# HOUSE BILL NO. 927

# INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI

# IN THE HOUSE

FEBRUARY 18, 1991

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.

INTRODUCED AND REFERRED TO COMMITTEE

ON HUMAN SERVICES & AGING.

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.

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

MARCH 28, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

APRIL 10, 1991

APRIL 11, 1991SECOND READING, CONCURRED IN.APRIL 12, 1991THIRD READING, CONCURRED IN.<br/>AYES, 37; NOES, 12.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1991

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RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

THIRD READING, AMENDMENTS

APRIL 16, 1991

SENT TO ENROLLING.

CONCURRED IN.

REPORTED CORRECTLY ENROLLED.

#### 52nd Legislature

LC 1543/01

Huse BILL NO. 927 1 INTRODUCED BY Hannaton Ficalisan Aquines A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL 5 6 SPECIALIST TO CONDUCT AN ASSESSMENT TO DETERMINE THE 7 EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; TO REQUIRE AN ASSESSMENT OF A RECIPIENT'S ELIGIBILITY FOR я ADDITIONAL BENEFITS DURING THE RECIPIENT'S FINAL MONTH OF 9 PARTICIPATION IN THE GENERAL RELIEF PROGRAM IF THE RECIPIENT 10 HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR 11 ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215, 12 MCA; AND PROVIDING AN EFFECTIVE DATE." 13 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 53-3-109, MCA, is amended to read: 16 "53-3-109. Definitions. For the purposes of this 17 chapter, the following definitions apply: 18 (1) "Basic necessities" means food, shelter, utilities, 19 and personal needs. 20 (2) "Children" means minor and adult children who 21 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 and25 rehabilitation services provided for in Title 2, chapter 15,

N Iontana Legislative Council

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:

(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.

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.

(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,

INTRODUCED BILL HA 927

LC 1543/01

#### LC 1543/01

lump-sum retirement, veterans' or unemployment benefits;
 benefits received under the federal Social Security Act;
 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.

(11) "Secure facility" means any facility in which a
person may be lawfully held against his will by federal,
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:

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

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

25 (c) illiteracy.

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LC 1543/01

(13) "Serious medical condition" means a mental or 1 2 physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is 3 medically necessary. Diagnosis and determination of 4 necessary treatment must be made by a licensed medical 5 practitioner, and the department may confirm it through an 6 7 expert medical review. Necessary treatment includes prenatal care and such other elective treatments as determined by R 9 department rule to be medically necessary. 10 (14) (a) "Unemployable" means the condition of a person who: 11 12 (i) is at least 55 years of age and has a limited ability to obtain or retain suitable employment because of 13 advanced age, as determined by a vocational specialist; 14 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, as determined by a vocational specialist; or 18 (iii) suffers from a permanent or temporary illness, 19 injury, or incapacity that is medically certified and that 20 prevents the person from working in any substantial, gainful 21 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

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### LC 1543/01

1 employment counselor or other similar professional who is 2 gualified 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 for10 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:

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

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

(c) is the head of a household that includes minordependent 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, may3 not be considered in determining eligibility."

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

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

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

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

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

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1 undergoing active treatment in an approved program.

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

6 <u>NEW SECTION.</u> Section 5. Effective date. [This act] is

7 effective July 1, 1991.

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

(180,052)

General Fund Impact

ROD SUNDSTED, BUDGET DIRECTOR DATE Office of Budget and Program Planning

Fiscal Note for HB09? Las introduced

DATE B 927

(277, 967)

DAN W. HARRINGTON, PRIMARY SPONSOR

				S.	PONSOR	S	FISCAL	NOTE	
							BD-15S		1. 1.
There	is	hereby	submitted a	Sponsor's Fi	iscal Note fo	r: ]	18 927	_, Version:	third reading copy
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### 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. Futhermore, an extention 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  $375 \times 30 = 11250$ ; however, since sites still have funding in their budgets for this, it can be reduced to \$6000 for FY92. Similarly, for FY93,  $$375 \times 9 = $3750$  and again due to existing funding, it can be reduced to \$3000.

