NEW SECTION. **Section 1.** Legislative findings. The
5 legislature finds and declares that:

6 (1) many economically disadvantaged persons are unable
7 to take their place in the economic mainstream of society
8 because they lack the skills and training needed to obtain
9 productive employment or to avoid long-term dependency on
10 public assistance programs;

11 (2) existing state and federal employment and training
12 programs, including the work incentive program, the work
13 programs provided for in 53-3-304, and the programs
14 administered under Title II-A of the Job Training
15 Partnership Act, have proved to be a multiple, uncoordinated
16 response to the needs of the economically disadvantaged; and

17 (3) a successful job training program will require a
18 comprehensive, integrated range of nonduplicative employment
19 and training services for economically disadvantaged persons
20 that will result in economic self-sufficiency through
21 placement of economically disadvantaged persons in
22 long-term, sustainable employment.

23 NEW SECTION. **Section 2.** Legislative intent.
24 Consistent with the findings in [section 1], it is the
25 intent of the legislature to:

(1) establish and promote a system of employment and training programs responsive to the needs of economically disadvantaged persons;

(2) maximize resources by combining and coordinating state employment and training programs under Title II-A of the Job Training Partnership Act with state work programs for public assistance recipients and other programs designed to prepare economically disadvantaged persons for employment; and

(3) assure cost-effective delivery of employment and training services to those most in need by requiring that programs under Title II-A of the Job Training Partnership Act be performance-based BASED ON PERFORMANCE and by mandating legislative review of such programs.

NEW SECTION. Section 3. Definitions. For the purposes of [this act], unless the context requires otherwise, the following definitions apply:

(1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the Job Training Partnership Act (29 U.S.C. 1503).

(2) "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, Public Law 97-300 (29 U.S.C. 1501, et seq.), as amended.

(3) "Job training plan" means the plan for providing services and training in a service delivery area, as

required in [section 7].

(4) "Program" means the program created by [section 4] to implement the provisions of Title II-A of the Job Training Partnership Act.

(5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation is made for the program established under [this act], as provided in section 161 of the Job Training Partnership Act (29 U.S.C. 1571).

(6) "Public assistance program" means the state program of general relief assistance or aid to families with dependent children.

(7) "Service delivery area" means an area designated as provided in section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

NEW SECTION. Section 4. Establishment of program. (1) There is a program to implement the provisions of Title II-A of the Job Training Partnership Act (29 U.S.C. 1601, et seq.). Except as provided in section 203 of the Job Training Partnership Act (29 U.S.C. 1603), the program must provide employment and training services to economically disadvantaged persons who are eligible to participate in the program.

(2) The program must be administered in accordance with a job training plan that meets the requirements of

[sections 7 and 8] and sections 103 through 105 of the Job Training Partnership Act (29 U.S.C. 1513 through 1515).

NEW SECTION. Section 5. State job training coordinating council. (1) There is a state job training coordinating council. Members of the council must be appointed by the governor as required under section 122 of the Job Training Partnership Act (29 U.S.C. 1532).

(2) The state job training coordinating council shall perform the functions described in section 122 of the Job Training Partnership Act (29 U.S.C. 1532). The council shall also:

(a) recommend to the governor a statement of specific, measurable goals and objectives for employment and training services that must serve as guidelines for each private industry council in the development of a job training plan;

(b) recommend to the governor criteria for the coordination of employment and training programs as required under [section 9]; and

(c) review plans of all governmental agencies providing employment and training services and provide comments and recommendations to the governor, the state legislature, state agencies, and appropriate federal agencies concerning the relevancy and effectiveness of employment and training services provided in Montana.

NEW SECTION. Section 6. Private industry councils.

(1) There is a private industry council in each service delivery area of the state. Each council must be established as required in section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) Each private industry council shall carry out the duties and responsibilities provided in [section 7] and section 103 of the Job Training Partnership Act (29 U.S.C. 1513).

NEW SECTION. Section 7. Job training plan -- requirements. (1) Each private industry council shall prepare for the service delivery area a job training plan that has been prepared in accordance with [this act] and sections 103 through 105 of the Job Training Partnership Act (29 U.S.C. 1513 through 1515).

