

MINUTES OF THE MEETING  
APPROPRIATIONS COMMITTEE  
49TH LEGISLATURE SPECIAL SESSION III  
HOUSE OF REPRESENTATIVES

June 25, 1986

The meeting of the Appropriations Committee was called to order by Chairman Bardanoue on Wednesday, June 25, 1986 at 9:00 a.m. in Room 104 of the State Capitol.

ROLL CALL: All members were present. Judy Rippengale, LFA, was also present.

(Tape 18:A:000)

Chairman Bardanoue advised the committee that a subcommittee met last evening to consider questions on HB 36. The amendments are expected soon, and it was Chairman Bardanoue's desire to refer the bill out of committee today.

ACTION ON HB 4: Rep. Swift advised that the subcommittee had a full hearing on HB 4. He said there was very little discussion on the bill; however, it was unanimously decided at that hearing to table the bill.

Rep. Moore (33) moved to TABLE HB 4. The motion was seconded, the question called, and the motion to table CARRIED on a voice vote.

ACTION ON HB 5: Rep. Donaldson moved to TABLE HB 5. The motion was seconded by Rep. Moore and CARRIED on a voice vote.

ACTION ON HB 19: Rep. Moore moved to TABLE HB 19. The motion was seconded by Rep. Bradley. The question was called, and the motion CARRIED with Rep. Quilici and Hand voting no.

ACTION ON HB 20: (61) Rep. Moore moved that HB 20 be TABLED. The motion was seconded, the question called and the motion CARRIED with Reps. Menahan and Quilici voting no.

ACTION ON HB 29: Rep. Spaeth moved to TABLE HB 29. Rep. Moore seconded the motion, the question was called and the motion CARRIED on a voice vote.

ACTION ON HB 42: Rep. Moore moved that HB 42 be TABLED. The motion was seconded and discussed.

Rep. Lory opposed the motion by saying it is the only bargaining tool that we have. He pointed out that if state employees don't accept the pay freeze, HB 42 will die anyway.

Rep. Spaeth said that although he appreciates Rep. Lory's bill, one of the things when you go to a bargaining table, you don't take everything with you. He said that the union hasn't even bothered to come to the table, so why should we put anything on the table.

Chairman Bardanoue pointed out that one week of pay in the state of Montana will cost us \$7 million.

The question was called, and the motion to table CARRIED 14-5. (See roll call vote.)

ACTION ON HB 43: (155) Rep. Cobb, sponsor of HB 43, indicated to Rep. Bardanoue that he wanted the committee to hold HB 43 until the Senate acts on a similar bill.

Rep. Nathe moved that HB 43 be TABLED. The motion was seconded by Rep. Moore. Rep. Nathe pointed out that there is a big differential between this bill and the one that is in the Senate. He said that if we pay the cost of the early retirement right away, the figure is around \$3 million. Over a period of years, there will be no control. The question was called on the tabling motion, and it CARRIED on a voice vote.

ACTION ON HB 46: Rep. Winslow submitted proposed amendments to HB 46 (Exhibit A) and said this was the language that was worked out. Rep. Winslow moved to adopt the amendments. The motion was seconded by Rep. Moore.

Rep. Bardanoue said that if there needs to be a bill at all, this is what the parties have agreed to. The question was called, and the motion to adopt the amendments carried.

Rep. Winslow further moved that HB 46 DO PASS AS AMENDED. The motion was seconded by Rep. Moore, the question was called and the motion CARRIED 13-5. (See roll call vote.)

ACTION ON HB 36: Subcommittee amendments for committee consideration were submitted for review. (See Exhibit 1) Rep. Peck went over the amendments.

Rep. Winslow (425) thought that no one should be exempt from the certificate of need review. The legislature put the law on the books, and they should not exempt themselves from the process.

Rep. Moore said that a certificate of need had been filed and approved. The state would now transfer an approved certificate of need along with the facility.

Rep. Bardanouve said that the waiver would be only for a facility that was built and authorized by the legislature. That would preclude a private corporation from trying to be exempted from the review process.

RECESS: The meeting was recessed at 9:55 a.m.

(Tape 18:B:000)

RECONVENE: Chairman Bardanouve reconvened the meeting at 1:35 p.m. The committee continued reviewing and discussing the proposed amendments.

Rep. Rehberg expressed concern that there was no deadline as to when the review committee should reach a decision. He felt they should be working on a deadline and should be able to reach a decision in 60 days.

Rep. Nathe moved to insert an "up to 60 day time limit for the committee to act." Rep. Moore seconded the motion, and it CARRIED on a voice vote.

Rep. Winslow (115) said he thought that a representative of the city of Billings should be on the committee. He said this would not be a state project when this is done.

Rep. Miller disagreed. He felt that two representatives from Yellowstone County and a member from the local health care community would be sufficient.

After further discussion, Rep. Winslow moved to have a representative from Billings on the committee. The motion was seconded, and the question called. The motion FAILED on a voice vote. Rep. Winslow, Lory, Nathe, Rehberg and Moore voted in favor of the motion.

Rep. Hand moved to insert "in consultation with the Republican leadership of the House". The motion was seconded by Rep. Moore and CARRIED on a voice vote with Rep. Fritz voting no. (This amendment was made on page 3, subsection 3 of the bill.)

Rep. Nathe moved to amend page 2, following line 19 to include in subsection 3 (v) that a representative of the mental health care profession of Yellowstone County be appointed by the governor. The motion was seconded, the

question called and the motion CARRIED with Reps. Fritz and Moore voting no.

Rep. Moore moved that item (c) "The review committee may not show any partiality or favoritism in making its decision" be removed from the proposed amendments (Exhibit 1). The motion was seconded by Rep. Bradley.

Rep. Rehberg spoke against the motion to take out (c). This is language that was in the contract area of state government and it could apply in this particular case. (290)

Rep. Menahan said this implies that we are being partial, which we aren't and he objects to the language being included.

Rep. Winslow thinks that at least this is an attempt not to be partial because at this point, there has been partiality. There have been articles in the paper that indicate who they intend to sell to.

