

Senate BILL NO. *438*

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INTRODUCED BY *Fachenda Rasmussen McCallum*

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Goodover

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A DIFFERENT METHOD OF FINANCING PUBLIC ASSISTANCE PROGRAMS ADMINISTERED LOCALLY BY COUNTY WELFARE DEPARTMENTS; TO SHIFT

Rockie

PRIMARY FINANCIAL RESPONSIBILITY FOR SUCH PROGRAMS FROM THE COUNTIES TO THE STATE; TO PROVIDE FOR A MANDATORY TAX ON PROPERTY OF 3 MILLS TO BE LEVIED BY EACH COUNTY FOR THE PURPOSE OF FUNDING SUCH PROGRAMS; TO AMEND SECTIONS 16-1043, 16-3802, 71-210, 71-211, 71-212, 71-214, 71-217, 71-223, 71-230, 71-302.2, 71-307, 71-308, 71-504, 71-510, AND 84-4213, R.C.M. 1947; AND TO REPEAL SECTIONS 71-106, 71-222, 71-309, AND 71-311, R.C.M. 1947."

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

Section 1. Section 16-1043, R.C.M. 1947, is amended to read as follows:

"16-1043. Moneys for depletion allowance reserve fund. (1) Moneys for the depletion allowance reserve fund may be derived from:

- (a) public and private grants;
- (b) moneys collected by the hospital or nursing home for which the fund is created, from or for indigent patients, that are in excess of the expenses incurred for

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the care of such patients;

~~(c) before a grant in aid for any fiscal year may be made to a county under this provision of section 71-311 R.C.M. 1947, any moneys credited during that fiscal year to the depletion allowance reserve fund from the sources provided by section 16-1043 (1) (b) of this act shall be transferred to the county poor fund to be used for lawful poor fund expenditures. The amount of the grant in aid shall be determined after all sources of income available to the poor funds, including the depletion allowance reserve fund transfers, have been exhausted.~~

(2) The depletion allowance reserve fund may accumulate at the discretion of the governing body."

Section 2. Section 16-3802, R.C.M. 1947, is amended to read as follows:

"16-3802. Enumeration of county charges -- limitation as to state prison cases. (1) The following are county charges:

- (a) Charges incurred against the county by virtue of any provision of this title.
- (b) One-half of the salary of the county attorney, and all expenses necessarily incurred by him in criminal cases arising within the county.
- (c) The salary and actual expenses for traveling when on official duty allowed by law to sheriffs, and the

1 compensation allowed by law to constables for executing
2 process on persons charged with criminal offenses.

3 (d) The board of prisoners confined in jail.

4 (e) The sums required by law to be paid to grand and
5 trial jurors and witnesses in criminal cases.

6 (f) The accounts of the coroner of the county for such
7 services as are provided by law.

8 (g) All charges and accounts for services rendered by
9 any justice of the peace for services in the examination or
10 trial of persons charged with crime as provided for by law.

11 ~~(h) The necessary expenses incurred in the support of~~
12 ~~county hospitals and poor farms, and the indigent sick and~~
13 ~~the otherwise dependent poor whose support is chargeable to~~
14 ~~the county.~~

15 ~~(i)~~ (h) The contingent expenses necessarily incurred
16 for the use and benefit of the county.

17 ~~(j)~~ (i) Every other sum directed by law to be raised
18 for any county purpose under the direction of the board of
19 county commissioners, or declared to be a county charge.

20 (2) Notwithstanding the preceding subsection, all
21 costs of a criminal prosecution, including attorneys' fees,
22 of an offense committed in the state prison are not charges
23 against the county in which the state prison is located.
24 Such costs shall be paid by the department of institutions."

25 Section 3. Section 71-210, R.C.M. 1947, is amended to

1 read as follows:

2 *71-210. Authority and activities of the state
3 department. (1) The state department has authority over and
4 administration or supervision of all the purposes and
5 operations as set forth under Title 71. The state department
6 shall:

7 (a) Administer or supervise all forms of public
8 assistance, child protection and child welfare, including
9 the provision of medical care payments in behalf of
10 recipients of public assistance;

11 (b) Administer or supervise all child welfare
12 activities, including importation and exportation of
13 children; licensing and supervising of private and local
14 child-caring agencies; the care of dependent, neglected and
15 delinquent children in foster family homes, especially
16 children placed for adoption or those of illegitimate birth;

17 (c) Give consultant service to private institutions
18 providing care for the needy, indigent, handicapped or
19 dependent adults;

20 (d) Develop and cooperate with other state agencies
21 provisions for services to the blind, including the
22 prevention of blindness, the location of blind persons,
23 medical services for eye conditions and vocational guidance
24 and training of the blind;

25 (e) Provide services in respect to organization and

1 supervise county departments of public welfare and county
2 boards of public welfare in the administration of public
3 welfare functions, and for efficiency and economy;

4 (f) Assist and cooperate with other state and federal
5 departments, bureaus, agencies and institutions, when so
6 requested, by performing services in conformity with the
7 purposes of this act.

