

HOUSE BILL NO. 927

INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

IN THE HOUSE

FEBRUARY 18, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON HUMAN SERVICES & AGING.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 26, 1991 PRINTING REPORT.

 SECOND READING, DO PASS AS AMENDED.

 ENGROSSING REPORT.

 ON MOTION, TAKEN FROM ENGROSSING AND
 REREFERRED TO COMMITTEE
 ON APPROPRIATIONS.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 28, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

 ENGROSSING REPORT.

 ON MOTION, RULES SUSPENDED. BILL
 PLACED ON THIRD READING THIS DAY.

 THIRD READING, PASSED.
 AYES, 68; NOES, 31.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON FINANCE & CLAIMS.

 FIRST READING.

APRIL 10, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 11, 1991

SECOND READING, CONCURRED IN.

APRIL 12, 1991

THIRD READING, CONCURRED IN.
AYES, 37; NOES, 12.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 16, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *927*
 2 INTRODUCED BY *Harrington*
 3 *Earlier*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
 5 RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL
 6 SPECIALIST TO CONDUCT AN ASSESSMENT TO DETERMINE THE
 7 EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; TO
 8 REQUIRE AN ASSESSMENT OF A RECIPIENT'S ELIGIBILITY FOR
 9 ADDITIONAL BENEFITS DURING THE RECIPIENT'S FINAL MONTH OF
 10 PARTICIPATION IN THE GENERAL RELIEF PROGRAM IF THE RECIPIENT
 11 HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR
 12 ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215,
 13 MCA; AND PROVIDING AN EFFECTIVE DATE."

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

16 **Section 1.** Section 53-3-109, MCA, is amended to read:

17 "53-3-109. Definitions. For the purposes of this
 18 chapter, the following definitions apply:

- 19 (1) "Basic necessities" means food, shelter, utilities,
 20 and personal needs.
 21 (2) "Children" means minor and adult children who
 22 reside in the same household with their parents. The term
 23 includes both adoptive and natural children.
 24 (3) "Department" means the department of social and
 25 rehabilitation services provided for in Title 2, chapter 15,

1 part 22.

2 (4) "Employable" means the condition of a person who is
 3 not unemployable, as determined by a vocational specialist.

4 A person who is employable is transitionally needy and is
 5 not eligible for general relief for basic necessities except
 6 as provided in 53-3-215.

7 (5) "General relief" or "general relief assistance"
 8 means a program of public assistance for basic necessities
 9 and medical needs for those persons determined to be
 10 eligible for such assistance.

11 (6) "Household" means:

12 (a) a collective body of persons consisting of spouses
 13 or parents and their children who reside together in the
 14 same residence; or

15 (b) all other persons who by choice or necessity are
 16 mutually dependent upon each other for basic necessities and
 17 who reside in the same residence.

18 (7) "Income" means the value of all property of any
 19 nature, earned, unearned, or in-kind, including benefits,
 20 that is reasonably certain to be received or is actually
 21 received during the month by members of a household.

22 (8) "Lump-sum income" means a nonrecurring source of
 23 income received in a single payment by a household during
 24 any eligibility period, including but not limited to
 25 proceeds from a lawsuit, insurance settlement, inheritance,

1 lump-sum retirement, veterans' or unemployment benefits;
 2 benefits received under the federal Social Security Act;
 3 prizes; and tax refunds.

4 (9) "Presumptive income" means the amount of financial
 5 assistance that a person would have received under the aid
 6 to families with dependent children program, as provided for
 7 in Title 53, chapter 4, part 2, if the person had not been
 8 determined ineligible due to receipt of lump-sum income,
 9 overpayment, fraud, or failure or refusal to comply with
 10 requirements for continued participation in the program.

11 (10) "Resource" means all real and personal property
 12 retained after the calendar month of its receipt and which
 13 the household or a member of the household has a legal right
 14 to sell or liquidate.

15 (11) "Secure facility" means any facility in which a
 16 person may be lawfully held against his will by federal,
 17 state, or local authorities.

18 (12) "Serious barrier to employment" means a limitation
 19 in obtaining employment, as determined by a vocational
 20 specialist, that results from:

21 (a) a lack of work skills, experience, or training
 22 necessary to secure employment;

23 (b) the failure to attain a high school education or
 24 its equivalent; or

25 (c) illiteracy.

1 (13) "Serious medical condition" means a mental or
 2 physical condition, including pregnancy, that causes a
 3 serious health risk to a person and for which treatment is
 4 medically necessary. Diagnosis and determination of
 5 necessary treatment must be made by a licensed medical
 6 practitioner, and the department may confirm it through an
 7 expert medical review. Necessary treatment includes prenatal
 8 care and such other elective treatments as determined by
 9 department rule to be medically necessary.

10 (14) (a) "Unemployable" means the condition of a person
 11 who:

12 (i) is at least 55 years of age and has a limited
 13 ability to obtain or retain suitable employment because of
 14 advanced age, as determined by a vocational specialist;

15 (ii) has a serious physical, emotional, or mental
 16 handicap that is medically certified and that prevents him
 17 from being employed in any substantial, gainful employment,
 18 as determined by a vocational specialist; or

19 (iii) suffers from a permanent or temporary illness,
 20 injury, or incapacity that is medically certified and that
 21 prevents the person from working in any substantial, gainful
 22 employment, as determined by a vocational specialist.

23 (b) A person who is unemployable is chronically needy
 24 and must be provided general relief as provided in 53-3-215.

25 (15) "Vocational specialist" means a certified

1 employment counselor or other similar professional who is
 2 qualified to evaluate a recipient's ability to work in
 3 substantial, gainful employment."

4 **Section 2.** Section 53-3-215, MCA, is amended to read:

5 "53-3-215. **Eligibility classifications -- duration of**
 6 **assistance.** (1) For purposes of eligibility, a recipient of
 7 general relief must be classified as either employable or
 8 unemployable, as determined in accordance with [section 3].

9 (2) Unemployable persons may receive general relief for
 10 as long as they remain eligible.

11 (3) Except as provided in subsection (4), employable
 12 persons who are otherwise eligible may receive general
 13 relief for basic necessities for a period not to exceed 4
 14 months in any 12-month period.