FISCAL IMPACT								
	·	FY92			FY93			
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference		
Operating Cost	0	6,200	6,200	0	3,300	3,300		
GA Benifits	2,202,075	2,254,875	52,800	2,129,096	2,162,096	33,000		
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	0	<u> </u>	<u>3,100</u>	Q	1,650	1,650		
Total	2,202,076	2,261,077	59,001	2,129,096	2,165,396	36,300		

General Fund Impact

(55,901)

(34,650)

HB 927 Sponsor's

3/23/9 DATE

Version: third reading copy Fiscal Note for: HR 921

#### 52nd Legislature

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HB 0927/02 APPROVED BY COMM. ON HUMAN SERVICES AND AGING

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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 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	1
11	HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR	1
12	ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215,	1
13	MCA; AND PROVIDING AN EFFECTIVE DATE."	1
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:	J
19	(1) "Basic necessities" means food, shelter, utilities,	1
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,	:



HB 0927/02

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. (5) "General relief" or "general relief assistance" 7 8 means a program of public assistance for basic necessities and medical needs for those persons determined to be 9 10 eligible for such assistance. (6) "Household" means: 11 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 mutually dependent upon each other for basic necessities and 16 who reside in the same residence. 17 (7) "Income" means the value of all property of any 18 19 nature, earned, unearned, or in-kind, including benefits, 20 that is reasonably certain to be received or is actually received during the month by members of a household. 21 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,

# -2- HB 927 SECOND READING

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lump-sum retirement, veterans' or unemployment benefits;
 benefits received under the federal Social Security Act;
 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.

(11) "Secure facility" means any facility in which a
person may be lawfully held against his will by federal,
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;

(b) the failure to attain a high school education orits equivalent; or

25 (c) illiteracy.

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HB 927

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

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

(b) A person who is unemployable is chronically needy
and must be provided general relief as provided in 53-3-215.
(15) "Vocational specialist" means a--certified AN

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HB 927

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: \*53-3-215. Eligibility classifications -- duration of 6 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 eliqible 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:

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to participate in a program to overcome that employment
barrier;

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

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

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HB 927

dependent children and is enrolled in a job search,
 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 -assessment of additional eligibility. (1) A vocational 6 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.

(2) Based upon the assessment provided for in
subsection (1), an applicant must be classified as either
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.

(4) The department <u>OR A VOCATIONAL SPECIALIST</u>
<u>AUTHORIZED BY THE DEPARTMENT</u> shall assess a recipient's eligibility for additional benefits during the recipient's final month of eligibility under 53-3-215 if the recipient:
(a) has a serious barrier to employment and is willing to participate in a program to overcome that employment

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HB 927

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barrier; or 1 2 (b) suffers from drug or alcohol dependency and is 3 undergoing active treatment in an approved program. NEW SECTION. Section 4. Codification 4 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 53, chapter 3, part 3, apply to [section 3]. 7 NEW SECTION. Section 5. Effective date. [This act] is 8 9 effective July 1, 1991.

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52nd Legislature

RE-REFERRED AND HB 0927/04 APPROVED BY COMMITTEE ON APPROPRIATIONS AS AMENDED

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 ANASSESSMENT A REASSESSMENT TO
7	DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL
8	RELIEF; TOREQUIREANASSESSMENTOPARECIPIENT'S
9	BLIGIBILITY- <b>FOR-ADDITIONAL-BENBFITS-BURINGTHERECIPIENT</b> 49
10	final <del>Mon</del> thof-participation-in-the-general-relief-program
11	if-the-recipient-has-aseriousbarriertoemploymentor
12	SUFFERSFROMDRUG-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:
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rehabilitation services provided for in Title 2, chapter 15,
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3 (4) "Employable" means the condition of a person who is
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5 A person who is employable is transitionally needy and is
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10 and medical needs for those persons determined to be
11 eligible for such assistance.

12 (6) "Household" means:

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20 nature, earned, unearned, or in-kind, including benefits,
21 that is reasonably certain to be received or is actually
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(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

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**HB 927** SECOND READING SECOND PRINTING

proceeds from a lawsuit, insurance settlement, inheritance,
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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.

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HB 927

HB 0927/04

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2 (13) "Serious medical condition" means a mental or 3 physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is 4 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 A 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

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

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

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 (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].