(2) Each job training plan must include:

(a) the council's priorities for services and groups to be served within the service delivery area;

(b) procedures to be used in identifying and selecting program participants and in determining and verifying their eligibility;

(c) the type of services and training to be provided, including the estimated cost per participant;

(d) criteria for evaluating the content and quality of services and training;

(e) performance standards as required under [section

1 8];

2 (f) procedures for selecting service providers as
3 required under section 107 of the Job Training Partnership
4 Act (29 U.S.C. 1517);

5 (g) a plan for the coordination of services and
6 training with other programs as required in [section 9];

7 (h) a procedure for preparing and submitting to the
8 governor and the legislature an annual report that describes
9 the activities conducted in the service delivery area during
10 the program year and the extent to which activities exceeded
11 or failed to meet the performance standards adopted in the
12 job training plan; and

13 (i) all other information required under section 104
14 of the Job Training Partnership Act (29 U.S.C. 1514).

15 NEW SECTION. Section 8. Performance standards. Each
16 job training plan must contain performance standards to
17 measure the effectiveness and operation of the program in
18 the service delivery area. These standards must include a
19 measure of the extent to which programs under Title II-A of
20 the Job Training Partnership Act increase the employment and
21 earnings of public assistance recipients and THEREFORE
22 reduce expenditures for public assistance programs.

23 NEW SECTION. Section 9. Coordination of services.
24 Pursuant to the declaration of THE STATE JOB TRAINING
25 COORDINATING COUNCIL SHALL IDENTIFY, IN COORDINATION WITH

1 THE APPROPRIATE STATE AND LOCAL AGENCIES, THE EMPLOYMENT,
2 TRAINING, AND VOCATIONAL EDUCATION NEEDS THROUGHOUT THE
3 STATE AND ASSESS THE EXTENT TO WHICH EMPLOYMENT AND
4 TRAINING, VOCATIONAL EDUCATION, REHABILITATION SERVICES,
5 PUBLIC ASSISTANCE, ECONOMIC DEVELOPMENT, AND OTHER FEDERAL,
6 STATE, AND LOCAL PROGRAMS AND SERVICES REPRESENT A
7 CONSISTENT, INTEGRATED, AND COORDINATED APPROACH TO MEETING
8 SUCH NEEDS. IN CARRYING OUT THIS COORDINATING FUNCTION, THE
9 COUNCIL SHALL CONSIDER state policy set forth in 2-15-101 to
10 eliminate overlapping and duplication of services within
11 state government and in accordance with the provisions of
12 section 121 of the Job Training Partnership Act (29 U.S.C.
13 1531; and ~~section 201 of the federal Family Support Act of~~
14 ~~1988 (42 U.S.C. 603) programs administered under the job~~
15 ~~training partnership act must be coordinated with~~ other
16 employment and training programs, including:

17 (1) programs operated under the federal Family Support
18 Act of 1988; and

19 (2) programs and services of public assistance
20 agencies, including the programs established in 53-3-304.

21 NEW SECTION. Section 10. Review of job training
22 plans. At least 120 days before the beginning of the first
23 of the 2 program years covered by the job training plan, the
24 governor shall submit the proposed job training plan for
25 review and comment to an appropriate standing committee of

1 each house of the legislature, as required by 29 U.S.C.
2 1515, or, if the legislature is not in session, to an
3 appropriate interim committee designated by the speaker of
4 the house of representatives and the president of the
5 senate.

6 NEW SECTION. **Section 11. Severability.** If a part of
7 [this act] is invalid, all valid parts that are severable
8 from the invalid part remain in effect. If a part of [this
9 act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are
11 severable from the invalid applications.

12 NEW SECTION. **Section 12. Modification of plans.** Any
13 job training plan approved by the governor prior to [the
14 effective date of this act] that is subject to the
15 provisions of [this act] must be modified, as provided in
16 section 104 of the Job Training Partnership Act (29 U.S.C.
17 1514), to comply with the provisions of [this act].

18 NEW SECTION. **Section 13. Effective date** --
19 **applicability.** [Sections 1 through 9, 11, and 12] and this
20 section are effective on passage and approval and apply to
21 the job training plan for the 2 program years beginning July
22 1, 1989.

-End-

HOUSE BILL NO. 529

INTRODUCED BY BOHARSKI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COORDINATION OF PROGRAMS UNDER TITLE II-A OF THE FEDERAL JOB TRAINING PARTNERSHIP ACT WITH OTHER PROGRAMS TO ASSURE THE DELIVERY OF A COMPREHENSIVE, INTEGRATED RANGE OF NONDUPLICATIVE EMPLOYMENT AND TRAINING SERVICES TO ECONOMICALLY DISADVANTAGED PERSONS; AND TO PROVIDE AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is not required for this bill although included because [sections 7 and 8] require the private industry council in each service delivery area to develop performance standards to measure the effectiveness of programs administered under the federal Job Training Partnership Act.