The question was called on the motion to delete item (c), page 2 from the proposed amendments. The motion FAILED due to a tie vote. (See roll call vote.) (340)

Rep. Spaeth said that since there was a point of controversy at this morning's meeting regarding item 6 on page 2 of the proposed amendments, there should be a motion one way or the other before the committee moves on. Rep. Hand moved to include this particular amendment. The motion was seconded by Rep. Winslow. It was Rep. Bradley's desire to add the following language as a part of Rep. Hand's motion to amend: "and the need to expedite transfer of the facility due to present deterioration of staff morale and quality of care provided". Rep. Moore seconded the motion to add this language. (This is an amendment to the amendment.) (400) She said this takes care of the second half of the certificate of need. The question was called, and the motion to amend by including item 6, page 2 CARRIED on a voice vote.

Rep. Spaeth continued to explain the amendments.

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(Tape 19:A:000)

Rep. Moore moved to amend the proposed amendments, page 4, (9), line 3 by striking the word "retraining" and inserting in lieu thereof the word "training". The motion was seconded and CARRIED on a voice vote.

Rep. Spaeth moved that the subcommittee amendments for HB 36 that were amended at this meeting be adopted. The motion was seconded by Rep. Moore. The question was called, and the motion to adopt the amendments (Exhibit 1) CARRIED with Reps. Winslow and Fritz voting no.

Rep. Moore further moved that HB 36 DO PASS AS AMENDED. The motion was seconded by Rep. Swift. Before the vote was taken, Rep. Winslow commented that the committee needs to know that very soon, in fact immediately, we have to start looking at the entire continuum of care of these kids. We don't have it in Montana. The question was called, and the motion CARRIED unanimously. (See roll call vote.)

CONSIDERATION OF HB 28: AN ACT REVISING THE GENERAL RELIEF PROGRAM TO ELIMINATE REFERENCES TO WHETHER A POTENTIAL RECIPIENT IS ABLE-BODIED OR WITHIN A CERTAIN AGE CATEGORY; REPLACING SUCH CRITERIA WITH A DETERMINATION OF WHETHER THE PERSON IS UNEMPLOYABLE, EMPLOYABLE, OR VOLUNTARILY DESTITUTE; PROVIDING DEFINITIONS OF UNEMPLOYABLE AND EMPLOYABLE, RESTRICTING BENEFITS FOR THE EMPLOYABLE AND REQUIRING PARTICIPATION IN JOB TRAINING.

Rep. Dorothy Bradley, House District 79, sponsor of HB 28 (096) submitted a "grey" bill as it was amended in a joint committee of Human Services and a subcommittee on Appropriations. She advised the chairman that a public hearing was held at that time. (See Exhibit 2) She said the amendments don't change anything as far as philosophy and substance; they are simply for clarification purposes.

Rep. Bradley (128) said this bill is an effort to change the system with regard to criteria that determine whether a person gets assistance or not. Through this bill, Rep. Bradley is trying to refine the classification as to who gets state assistance and who does not. She wants to make it as tight as possible in order to stand up to a court challenge. Instead of making a classification based on "able-bodied" and according to different age classification, the bill's philosophy is to make a classification of "employable" vs. "unemployable." If the person is classified as "unemployable", the state would have an obligation to take care of that person indefinitely. But if the person is employable and presently out of a job, the state has only a temporary obligation of six months.

Rep. Bradley directed the committee's attention to the "grey" bill and further expounded on the changes made. Rep. Bradley pointed out that on page 12 of the "grey" bill, line 8, "NOVEMBER" should be deleted and "JULY" should be inserted. She said you don't start counting the six months until July 1st.

Rep. Bardanouve (320) asked what the fiscal impact of this bill is compared with the governor's proposal, i.e., HB 33. Rep. Moore answered by saying it is a \$913,119 difference. Rep. Bradley said there would be no significant difference this year, however, because the act would become effective after July 1st. Therefore, a person who is removed, having completed their six months' of support, would be removed on January 1st. The governor's bill is not effective until November 1st -- it only covers two months.

In response to a question by Rep. Nathe, Dave Lewis, director of the Department of SRS, said that they have approximately 400 families presently on general assistance. Rep. Nathe was concerned with some of the stipulations provided in section (3) of page 2 of this bill. He was wondering if the AFDC caseload would increase since perhaps some women who don't wish to work would be given an incentive to have more children. Rep. Bradley said she really didn't know.

In reply to a question by Rep. Swift, Rep. Bradley said the bill's definition of "voluntary poor" are those people who won't seek employment and won't take the appropriate training. She feels these people need to be categorized. (415) Rep. Bradley said that strong language is needed to make known a "compelling state interest." The language provided on page 3, (c) is there in order to justify terminating these people on assistance.

Rep. Moore (590) returned to the infirm or disabled portion. He said there are those people who are initially determined to be disabled, and they will remain that way. There are others who may be determined to be infirm or disabled temporarily. He wanted to know if the eligibility technicians on a sporadic basis check on these people. Mr. Lewis answered by saying that under the law, we presume these people are "able-bodied." If someone claims not to be "able-bodied" then we pay for a medical examination to make that determination.

In response to a question, Mr. Lewis said they estimate that Rep. Bradley's bill (HB 28) will save the state \$463,000. This is based on the assumption that there would be no difference between "employability" and "able-bodied." Rep. Hand's bill (HB 33) will save the state \$1.3 million making a difference of approximately \$900,000 between the two bills.

There were no further questions, and Rep. Bradley closed on her bill. (19:B:25) She said that the risk the legislature takes with Rep. Hand's bill, as opposed to hers, in trying to save \$1.3 million is that we may end up right where we are now. She doesn't feel it would stand a constitutional test.

Rep. Moore wanted to make some technical amendments to the bill. He moved to amend the grey bill, page 12, line 8 by striking "NOVEMBER" and inserting "JULY". He further moved to amend page 6, lines 11 and 12 by striking, "including pregnancy" and on line 15 by striking "prenatal care and". Rep. Bradley objected to the later amendment because it goes beyond the scope of the title in that it is amending something that is supposedly in the statutes. Rep. Bardanouve commented that it is present law. On that basis, Rep. Moore withdrew his motion to amend.

(19:B:118) Mr. Lewis stated that the fee schedules in HB 28 needed to be amended to incorporate the schedule in HB 33. Rep. Lory moved to amend HB 28 so that the two fee schedules are compatible one with another. The motion was seconded by Rep. Moore, the question called, and the motion CARRIED unanimously.

CONSIDERATION OF HB 33: Rep. Bill Hand, House District 73 and sponsor of HB 33 read the title of the bill: "AN ACT REVISING LAWS RELATING TO PUBLIC ASSISTANCE: LIMITING THE DURATION OF ASSISTANCE PROVIDED TO ABLE-BODIED PERSONS: LIMITING THE AMOUNT OF MONTHLY GENERAL ASSISTANCE; REVISING INCOME ELIGIBILITY STANDARDS FOR GENERAL RELIEF MEDICAL ASSISTANCE."