Unemployable persons may receive general relief for
 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;

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

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

NEW SECTION. Section 3. Employability determination ---6 7 assessment REASSESSMENT of additional eligibility. +++ A vocational specialist shall conduct an---assessment A 8 9 REASSESSMENT of each applicant for nonmedical general relief to determine whether the applicant should be classified 10 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 essessment 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 t3)--An--applicant-who-is-classified-as-employable-shall 21 participate-in-a-job-search7-training7-and-workfare-program7 22 as--provided--in--53-3-3047--unless--otherwise--exempt--from 23 participation-24 (4)--The---department---OR---A---VOCATIONAL---SPECIALIST 25 AUTHORISED-BY-THE--DEPARTMENT--shall--assess--a--recipient's

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1	eligibilityforadditional-benefits-during-the-recipient's
2	finsl-month-of-eligibility-under-53-3-215-if-the-recipient:
3	<pre>ta)has-a-serious-barrier-to-employment-and-iswilling</pre>
4	toparticipateinaprogramto-overcome-that-employment
5	barrier;-or
6	(b)suffers-from-drugoralcoholdependencyandis
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
1 2	offective July 1 1991

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#### HB 0927/02

#### HB 0927/02

1	HOUSE BILL NO. 927	1	part 22.
2	INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI	2	(4) "Employable" means the condition of a person who is
3		3	not unemployable, as determined by a vocational specialist.
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4	A person who is employable is transitionally needy and is
5	RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL	5	not eligible for general relief for basic necessities except
6	SPECIALIST TO CONDUCT AN ASSESSMENT TO DETERMINE THE	6	as provided in 53-3-215.
7	EMPLOYABILITY OF EACH APPLICANT FOR GENERAL RELIEF; TO	7	(5) "General relief" or "general relief assistance"
8	REQUIRE AN ASSESSMENT OF A RECIPIENT'S ELIGIBILITY FOR	8	means a program of public assistance for basic necessities
9	ADDITIONAL BENEFITS DURING THE RECIPIENT'S FINAL MONTH OF	9	and medical needs for those persons determined to be
10	PARTICIPATION IN THE GENERAL RELIEF PROGRAM IF THE RECIPIENT	10	eligible for such assistance.
11	HAS A SERIOUS BARRIER TO EMPLOYMENT OR SUFFERS FROM DRUG OR	11	(6) "Household" means:
12	ALCOHOL DEPENDENCY; AMENDING SECTIONS 53-3-109 AND 53-3-215,	12	(a) a collective body of persons consisting of spouses
13	MCA; AND PROVIDING AN EFFECTIVE DATE."	13	or parents and their children who reside together in the
14		14	same residence; or
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	(b) all other persons who by choice or necessity are
16	Section 1. Section 53-3-109, MCA, is amended to read:	16	mutually dependent upon each other for basic necessities and
17	<b>53-3-109. Definitions.</b> For the purposes of this	17	who reside in the same residence.
18	chapter, the following definitions apply:	18	(7) "Income" means the value of all property of any
19	(1) "Basic necessities" means food, shelter, utilities,	19	nature, earned, unearned, or in-kind, including benefits,
20	and personal needs.	20	that is reasonably certain to be received or is actually
21	(2) "Children" means minor and adult children who	21	received during the month by members of a household.
22	reside in the same household with their parents. The term	22	(8) "Lump-sum income" means a nonrecurring source of
23	includes both adoptive and natural children.	23	income received in a single payment by a household during
24	(3) "Department" means the department of social and	24	any eligibility period, including but not limited to
25	rehabilitation services provided for in Title 2, chapter 15,	25	proceeds from a lawsuit, insurance settlement, inheritance,
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lump-sum retirement, veterans' or unemployment benefits;
 benefits received under the federal Social Security Act;
 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.

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

(11) "Secure facility" means any facility in which a
person may be lawfully held against his will by federal,
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 or24 its equivalent; or

(c) illiteracy.