In developing performance standards, each private industry council shall consider the legislative findings and intent stated in [sections 1 and 2] and the requirements of [section 8]. In addition, each private industry council shall include in performance standards a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and

earnings of public assistance recipients and the extent to which JOB TRAINING PARTNERSHIP ACT programs reduce expenditures for public assistance programs.

In order to determine whether performance standards are met, each private industry council shall monitor and evaluate the program, USING RANDOM, REPRESENTATIVE, STATISTICALLY VALID SAMPLING TECHNIQUES, in each service delivery area on the basis of appropriate factors that must include the following:

(1) attainment of enrollment and placement goals for the program as determined by:

(a) the number of persons actually enrolled in the program during the program year as compared to the number planned for enrollment;

(b) the number of persons in subsection (1)(a) who are members of a specific target group;

(c) the number of persons who obtained a job placement as a result of participation in the program and the quality of such placements as determined based on the criteria established in subsection (2);

(d) the number of persons in subsection (1)(c) who are members of a specific target group;

(e) the number of persons who were unsuccessful in being placed in employment following completion of the program; and



1 (f) the number of persons who failed to complete the
2 program, including the reasons for such failure and the
3 point in time during participation in the program that the
4 failure occurred;

5 (2) the quality of job placements as indicated by:

6 (a) the length of time that ~~each-person-was~~ PERSONS
7 WERE retained in the original job placement, ~~AS--BEPINED--IN~~
8 BASED UPON FOLLOWUP OF JOB PLACEMENTS IN ACCORDANCE WITH
9 FEDERAL PERFORMANCE STANDARDS;

10 (b) the actual wages earned by each person upon
11 placement in employment;

12 (c) the average wages of all persons receiving job
13 placements; and

14 (d) the type of employment obtained by each person
15 upon placement; and

16 (3) the number of persons who have ceased receiving
17 public assistance as a result of participation in the
18 program and the number who return or stay on public
19 assistance despite enrollment and successful completion of
20 the program, AS CALCULATED BY THE DEPARTMENT OF SOCIAL AND
21 REHABILITATION SERVICES USING DATA PROVIDED BY THE
22 DEPARTMENT OF LABOR AND INDUSTRY.

23 It is intended that performance standards adopted under
24 [sections 7 and 8] remain within the parameters established
25 by the U.S. secretary of labor under section 106 of the

1 federal Job Training Partnership Act (29 U.S.C. 1516) and
2 that standards be consistent with federal requirements.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. **Section 1.** Legislative findings. The
6 legislature finds and declares that:

7 (1) many economically disadvantaged persons are unable
8 to take their place in the economic mainstream of society
9 because they lack the skills and training needed to obtain
10 productive employment or to avoid long-term dependency on
11 public assistance programs;

12 (2) existing state and federal employment and training
13 programs, including the work incentive program, the work
14 programs provided for in 53-3-304, and the programs
15 administered under Title II-A of the Job Training
16 Partnership Act, have proved to be a multiple, uncoordinated
17 response to the needs of the economically disadvantaged; and

18 (3) a successful job training program will require a
19 comprehensive, integrated range of nonduplicative employment
20 and training services for economically disadvantaged persons
21 that will result in economic self-sufficiency through
22 placement of economically disadvantaged persons in
23 long-term, sustainable employment.

24 NEW SECTION. **Section 2.** Legislative intent.
25 Consistent with the findings in [section 1], it is the

intent of the legislature to:

(1) establish and promote a system of employment and training programs responsive to the needs of economically disadvantaged persons;

(2) maximize resources by ~~combining--and~~ coordinating state employment and training programs under Title II-A of the Job Training Partnership Act with state work programs for public assistance recipients and other programs designed to prepare economically disadvantaged persons for employment; and

(3) assure cost-effective delivery of employment and training services to those most in need by requiring that programs under Title II-A of the Job Training Partnership Act be ~~performance-based~~ BASED ON PERFORMANCE and by mandating legislative review of such programs.

NEW SECTION. Section 3. Definitions. For the purposes of [this act], unless the context requires otherwise, the following definitions apply:

(1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the Job Training Partnership Act (29 U.S.C. 1503).