PROPOSERS: Dave Lewis, director of the Dept. of SRS, (152) pointed out the differences between HB 28 and HB 33. He said that HB 28 makes a different class as far as determining who is eligible to receive general assistance. HB 33 contains the existing statute which was passed during the 1985 legislative session. Mr. Lewis' concern with HB 28 is in trying to determine whether people have voluntarily chosen to be poor. He is concerned with the issue of employability and the definition of employability as to whether or not the people are able to find those kinds of jobs. Again, that is going to broaden the category of people who are determined to be unemployable, and he feels it would increase the number of people who would be eligible for general assistance. HB 28 broadens the view of who would be eligible for unlimited general assistance. He further feels that sticking the 60 day limitation in HB 33 will probably be challenged by the court, but by removing the age restrictions, there is a fairly good chance it will be sustained. In passing HB 28, the legislature may have to put approximately \$900,000 back into the budget; but by passing HB 33, a change to the budget bill would not be required.

ACTION ON HB 33: Rep. Hand moved that HB 33 DO PASS. The motion was seconded. Rep. Winslow (305) said that although HB 33 would be better budget wise, he thinks an injunction against us will be issued either way. He feels that Rep. Bradley's tight language on page 3 of the bill is the best approach.

Rep. Moore asked if HB 28 were to pass, would it in any way interfere with HB 12's schedule. Russ Cater, chief legal counsel for the Department of SRS, said they would face administrative problems in trying to figure out the difference between those people who are "able-bodied" and those people who are "employable."

(B:387) It was Rep. Thoft's opinion that by amending HB 28 to a two month period, it would stand the test better than HB 33. He questioned if that would be acceptable with Mr. Lewis. Mr. Lewis said he has concerns about the issue of administering that act because of the need to determine who is employable. He thinks there would be more people determined to be "unemployable" than would probably be determined to be not "able-bodied."

Rep. Bradley said her bill will take care of someone who is "unemployable." She feels that the word, "able-bodied" is a vague definition and doesn't accomplish what is trying to be done.

Rep. Thoft asked Mr. Lewis if he would be required to go back and change the rules of implementation of HB 12 if HB 28 were to pass. Mr. Lewis said that would have to be done because they would be dealing with three different classes of people -- the "voluntarily needy;" the "employable" and the "unemployable." Whereas, now they have only two classes of people -- the "able-bodied" and the "employable."

Rep. Moore asked if the committee were to amend HB 28 to October 1 and reduce the six month period to three months, is it possible to change the rules and regulations in that three month period from July until the 1st of October to use the new criteria. Mr. Lewis said they may experience some problems defining some of those areas, but it is certainly enough time.

The question was called on Rep. Hand's DO PASS motion, and it CARRIED 12-7. (See roll call vote.)

(625) Again, Rep. Bradley said she doesn't feel the constitutional amendment will pass, and we will be right back where we started.



Appropriations Committee  
June 25, 1986  
Page 9

ADJOURN: There being no further business, the meeting adjourned at 4:03 p.m.

  
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REP. FRANCIS BARDANOUVE, Chairman

# DAILY ROLL CALL

## APPROPRIATIONS

## COMMITTEE

49th Legislature Special Session III

Date June 25, 1986

NAME	PRESENT	ABSENT	EXCUSED
BARDANOUE, Francis (Chairman)	✓		
DONALDSON, Gene (Vice Chairman)	✓		
BRADLEY, Dorothy	✓		
CONNELLY, Mary Ellen	✓		
ERNST, Gene	✓		
FRITZ, Harry	✓		
HAND, Bill	✓		
LORY, Earl	✓		
MANUEL, Rex	✓		
MENAHAN, William	✓		
MILLER, Ron	✓		
MOORE, Jack	✓		
NATHE, Dennis	✓		
PECK, Ray	✓		
QUILICI, Joe	✓		
REHBERG, Dennis	✓		
SPAETH, Gary	✓		
SWIFT, Bernie	✓		
THOFT, Bob	✓		
WINSLOW, Cal	✓		

# STANDING COMMITTEE REPORT

June 25

19 36

Mr. Speaker: We, the committee on Appropriations

report House Bill 36

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☒ as amended  
☐ statement of intent attached

Page 1 of 4

BARDANOUVE

Chairman

## ALLOW SALE OF MONTANA YOUTH TREATMENT CENTER TO PRIVATE HEALTH CARE PROVIDER

### BE AMENDED AS FOLLOWS:

1. Page 1, line 20.

Strike: "."

Insert: "; and"

2. Page 1.

Strike: lines 21 through 24 in their entirety

Insert: "WHEREAS, there are many nationally known groups that have shown interest in the purchase of the Montana Youth Treatment Center and all such groups should have a chance to submit a proposal to purchase.

THEREFORE, when an appropriate buyer can be found to offer quality care for Montana youth, the State of Montana will discontinue the state operation of the Montana Youth Treatment Center and hereby authorizes the Board of Land Commissioners to sell the facility as provided in this act."

3. Page 2, lines 8 through 11.

Following: "center. (1)" on line 8

Strike: the remainder of subsection (1) in its entirety

Insert: "The board of land commissioners is authorized to sell the Montana youth treatment center to a private health care provider who has documented experience in providing specialized adolescent psychiatric treatment that includes an educational component. The sale is made pursuant to 77-2-302, except that the 60-day public notice requirement of that section is waived."

4. Page 2, lines 12 through 15.

Strike: "For" on line 12 through "providers." on line 15

Insert: "The department of institutions shall advertise the proposed sale in at least one nationally distributed trade publication and shall notify in writing those health care providers that could potentially meet the conditions of the proposed sale. Interested parties

June 25, 1986

..... 19 .....

must be allowed 60 days to submit proposals for purchase from the date the advertisement is published."

5. Page 2.

Following: line 19

Strike: subsection (3) in its entirety

Insert: "(3) To protect and indemnify the state against failure or refusal of a prospective purchaser to consummate the sale, each proposal must be accompanied by security in the amount of 2% of the appraised value contained in subsection (2). The security shall consist of cash, cashier's check, certified check, bank money order, or bank draft, in any case drawn on a bank located in the state of Montana, or a bond or bonds executed by a surety authorized to do business in the state of Montana. If a prospective purchaser fails or refuses to consummate the sale, the security is forfeited to the state and must be deposited in the general fund. The security must be returned to a prospective purchaser whose proposal is not accepted by the state.