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(13) "Serious medical condition" means a mental or 1 2 physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is 3 medically necessary. Diagnosis and determination of Δ 5 necessary treatment must be made by a licensed medical Б practitioner, and the department may confirm it through an expert medical review. Necessary treatment includes prenatal 7 care and such other elective treatments as determined by 8 department rule to be medically necessary. 9 (14) (a) "Unemployable" means the condition of a person 10 who: 11 (i) is at least 55 years of age and has a limited 12 ability to obtain or retain suitable employment because of 13 advanced age, as determined by a vocational specialist; 14 15 (ii) has a serious physical, emotional, or mental handicap that is medically certified and that prevents him 16 from being employed in any substantial, gainful employment, 17

18 as determined by a vocational specialist; or

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

(b) A person who is unemployable is chronically needy
and must be provided general relief as provided in 53-3-215.
(15) "Vocational specialist" means <u>a--certified</u> AN

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recipient's ability to work in substantial, gainful 3 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 to participate in a program to overcome that employment 20 21 barrier; (b) suffers from drug or alcohol dependency and, 22 23 subject to available funding, is undergoing active treatment 24 in an approved program; or

employment counselor or other similar--professional--who--is

EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a

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

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

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

5 NEW SECTION. Section 3. Employability determination -assessment of additional eligibility. (1) A vocational 6 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 education, training, experience, and ability to work in 11 substantial, gainful employment. 12

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 <u>OR A VOCATIONAL SPECIALIST</u>
21 <u>AUTHORIZED BY THE DEPARTMENT</u> 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

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1 barrier; or

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

4NEW SECTION.Section 4.Codificationinstruction.5[Section 3] is intended to be codified as an integral part6of Title 53, chapter 3, part 3, and the provisions of Title753, 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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CORRECTED SECOND PRINTING

INCLUDES AMENDMENTS OF 2-25-91

rehabilitation services provided for in Title 2, chapter 15, HOUSE BILL NO. 927 1 1 2 INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI 2 part 22. (4) "Employable" means the condition of a person who is 3 3 not unemployable, as determined by a vocational specialist. 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS 4 A person who is employable is transitionally needy and is 5 RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL 5 not eligible for general relief for basic necessities except 6 SPECIALIST TO CONDUCT AN--ASSESSMENT A REASSESSMENT TO 6 DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL 7 as provided in 53-3-215. 7 (5) "General relief" or "general relief assistance" TO---REOUIRE---AN---ASSESSMENT--OF--A--REOIPIENT'S 8 RELIEF: 8 means a program of public assistance for basic necessities 9 ELIGIBILITY-POR-ADDITIONAL-BENEFITS-BURING--THE--RECIPIENT'S 9 and medical needs for those persons determined to be 10 PINAL--MONTH--OP-PARTICIPATION-IN-THE-GENERAL-RELIEF-PROGRAM 10 11 IF-THE-RECIPIENT-HAS-A--SERIOUS--BARRIER--TO--EMPLOYMENT--OR eligible for such assistance. 11 SUFFERS--PROM--BRUG-OR-ALCOHOL-DEPENDENCY; AMENDING SECTIONS 12 12 (6) "Household" means: (a) a collective body of persons consisting of spouses 13 53-3-109 AND 53-3-215, MCA; AND PROVIDING AN EFFECTIVE 13 or parents and their children who reside together in the 14 DATE." 14 15 same residence; or 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: (b) all other persons who by choice or necessity are 16 16 mutually dependent upon each other for basic necessities and 17 Section 1. Section 53-3-109, MCA, is amended to read: 17 who reside in the same residence. 18 "53-3-109. Definitions. For the purposes of this 18 19 (7) "Income" means the value of all property of any 19 chapter, the following definitions apply: nature, earned, unearned, or in-kind, including benefits. 20 20 (1) "Basic necessities" means food, shelter, utilities, that is reasonably certain to be received or is actually 21 21 and personal needs. received during the month by members of a household. 22 22 (2) "Children" means minor and adult children who (8) "Lump-sum income" means a nonrecurring source of 23 23 reside in the same household with their parents. The term income received in a single payment by a household during 24 24 includes both adoptive and natural children. any eligibility period, including but not limited to 25 25 (3) "Department" means the department of social and -2-Montaria Legislative Council

proceeds from a lawsuit, insurance settlement, inheritance,
 lump-sum retirement, veterans' or unemployment benefits;
 benefits received under the federal Social Security Act;
 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 or25 its equivalent; or

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1 (c) illiteracy.

(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 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.

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

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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."