15 (4) An employable person may receive nonmedical general
 16 relief for a maximum of 6 months in any 12-month period if
 17 such person:

18 (a) has a serious barrier to employment and is willing
 19 to participate in a program to overcome that employment
 20 barrier;

21 (b) suffers from drug or alcohol dependency and,
 22 subject to available funding, is undergoing active treatment
 23 in an approved program; or

24 (c) is the head of a household that includes minor
 25 dependent children and is enrolled in a job search,

1 training, and work program as required by 53-3-304.

2 (5) Assistance granted prior to January 1, 1990, may
 3 not be considered in determining eligibility."

4 NEW SECTION. **Section 3. Employability determination --**
 5 **assessment of additional eligibility.** (1) A vocational
 6 specialist shall conduct an assessment of each applicant for
 7 nonmedical general relief to determine whether the applicant
 8 should be classified as employable or unemployable. The
 9 assessment must include an evaluation of the applicant's
 10 education, training, experience, and ability to work in
 11 substantial, gainful employment.

12 (2) Based upon the assessment provided for in
 13 subsection (1), an applicant must be classified as either
 14 employable or unemployable.

15 (3) An applicant who is classified as employable shall
 16 participate in a job search, training, and workfare program,
 17 as provided in 53-3-304, unless otherwise exempt from
 18 participation.

19 (4) The department shall assess a recipient's
 20 eligibility for additional benefits during the recipient's
 21 final month of eligibility under 53-3-215 if the recipient:

22 (a) has a serious barrier to employment and is willing
 23 to participate in a program to overcome that employment
 24 barrier; or

25 (b) suffers from drug or alcohol dependency and is

LC 1543/01

1 undergoing active treatment in an approved program.

2 NEW SECTION. **Section 4.** Codification instruction.
3 [Section 3] is intended to be codified as an integral part
4 of Title 53, chapter 3, part 3, and the provisions of Title
5 53, chapter 3, part 3, apply to [section 3].

6 NEW SECTION. **Section 5.** Effective date. [This act] is
7 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0927, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise the laws relating to general relief; to require a vocational specialist to conduct an assessment to determine the employability of each applicant for general relief; to require an assessment of a recipient's eligibility for additional benefits during the recipient's final month of participation in the general relief program if the recipient has a serious barrier to employment or suffers from drug or alcohol dependency.

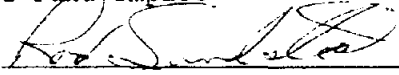
ASSUMPTIONS:

1. The GA caseload is estimated to be 834.12 in FY92 and FY93. The average cost per case is estimated at \$245.63 in FY92 and 257.94 in FY93 as approved by the human services appropriations subcommittee.
2. There are approximately 120 unduplicated cases in any year which are identified as "employable with serious barriers".
3. Approximately 25% of the cases labeled as "employable with serious barriers" will now be labeled as "unemployable" and will not exit the GA program.
4. In FY92, 30 cases @ \$245.63 per case for twelve months is \$88,427. In FY93, 60 cases @ \$257.94 per case for twelve months is \$185,717. Funding of general assistance benefits is 100% general fund.
5. Six of the Project Work Program (PWP) sites are not in Department of Labor sites. The cost of contracting the PWP program in these sites would increase by an average of \$27,000 per year, in each of the six sites, to ensure the availability of a staff member with the qualifications of a certified employment counsellor. Funding for this effort would be 50% general fund and 50% federal funds.
6. The GA computer system will need an enhancement to track this new group of people estimated at \$5,000 general fund in FY92.
7. Intensive treatment for these individuals who are employable with continuing serious barriers would cost \$375 per person. (FY92: \$375 x 30 = \$11,250) (FY93: \$375 x 60 = \$22,500). Funding of this treatment would be at 50% general fund and 50% federal funds.

FISCAL IMPACT:

Department of Social and Rehabilitation Services:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Cost	0	178,250	178,250	0	184,500	184,500
GA Benefits	<u>2,491,619</u>	<u>2,580,046</u>	<u>88,427</u>	<u>2,614,835</u>	<u>2,800,552</u>	<u>185,717</u>
Total	2,491,619	2,758,296	(266,677)	2,614,835	2,985,052	(370,217)
<u>Funding:</u>						
General Fund	2,491,619	2,671,671	180,052	2,614,835	2,892,802	277,967
Federal Fund	<u>0</u>	<u>86,625</u>	<u>86,625</u>	<u>0</u>	<u>92,250</u>	<u>92,250</u>
Total	2,491,619	2,758,296	266,677	2,614,835	2,985,052	370,217
General Fund Impact			(180,052)			(277,967)


 ROD SUNDSTED, BUDGET DIRECTOR DATE 2-27-91
 Office of Budget and Program Planning

DAN W. HARRINGTON, PRIMARY SPONSOR DATE
 Fiscal Note for HB0927, as introduced HB 927

SPONSOR'S FISCAL NOTE

Form BD-15S

There is hereby submitted a Sponsor's Fiscal Note for: HB 927, Version: third reading copy

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise the law relating to general relief; to require a vocational specialist to conduct an assessment to determine the employability of each applicant for general relief; to require an assessment of a recipient's eligibility for additional benefits during the recipient's final month of participation in the general relief program if the recipient has a serious barrier to employment or suffers from drug and alcohol dependency.

ASSUMPTIONS:

1. The estimated caseload is 834.12 for FY92 and FY93. The average caseload in FY90 was 1227. Of the 2973 persons found to be employable, 120 had serious employment barriers in 1990.
2. We do not anticipate a sizeable percentage being now classified as unemployable. It will work bidirectional--some formerly classified as unemployable will now be classified as employable. Furthermore, an extension of time to overcome barriers fewer will be unemployable.
3. Of the 120 cases (33 1/3%) will terminate before 6 mos., of the remaining 80 cases for 3 additional months x \$220 / mo is \$52800. The 2nd year 61 cases will be removed due to overcoming barriers, of the remaining 40 cases for 3 additional months x \$220 / mo is \$16620.
4. There will be a savings of an estimated \$77880 because through the program an estimated 59 cases will overcome barriers and not return.
5. Operating costs will be minimal. Recipients have already completed intake, classroom orientations and are now attending classroom or on the job training within other programs. Computer costs are estimated at \$200 (FY92) and \$100 (FY93)--new tract is not needed, rather a continuation of that which exists.
6. Intensive treatment for individuals with drug/alcohol problems would amount to \$375 x 30 = \$11250; however, since sites still have funding in their budgets for this, it can be reduced to \$6000 for FY92. Similarly, for FY93, \$375 x 9 = \$3375 and again due to existing funding, it can be reduced to \$3000.