(4) (a) A committee shall review the proposals for purchase and recommend a purchaser to the board of land commissioners after meeting and discussing the factors set forth in subsection (4) (b). The review committee must make such a recommendation within 60 days after close of advertising set forth in [section 2]. The committee is comprised of:

(i) the director of the department of institutions, who shall chair the committee;

(ii) the directors of the departments of health and environmental sciences and social and rehabilitation services;

(iii) two members of the senate, one from each party, to be appointed by the committee on committees, one of whom must represent a district in Yellowstone County and the other from a district representing a different county;

(iv) two members of the house of representatives, one from each party, appointed by the speaker in consultation with the republican leader of the house, one of whom must represent a district in Yellowstone County and the other from a district representing different county;

(v) a representative of the mental health care community from Yellowstone County, appointed by the governor; and

(vi) a representative, appointed by the governor, from an organization representing mental health centers.

(b) The review committee shall consider:

(i) various proposals for purchase;

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(ii) conditions of the sale of the Montana youth treatment center, including the quality of care to be provided, continued state responsibilities, treatment costs, accreditation standards, contractual relationships with the state and other governmental entities and the terms of those contracts, and other matters pertaining to the administration of the Montana youth treatment center; and

(iii) other matters relating to the sale and subsequent services and costs of a privately operated facility.

(c) The review committee may not show any partiality or favoritism in making its decision."

Renumber: subsequent subsections

6. Page 3, line 8.

Following: "part 3."

Insert: "The review provided for in [section 2] and the need to expedite transfer of the facility to prevent deterioration of staff morale and quality of care provided, justifies the exemption of the sale and transfer of the Montana youth treatment center from the certificate of need review provision of Title 59, chapter 5, part 3."

7. Page 3, line 24 through line 1 of page 4.

Strike: "If" on line 24 of page 3 through "license." on line 1 of page 4.

Insert: "The buyer or any subsequent transferee shall keep reasonable documentation of compliance with this condition. Failure to comply with the provisions of this section may result in the loss of hospital licensure."

8. Page 4, line 2.

Strike: "hospital"

9. Page 4, line 3.

Following: "license"

Insert: "as a psychiatric hospital"

10. Page 4, line 4.

Following: "facility"

Insert: "as defined in 53-21-102(6)"

11. Page 4, lines 12 and 13.

Strike: "The" on line 12 through "conditions." on line 13

Insert: "The board of land commissioners may make an exception to these conditions in any subsequent sale or transfer."

12. Page 4, line 17.

Following: "sale."

Insert: "The buyer and the state shall each commission an appraisal by a qualified appraiser at the time of sale. The appraised value is the average of the two appraisals."

13. Page 5, line 4.

Following: "patients"

Insert: "and shall receive no per diem reimbursement from the department of institutions for services provided to youth ordered to the facility by the courts. Such services become the financial responsibility of the buyer who may bill medicaid or private insurers when appropriate"

14. Page 5.

Following: line 7.

Insert: "(8) The buyer shall accept applications of all Montana youth treatment center employees who desire to continue employment with the purchaser. Among the substantially qualified applicants, present employees of the Montana youth treatment center must be given preference in hiring by the purchaser.

(9) Montana youth treatment center employees who wish to remain state employees shall be provided relocation assistance of up to \$1000 and any training necessary to qualify for similar vacant positions within the department of institutions."

15. Page 17, line 17.

Strike: "filed by"

Insert: "delivered to"

16. Page 17, lines 18 and 19.

Strike: "with" on line 17 through "recorder" on line 18.

# ROLL CALL VOTE

APPROPRIATIONS

COMMITTEE

DATE June 25, 1986

BILL NO. HB 36

NUMBER           

NAME	AYE	NAY
BARDANOUE, Francis (Chairman)		✓
DONALDSON, Gene (Vice Chairman)		
BRADLEY, Dorothy	✓	
CONNELLY, Mary Ellen	✓	
ERNST, Gene	✓	
FRITZ, Harry	✓	
HAND, Bill	✓	
LORY, Earl		✓
MANUEL, Rex		✓
MENAHAN, William	✓	
MILLER, Ron		✓
MOORE, Jack	✓	
NATHE, Dennis		✓
PECK, Ray		
QUILICI, Joe	✓	
REHBERG, Dennis		✓
SPAETH, Gary		✓
SWIFT, Bernie		✓
THOFT, Bob	✓	
WINSLOW, Cal		✓

TALLY

9

9

Caroline Dykeman  
Secretary

Rep. Francis Bardanoue  
Chairman

MOTION: Rep. Moore moved that item (c), page 2 of the proposed  
amendments be deleted. The motion was seconded by Rep.  
Bradley and FAILED due to a tie vote.

# ROLL CALL VOTE

APPROPRIATIONS

COMMITTEE

DATE June 25

BILL NO. 36

NUMBER           

NAME	AYE	NAY
BARDANOUVE, Francis (Chairman)	✓	
DONALDSON, Gene (Vice Chairman)	✓	
BRADLEY, Dorothy	✓	
CONNELLY, Mary Ellen	✓	
ERNST, Gene	✓	
FRITZ, Harry	✓	
HAND, Bill	✓	
LORY, Earl	✓	
MANUEL, Rex	✓	
MENAHAN, William	✓	
MILLER, Ron	✓	
MOORE, Jack	✓	
NATHE, Dennis	✓	
PECK, Ray		
QUILICI, Joe	✓	
REHBERG, Dennis	✓	
SPAETH, Gary	✓	
SWIFT, Bernie	✓	
THOFT, Bob	✓	
WINSLOW, Cal	✓	

TALLY

19           

Caroline Dykeman  
Secretary

Rep. Francis Bardanouve  
Chairman

MOTION: Rep. Moore moved that HB 36 DO PASS AS AMENDED. The  
motion was seconded by Rep. Swift and CARRIED 19-0.



