

1 H BILL NO. 164  
 2 INTRODUCED BY Hagan  
 3 BY REQUEST OF  
 4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
 5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE CONFIDENTIAL  
 7 ALL INFORMATION OBTAINED FOR PURPOSES OF PUBLIC ASSISTANCE;  
 8 AMENDING SECTIONS 71-231.1 AND 71-231.3, R.C.M. 1947."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. There is a new R.C.M. section numbered  
 12 71-231.4 that reads as follows:  
 13 71-231.4. Confidentiality of information. All  
 14 applications, information, and records concerning any  
 15 applicant or recipient of assistance or services under this  
 16 title are confidential and may not be disclosed or used for  
 17 any purpose not directly connected with the determination of  
 18 eligibility and administration of assistance or services.  
 19 The department shall adopt rules to insure the  
 20 confidentiality of information. The release or misuse of  
 21 confidential information by any person is official  
 22 misconduct as provided in 94-7-401.  
 23 Section 2. Section 71-231.1, R.C.M. 1947, is amended  
 24 to read as follows:  
 25 "71-231.1. Filing of records showing recipients of

1 public assistance -- public records -- destruction after  
 2 four years. The county welfare board of each county shall on  
 3 or before the thirtieth (30th) day of January, April, July  
 4 and October of each year file with the county clerk and  
 5 recorder of each county a complete report showing the names  
 6 of all recipients receiving public assistance, together with  
 7 the amounts paid to each during the preceding quarter.  
 8 ~~The reports so filed with the county clerk and recorder~~  
 9 ~~shall be and the same hereby are declared to be public~~  
 10 ~~records and shall be open to public inspection at all times~~  
 11 ~~during the regular office hours of said county clerk and~~  
 12 ~~recorder. The reports so filed with the county clerk and~~  
 13 ~~recorder may be released to any person or open for public~~  
 14 ~~inspection only upon a showing that the merits of public~~  
 15 ~~disclosure outweigh the rights of personal privacy. The~~  
 16 reports so filed may be destroyed by the county clerk and  
 17 recorder in the presence of the board of county  
 18 commissioners and upon order of said board of county  
 19 commissioners at any time after the period of four (4) years  
 20 from their filing date."  
 21 Section 3. Section 71-231.3, R.C.M. 1947, is amended  
 22 to read as follows:  
 23 "71-231.3. Penalty. Any person, body, association,  
 24 corporation, firm, or other agency who ~~shall willfully~~  
 25 ~~purposely~~ or knowingly violates ~~any provision of this act~~

1 ~~shall~~ be the provisions of 71-231.2 is guilty of a  
2 misdemeanor and upon conviction shall be punished by a fine  
3 of not less than ~~twenty-five-(\$25.00)-dollars nor or~~ more  
4 than ~~one-thousand-(\$1,000.00)-dollars~~ \$500, to which may be  
5 added imprisonment in the county jail for any determinate  
6 period not to exceed ~~sixty--(60)--days~~ 6 months. If the  
7 violation is by other than an individual, the imprisonment  
8 may be adjusted against any officer, agent, employee,  
9 servant, or other person of the association, corporation,  
10 firm or other agency who committed or participated in such  
11 violation and is found guilty thereof."

12 Section 4. Saving clause. This act does not affect  
13 rights and duties that matured, penalties that were incurred  
14 or proceedings that were begun before the effective date of  
15 this act.

16 Section 5. Severability. If a part of this act is  
17 invalid, all valid parts that are severable from the invalid  
18 part remain in effect. If a part of this act is invalid in  
19 one or more of its applications, the part remains in effect  
20 in all valid applications that are severable from the  
21 invalid applications.

-End-

Approved by Committee  
on Public Health, Welfare  
& Safety

HOUSE BILL NO. 164

INTRODUCED BY HANPER

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE CONFIDENTIAL  
ALL INFORMATION OBTAINED FOR PURPOSES OF PUBLIC ASSISTANCE;  
AMENDING SECTIONS 71-231.1 AND 71-231.2 SECTION 71-231.3,  
R.C.M. 1947; AND REPEALING SECTION 71-231.1, R.C.M. 1947."