FISCAL IMPACT

	FY92			FY93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
Operating Cost	0	6,200	6,200	0	3,300	3,300
GA Benefits	<u>2,202,075</u>	<u>2,254,875</u>	<u>52,800</u>	<u>2,129,096</u>	<u>2,162,096</u>	<u>33,000</u>
Total	2,202,075	2,261,075	(59,000)	2,129,096	2,165,396	(36,300)
Funding:						
General Fund	2,202,076	2,257,977	55,901	2,129,096	2,163,796	34,650
Federal Fund	<u>0</u>	<u>3,100</u>	<u>3,100</u>	<u>0</u>	<u>1,650</u>	<u>1,650</u>
Total	2,202,076	2,261,077	59,001	2,129,096	2,165,396	36,300

General Fund Impact

(55,901)

(34,650)



 PRIMARY SPONSOR DATE

Fiscal Note for: HB 927 Version: third reading copy

HB 927
Sponsor's

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 927

INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL SPECIALIST TO CONDUCT AN ASSESSMENT TO DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; TO REQUIRE AN ASSESSMENT OF A RECIPIENT'S ELIGIBILITY FOR ADDITIONAL BENEFITS DURING THE RECIPIENT'S FINAL MONTH OF PARTICIPATION IN THE GENERAL RELIEF PROGRAM IF THE RECIPIENT HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 53-3-109, MCA, is amended to read:

"53-3-109. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Basic necessities" means food, shelter, utilities, and personal needs.

(2) "Children" means minor and adult children who reside in the same household with their parents. The term includes both adoptive and natural children.

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

part 22.

(4) "Employable" means the condition of a person who is not unemployable, as determined by a vocational specialist.

A person who is employable is transitionally needy and is not eligible for general relief for basic necessities except as provided in 53-3-215.

(5) "General relief" or "general relief assistance" means a program of public assistance for basic necessities and medical needs for those persons determined to be eligible for such assistance.

(6) "Household" means:

(a) a collective body of persons consisting of spouses or parents and their children who reside together in the same residence; or

(b) all other persons who by choice or necessity are mutually dependent upon each other for basic necessities and who reside in the same residence.

(7) "Income" means the value of all property of any nature, earned, unearned, or in-kind, including benefits, that is reasonably certain to be received or is actually received during the month by members of a household.

(8) "Lump-sum income" means a nonrecurring source of income received in a single payment by a household during any eligibility period, including but not limited to proceeds from a lawsuit, insurance settlement, inheritance,

1 lump-sum retirement, veterans' or unemployment benefits;
 2 benefits received under the federal Social Security Act;
 3 prizes; and tax refunds.

4 (9) "Presumptive income" means the amount of financial
 5 assistance that a person would have received under the aid
 6 to families with dependent children program, as provided for
 7 in Title 53, chapter 4, part 2, if the person had not been
 8 determined ineligible due to receipt of lump-sum income,
 9 overpayment, fraud, or failure or refusal to comply with
 10 requirements for continued participation in the program.

11 (10) "Resource" means all real and personal property
 12 retained after the calendar month of its receipt and which
 13 the household or a member of the household has a legal right
 14 to sell or liquidate.

15 (11) "Secure facility" means any facility in which a
 16 person may be lawfully held against his will by federal,
 17 state, or local authorities.

18 (12) "Serious barrier to employment" means a limitation
 19 in obtaining employment, as determined by a vocational
 20 specialist, that results from:

21 (a) a lack of work skills, experience, or training
 22 necessary to secure employment;

23 (b) the failure to attain a high school education or
 24 its equivalent; or

25 (c) illiteracy.

1 (13) "Serious medical condition" means a mental or
 2 physical condition, including pregnancy, that causes a
 3 serious health risk to a person and for which treatment is
 4 medically necessary. Diagnosis and determination of
 5 necessary treatment must be made by a licensed medical
 6 practitioner, and the department may confirm it through an
 7 expert medical review. Necessary treatment includes prenatal
 8 care and such other elective treatments as determined by
 9 department rule to be medically necessary.

10 (14) (a) "Unemployable" means the condition of a person
 11 who:

12 (i) is at least 55 years of age and has a limited
 13 ability to obtain or retain suitable employment because of
 14 advanced age, as determined by a vocational specialist;

15 (ii) has a serious physical, emotional, or mental
 16 handicap that is medically certified and that prevents him
 17 from being employed in any substantial, gainful employment,
 18 as determined by a vocational specialist; or

19 (iii) suffers from a permanent or temporary illness,
 20 injury, or incapacity that is medically certified and that
 21 prevents the person from working in any substantial, gainful
 22 employment, as determined by a vocational specialist.

23 (b) A person who is unemployable is chronically needy
 24 and must be provided general relief as provided in 53-3-215.

25 (15) "Vocational specialist" means a--certified AN

1 employment counselor or other similar--professional--who--is
 2 EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a
 3 recipient's ability to work in substantial, gainful
 4 employment."

5 **Section 2.** Section 53-3-215, MCA, is amended to read:

6 *53-3-215. Eligibility classifications -- duration of
 7 assistance. (1) For purposes of eligibility, a recipient of
 8 general relief must be classified as either employable or
 9 unemployable, as determined in accordance with [section 3].

10 (2) Unemployable persons may receive general relief for
 11 as long as they remain eligible.

12 (3) Except as provided in subsection (4), employable
 13 persons who are otherwise eligible may receive general
 14 relief for basic necessities for a period not to exceed 4
 15 months in any 12-month period.

16 (4) An employable person may receive nonmedical general
 17 relief for a maximum of 6 months in any 12-month period if
 18 such person:

19 (a) has a serious barrier to employment and is willing
 20 to participate in a program to overcome that employment
 21 barrier;

22 (b) suffers from drug or alcohol dependency and,
 23 subject to available funding, is undergoing active treatment
 24 in an approved program; or

25 (c) is the head of a household that includes minor

1 dependent children and is enrolled in a job search,
 2 training, and work program as required by 53-3-304.