# STANDING COMMITTEE REPORT

June 25

19<sup>86</sup>

Mr. Speaker: We, the committee on APPROPRIATIONS

report HB 33

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☐ as amended  
☐ statement of intent attached

REP. FRANCIS BARDANOUVE

Chairman

**LIMIT GENERAL ASSISTANCE FOR ABLE-BODIED TO TWO MONTHS --  
REVISE ELIGIBILITY**

First reading copy ( White )  
color

# ROLL CALL VOTE

APPROPRIATIONS

COMMITTEE

DATE 6-25-86

BILL NO. HB 33

NUMBER

3:55

NAME	AYE	NAY
BARDANOUVE, Francis (Chairman)	✓	
DONALDSON, Gene (Vice Chairman)	✓	
BRADLEY, Dorothy		✓
CONNELLY, Mary Ellen		✓
ERNST, Gene	✓	
FRITZ, Harry		✓
HAND, Bill	✓	
LORY, Earl		✓
MANUEL, Rex	✓	
MENAHAN, William	✓	
MILLER, Ron	✓	
MOORE, Jack		✓
NATHE, Dennis	✓	
PECK, Ray		
QUILICI, Joe		✓
REHBERG, Dennis	✓	
SPAETH, Gary		✓
SWIFT, Bernie	✓	
THOFT, Bob	✓	
WINSLOW, Cal	✓	

TALLY

12 7

Marcene Lynn

Secretary

Rep. Francis Bardanouve

Chairman

MOTION: Rep. Hand moved that HB 33 DO PASS. The motion was  
seconded and CARRIED 12-7.

# STANDING COMMITTEE REPORT

June 25

19 36

Mr. Speaker: We, the committee on APPROPRIATIONS

report HB 45

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☒ as amended  
☐ statement of intent attached

REP. FRANCIS BAROANOUVE

Chairman

## AUTHORIZING LFA TO INVESTIGATE & EXAMINE REVENUES OF STATE GOV. ACTIVITIES

### Be Amended As Follows:

1. Page 1, line 11.

Following: "Office"

Strike: "May not disclose information obtained in its investigations  
when publication is prohibited by law."

Insert: "Is subject to appropriate penalties for unauthorized  
disclosure of confidential records obtained from state agencies"

2. Page 1, line 24.

Following: Line 23

Strike: Line 24 through line 1, page 2.

Insert: "When confidential records and information are obtained from a  
state agency, the legislative fiscal analyst and staff shall  
be subject to the same penalties for unauthorized disclosure  
of such confidential records and information provided for  
under the laws administered by the state agency. The  
legislative fiscal analyst shall develop policies to prevent  
the unauthorized disclosure of confidential records and  
information obtained from state agencies."

First

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color

# ROLL CALL VOTE

APPROPRIATIONS

COMMITTEE

DATE June 25 '86 BILL NO. 46 NUMBER

NAME	AYE	NAY
BARDANOUVE, Francis (Chairman)	✓	
DONALDSON, Gene (Vice Chairman)	✓	
BRADLEY, Dorothy	✓	
CONNELLY, Mary Ellen		✓
ERNST, Gene		✓
FRITZ, Harry		✓
HAND, Bill		✓
LORY, Earl	✓	
MANUEL, Rex	✓	
MENAHAN, William	X	
MILLER, Ron	✓	
MOORE, Jack	✓	
NATHE, Dennis	✓	
PECK, Ray	✓	
QUILICI, Joe	✓	
REHBERG, Dennis	X	
SPAETH, Gary	✓	
SWIFT, Bernie	✓	
THOFT, Bob		✓
WINSLOW, Cal	✓	
	<u>13</u>	<u>5</u>

TALLY

13 5

Caroline Dykman  
Secretary

Rep. Francis Bardanouve  
Chairman

MOTION: Rep. Winslow moved that HB 46 DO PASS AS AMENDED.

The motion was seconded by Rep. Moore and CARRIED.

# ROLL CALL VOTE

APPROPRIATIONS

COMMITTEE

DATE June 25 '86 BILL NO. HB 42 NUMBER \_\_\_\_\_

NAME	AYE	NAY
BARDANOUVE, Francis (Chairman)	✓	
DONALDSON, Gene (Vice Chairman)	✓	
BRADLEY, Dorothy	✓	
CONNELLY, Mary Ellen		✓
ERNST, Gene	✓	
FRITZ, Harry		✓
HAND, Bill	✓	
LORY, Earl		✓
MANUEL, Rex	✓	
MENAHAN, William		✓
MILLER, Ron	✓	
MOORE, Jack	✓	
NATHE, Dennis	✓	
PECK, Ray	✓	
QUILICI, Joe		✓
REHBERG, Dennis		
SPAETH, Gary - X	✓	
SWIFT, Bernie	✓	
THOFT, Bob	✓	
WINSLOW, Cal	✓	
	14	5

TALLY

14 5

Caroline Dykman  
Secretary

Rep. Francis Bardanouve  
Chairman

MOTION: Rep. Spaeth moved that HB 42 BE TABLED. The motion  
was seconded and CARRIED 14-5.

PROPOSED AMENDMENTS TO HOUSE BILL 46

House Bill 46 is hereby amended to read as follows:

1. Page: 1  
Line: 11  
Following: "Office"  
Strike: "May not disclose information obtained in its investigations  
when publication is prohibited by law."  
Insert: "Is subject to appropriate penalties for unauthorized  
disclosure of confidential records obtained from state  
agencies"
2. Page: 1  
Line: 24  
Following: Line 23  
Strike: Line 24 through line 1, page 2.  
Insert: "When confidential records and information are obtained from  
a state agency, the legislative fiscal analyst and staff shall  
be subject to the same penalties for unauthorized disclosure  
of such confidential records and information provided for  
under the laws administered by the state agency. The  
legislative fiscal analyst shall develop policies to prevent  
the unauthorized disclosure of confidential records and  
information obtained from state agencies."

HOUSE BILL 36  
SUBCOMMITTEE AMENDMENTS FOR COMMITTEE CONSIDERATION

Afternoon Meeting, Appropriations Committee June 25, 1986

1. Page 1, line 20.

Strike: "."

Insert: "; and"

2. Page 1.

Strike: lines 21 through 24 in their entirety

Insert: "WHEREAS, there are many nationally known groups that

have shown interest in the purchase of the Montana Youth Treatment Center and all such groups should have a chance to submit a proposal to purchase.

THEREFORE, when an appropriate buyer can be found to offer quality care for Montana youth, the State of Montana will discontinue the state operation of the Montana Youth Treatment Center and hereby authorizes the Board of Land Commissioners to sell the facility as provided in this act."