8 (g) Administer and supervise all federal funds
9 allocated to this state, and all state funds appropriated to
10 this ~~the~~ state department for the activities set forth in
11 Title 71, ~~and all money received pursuant to 71-222.1.~~ The
12 state department shall do all things necessary, in
13 conformity with federal and state law, for the proper
14 fulfillment of the purposes set forth in Title 71.

15 (2) The state department may:

16 (a) Purchase, exchange, condemn, or receive by gift,
17 either real or personal property which is necessary to carry
18 out its functions under Title 71. Title to property obtained
19 under this subsection shall be taken in the name of the
20 state of Montana, for the use and benefit of the state
21 department.

22 (b) Contract with the federal government to carry out
23 its functions under Title 71. The state department may do
24 all things necessary in order to avail itself of federal aid
25 and assistance."

1 Section 4. Section 71-211, R.C.M. 1947, is amended to
2 read as follows:

3 "71-211. State department to act as agency of federal
4 government -- assistance to ward Indians. [1] The state
5 department shall act as the agent of the federal government
6 in public welfare ~~assistance~~ matters of mutual concern in
7 conformity with this act and the Federal Social Security
8 Act, and in the administration of any federal funds granted
9 to the state to aid in the purposes and functions of the
10 state department.

11 ~~[2] The counties shall not be required to reimburse~~
12 ~~the state department for any portion of old age assistance,~~
13 ~~medical assistance, aid to needy dependent children or aid~~
14 ~~to needy blind or aid to the totally disabled paid to ward~~
15 ~~Indians or for any payment on behalf of any person in a~~
16 ~~state operated medical institution, further provided that~~
17 ~~the~~ the federal government may reimburse the state of
18 Montana ~~in behalf of counties providing general relief to~~
19 ~~ward Indians,~~ a sum in lieu of taxes which ~~the counties a~~
20 ~~county~~ would collect ~~have collected pursuant to 71-222.1~~ if
21 the lands of such ward Indians ~~within the county~~ were not in
22 trust status. A ward Indian is hereby defined as an Indian
23 who is living on an Indian reservation set aside for tribal
24 use, or is a member of a tribe or nation accorded certain
25 rights and privileges by treaty or by federal statutes. If

1 and when the Federal Social Security Act is amended to
2 define a "ward Indian," such definition shall supersede the
3 foregoing definition."

4 Section 5. Section 71-212, R.C.M. 1947, is amended to
5 read as follows:

6 "~~71-212. State grants in aid~~ Power of state department
7 in administering public assistance funds. In administering
8 or supervising any state or federal funds appropriated or
9 made available to the state department for public welfare
10 assistance purposes, the state department shall have the
11 authority to ~~may~~

12 ~~(a) Require as a condition for receiving grants in aid~~
13 ~~that the county shall bear the proportion of the total of~~
14 ~~total public assistance as is fixed by law relating to such~~
15 ~~assistance:~~

16 ~~(b) Make use of all legal processes to enforce the~~
17 ~~minimum standards prescribed by the state department under~~
18 ~~laws providing for grants in aid, provided that such~~
19 ~~standards shall not exceed in cost the amount derived from~~
20 ~~taxes established by state law~~

21 ~~(c) Require~~ require that each part of ~~this act shall~~
22 the public assistance laws be in effect in all counties of
23 the state."