3 (5) Assistance granted prior to January 1, 1990, may
 4 not be considered in determining eligibility."

5 **NEW SECTION. Section 3.** **Employability determination --**
 6 **assessment of additional eligibility.** (1) A vocational
 7 specialist shall conduct an assessment of each applicant for
 8 nonmedical general relief to determine whether the applicant
 9 should be classified as employable or unemployable. The
 10 assessment must include an evaluation of the applicant's
 11 education, training, experience, and ability to work in
 12 substantial, gainful employment.

13 (2) Based upon the assessment provided for in
 14 subsection (1), an applicant must be classified as either
 15 employable or unemployable.

16 (3) An applicant who is classified as employable shall
 17 participate in a job search, training, and workfare program,
 18 as provided in 53-3-304, unless otherwise exempt from
 19 participation.

20 (4) The department OR A VOCATIONAL SPECIALIST
 21 AUTHORIZED BY THE DEPARTMENT shall assess a recipient's
 22 eligibility for additional benefits during the recipient's
 23 final month of eligibility under 53-3-215 if the recipient:

24 (a) has a serious barrier to employment and is willing
 25 to participate in a program to overcome that employment

1 barrier; or

2 (b) suffers from drug or alcohol dependency and is
3 undergoing active treatment in an approved program.

4 NEW SECTION. **Section 4.** Codification instruction.

5 [Section 3] is intended to be codified as an integral part
6 of Title 53, chapter 3, part 3, and the provisions of Title
7 53, chapter 3, part 3, apply to [section 3].

8 NEW SECTION. **Section 5.** Effective date. [This act] is
9 effective July 1, 1991.

-End-

HOUSE BILL NO. 927

INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL SPECIALIST TO CONDUCT AN--ASSESSMENT A REASSESSMENT TO DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; ~~TO---REQUIRE---AN---ASSESSMENT---OF---A---RECIPIENT'S~~ ~~ELIGIBILITY---FOR---ADDITIONAL---BENEFITS---DURING---THE---RECIPIENT'S~~ ~~FINAL---MONTH---OF---PARTICIPATION---IN---THE---GENERAL---RELIEF---PROGRAM~~ ~~IF---THE---RECIPIENT---HAS---A---SERIOUS---BARRIER---TO---EMPLOYMENT---OR~~ ~~SUFFERS---FROM---DRUG---OR---ALCOHOL---DEPENDENCY;~~ AMENDING SECTIONS 53-3-109 AND 53-3-215, MCA; AND PROVIDING AN EFFECTIVE DATE."

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- (3) "Department" means the department of social and

rehabilitation services provided for in Title 2, chapter 15, part 22.

(4) "Employable" means the condition of a person who is not unemployable, as determined by a vocational specialist. A person who is employable is transitionally needy and is not eligible for general relief for basic necessities except as provided in 53-3-215.

(5) "General relief" or "general relief assistance" means a program of public assistance for basic necessities and medical needs for those persons determined to be eligible for such assistance.

(6) "Household" means:

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(7) "Income" means the value of all property of any nature, earned, unearned, or in-kind, including benefits, that is reasonably certain to be received or is actually received during the month by members of a household.

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 17 handicap that is medically certified and that prevents him
 18 from being employed in any substantial, gainful employment,
 19 as determined by a vocational specialist; or

20 (iii) suffers from a permanent or temporary illness,
 21 injury, or incapacity that is medically certified and that
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1 (15) "Vocational specialist" means ~~a--certified AN~~
 2 ~~employment counselor or other similar--professional--who--is~~
 3 ~~EXPERIENCED PERSONNEL WHO ARE~~ qualified to evaluate a
 4 ~~recipient's ability to work in substantial, gainful~~
 5 ~~employment."~~

6 **Section 2.** Section 53-3-215, MCA, is amended to read:
 7 "53-3-215. Eligibility classifications -- duration of
 8 assistance. (1) For purposes of eligibility, a recipient of
 9 general relief must be classified as either employable or
 10 unemployable, as determined in accordance with [section 3].

11 (2) Unemployable persons may receive general relief for
 12 as long as they remain eligible.

13 (3) Except as provided in subsection (4), employable
 14 persons who are otherwise eligible may receive general
 15 relief for basic necessities for a period not to exceed 4
 16 months in any 12-month period.

17 (4) An employable person may receive nonmedical general
 18 relief for a maximum of 6 months in any 12-month period if
 19 such person:

20 (a) has a serious barrier to employment and is willing
 21 to participate in a program to overcome that employment
 22 barrier;

23 (b) suffers from drug or alcohol dependency and,
 24 subject to available funding, is undergoing active treatment
 25 in an approved program; or

1 (c) is the head of a household that includes minor
 2 dependent children and is enrolled in a job search,
 3 training, and work program as required by 53-3-304.

4 (5) Assistance granted prior to January 1, 1990, may
 5 not be considered in determining eligibility."

6 **NEW SECTION. Section 3.** ~~Employability determination --~~
 7 ~~assessment REASSESSMENT~~ of additional eligibility. ~~(1)~~ A
 8 vocational specialist shall conduct ~~an--assessment A~~
 9 ~~REASSESSMENT~~ of each applicant for nonmedical general relief
 10 to determine whether the applicant should be classified
 11 ~~RECLASSIFIED~~ as employable or unemployable ~~OR SHOULD REMAIN~~
 12 ~~CLASSIFIED AS HAVING SERIOUS BARRIERS TO EMPLOYMENT AND~~
 13 ~~BENEFITS EXTENDED ACCORDING TO 53-3-321(3).~~ The ~~assessment~~
 14 ~~REASSESSMENT~~ must include an evaluation of the applicant's
 15 education, training, experience, and ability to work in
 16 substantial, gainful employment.