(2) "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, Public Law 97-300 (29 U.S.C. 1501, et seq.), as amended.

(3) "Job training plan" means the plan for providing

services and training in a service delivery area, as required in [section 7].

(4) "Program" means the program created by [section 4] to implement the provisions of Title II-A of the Job Training Partnership Act.

(5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation is made for the program established under [this act], as provided in section 161 of the Job Training Partnership Act (29 U.S.C. 1571).

(6) "Public assistance program" means the state program of general relief assistance or aid to families with dependent children.

(7) "Service delivery area" means an area designated as provided in section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

NEW SECTION. Section 4. Establishment of program. (1) There is a program to implement the provisions of Title II-A of the Job Training Partnership Act (29 U.S.C. 1601, et seq.). Except as provided in section 203 of the Job Training Partnership Act (29 U.S.C. 1603), the program must provide employment and training services to economically disadvantaged persons who are eligible to participate in the program.

(2) The program must be administered in accordance

1 with a job training plan that meets the requirements of
2 [sections 7 and 8] and sections 103 through 105 of the Job
3 Training Partnership Act (29 U.S.C. 1513 through 1515).

4 NEW SECTION. Section 5. State job training
5 coordinating council. (1) There is a state job training
6 coordinating council. Members of the council must be
7 appointed by the governor as required under section 122 of
8 the Job Training Partnership Act (29 U.S.C. 1532).

9 (2) The state job training coordinating council shall
10 perform the functions described in section 122 of the Job
11 Training Partnership Act (29 U.S.C. 1532). The council shall
12 also:

13 (a) recommend to the governor a statement of specific,
14 measurable goals and objectives for employment and training
15 services that must serve as guidelines for each private
16 industry council in the development of a job training plan;

17 (b) recommend to the governor criteria for the
18 coordination of employment and training programs as required
19 under [section 9]; and

20 (c) review plans of all governmental agencies
21 providing employment and training services and provide
22 comments and recommendations to the governor, the state
23 legislature, state agencies, and appropriate federal
24 agencies concerning the relevancy and effectiveness of
25 employment and training services provided in Montana.

1 NEW SECTION. Section 6. Private industry councils.

2 (1) There is a private industry council in each service
3 delivery area of the state. Each council must be established
4 as required in section 102 of the Job Training Partnership
5 Act (29 U.S.C. 1512).

6 (2) Each private industry council shall carry out the
7 duties and responsibilities provided in [section 7] and
8 section 103 of the Job Training Partnership Act (29 U.S.C.
9 1513).

10 NEW SECTION. Section 7. Job training plan --
11 requirements. (1) Each private industry council shall
12 prepare for the service delivery area a job training plan
13 that has been prepared in accordance with [this act] and
14 sections 103 through 105 of the Job Training Partnership Act
15 (29 U.S.C. 1513 through 1515).

16 (2) Each job training plan must include:

17 (a) the council's priorities for services and groups
18 to be served within the service delivery area;

19 (b) procedures to be used in identifying and selecting
20 program participants and in determining and verifying their
21 eligibility;

22 (c) the type of services and training to be provided,
23 including the estimated cost per participant;

24 (d) criteria for evaluating the content and quality of
25 services and training;

(e) performance standards as required under [section 8];

(f) procedures for selecting service providers as required under section 107 of the Job Training Partnership Act (29 U.S.C. 1517);

(g) a plan for the coordination of services and training with other programs as required in [section 9];

(h) a procedure for preparing and submitting to the governor and the legislature an annual report that describes the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet the performance standards adopted in the job training plan; and

(i) all other information required under section 104 of the Job Training Partnership Act (29 U.S.C. 1514).

NEW SECTION. Section 8. Performance standards. Each job training plan must contain performance standards to measure the effectiveness and operation of the program in the service delivery area. These standards must include a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and earnings of public assistance recipients and THEREFORE reduce expenditures for public assistance programs.