3. Page 2, lines 8 through 11.

Following: "center. (1)" on line 8

Strike: the remainder of subsection (1) in its entirety

Insert: "The board of land commissioners is authorized to sell the Montana youth treatment center to a private health care provider who has documented experience in providing specialized adolescent psychiatric treatment that includes an educational component. The sale is made pursuant to 77-3-302, except that the 60-day public notice requirement of that section is waived."

4. Page 2, lines 12 through 15.

Strike: "For" on line 12 through "providers." on line 15

Insert: "The department of institutions shall advertise the proposed sale in at least one nationally distributed trade publication and shall notify in writing those health care providers that could potentially meet the conditions of the proposed sale. Interested parties must be allowed 60 days to submit proposals for purchase from the date the advertisement is published."

5. Page 2.

Following: line 19

Strike: subsection (3) in its entirety

Insert: "(3) To protect and indemnify the state against failure or refusal of a prospective purchaser to consummate the sale, each proposal must be accompanied by security in the amount of 2% of the appraised value contained in subsection (2). The security shall consist of cash, cashier's check, certified check, bank money order, or bank draft, in any case drawn on a bank

Afternoon, June 25, 1986

located in the state of Montana, or a bond or bonds executed by a surety authorized to do business in the state of Montana. If a prospective purchaser fails or refuses to consummate the sale, the security is forfeited to the state and must be deposited in the general fund. The security must be returned to a prospective purchaser whose proposal is not accepted by the state.

(4)(a) A review committee comprised of the following members shall review the proposals for purchase and recommend a purchaser to the board of land commissioners after meeting and discussing the factors set forth in subsection (4)(b):

(i) The director of the department of institutions, who shall chair the committee;

(ii) the directors of the departments of health and environmental sciences and social and rehabilitation services;

(iii) two members of the senate to be appointed by the committee on committees, one of whom must represent a district in Yellowstone County and the other from a district representing a different county;

(iv) two members of the house of representatives appointed by the speaker, \*one of whom must represent a district in Yellowstone County and the other from a district representing different county;

(v) a representative of local health care professionals from Yellowstone County, appointed by the governor; and

(vi) a representative, appointed by the governor, from an organization representing mental health centers.

(b) The review committee shall consider:

(i) various proposals for purchase;

(ii) conditions of the sale of the Montana youth treatment center, including the quality of care to be provided, continued state responsibilities, treatment costs, accreditation standards, contractual relationships with the state and other governmental entities and the terms of those contracts, and other matters pertaining to the administration of the Montana youth treatment center; and

(iii) other matters relating to the sale and subsequent services and costs of a privately operated facility.

(c) The review committee may not show any partiality or favoritism in making its decision."

Renumber: subsequent subsections

6. Page 3, line 8.

Following: "part 3."

Insert: "The review provided for in [section 2] justifies the exemption of the sale and transfer of the Montana



youth treatment center from the certificate of need review provision of Title 50, chapter 5, part 3."

7. Page 3, line 24 through line 1 of page 4.

Strike: "If" on line 24 of page 3 through "license." on line 1 of page 4.

Insert: "The buyer or any subsequent transferee shall keep reasonable documentation of compliance with this condition. Failure to comply with the provisions of this section may result in the loss of hospital licensure."

8. Page 4, line 2.

Strike: "hospital"

9. Page 4, line 3.

Following: "license"

Insert: "as a psychiatric hospital"

10. Page 4, line 4.

Following: "facility"

Insert: "as defined in 53-21-102(6)"

11. Page 4, lines 12 and 13.

Strike: "The" on line 12 through "conditions." on line 13

Insert: "The board of land commissioners may make an exception to these conditions in any subsequent sale or transfer."

12. Page 4, line 17.

Following: "sale."

Insert: "The buyer and the state shall each commission an appraisal by a qualified appraiser at the time of sale. The appraised value is the average of the two appraisals."

13. Page 5, line 4.

Following: "patients"

Insert: "and shall receive no per diem reimbursement from the department of institutions for services provided to youth ordered to the facility by the courts. Such services become the financial responsibility of the buyer who may bill medicaid or private insurers when appropriate"

14. Page 5.

Following: line 7.

Insert: "(8) "The buyer shall accept applications of all Montana youth treatment center employees who desire to continue employment with the purchaser. Among the substantially qualified applicants, present employees of the Montana youth treatment center must be given preference in hiring by the purchaser."

Afternoon, June 25, 1986

(9) Montana youth treatment center employees who wish to remain state employees shall be provided relocation assistance of up to \$1000 and any retraining necessary to qualify for similar vacant positions within the department of institutions."

15. Page 17, line 17.

Strike: "filed by"

Insert: "delivered to"

16. Page 17, lines 18 and 19.

Strike: "with" on line 17 through "recorder" on line 18.

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49th Legislature  
Special Session 6/86

HOUSE BILL NO. 28

INTRODUCED BY BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GENERAL RELIEF PROGRAM TO ELIMINATE REFERENCES TO WHETHER A POTENTIAL RECIPIENT IS ABLE-BODIED OR WITHIN A CERTAIN AGE CATEGORY; REPLACING SUCH CRITERIA WITH A DETERMINATION OF WHETHER THE PERSON IS UNEMPLOYABLE, EMPLOYABLE, OR VOLUNTARILY ~~DESTITUTE~~ NEEDY; PROVIDING DEFINITIONS OF UNEMPLOYABLE AND EMPLOYABLE; RESTRICTING BENEFITS FOR THE EMPLOYABLE AND REQUIRING PARTICIPATION IN JOB TRAINING; AMENDING SECTIONS 53-3-108, 53-3-109, 53-3-205, 53-3-208, AND 53-3-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-3-108, MCA, is amended to read:

"53-3-108. Purpose. (1) The legislature, in order to implement the provisions of Article XII, section 3, of the Montana constitution, finds that certain persons are in need of assistance because of misfortune and must be provided with certain assistance through programs for general relief. These programs are to be efficiently administered by local county welfare boards or, whenever responsibility for local welfare programs has been assumed by the state of Montana,

1 by the department of social and rehabilitation services.  
2 General relief, along with other assistance programs, is  
3 made available to provide basic necessities that provide  
4 minimum subsistence compatible with decency and health and  
5 to provide financial assistance for medical services  
6 necessary for serious medical conditions. General relief  
7 medical assistance is not intended to provide catastrophic  
8 medical insurance to nonindigent persons.