17 ~~(2)--Based--upon--the--assessment--provided--for--in~~
 18 ~~subsection-(1), an applicant must be classified as either~~
 19 ~~employable or unemployable.~~

20 ~~(3)--An--applicant--who--is--classified--as--employable--shall~~
 21 ~~participate in a job search, training, and workfare program,~~
 22 ~~as--provided--in--53-3-304,--unless--otherwise--exempt--from~~
 23 ~~participation.~~

24 ~~(4)--The--department--OR--A--VOCATIONAL--SPECIALIST~~
 25 ~~AUTHORISED BY THE DEPARTMENT~~ shall assess a recipient's

1 ~~eligibility--for--additional-benefits-during-the-recipient's~~
2 ~~final-month-of-eligibility-under-53-3-215-if-the-recipient~~
3 ~~(a)--has-a-serious-barrier-to-employment-and-is--willing~~
4 ~~to--participate--in--a--program--to-overcome-that-employment~~
5 ~~barrier--or~~
6 ~~(b)--suffers-from-drug--or--alcohol--dependency--and--is~~
7 ~~undergoing-active-treatment-in-an-approved-program~~

8 NEW SECTION. **Section 4.** Codification instruction.
9 [Section 3] is intended to be codified as an integral part
10 of Title 53, chapter 3, part 3, and the provisions of Title
11 53, chapter 3, part 3, apply to [section 3].

12 NEW SECTION. **Section 5.** Effective date. [This act] is
13 effective July 1, 1991.

-End-

1 HOUSE BILL NO. 927

2 INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
5 RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL
6 SPECIALIST TO CONDUCT AN ASSESSMENT TO DETERMINE THE
7 EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; TO
8 REQUIRE AN ASSESSMENT OF A RECIPIENT'S ELIGIBILITY FOR
9 ADDITIONAL BENEFITS DURING THE RECIPIENT'S FINAL MONTH OF
10 PARTICIPATION IN THE GENERAL RELIEF PROGRAM IF THE RECIPIENT
11 HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR
12 ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215,
13 MCA; AND PROVIDING AN EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 **Section 1.** Section 53-3-109, MCA, is amended to read:17 "53-3-109. Definitions. For the purposes of this
18 chapter, the following definitions apply:19 (1) "Basic necessities" means food, shelter, utilities,
20 and personal needs.21 (2) "Children" means minor and adult children who
22 reside in the same household with their parents. The term
23 includes both adoptive and natural children.24 (3) "Department" means the department of social and
25 rehabilitation services provided for in Title 2, chapter 15,

1 part 22.

2 (4) "Employable" means the condition of a person who is
3 not unemployable, as determined by a vocational specialist.
4 A person who is employable is transitionally needy and is
5 not eligible for general relief for basic necessities except
6 as provided in 53-3-215.

7 (5) "General relief" or "general relief assistance"
8 means a program of public assistance for basic necessities
9 and medical needs for those persons determined to be
10 eligible for such assistance.

11 (6) "Household" means:

12 (a) a collective body of persons consisting of spouses
13 or parents and their children who reside together in the
14 same residence; or

15 (b) all other persons who by choice or necessity are
16 mutually dependent upon each other for basic necessities and
17 who reside in the same residence.

18 (7) "Income" means the value of all property of any
19 nature, earned, unearned, or in-kind, including benefits,
20 that is reasonably certain to be received or is actually
21 received during the month by members of a household.

22 (8) "Lump-sum income" means a nonrecurring source of
23 income received in a single payment by a household during
24 any eligibility period, including but not limited to
25 proceeds from a lawsuit, insurance settlement, inheritance,

1 lump-sum retirement, veterans' or unemployment benefits;
 2 benefits received under the federal Social Security Act;
 3 prizes; and tax refunds.

4 (9) "Presumptive income" means the amount of financial
 5 assistance that a person would have received under the aid
 6 to families with dependent children program, as provided for
 7 in Title 53, chapter 4, part 2, if the person had not been
 8 determined ineligible due to receipt of lump-sum income,
 9 overpayment, fraud, or failure or refusal to comply with
 10 requirements for continued participation in the program.

11 (10) "Resource" means all real and personal property
 12 retained after the calendar month of its receipt and which
 13 the household or a member of the household has a legal right
 14 to sell or liquidate.

15 (11) "Secure facility" means any facility in which a
 16 person may be lawfully held against his will by federal,
 17 state, or local authorities.

18 (12) "Serious barrier to employment" means a limitation
 19 in obtaining employment, as determined by a vocational
 20 specialist, that results from:

21 (a) a lack of work skills, experience, or training
 22 necessary to secure employment;

23 (b) the failure to attain a high school education or
 24 its equivalent; or

25 (c) illiteracy.

1 (13) "Serious medical condition" means a mental or
 2 physical condition, including pregnancy, that causes a
 3 serious health risk to a person and for which treatment is
 4 medically necessary. Diagnosis and determination of
 5 necessary treatment must be made by a licensed medical
 6 practitioner, and the department may confirm it through an
 7 expert medical review. Necessary treatment includes prenatal
 8 care and such other elective treatments as determined by
 9 department rule to be medically necessary.

10 (14) (a) "Unemployable" means the condition of a person
 11 who:

12 (i) is at least 55 years of age and has a limited
 13 ability to obtain or retain suitable employment because of
 14 advanced age, as determined by a vocational specialist;

15 (ii) has a serious physical, emotional, or mental
 16 handicap that is medically certified and that prevents him
 17 from being employed in any substantial, gainful employment,
 18 as determined by a vocational specialist; or

19 (iii) suffers from a permanent or temporary illness,
 20 injury, or incapacity that is medically certified and that
 21 prevents the person from working in any substantial, gainful
 22 employment, as determined by a vocational specialist.

23 (b) A person who is unemployable is chronically needy
 24 and must be provided general relief as provided in 53-3-215.

25 (15) "Vocational specialist" means a--certified AN

1 employment counselor or other ~~similar--professional--who--is~~
 2 EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a
 3 recipient's ability to work in substantial, gainful
 4 employment."

5 **Section 2.** Section 53-3-215, MCA, is amended to read:

6 "53-3-215. Eligibility classifications -- duration of
 7 assistance. (1) For purposes of eligibility, a recipient of
 8 general relief must be classified as either employable or
 9 unemployable, as determined in accordance with [section 3].

10 (2) Unemployable persons may receive general relief for
 11 as long as they remain eligible.

12 (3) Except as provided in subsection (4), employable
 13 persons who are otherwise eligible may receive general
 14 relief for basic necessities for a period not to exceed 4
 15 months in any 12-month period.