NEW SECTION. Section 9. Coordination of services. Pursuant--to--the--declaration--of THE STATE JOB TRAINING

COORDINATING COUNCIL SHALL IDENTIFY, IN COORDINATION WITH THE APPROPRIATE STATE AND LOCAL AGENCIES, THE EMPLOYMENT, TRAINING, AND VOCATIONAL EDUCATION NEEDS THROUGHOUT THE STATE AND ASSESS THE EXTENT TO WHICH EMPLOYMENT AND TRAINING, VOCATIONAL EDUCATION, REHABILITATION SERVICES, PUBLIC ASSISTANCE, ECONOMIC DEVELOPMENT, AND OTHER FEDERAL, STATE, AND LOCAL PROGRAMS AND SERVICES REPRESENT A CONSISTENT, INTEGRATED, AND COORDINATED APPROACH TO MEETING SUCH NEEDS. IN CARRYING OUT THIS COORDINATING FUNCTION, THE COUNCIL SHALL CONSIDER state policy set forth in 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and ~~section 281 of the federal Family Support Act of 1988--(42--U.S.C.--683)--programs administered under the Job Training Partnership Act--must--be--coordinated--with~~ other employment and training programs, including:

(1) programs operated under the federal Family Support Act of 1988; and

(2) programs and services of public assistance agencies, including the programs established in 53-3-304.

NEW SECTION. Section 10. Review of job training plans. At least 120 days before the beginning of the first of the 2 program years covered by the job training plan, the governor shall submit the proposed job training plan for

1 review and comment to an appropriate standing committee of
2 each house of the legislature, as required by 29 U.S.C.
3 1515, or, if the legislature is not in session, to an
4 appropriate interim committee designated by the speaker of
5 the house of representatives and the president of the
6 senate.

7 NEW SECTION. Section 11. Severability. If a part of
8 [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this
10 act] is invalid in one or more of its applications, the part
11 remains in effect in all valid applications that are
12 severable from the invalid applications.

13 NEW SECTION. Section 12. Modification of plans. Any
14 job training plan approved by the governor prior to [the
15 effective date of this act] that is subject to the
16 provisions of [this act] must be modified, as provided in
17 section 104 of the Job Training Partnership Act (29 U.S.C.
18 1514), to comply with the provisions of [this act].

19 NEW SECTION. Section 13. Effective date --
20 applicability. [Sections 1 through 9, 11, and 12] and this
21 section are effective on passage and approval and apply to
22 the job training plan for the 2 program years beginning July
23 1, 1989.

-End-

HOUSE BILL NO. 529
INTRODUCED BY BOHARSKI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COORDINATION OF PROGRAMS UNDER TITLE II-A OF THE FEDERAL JOB TRAINING PARTNERSHIP ACT WITH OTHER PROGRAMS TO ASSURE THE DELIVERY OF A COMPREHENSIVE, INTEGRATED RANGE OF NONDUPLICATIVE EMPLOYMENT AND TRAINING SERVICES TO ECONOMICALLY DISADVANTAGED PERSONS; AND TO PROVIDE AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is not required for this bill although included because [sections 7 and 8] require the private industry council in each service delivery area to develop performance standards to measure the effectiveness of programs administered under the federal Job Training Partnership Act.

In developing performance standards, each private industry council shall consider the legislative findings and intent stated in [sections 1 and 2] and the requirements of [section 8]. In addition, each private industry council shall include in performance standards a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and

earnings of public assistance recipients and the extent to which JOB TRAINING PARTNERSHIP ACT programs reduce expenditures for public assistance programs.

In order to determine whether performance standards are met, each private industry council shall monitor and evaluate the program, USING RANDOM, REPRESENTATIVE, STATISTICALLY VALID SAMPLING TECHNIQUES, in each service delivery area on the basis of appropriate factors that must include the following:

(1) attainment of enrollment and placement goals for the program as determined by:

(a) the number of persons actually enrolled in the program during the program year as compared to the number planned for enrollment;

(b) the number of persons in subsection (1)(a) who are members of a specific target group;

(c) the number of persons who obtained a job placement as a result of participation in the program and the quality of such placements as determined based on the criteria established in subsection (2);

(d) the number of persons in subsection (1)(c) who are members of a specific target group;

(e) the number of persons who were unsuccessful in being placed in employment following completion of the program; and

(f) the number of persons who failed to complete the program, including the reasons for such failure and the point in time during participation in the program that the failure occurred;

(2) the quality of job placements as indicated by:

(a) the length of time that each-person-was PERSONS WERE retained in the original job placement, AS--DEPINED--IN BASED UPON FOLLOWUP OF JOB PLACEMENTS IN ACCORDANCE WITH FEDERAL PERFORMANCE STANDARDS;

(b) the actual wages earned by each person upon placement in employment;

(c) the average wages of all persons receiving job placements; and

(d) the type of employment obtained by each person upon placement; and

(3) the number of persons who have ceased receiving public assistance as a result of participation in the program and the number who return or stay on public assistance despite enrollment and successful completion of the program, AS CALCULATED BY THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES USING DATA PROVIDED BY THE DEPARTMENT OF LABOR AND INDUSTRY.