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

(2) Unemployable persons may receive general relief for
 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:

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21 to participate in a program to overcome that employment
22 barrier;

(b) suffers from drug or alcohol dependency and,
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in an approved program; or

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

NEW SECTION. Section 3. Employability determination --6 7 assessment REASSESSMENT of additional eligibility. (1) A vocational specialist shall conduct an---assessment A 8 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 CLASSIFIED AS HAVING SERIOUS BARRIERS TO EMPLOYMENT AND 12 BENEFITS EXTENDED. The assessment REASSESSMENT must include 13 an evaluation of the applicant's education, training, 14 15 experience, and ability to work in substantial, gainful 16 employment.

17 +2}--Based---upon---the---assessment---provided--for--in subsection-(1);-an-applicant-must-be--classified--as--cither 18 employable-or-unemployable-19 20 (3)--An--applicant-who-is-classified-as-employable-shall 21 participate-in-a-job-search;-training;-and-workfare-program; 22 as--provided--in--53-3-3047--unless--otherwise--exempt--from 23 participation. t4)--The---department---OR---A---VOCATIONAL---SPECIALIST 24 25 AUTHORIBED-BY-THE--DEPARTMENT--shall--assess--a--recipient's

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l	eligibilityforadditional-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-iswilling
4	toparticipateinaprogramto-overcome-that-employment
5	barrier;-ot
6	{b}suffers-from-drugoralcoholdependencyandis
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.

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1	HOUSE BILL NO. 927	l rehabilitation services provided for in Title 2, chapter 15,
2	INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI	2 part 22.
3		<ul> <li>(4) "Employable" means the condition of a person who is</li> </ul>
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4 not unemployable, as determined by a vocational specialist.
5	RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL	5 A person who is employable is transitionally needy and is
6	SPECIALIST TO CONDUCT ANASSESSMENT A REASSESSMENT TO	6 not eligible for general relief for basic necessities except
7	DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL	7 as provided in 53-3-215.
8	Relief; ToRequireAnAssessmentofAReffignt's	8 (5) "General relief" or "general relief assistance"
9	efigibitit-por-additional-benefitg-duringtherecipient-s	9 means a program of public assistance for basic necessities
10	PinalMonthOP-participation-in-the-General-Relief-program	10 and medical needs for those persons determined to be
11	ip-The-Recipient-Has-aseriousbarriertoemploymentor	ll eligible for such assistance.
12	SUPPERSPROMDRUG-OR-ALCOHOL-DEPENDENCY; AMENDING SECTIONS	12 (6) "Household" means:
13	53-3-109 AND 53-3-215, MCA; AND PROVIDING AN EFFECTIVE	13 (a) a collective body of persons consisting of spouses
14	DATE."	14 or parents and their children who reside together in the
15		15 same residence; or
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16 (b) all other persons who by choice or necessity are
17	Section 1. Section 53-3-109, MCA, is amended to read:	17 mutually dependent upon each other for basic necessities and
18	<b>53-3-109. Definitions.</b> For the purposes of this	18 who reside in the same residence.
19	chapter, the following definitions apply:	19 (7) "Income" means the value of all property of any
20	(1) "Basic necessities" means food, shelter, utilities,	20 nature, earned, unearned, or in-kind, including benefits,
21	and personal meeds.	21 that is reasonably certain to be received or is actually
22	(2) "Children" means minor and adult children who	22 received during the month by members of a household.
23	reside in the same household with their parents. The term	23 (8) "Lump-sum income" means a nonrecurring source of
24	includes both adoptive and natural children.	24 income received in a single payment by a household during
25	(3) "Department" means the department of social and	25 any eligibility period, including but not limited to
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proceeds from a lawsuit, insurance settlement, inheritance,
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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.

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17 person may be lawfully held against his will by federal,
18 state, or local authorities.

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20 in obtaining employment, as determined by a vocational
21 specialist, that results from:

(a) a lack of work skills, experience, or training
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(b) the failure to attain a high school education orits equivalent; or

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(c) illiteracy. (13) "Serious medical condition" means a mental or physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is medically necessary. Diagnosis and determination of

necessary treatment must be made by a licensed medical
practitioner, and the department may confirm it through an
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care and such other elective treatments as determined by
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11 (14) (a) "Unemployable" means the condition of a person
12 who:

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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.