16 (4) An employable person may receive nonmedical general
 17 relief for a maximum of 6 months in any 12-month period if
 18 such person:

19 (a) has a serious barrier to employment and is willing
 20 to participate in a program to overcome that employment
 21 barrier;

22 (b) suffers from drug or alcohol dependency and,
 23 subject to available funding, is undergoing active treatment
 24 in an approved program; or

25 (c) is the head of a household that includes minor

1 dependent children and is enrolled in a job search,
 2 training, and work program as required by 53-3-304.

3 (5) Assistance granted prior to January 1, 1990, may
 4 not be considered in determining eligibility."

5 NEW SECTION. Section 3. Employability determination --
 6 assessment of additional eligibility. (1) A vocational
 7 specialist shall conduct an assessment of each applicant for
 8 nonmedical general relief to determine whether the applicant
 9 should be classified as employable or unemployable. The
 10 assessment must include an evaluation of the applicant's
 11 education, training, experience, and ability to work in
 12 substantial, gainful employment.

13 (2) Based upon the assessment provided for in
 14 subsection (1), an applicant must be classified as either
 15 employable or unemployable.

16 (3) An applicant who is classified as employable shall
 17 participate in a job search, training, and workfare program,
 18 as provided in 53-3-304, unless otherwise exempt from
 19 participation.

20 (4) The department OR A VOCATIONAL SPECIALIST
 21 AUTHORIZED BY THE DEPARTMENT shall assess a recipient's
 22 eligibility for additional benefits during the recipient's
 23 final month of eligibility under 53-3-215 if the recipient:

24 (a) has a serious barrier to employment and is willing
 25 to participate in a program to overcome that employment

1 barrier; or

2 (b) suffers from drug or alcohol dependency and is
3 undergoing active treatment in an approved program.

4 NEW SECTION. **Section 4. Codification instruction.**

5 [Section 3] is intended to be codified as an integral part
6 of Title 53, chapter 3, part 3, and the provisions of Title
7 53, chapter 3, part 3, apply to [section 3].

8 NEW SECTION. **Section 5. Effective date.** [This act] is
9 effective July 1, 1991.

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1 HOUSE BILL NO. 927

2 INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS
5 RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL
6 SPECIALIST TO CONDUCT AN--ASSESSMENT A REASSESSMENT TO
7 DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL
8 RELIEF; ~~TO--REQUIRE--AN--ASSESSMENT--OF--A--RECIPIENT'S~~
9 ~~ELIGIBILITY-FOR-ADDITIONAL-BENEFITS-DURING--THE--RECIPIENT'S~~
10 ~~FINAL--MONTH--OF-PARTICIPATION-IN-THE-GENERAL-RELIEF-PROGRAM~~
11 ~~IF-THE-RECIPIENT-HAS-A--SERIOUS--BARRIER--TO--EMPLOYMENT--OR~~
12 ~~SUFFERS--FROM--DRUG-OR-ALCOHOL-DEPENDENCY;~~ AMENDING SECTIONS
13 53-3-109 AND 53-3-215, MCA; AND PROVIDING AN EFFECTIVE
14 DATE."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:17 **Section 1.** Section 53-3-109, MCA, is amended to read:18 "53-3-109. Definitions. For the purposes of this
19 chapter, the following definitions apply:20 (1) "Basic necessities" means food, shelter, utilities,
21 and personal needs.22 (2) "Children" means minor and adult children who
23 reside in the same household with their parents. The term
24 includes both adoptive and natural children.

25 (3) "Department" means the department of social and

1 rehabilitation services provided for in Title 2, chapter 15,
2 part 22.3 (4) "Employable" means the condition of a person who is
4 not unemployable, as determined by a vocational specialist.
5 A person who is employable is transitionally needy and is
6 not eligible for general relief for basic necessities except
7 as provided in 53-3-215.8 (5) "General relief" or "general relief assistance"
9 means a program of public assistance for basic necessities
10 and medical needs for those persons determined to be
11 eligible for such assistance.

12 (6) "Household" means:

13 (a) a collective body of persons consisting of spouses
14 or parents and their children who reside together in the
15 same residence; or16 (b) all other persons who by choice or necessity are
17 mutually dependent upon each other for basic necessities and
18 who reside in the same residence.19 (7) "Income" means the value of all property of any
20 nature, earned, unearned, or in-kind, including benefits,
21 that is reasonably certain to be received or is actually
22 received during the month by members of a household.23 (8) "Lump-sum income" means a nonrecurring source of
24 income received in a single payment by a household during
25 any eligibility period, including but not limited to

1 proceeds from a lawsuit, insurance settlement, inheritance,
 2 lump-sum retirement, veterans' or unemployment benefits;
 3 benefits received under the federal Social Security Act;
 4 prizes; and tax refunds.

5 (9) "Presumptive income" means the amount of financial
 6 assistance that a person would have received under the aid
 7 to families with dependent children program, as provided for
 8 in Title 53, chapter 4, part 2, if the person had not been
 9 determined ineligible due to receipt of lump-sum income,
 10 overpayment, fraud, or failure or refusal to comply with
 11 requirements for continued participation in the program.

12 (10) "Resource" means all real and personal property
 13 retained after the calendar month of its receipt and which
 14 the household or a member of the household has a legal right
 15 to sell or liquidate.

16 (11) "Secure facility" means any facility in which a
 17 person may be lawfully held against his will by federal,
 18 state, or local authorities.

19 (12) "Serious barrier to employment" means a limitation
 20 in obtaining employment, as determined by a vocational
 21 specialist, that results from:

22 (a) a lack of work skills, experience, or training
 23 necessary to secure employment;

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 25 its equivalent; or

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2 (13) "Serious medical condition" means a mental or
 3 physical condition, including pregnancy, that causes a
 4 serious health risk to a person and for which treatment is
 5 medically necessary. Diagnosis and determination of
 6 necessary treatment must be made by a licensed medical
 7 practitioner, and the department may confirm it through an
 8 expert medical review. Necessary treatment includes prenatal
 9 care and such other elective treatments as determined by
 10 department rule to be medically necessary.