24 Section 6. Section 71-214, R.C.M. 1947, is amended to
25 read as follows:

1 "71-214. County commissioners ex officio county
2 welfare board -- compensation. The board of county
3 commissioners, ex officio, shall be the county welfare board
4 and is hereby authorized to devote such additional time for
5 public welfare assistance matters as may be found necessary.
6 The members of the county welfare board shall receive the
7 same compensation for their services and the same mileage
8 when acting as the county board of public welfare as they
9 receive when acting as the board of county commissioners
10 ~~and. The county welfare board shall be limited as to~~
11 ~~meetings as now provided by law, and the compensation and~~
12 ~~mileage of the members of the board shall be paid from~~
13 ~~county state funds. They may transact business as a board of~~
14 ~~county commissioners and as a county welfare board on the~~
15 ~~same day, and in such cases they shall be paid as a board of~~
16 ~~county commissioners, but shall in no case may not receive~~
17 ~~compensation for more than one 1 day's work for all services~~
18 ~~performed on the same calendar day."~~

19 Section 7. Section 71-217, R.C.M. 1947, is amended to
20 read as follows:

21 "71-217. Staff personnel -- how selected, paid, and
22 controlled -- dismissal. (1) Each county board shall select
23 and appoint from a list of qualified persons furnished by
24 the state department such staff personnel as are necessary.
25 The staff personnel in each county shall consist of at least

1 one qualified staff worker (or investigator) and such clerks
 2 and stenographers as may be decided necessary. If conditions
 3 warrant, the county board, with the approval of the state
 4 department, may appoint some fully qualified person listed
 5 by the state department as supervisor of its staff
 6 personnel. The staff personnel of each county department are
 7 directly responsible to the county board, but the state
 8 department shall have the authority to supervise such county
 9 employees in respect to the efficient and proper performance
 10 of their duties. The county board of public welfare shall
 11 not dismiss any member of the staff personnel without the
 12 approval of the state department, but the state department
 13 shall have the authority to request the county board to
 14 dismiss any member of the staff personnel for inefficiency,
 15 incompetence, or similar cause.

16 ~~(2) Public assistance staff personnel attached to the~~
 17 ~~county board shall be paid from state public welfare~~
 18 ~~assistance funds, both their salaries and, when away from~~
 19 ~~the county in the performance of their duties, their travel~~
 20 ~~expenses, as provided for in sections 59-538, 59-539, and~~
 21 ~~59-801, when away from the county seat in the performance of~~
 22 ~~their duties; but the county board of public welfare shall~~
 23 ~~reimburse the state department, from county poor funds,~~
 24 ~~one-half of the payments so made to its public assistance~~
 25 ~~staff personnel, except that, under circumstances prescribed~~

1 ~~by the state department, the reimbursement by the county~~
 2 ~~board of public welfare may be less than one-half. All other~~
 3 ~~administrative costs of the county department shall also be~~
 4 ~~paid from county poor state public assistance funds.~~

5 ~~On or before the 20th day of the month following the~~
 6 ~~month for which the payments to the public assistance staff~~
 7 ~~personnel of the county were made, the state department~~
 8 ~~shall present to the county department of public welfare a~~
 9 ~~claim for the required reimbursements. The county board~~
 10 ~~shall make such reimbursements within twenty (20) days after~~
 11 ~~the presentation of the claim and the state department shall~~
 12 ~~credit (add) all such reimbursements to its account for~~
 13 ~~administrative costs."~~

14 Section 8. There is a new R.C.M. section numbered
 15 71-222.1 that reads as follows:

16 71-222.1. Funding of public assistance programs
 17 administered locally. Each county of the state shall
 18 annually levy a tax of 3 mills on all of the taxable
 19 property within the county. The money collected by each
 20 county from the 3-mill levy required by this section shall
 21 be paid into the state treasury to the credit of an
 22 earmarked revenue fund account for the purpose of financing
 23 public assistance programs administered locally. The balance
 24 of the money needed to fund all of the public assistance
 25 programs administered locally by county welfare departments

1 shall come from state appropriations for this purpose,
2 federal funds received for this purpose, and money received
3 from any other source for this purpose.

4 Section 9. Section 71-223, R.C.M. 1947, is amended to
5 read as follows:

6 "71-223. Right of appeal. (1) If an application for
7 assistance under Title 71, except for benefits under chapter
8 19 22 pertaining to veterans' welfare, is not acted upon
9 promptly or if a decision is made with which the applicant
10 or recipient is not satisfied, he may appeal to the board of
11 social and rehabilitation appeals for a fair hearing by
12 addressing a request for a hearing to the state department.
13 The board of social and rehabilitation appeals shall, upon
14 receipt of a request for a hearing, give the applicant or
15 recipient prompt notice and opportunity for a fair hearing.
16 A county welfare board which is involved in a grievance
17 shall be represented at such a hearing.

18 (2) The state department may, upon its own motion,
19 review any decision of a county welfare board, and may
20 consider any application upon which a decision has not been
21 made by the county board within a reasonable time from the
22 filing thereof. The state department may have an additional
23 investigation made, and shall make a decision as to the
24 granting of assistance and the amount of assistance to be
25 granted the applicant as in its opinion is justified and in

1 conformity with the provisions of this act.