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

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1 (15) "Vocational specialist" means a--certified AN 2 employment counselor or other similar--professional--who--is EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a 3 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 persons who are otherwise eligible may receive general 14 15 relief for basic necessities for a period not to exceed 4 16 months in any 12-month period. (4) An employable person may receive nonmedical general 17 relief for a maximum of 6 months in any 12-month period if 18 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, subject to available funding, is undergoing active treatment 24 25 in an approved program; or

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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 <u>REASSESSMENT</u> of additional eligibility. (1) A
8	vocational specialist shall conduct anassessment A
9	REASSESSMENT of each applicant for nonmedical general relief
10	to determine whether the applicant should be <del>slassified</del>
11	RECLASSIFIED as employable or unemployable OR SHOULD REMAIN
1 <b>2</b>	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	<del>{2}Basedupontheassessmentprovided</del> forin
18	subsection-{1};-an-applicant-must-beclassifiedaseither
19	cmployable-or-unemployable.
20	(3)Anapplicant-who-is-classified-as-employable-shall
21	participate-in-a-job-searchy-trainingy-and-workfare-programy
22	asprovidedin53-3-3047unlessotherwiseexemptfrom
23	participation-
24	{4}Thedepartment <u>ORAVOCATIONABSPECIALIST</u>
25	<u>AUTHORISED-BY-THEDEPARTMENT</u> shallassessarecipient <sup>1</sup> s

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1	eligibilityforadditional-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-iswilling
4	toparticipateinaprogramto-overcome-that-employment
5	barrier;-or
6	{b}suffers-from-drugoralcoholdependencyandis
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-

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# 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: "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: "<del>(1)</del>"
Strike: "A"
Insert: "During the final month of eligiblity, a"

4. Page 7, line 9. Strike: "3" Insert: "2"

5. Page 7, line 11. Strike: "3" Insert: "2"

Signed: Judy H. Jacobson, Chairman

Sec. of Senate

# SENATE HB 927

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HB 0927/05

HB 0927/05

1	HOUSE BILL NO. 927	1 rehabilitation services provided for in Title 2, chapter 15,	,
2	INTRODUCED BY HARRINGTON, JACOBSON, SQUIRES, QUILICI	2 part 22.	
3		3 (4) "Employable" means the condition of a person who is	s
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS	4 not unemployable, as determined by a vocational specialist.	
5	RELATING TO GENERAL RELIEF; TO REQUIRE A VOCATIONAL	5 A person who is employable is transitionally needy and is	5
6	SPECIALIST TO CONDUCT AN-ASSESSMENT A REASSESSMENT TO	6 not eligible for general relief for basic necessities except	)t
7	DETERMINE THE EMPLOYABILITY OF EACH APPLICANT FOR GENERAL	7 as provided in 53-3-215.	
8	RELIEF; TOREQUIREANASSESSMENTOFARECIPIENT'S	8 (5) "General relief" or "general relief assistance"	<u>ب</u> ه
9	BLIGIBILITY-FOR-ADDITIONAL-BENEFITS-DURINGTHERECIPIENT'S	9 means a program of public assistance for basic necessities	:5
10	FINALMONTHOF-PARTICIPATION-IN-THE-GENERAL-RELIEF-PROGRAM	10 and medical needs for those persons determined to be	)e
11	+P-Phe-Recipien9-Has-ASeriousBarrierPoEmploymentOr	11 eligible for such assistance.	
12	SUPPERSFROMBRUG-OR-ALCOHOL-BEPENDENCY; AMENDING SECTIONS	12 (6) "Household" means:	
13	SECTION 53-3-109 AND53-3-215, MCA; AND PROVIDING AN	13 (a) a collective body of persons consisting of spouses	2S
14	EFFECTIVE DATE."	14 or parents and their children who reside together in the	ıe
15		15 same residence; or	
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16 (b) all other persons who by choice or necessity are	сe
17	Section 1. Section 53-3-109, MCA, is amended to read:	17 mutually dependent upon each other for basic necessities and	ad
18	<b>"53-3-109. Definitions.</b> For the purposes of this	18 who reside in the same residence.	
19	chapter, the following definitions apply:	19 (7) "Income" means the value of all property of any	ny
20	<ol> <li>"Basic necessities" means food, shelter, utilities,</li> </ol>	20 nature, earned, unearned, or in-kind, including benefits	s,
21	and personal needs.	21 that is reasonably certain to be received or is actually	ly
22	(2) "Children" means minor and adult children who	22 received during the month by members of a household.	
23	reside in the same household with their parents. The term	23 (8) "Lump-sum income" means a nonrecurring source o	of
24	includes both adoptive and natural children.	24 income received in a single payment by a household durin	ng
25	(3) "Department" means the department of social and	25 any eligibility period, including but not limited t	to
		-2- HB 92 REFERENCE BIL	