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

Section 1. There is a new R.C.M. section numbered  
71-231.4 that reads as follows:

71-231.4. Confidentiality of information. All  
applications, information, and records concerning any  
applicant or recipient of assistance or services under this  
title are confidential and may not be disclosed or used for  
any purpose not directly connected with the determination of  
eligibility and administration of assistance or services.  
The department shall adopt rules to insure the  
confidentiality of information. The release or misuse of  
confidential information by any person is official  
misconduct as provided in 94-7-401.

Section 2. ~~Section 71-231.1, R.C.M. 1947, is amended  
to read as follows:~~

~~71-231.1. Filing of records showing recipients of  
public assistance public records destruction after  
four years. The county welfare board of each county shall  
on or before the thirtieth (30th) day of January, April,  
July and October of each year file with the county clerk and  
recorder of each county a complete report showing the names  
of all recipients receiving public assistance, together with  
the amounts paid to each during the preceding quarter.~~

~~The reports so filed with the county clerk and recorder  
shall be and the same hereby are declared to be public  
records and shall be open to public inspection at all times  
during the regular office hours of said county clerk and  
recorder. The reports so filed with the county clerk and  
recorder may be released to any person or open for public  
inspection only upon a showing that the merits of public  
disclosure outweigh the rights of personal privacy. The  
reports so filed may be destroyed by the county clerk and  
recorder in the presence of the board of county  
commissioners and upon order of said board of county  
commissioners at any time after the period of four (4) years  
from their filing date."~~

Section 2. Section 71-231.3, R.C.M. 1947, is amended  
to read as follows:

"71-231.3. Penalty. Any person, body, association,  
corporation, firm, or other agency who shall willfully

1 ~~purposely~~ or knowingly violates ~~any provision of this act~~  
 2 ~~shall be the provisions of 71-231.2~~ is guilty of a  
 3 misdemeanor and upon conviction shall be punished by a fine  
 4 of not less than ~~twenty-five (\$25.00) dollars~~ nor ~~or~~ more  
 5 than ~~one thousand (\$1,000.00) dollars~~ \$500, to which may be  
 6 added imprisonment in the county jail for any determinate  
 7 period not to exceed ~~sixty (60) days~~ 6 months. If the  
 8 violation is by other than an individual, the imprisonment  
 9 may be adjusted against any officer, agent, employee,  
 10 servant, or other person of the association, corporation,  
 11 firm or other agency who committed or participated in such  
 12 violation and is found guilty thereof."

13 Section 3. Saving clause. This act does not affect  
 14 rights and duties that matured, penalties that were incurred  
 15 or proceedings that were begun before the effective date of  
 16 this act.

17 Section 4. Severability. If a part of this act is  
 18 invalid, all valid parts that are severable from the invalid  
 19 part remain in effect. If a part of this act is invalid in  
 20 one or more of its applications, the part remains in effect  
 21 in all valid applications that are severable from the  
 22 invalid applications.

23 SECTION 5. REPEALER. SECTION 71-231.1, R.C.M. 1947.  
 24 IS REPEALED.

-End-

March 30, 1977

STANDING COMMITTEE REPORT  
Senate Committee on Judiciary

That House Bill No. 164 be amended as follows:

1. Amend title, lines 6 through 9.

Following: "ACT"

Strike: "TO MAKE CONFIDENTIAL ALL INFORMATION OBTAINED FOR PURPOSES OF PUBLIC ASSISTANCE; AMENDING SECTION 71-231.3, R.C.M. 1947; AND"

Insert: "REVISING THE LAW REGARDING PUBLIC ASSISTANCE RECORDS;"

2. Amend page 1, section 1, line 14 through line 1 on page 2.

Following: "71-231.4."

Strike: line 14 through line 1 on page 2 in their entirety

Insert: "Audit of public assistance records. All applications, information, and records concerning any applicant or recipient of assistance or services under this title are subject to audit for legislative oversight or determination of welfare fraud."

3. Amend page 2, section 1, line 25 through line 25 on page 3.

Following: line 24

Strike: sections 2, 3 and 4 in their entirety

Renumber: subsequent section