2 (3) If the state department reviews a county decision
3 on its own motion, applicants or recipients affected by the
4 decisions of the state department shall, upon request, be
5 given reasonable notice and an opportunity for a fair
6 hearing by the board of social and rehabilitation appeals.

7 (4) All decisions of the state department or the board
8 of social and rehabilitation appeals are final and are
9 binding and shall be complied with by the county department
10 and the state department."

11 Section 10. Section 71-230, R.C.M. 1947, is amended to
12 read as follows:

13 "71-230. Method of issuing assistance grants --
14 reimbursement. (a) Checks in payment of public assistance
15 ~~as provided for in each part of this act with the exception~~
16 ~~of general relief,~~ shall be issued by the state department
17 upon approved certificates of award and reports of changes
18 of such eligible grantees as are forwarded by the county
19 department to the state department, and all such checks will
20 be mailed to the individual recipient or the appropriate
21 vendor. The checks in payment of public assistance shall be
22 issued in the full approved amount for each eligible
23 approved grantee and the original monthly payment shall be
24 from the state public welfare assistance accounts. All
25 public assistance checks shall represent cash on demand at

1 full par value to the recipient and vendor.

2 (b) Whenever the state department, acting pursuant to
3 standards established by said department, shall determine
4 that any otherwise eligible recipient of old age assistance,
5 aid to the needy blind, aid to the permanently and totally
6 disabled, has, by reason of any physical or mental
7 condition, such inability to manage funds that making
8 payments to him would be contrary to his welfare, the
9 department may under standards established under the state
10 plan, make the public assistance payment on behalf of such
11 recipient to another person found by the department to be
12 interested in or concerned with the welfare of such needy
13 individual. Before such payments may be paid to such other
14 person, such person shall give a bond, with adequate
15 corporate surety and in form to be approved by the state
16 department, running in favor of the needy individual and the
17 state of Montana, conditioned upon the faithful use by such
18 other person of the funds for the welfare of the said needy
19 individual. Such bond shall be in an amount equal to six (6)
20 times the amount of the monthly payment involved.

21 (c) ~~On or before the twentieth of each month the state~~
22 ~~department will present a claim for reimbursement to each~~
23 ~~county department for its proportionate share of public~~
24 ~~assistance granted in the county to recipients during the~~
25 ~~month and for vendor medical payments made on behalf of~~

1 ~~recipients in the previous month. The county department must~~
2 ~~make such reimbursement to the state department within~~
3 ~~twenty (20) days after such claim is presented."~~

4 Section 11. Section 71-302.2, R.C.M. 1947, is amended
5 to read as follows:

6 *71-302.2. Residency requirements. (1) Any person
7 otherwise qualified who makes his home in the state of
8 Montana with the intent to become a resident shall be
9 eligible for general relief. Upon the filing of his
10 application in the county of residence, his a qualified
11 applicant's general relief assistance shall be paid entirely
12 from state funds ~~until he has resided for one (1) continuous~~
13 ~~year in the state of Montana at which time he shall become~~
14 ~~a financial responsibility of the county in which he resides~~
15 ~~at the expiration of the one (1) year period. A person who~~
16 ~~leaves the state of Montana with the intent to reside in~~
17 ~~another state, and later returns to reside in the state of~~
18 ~~Montana shall be deemed a new resident for the purposes of~~
19 ~~this act. If a recipient moves from his original county of~~
20 ~~residence to reside in another county, he shall continue to~~
21 ~~be a financial responsibility of the original county of~~
22 ~~residence for one (1) year from the date of his change of~~
23 ~~residence. If during this one (1) year period, the~~
24 ~~individual resides in several counties, he shall become a~~
25 ~~financial responsibility of the county in which he resides~~

1 ~~at the expiration of the one (1) year period, County medical~~
 2 ~~assistance under section 71-300 shall not be entitled to be~~
 3 ~~paid from state funds.~~

4 ~~(2) If a person is absent from the state voluntarily,~~
 5 ~~he shall be ineligible for general relief in the state of~~
 6 ~~Montana. Aliens found to be illegally within the United~~
 7 ~~States shall are not be eligible for relief from state~~
 8 ~~funds.~~