REFERENCE BILL AS AMENDED

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proceeds from a lawsuit, insurance settlement, inheritance,
 lump-sum retirement, veterans' or unemployment benefits;
 benefits received under the federal Social Security Act;
 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 training23 necessary to secure employment;

(b) the failure to attain a high school education orits equivalent; or

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1 (c) illiteracy.

,此后接近了此来的"最近"的"我们",我们有些意思的"你们是是一般是是你的"。"我们是你们是我们是我们的是你的是你的你们的"。""你们是你们的你们的?""你们是你们是你的你的你?""你们不是一个,你们不能不能。 "你们是不是你们你们在你们就是你们的你?""你们不是你是你的?你们你不能是你的?""你们不是你们是我们的是你的?""你们是你们不能们是你们的你们?""你们是你们的你们的你们

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2 (13) "Serious medical condition" means a mental or physical condition, including pregnancy, that causes a 3 serious health risk to a person and for which treatment is 4 5 medically necessary. Diagnosis and determination of necessary treatment must be made by a licensed medical б practitioner, and the department may confirm it through an 7 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 <u>that is medically certified and</u> that prevents him 18 from being employed in any substantial, gainful employment, 19 as determined by a vocational specialist; or

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

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

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1	(15) "Vocational specialist" means acertified AN
2	employment counselor or other similarprofessionalwhois
3	EXPERIENCED PERSONNEL WHO ARE qualified to evaluate a
4	recipient's ability to work in substantial, gainful
5	employment."
6	Section-2Section-53-3-215MCA7-is-amended-to-read:
7	#53-3-215Bligibility-classificationsdurationof
8	assistance(1)-Por-purposes-of-eligibility-a-recipient-of
9	general-relief-must-be-classified-aseitheremployableor
10	unemployable <u>7-as-determined-in-accordance-with-fsection-3</u>
11	<del>(2)Unemployable-persons-may-receive-general-relief-for</del>
12	as-long-as-they-remain-eligible-
13	<pre>t3)Exceptasprovidedin-subsection-t4;-employable</pre>
14	persons-whoareotherwiseeligiblemayreceivegeneral
15	reliefforbasicnecessities-for-a-period-not-to-exceed-4
16	months-in-any-12-month-period-
17	(4)An-employable-person-may-receive-nonmedical-general
ıġ	relief-for-a-maximum-of-6-months-in-any-12-monthperiodif
19	such-person:
20	ta)hasa-serious-barrier-to-employment-and-is-willing
21	to-participate-in-aprogramtoovercomethatemployment
22	barrier;
23	<pre>(b)suffersfromdrugoraicohoidependencyand-</pre>
24	subject-to-available-funding;-is-undergoing-active-treatment
25	in-an-approved-program;-or

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1 tcl--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--19907--may not-be-considered-in-determining-eligibility-" 5 6 NEW SECTION. Section 2. Employability determination --7 essessment REASSESSMENT of additional eligibility. (+) 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 elassified 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 employable-or-unemployable-20 21 (3)--An--applicant-who-is-classified-as-employable-shall 22 participate-in-a-job-search;-training;-and-workfare-program;

- 23
- as--provided--in--59-3-3047--unless--otherwise--exempt--from
- 24 participation:

25

t4)--The---department---OR---A---VOCATIONAL---SPECIALIST

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AUTHORIBED-BY-THE--DEPARTMENT--shall--assess--a--recipient's 1 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 barrier7-or 6 7 (b)--suffers-from-drug--or--alcohol--dependency--and--is 8 undergoing-active-treatment-in-an-approved-program-NEW SECTION. Section 3. Codification instruction. 9 [Section  $\exists$  2] is intended to be codified as an integral part 10 11 of Title 53, chapter 3, part 3, and the provisions of Title 12 53, chapter 3, part 3, apply to [section  $\exists$  2]. NEW SECTION. Section 4. Effective date. [This act] is 13

14 effective July 1, 1991.

-End-

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