11 (14) (a) "Unemployable" means the condition of a person
 12 who:

13 (i) is at least 55 years of age and has a limited
 14 ability to obtain or retain suitable employment because of
 15 advanced age, as determined by a vocational specialist;

16 (ii) has a serious physical, emotional, or mental
 17 handicap that is medically certified and that prevents him
 18 from being employed in any substantial, gainful employment,
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 21 injury, or incapacity that is medically certified and that
 22 prevents the person from working in any substantial, gainful
 23 employment, as determined by a vocational specialist.

24 (b) A person who is unemployable is chronically needy
 25 and must be provided general relief as provided in 53-3-215.

1 (15) "Vocational specialist" means a--certified AN
 2 employment counselor or other similar--professional--who--is
 3 EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a
 4 recipient's ability to work in substantial, gainful
 5 employment."

6 **Section 2.** Section 53-3-215, MCA, is amended to read:

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 8 assistance. (1) For purposes of eligibility, a recipient of
 9 general relief must be classified as either employable or
 10 unemployable, as determined in accordance with [section 3].

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 14 persons who are otherwise eligible may receive general
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 2 dependent children and is enrolled in a job search,
 3 training, and work program as required by 53-3-304.

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 5 not be considered in determining eligibility."

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 7 assessment REASSESSMENT of additional eligibility. ~~{}~~ A
 8 vocational specialist shall conduct ~~an--assessment~~ A
 9 REASSESSMENT of each applicant for nonmedical general relief
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 11 RECLASSIFIED as employable or unemployable OR SHOULD REMAIN
 12 CLASSIFIED AS HAVING SERIOUS BARRIERS TO EMPLOYMENT AND
 13 BENEFITS EXTENDED. The assessment REASSESSMENT must include
 14 an evaluation of the applicant's education, training,
 15 experience, and ability to work in substantial, gainful
 16 employment.

17 ~~{2}--Based--upon--the--assessment--provided--for--in~~
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 23 ~~participation.~~

24 ~~{4}--The--department--OR--A--VOCATIONAB--SPECIALIST~~
 25 ~~AUTHORIZED-BY-THE--DEPARTMENT--shall--assess--a--recipient's~~

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1 ~~eligibility--for--additional-benefits-during-the-recipient's~~
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6 ~~(b)--suffers-from-drug--or--alcohol--dependency--and--is~~
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9 [Section 3] is intended to be codified as an integral part
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11 53, chapter 3, part 3, apply to [section 3].

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7 DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL
8 RELIEF; TO---REQUIRE---AN---ASSESSMENT---OF---A---RECIPIENT'S
9 ELIGIBILITY FOR ADDITIONAL BENEFITS DURING THE RECIPIENT'S
10 FINAL MONTH OF PARTICIPATION IN THE GENERAL RELIEF PROGRAM
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1 rehabilitation services provided for in Title 2, chapter 15,
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11 (14) (a) "Unemployable" means the condition of a person
 12 who:

13 (i) is at least 55 years of age and has a limited
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 25 and must be provided general relief as provided in 53-3-215.

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 14 REASSESSMENT must include an evaluation of the applicant's
 15 education, training, experience, and ability to work in
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 21 ~~participate--in--a--job--search,--training,--and--workfare--program,~~
 22 ~~as--provided--in--53-3-304,--unless--otherwise--exempt--from~~
 23 ~~participation.~~

24 ~~{4}--The--department--OR--A--VOCATIONAL--SPECIALIST~~
 25 ~~AUTHORIZED--BY--THE--DEPARTMENT--shall--assess--a--recipient's~~

1 ~~eligibility--for--additional--benefits--during--the--recipient's~~
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3 ~~(a)--has--a--serious--barrier--to--employment--and--is--willing~~
4 ~~to--participate--in--a--program--to--overcome--that--employment~~
5 ~~barrier;-or~~

6 ~~(b)--suffers--from--drug--or--alcohol--dependency--and--is~~
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9 [Section 3] is intended to be codified as an integral part
10 of Title 53, chapter 3, part 3, and the provisions of Title
11 53, chapter 3, part 3, apply to [section 3].

12 NEW SECTION. **Section 5.** Effective date. [This act] is
13 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 10, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 927 (third reading copy -- blue), respectfully report that House Bill No. 927 be amended and as so amended be concurred in:

1. Title, lines 12 and 13.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "53-3-109"

Strike: "AND 53-3-215"

2. Page 5, line 6 through page 6, line 5.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 6, line 7.

Following: "~~(1)~~"

Strike: "A"

Insert: "During the final month of eligibility, a"

4. Page 7, line 9.

Strike: "3"

Insert: "2"

5. Page 7, line 11.

Strike: "3"

Insert: "2"

Signed: _____

Judy H. Jacobson
Judy H. Jacobson, Chairman

LB 4/10/91
Amd. Codrd.

Sec. of Senate

SENATE
HB 927

HOUSE BILL NO. 927

INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL SPECIALIST TO CONDUCT AN--ASSESSMENT A REASSESSMENT TO DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; ~~TO--REQUIRE--AN--ASSESSMENT--OF--A--RECIPIENT'S~~ ~~ELIGIBILITY--FOR--ADDITIONAL--BENEFITS--DURING--THE--RECIPIENT'S~~ ~~FINAL--MONTH--OF--PARTICIPATION--IN--THE--GENERAL--RELIEF--PROGRAM~~ ~~IF--THE--RECIPIENT--HAS--A--SERIOUS--BARRIER--TO--EMPLOYMENT--OR~~ ~~SUFFERS--FROM--DRUG--OR--ALCOHOL--DEPENDENCY~~; AMENDING SECTIONS SECTION 53-3-109 ~~AND--53-3-215~~, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 53-3-109, MCA, is amended to read:

"53-3-109. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Basic necessities" means food, shelter, utilities, and personal needs.

(2) "Children" means minor and adult children who reside in the same household with their parents. The term includes both adoptive and natural children.

(3) "Department" means the department of social and

rehabilitation services provided for in Title 2, chapter 15, part 22.

(4) "Employable" means the condition of a person who is not unemployable, as determined by a vocational specialist. A person who is employable is transitionally needy and is not eligible for general relief for basic necessities except as provided in 53-3-215.

(5) "General relief" or "general relief assistance" means a program of public assistance for basic necessities and medical needs for those persons determined to be eligible for such assistance.