It is intended that performance standards adopted under [sections 7 and 8] remain within the parameters established by the U.S. secretary of labor under section 106 of the

federal Job Training Partnership Act (29 U.S.C. 1516) and that standards be consistent with federal requirements.

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

NEW SECTION. **Section 1.** Legislative findings. The legislature finds and declares that:

(1) many economically disadvantaged persons are unable to take their place in the economic mainstream of society because they lack the skills and training needed to obtain productive employment or to avoid long-term dependency on public assistance programs;

(2) existing state and federal employment and training programs, including the work incentive program, the work programs provided for in 53-3-304, and the programs administered under Title II-A of the Job Training Partnership Act, have proved to be a multiple, uncoordinated response to the needs of the economically disadvantaged; and

(3) a successful job training program will require a comprehensive, integrated range of nonduplicative employment and training services for economically disadvantaged persons that will result in economic self-sufficiency through placement of economically disadvantaged persons in long-term, sustainable employment.

NEW SECTION. **Section 2.** Legislative intent. Consistent with the findings in [section 1], it is the

1 intent of the legislature to:

2 (1) establish and promote a system of employment and
3 training programs responsive to the needs of economically
4 disadvantaged persons;

5 (2) maximize resources by ~~combining--and~~ coordinating
6 state employment and training programs under Title II-A of
7 the Job Training Partnership Act with state work programs
8 for public assistance recipients and other programs designed
9 to prepare economically disadvantaged persons for
10 employment; and

11 (3) assure cost-effective delivery of employment and
12 training services to those most in need by requiring that
13 programs under Title II-A of the Job Training Partnership
14 Act be performance-based BASED ON PERFORMANCE and by
15 mandating legislative review of such programs.

16 NEW SECTION. Section 3. Definitions. For the purposes
17 of [this act], unless the context requires otherwise, the
18 following definitions apply:

19 (1) "Economically disadvantaged person" has the same
20 meaning as provided in section 4 of the Job Training
21 Partnership Act (29 U.S.C. 1503).

22 (2) "Job Training Partnership Act" means the federal
23 Job Training Partnership Act of 1982, Public Law 97-300 (29
24 U.S.C. 1501, et seq.), as amended.

25 (3) "Job training plan" means the plan for providing

1 services and training in a service delivery area, as
2 required in [section 7].

3 (4) "Program" means the program created by [section 4]
4 to implement the provisions of Title II-A of the Job
5 Training Partnership Act.

6 (5) "Program year" means the fiscal year beginning on
7 July 1 of the year for which an appropriation is made for
8 the program established under [this act], as provided in
9 section 161 of the Job Training Partnership Act (29 U.S.C.
10 1571).

11 (6) "Public assistance program" means the state
12 program of general relief assistance or aid to families with
13 dependent children.

14 (7) "Service delivery area" means an area designated
15 as provided in section 101 of the Job Training Partnership
16 Act (29 U.S.C. 1511).

17 NEW SECTION. Section 4. Establishment of program. (1)
18 There is a program to implement the provisions of Title II-A
19 of the Job Training Partnership Act (29 U.S.C. 1601, et
20 seq.). Except as provided in section 203 of the Job Training
21 Partnership Act (29 U.S.C. 1603), the program must provide
22 employment and training services to economically
23 disadvantaged persons who are eligible to participate in the
24 program.

25 (2) The program must be administered in accordance

with a job training plan that meets the requirements of [sections 7 and 8] and sections 103 through 105 of the Job Training Partnership Act (29 U.S.C. 1513 through 1515).

NEW SECTION. Section 5. State job training coordinating council. (1) There is a state job training coordinating council. Members of the council must be appointed by the governor as required under section 122 of the Job Training Partnership Act (29 U.S.C. 1532).

(2) The state job training coordinating council shall perform the functions described in section 122 of the Job Training Partnership Act (29 U.S.C. 1532). The council shall also:

(a) recommend to the governor a statement of specific, measurable goals and objectives for employment and training services that must serve as guidelines for each private industry council in the development of a job training plan;

(b) recommend to the governor criteria for the coordination of employment and training programs as required under [section 9]; and

(c) review plans of all governmental agencies providing employment and training services and provide comments and recommendations to the governor, the state legislature, state agencies, and appropriate federal agencies concerning the relevancy and effectiveness of employment and training services provided in Montana.