9 (2) The legislature finds that assistance under the  
10 general relief program should not be available to those  
11 persons who have either adequate income or resources of  
12 their own ~~or who are able-bodied~~.

13 (3) The legislature finds that indigent persons may be  
14 in such a condition for one of three reasons:

15 (a) employment is not a suitable solution for their  
16 indigency because they are mentally or physically incapable  
17 of gainful employment or because of the need to care for a  
18 dependent minor child;

19 (b) they have become unemployed and lack the necessary  
20 skills to find employment or the necessary experience to  
21 maintain employment; or

22 (c) they are voluntarily destitute NEEDY BECAUSE THEY  
23 HAVE CHOSEN A LIFESTYLE OF NEED IN WHICH THEY:

24 (I) DO NOT SEEK SUITABLE EMPLOYMENT; OR

25 (II) ARE UNWILLING TO OBTAIN APPROPRIATE TRAINING TO

1 BECOME EMPLOYABLE.

2 (4) The legislature, in an effort to apportion  
3 resources where they are most needed, has determined that:

4 (a) persons described in subsection (3)(a), being  
5 unemployable, must be accorded basic assistance for the  
6 duration of their ~~plight~~ MISFORTUNE;

7 (b) persons described in subsection (3)(b), being  
8 unemployed but employable, deserve interim basic monetary  
9 assistance and state help in obtaining the necessary skills  
10 and experience in gaining employment; and

11 (c) persons described in subsection (3)(c), the  
12 voluntarily ~~poor~~ NEEDY, may be afforded 1 month of benefits  
13 in any 12-month period, but since their circumstances are  
14 the result of a lifestyle they have chosen, such persons are  
15 not proper subjects of either state subsidy or state  
16 involvement and precious state resources would be more  
17 productive as help for the involuntarily ~~poor~~ NEEDY and for  
18 other state responsibilities such as education, roads,  
19 health, and funding other services benefiting all citizens  
20 of the state.

21 (5) When benefits and services are available through  
22 other federal or state assistance programs, general relief  
23 should not be provided in duplication of such other  
24 assistance.

25 ~~(3)~~(6) The legislature further finds that the purposes

1 of the general relief program must be implemented only to  
 2 the extent necessary and allowable by the mandates of  
 3 Article VIII, sections 12 and 14, of the Montana  
 4 constitution, regarding financial accountability and  
 5 expenditure by appropriation."

6 Section 2. Section 53-3-109, MCA, is amended to read:

7 "53-3-109. Definitions. For the purposes of this  
 8 chapter, the following definitions apply:

9 ~~{1}--"Able-bodied"--means-the-condition-of-a-person-who~~  
 10 ~~is-not-infirm-~~

11 (1) "ABLE-BODIED" MEANS THE CONDITION OF A PERSON WHO  
 12 IS NOT INFIRM.

13 ~~{2}{1}~~(2) "Basic necessities" means food, shelter,  
 14 utilities, and personal needs.

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

18 ~~{3}~~(4) "Employable" means persons who meet the  
 19 requirements set forth in [section 3].

20 ~~{4}~~(5) "General relief" means, in accordance with this  
 21 chapter, a program of public assistance for basic  
 22 necessities and medical needs to those persons determined to  
 23 be eligible for that assistance.

24 ~~{5}~~(6) "Household" means all persons who by choice,  
 25 necessity, or legal relationship are mutually dependent upon

1 each other for basic necessities and who reside in the same  
2 residence.

3 ~~(6)~~(7) "Income" means the value of all property of any  
4 nature, earned, unearned, or in-kind, including benefits  
5 reasonably certain to be received by or available to a  
6 household during the month of the receipt of the income.

7 ~~(7)~~(8) "Indigent" or "misfortunate" means a person who  
8 is lacking the means, financial or otherwise, by which to  
9 prevent destitution for himself and others dependent upon  
10 him for basic necessities and who is otherwise eligible for  
11 assistance under this chapter. ~~Except-as-provided-otherwise~~  
12 ~~in--53-3-205--and--53-3-209,--the--terms--do---not---include~~  
13 ~~able-bodied--persons--under--the--age-of-50-unless-they-have~~  
14 ~~dependent-minor-children-living-in-the-household.~~

15 ~~(8)~~(9) "Infirm" means the condition of a person who is  
16 diagnosed by a licensed medical or mental health  
17 practitioner and confirmed by an appropriate expert medical  
18 review to have a physical or mental handicap that  
19 significantly impairs the person's ability to be employed.

20 ~~(9)~~(10) "Lump-sum income" means a nonrecurring source  
21 of income received in a single payment by a household during  
22 any eligibility period, including but not limited to  
23 proceeds from a lawsuit, insurance settlement, inheritance,  
24 lump-sum retirement, veterans' or unemployment benefits;  
25 benefits received under the federal Social Security Act;

1 prizes; and tax refunds.

2 ~~{10}~~(11) "Resource" means all real and personal  
3 property retained after the calendar month of its receipt  
4 and which the household or a member of the household has a  
5 legal right to sell or liquidate.

6 ~~{11}~~(12) "Secure facility" means any facility in which  
7 a person may be lawfully held against his will by federal,  
8 state, or local authorities.

9 ~~{12}~~(13) "Serious medical condition" means a physical  
10 condition that causes a serious health risk to a person and  
11 for which treatment is medically necessary, ~~including~~  
12 <sup>more</sup> ~~pregnancy~~. Diagnosis and determination of necessary  
13 treatment must be made by a licensed medical practitioner,  
14 and the department may confirm it through an expert medical  
15 review. Necessary treatment includes <sup>more</sup> ~~prenatal care~~ and such  
16 other elective treatments as determined by department rule  
17 to be medically necessary.

18 ~~{13}~~(14) "Unemployable" means a person who is not  
19 suitable for employment by reason of infirmity or because of  
20 the need to care for a dependent minor child."

21 NEW SECTION. Section 3. Employable persons --  
22 qualifications -- period of eligibility. (1) An employable  
23 person is a person who is not required to care for a  
24 dependent minor child and who, by reason of his physical and  
25 mental capabilities, is capable of finding and keeping



1 gainful employment.

2 (2) To be considered employable for the purposes of  
3 this chapter, a person must:

4 (a) qualify financially as required in this chapter;

5 AND

6 ~~{b}--not--have--been--determined--to--be--employable--or--have~~  
7 ~~made--application--to--be--determined--employable--for--12--months~~  
8 ~~prior--to--the--date--of--application;~~

9 ~~{c}~~(B) not have been disqualified for unemployment  
10 compensation benefits unless the department or the county  
11 welfare director determines that such disqualification was  
12 justifiable under the circumstances;and.