(6) "Household" means:

(a) a collective body of persons consisting of spouses or parents and their children who reside together in the same residence; or

(b) all other persons who by choice or necessity are mutually dependent upon each other for basic necessities and who reside in the same residence.

(7) "Income" means the value of all property of any nature, earned, unearned, or in-kind, including benefits, that is reasonably certain to be received or is actually received during the month by members of a household.

(8) "Lump-sum income" means a nonrecurring source of income received in a single payment by a household during any eligibility period, including but not limited to

1 proceeds from a lawsuit, insurance settlement, inheritance,
 2 lump-sum retirement, veterans' or unemployment benefits;
 3 benefits received under the federal Social Security Act;
 4 prizes; and tax refunds.

5 (9) "Presumptive income" means the amount of financial
 6 assistance that a person would have received under the aid
 7 to families with dependent children program, as provided for
 8 in Title 53, chapter 4, part 2, if the person had not been
 9 determined ineligible due to receipt of lump-sum income,
 10 overpayment, fraud, or failure or refusal to comply with
 11 requirements for continued participation in the program.

12 (10) "Resource" means all real and personal property
 13 retained after the calendar month of its receipt and which
 14 the household or a member of the household has a legal right
 15 to sell or liquidate.

16 (11) "Secure facility" means any facility in which a
 17 person may be lawfully held against his will by federal,
 18 state, or local authorities.

19 (12) "Serious barrier to employment" means a limitation
 20 in obtaining employment, as determined by a vocational
 21 specialist, that results from:

22 (a) a lack of work skills, experience, or training
 23 necessary to secure employment;

24 (b) the failure to attain a high school education or
 25 its equivalent; or

1 (c) illiteracy.

2 (13) "Serious medical condition" means a mental or
 3 physical condition, including pregnancy, that causes a
 4 serious health risk to a person and for which treatment is
 5 medically necessary. Diagnosis and determination of
 6 necessary treatment must be made by a licensed medical
 7 practitioner, and the department may confirm it through an
 8 expert medical review. Necessary treatment includes prenatal
 9 care and such other elective treatments as determined by
 10 department rule to be medically necessary.

11 (14) (a) "Unemployable" means the condition of a person
 12 who:

13 (i) is at least 55 years of age and has a limited
 14 ability to obtain or retain suitable employment because of
 15 advanced age, as determined by a vocational specialist;

16 (ii) has a serious physical, emotional, or mental
 17 handicap that is medically certified and that prevents him
 18 from being employed in any substantial, gainful employment,
 19 as determined by a vocational specialist; or

20 (iii) suffers from a permanent or temporary illness,
 21 injury, or incapacity that is medically certified and that
 22 prevents the person from working in any substantial, gainful
 23 employment, as determined by a vocational specialist.

24 (b) A person who is unemployable is chronically needy
 25 and must be provided general relief as provided in 53-3-215.

1 (15) "Vocational specialist" means ~~a certified~~ AN
 2 employment counselor or other ~~similar professional who is~~
 3 EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a
 4 recipient's ability to work in substantial, gainful
 5 employment."

6 Section 2, Section 53-3-215, MCA, is amended to read:
 7 "53-3-215. Eligibility classifications --- duration -- of
 8 assistance. (1) For purposes of eligibility, a recipient of
 9 general relief must be classified as either employable or
 10 unemployable, as determined in accordance with (section 3),

11 (2) Unemployable persons may receive general relief for
 12 as long as they remain eligible.

13 (3) Except as provided in subsection (4), employable
 14 persons who are otherwise eligible may receive general
 15 relief for basic necessities for a period not to exceed 4
 16 months in any 12-month period.

17 (4) An employable person may receive nonmedical general
 18 relief for a maximum of 6 months in any 12-month period if
 19 such person:

20 (a) has a serious barrier to employment and is willing
 21 to participate in a program to overcome that employment
 22 barrier;

23 (b) suffers from drug or alcohol dependency and
 24 subject to available funding, is undergoing active treatment
 25 in an approved program; or

1 (c) is the head of a household that includes minor
 2 dependent children and is enrolled in a job search,
 3 training, and work program as required by 53-3-304.

4 (5) Assistance granted prior to January 17, 1990, may
 5 not be considered in determining eligibility."

6 NEW SECTION. Section 2. Employability determination --
 7 assessment REASSESSMENT of additional eligibility. (1) A
 8 DURING THE FINAL MONTH OF ELIGIBILITY, A vocational
 9 specialist shall conduct an assessment A REASSESSMENT of
 10 each applicant for nonmedical general relief to determine
 11 whether the applicant should be classified RECLASSIFIED as
 12 employable or unemployable OR SHOULD REMAIN CLASSIFIED AS
 13 HAVING SERIOUS BARRIERS TO EMPLOYMENT AND BENEFITS EXTENDED
 14 ACCORDING TO 53-3-321(3). The assessment REASSESSMENT must
 15 include an evaluation of the applicant's education,
 16 training, experience, and ability to work in substantial,
 17 gainful employment.

18 (2) Based upon the assessment provided for in
 19 subsection (1), an applicant must be classified as either
 20 employable or unemployable.

21 (3) An applicant who is classified as employable shall
 22 participate in a job search, training, and workfare program,
 23 as provided in 53-3-304, unless otherwise exempt from
 24 participation.

25 (4) The department OR A VOCATIONAL SPECIALIST

1 ~~AUTHORIZED BY THE DEPARTMENT shall assess a recipient's~~
2 ~~eligibility for additional benefits during the recipient's~~
3 ~~final month of eligibility under 53-3-215 if the recipient:~~

4 ~~(a) has a serious barrier to employment and is willing~~
5 ~~to participate in a program to overcome that employment~~
6 ~~barrier; or~~

7 ~~(b) suffers from drug or alcohol dependency and is~~
8 ~~undergoing active treatment in an approved program.~~

9 NEW SECTION. Section 3. Codification instruction.
10 [Section 3 2] is intended to be codified as an integral part
11 of Title 53, chapter 3, part 3, and the provisions of Title
12 53, chapter 3, part 3, apply to [section 3 2].

13 NEW SECTION. Section 4. Effective date. [This act] is
14 effective July 1, 1991.

-End-