NEW SECTION. Section 6. Private industry councils.

(1) There is a private industry council in each service delivery area of the state. Each council must be established as required in section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) Each private industry council shall carry out the duties and responsibilities provided in [section 7] and section 103 of the Job Training Partnership Act (29 U.S.C. 1513).

NEW SECTION. Section 7. Job training plan -- requirements. (1) Each private industry council shall prepare for the service delivery area a job training plan that has been prepared in accordance with [this act] and sections 103 through 105 of the Job Training Partnership Act (29 U.S.C. 1513 through 1515).

(2) Each job training plan must include:

(a) the council's priorities for services and groups to be served within the service delivery area;

(b) procedures to be used in identifying and selecting program participants and in determining and verifying their eligibility;

(c) the type of services and training to be provided, including the estimated cost per participant;

(d) criteria for evaluating the content and quality of services and training;

(e) performance standards as required under [section 8];

(f) procedures for selecting service providers as required under section 107 of the Job Training Partnership Act (29 U.S.C. 1517);

(g) a plan for the coordination of services and training with other programs as required in [section 9];

(h) a procedure for preparing and submitting to the governor and the legislature an annual report that describes the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet the performance standards adopted in the job training plan; and

(i) all other information required under section 104 of the Job Training Partnership Act (29 U.S.C. 1514).

NEW SECTION. Section 8. Performance standards. Each job training plan must contain performance standards to measure the effectiveness and operation of the program in the service delivery area. These standards must include a measure of the extent to which programs under Title II-A of the Job Training Partnership Act increase the employment and earnings of public assistance recipients and THEREFORE reduce expenditures for public assistance programs.

NEW SECTION. Section 9. Coordination of services. Pursuant--to--the--declaration--of THE STATE JOB TRAINING

COORDINATING COUNCIL SHALL IDENTIFY, IN COORDINATION WITH THE APPROPRIATE STATE AND LOCAL AGENCIES, THE EMPLOYMENT, TRAINING, AND VOCATIONAL EDUCATION NEEDS THROUGHOUT THE STATE AND ASSESS THE EXTENT TO WHICH EMPLOYMENT AND TRAINING, VOCATIONAL EDUCATION, REHABILITATION SERVICES, PUBLIC ASSISTANCE, ECONOMIC DEVELOPMENT, AND OTHER FEDERAL, STATE, AND LOCAL PROGRAMS AND SERVICES REPRESENT A CONSISTENT, INTEGRATED, AND COORDINATED APPROACH TO MEETING SUCH NEEDS. IN CARRYING OUT THIS COORDINATING FUNCTION, THE COUNCIL SHALL CONSIDER state policy set forth in 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and ~~section 201 of the federal Family Support Act of 1988--(42--U.S.C.--683)--programs administered under the Job Training Partnership Act--must--be--coordinated--with~~ other employment and training programs, including:

(1) programs operated under the federal Family Support Act of 1988; and

(2) programs and services of public assistance agencies, including the programs established in 53-3-304.

NEW SECTION. Section 10. Review of job training plans. At least 120 days before the beginning of the first of the 2 program years covered by the job training plan, the governor shall submit the proposed job training plan for

1 review and comment to an appropriate standing committee of
2 each house of the legislature, as required by 29 U.S.C.
3 1515, or, if the legislature is not in session, to an
4 appropriate interim committee designated by the speaker of
5 the house of representatives and the president of the
6 senate.

7 NEW SECTION. **Section 11. Severability.** If a part of
8 [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this
10 act] is invalid in one or more of its applications, the part
11 remains in effect in all valid applications that are
12 severable from the invalid applications.

13 NEW SECTION. **Section 12. Modification of plans.** Any
14 job training plan approved by the governor prior to [the
15 effective date of this act] that is subject to the
16 provisions of [this act] must be modified, as provided in
17 section 104 of the Job Training Partnership Act (29 U.S.C.
18 1514), to comply with the provisions of [this act].

19 NEW SECTION. **Section 13. Effective date --**
20 **applicability.** [Sections 1 through 9, 11, and 12] and this
21 section are effective on passage and approval and apply to
22 the job training plan for the 2 program years beginning July
23 1, 1989.

-End-