13 ~~{d}--not--have--been--employed--in--the--30--days--preceding~~  
14 ~~application--for--assistance.~~

15 (3) A person continues to be considered employable  
16 until:

17 (a) the expiration of 6 months after the date of  
18 application; or

19 (b) the person is determined to be unemployable:

20 (i) due to subsequent infirmity; OR

21 (ii) based upon an administrative or judicial finding  
22 under the provisions of this chapter;or.

23 ~~{iii}--due--to--failure--to--comply--with--the--provisions--of~~  
24 ~~53-3-304.~~

25 Section 4. Section 53-3-205, MCA, is amended to read:

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

(2) A household is eligible for general relief if the household income does not exceed that set forth in the following table:

Number of Persons in Household	Monthly Income Standard	
	Fiscal 1986	Fiscal 1987
1	\$212	\$219
2	284	296
3	358	372
4	432	449
5	506	526
6	580	603
7	653	679
8	727	756
9	800	832
10 or more	874	909

~~{3}--Able-bodied persons under the age of 35 years without dependent minor children living in the household are not eligible for nonmedical general relief assistance.~~

1       ~~(4)~~(3) (a) When the household's income exceeds the  
2 monthly income standard for a household of that size because  
3 of receipt of lump-sum income, the household will be  
4 ineligible for general relief for the full number of months,  
5 beginning with the month of receipt, derived by dividing the  
6 total of the lump-sum income and other income by the monthly  
7 income standard for a household of that size. Any income  
8 remaining from this calculation will be considered as income  
9 in the first month following the period of ineligibility. -

10       (b) The period of ineligibility may be recalculated if  
11 the household size changes or if a portion of the lump sum  
12 was used to pay medical bills for a serious medical  
13 condition.

14       (c) Ineligibility due to the receipt of a lump sum  
15 does not preclude eligibility for general relief medical  
16 assistance.

17       ~~(5)~~(4) All applicants for and recipients of general  
18 relief assistance who reside in the same residence are  
19 considered as one household.

20       ~~(6)~~(5) Prospective income that is reasonably certain  
21 to be received by the household during an eligibility period  
22 must be considered when determining eligibility.

23       ~~(7)~~(6) The following resources of a household must be  
24 excluded from consideration of resources for eligibility  
25 purposes:

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

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

5           (c) personal items, clothing, household furniture,  
6 appliances, and other essential household items, the total  
7 equity value of which does not exceed resource eligibility  
8 limits established by rule; and

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

11       ~~(7)~~(7) A person who is committed or sentenced by legal  
12 process to a state institution or a secure facility or who  
13 is incarcerated in a secure facility pending resolution of  
14 legal process is not eligible for general relief.

15       ~~(8)~~(8) A person who resides for a period of 1 day or  
16 more in any state or federally operated institution or  
17 residence is not eligible for general relief for the period  
18 of that residency.

19       ~~(9)~~(9) For the purposes of an eligibility  
20 determination, an applicant for or recipient of general  
21 relief may be requested to produce all financial and other  
22 information concerning the household.

23       ~~(10)~~(10) Whenever practical, an eligibility  
24 determination must be made within 30 days of the date of  
25 application and the applicant must be notified in writing of

1 the eligibility determination and the reasons for the  
2 determination.

3 ~~(12)~~(11) An alien determined to be illegally within the  
4 United States is not eligible for general relief."

5 Section 5. Section 53-3-208, MCA, is amended to read:

6 "53-3-208. Application -- initial payment expedited.

7 (1) Application for general relief must be made in writing  
8 to a county welfare department or the department's local  
9 office of human services on forms provided for that  
10 purpose.

11 (2) If an applicant has not made an application for  
12 general relief within the 12 months prior to the date of the  
13 application, such application must be handled expeditiously.

14 ~~(2)~~(3) A person applying in a county other than that  
15 of his residency must have his application referred to the  
16 county of his residency as soon as possible."

17 Section 6. Section 53-3-209, MCA, is amended to read:

18 "53-3-209. Period of eligibility. (1) The period of  
19 eligibility for receipt of general relief for basic  
20 necessities is 1 month, except as provided in subsections  
21 (2) and (3). A person may seek to establish eligibility for  
22 the succeeding month prior to the end of the current month  
23 of eligibility.

24 (2) ~~Able-bodied persons--age--35--through--49--without~~  
25 ~~dependent--minor-children-living-in-the-household~~ Employable

1 persons are eligible for no more than 3 6 months of  
 2 nonmedical general relief assistance within any 12-month  
 3 period~~7-except-that-assistance-received--prior--to--July--1,~~  
 4 ~~1985,---shall---not---be---counted.---For---these---persons---who~~  
 5 ~~continuously---meet---eligibility---criteria,---the---period---of~~  
 6 ~~eligibility---will---begin---60---days---after---the---date---of~~  
 7 application, EXCEPT THAT ASSISTANCE RECEIVED PRIOR TO  
 8 <sup>JULY</sup> NOVEMBER 1, 1986, SHALL NOT BE COUNTED.

9 (3) Persons who are neither---employable---nor  
 10 unemployable VOLUNTARILY NEEDY AS DESCRIBED IN  
 11 53-3-108(3)(C) are eligible for no more than 1 month of  
 12 nonmedical general relief assistance in any 12-month period.

13 ~~(3)~~(4) Eligibility for general relief medical  
 14 assistance terminates when the serious medical condition of  
 15 the person has been treated.

16 ~~(4)~~(5) The period of eligibility for any type of  
 17 general assistance terminates at any time the county welfare  
 18 board or the department determines that the household:

19 (a) no longer meets the applicable eligibility  
 20 requirements; or

21 (b) received general relief by means of fraud or  
 22 mistake."

23 NEW SECTION. Section 7. Codification instruction.  
 24 Section 3 is intended to be codified as an integral part of  
 25 Title 53, chapter 3, and the provisions of Title 53, chapter

1 3, apply to section 3.

2 NEW SECTION. Section 8. Extension of authority. Any  
3 existing authority of the department of social and  
4 rehabilitation services to make rules on the subject of the  
5 provisions of this act is extended to the provisions of this  
6 act.

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

13 NEW SECTION. Section 10. Effective date. This act is  
14 effective on passage and approval.

-End-