9 ~~Recipients of public assistance who become wards or~~
 10 ~~patients in a licensed nursing home or hospital, foster home~~
 11 ~~or a private charitable institution shall have the county~~
 12 ~~share of financial participation paid entirely from state~~
 13 ~~funds for one (1) year from the original date of entrainment~~
 14 ~~or the original date of state residency, whichever is~~
 15 ~~earlier. At the expiration of such period, the appropriate~~
 16 ~~county as defined by the following guidelines, shall become~~
 17 ~~financially responsible to the extent of its legally~~
 18 ~~required share of participation. The county in which~~
 19 ~~commitment of an adult is initiated shall be deemed the~~
 20 ~~county of financial responsibility except where court decree~~
 21 ~~declares the residency to be otherwise. Where an adult is~~
 22 ~~transferred from a facility or institution to one of the~~
 23 ~~above enumerated facilities, the county which initiated the~~
 24 ~~original commitment shall be deemed the county of financial~~
 25 ~~responsibility except in the case of an adult transfer from~~

1 ~~an out-of-state institution, in which case the county in~~
 2 ~~which the facility is located shall be deemed the county of~~
 3 ~~financial responsibility. In all cases where a minor patient~~
 4 ~~or ward is involved, the county of financial responsibility~~
 5 ~~shall be the county in which the parent or guardian resides.~~
 6 ~~Where the custody of a minor is entrusted to a state agency,~~
 7 ~~the agency shall have the power to make a reasonable~~
 8 ~~declaration of the county residency of its ward using~~
 9 ~~applicable guidelines enumerated in this section. A person~~
 10 ~~who reaches majority in an institution shall upon release~~
 11 ~~and restoration to competency, have the power to determine~~
 12 ~~his own county residency. Such person shall continue to be a~~
 13 ~~financial responsibility of the county which initiated the~~
 14 ~~original commitment for one (1) year from the date of~~
 15 ~~release, at which time he shall become a financial~~
 16 ~~responsibility of his new county of residence.~~

17 ~~(3) Nonresidents or interstate transients may receive~~
 18 ~~temporary relief from county state public assistance funds~~
 19 ~~in cases of extreme necessity and destitution until they may~~
 20 ~~be returned at state expense to their state of residence or~~
 21 ~~origin. Medical expenses arising from accidental injury to~~
 22 ~~interstate transients shall be paid from county funds and~~
 23 ~~reimbursed by the state upon submission of a proper claim.~~

24 ~~(4) Interstate transient, as the term is used in this~~
 25 ~~act, is defined as an individual who has signed a~~

1 declaration that he is unable to pay for his own necessities
2 or transportation to return to his state of residence or
3 origin and is en route to a point outside of this state,
4 being unable, due to unexpected distress, to reach his
5 destination."

6 Section 12. Section 71-307, R.C.M. 1947, is amended to
7 read as follows:

8 "71-307. Relief by check or disbursing orders.
9 ~~(1) All general relief disbursements by county departments~~
10 ~~of public welfare the state department~~ shall be by warrant
11 or check. However, if the county welfare ~~state~~ department
12 finds that a recipient is in the habit of dissipating
13 general relief allowances instead of using them for the
14 purposes intended, or that for any other reason it is better
15 for the recipient and his family to receive the allowance
16 through disbursing orders, then disbursing orders shall be
17 used instead of cash payments, ~~but all~~ All such disbursing
18 orders must be written in such form that the goods and
19 merchandise to be provided may be furnished by any regular
20 dealer in such goods and merchandise within the county of
21 the recipient's residence. A recipient of general relief
22 must register for employment with the State Employment
23 Service and must accept available employment within his or
24 her capability. Refusal to accept such employment will
25 render the recipient ineligible for further general relief

1 assistance. ~~if the county has work available which a~~
2 ~~recipient of general relief is capable of performing, then~~
3 ~~the county department of public welfare may require the~~
4 ~~recipient to perform the work at the prevailing rate of~~
5 ~~wages paid by that county for similar work to be paid from~~
6 ~~the county poor fund in place of granting him general~~
7 ~~relief.~~

8 ~~(2) The county department of public welfare shall~~
9 ~~provide coverage under the Workmen's Compensation Act for~~
10 ~~those recipients of general relief working under the~~
11 ~~provisions hereof, and may enter into such agreements with~~
12 ~~the division of workmen's compensation of the department of~~
13 ~~labor and industry as may be necessary to carry out the~~
14 ~~provisions of this section.~~

15 ~~(3) Any recipient of general relief who is subject to~~
16 ~~the provisions of this section and who without cause refuses~~
17 ~~to perform work assigned to him as herein provided, shall~~
18 ~~lose his eligibility for general relief for one (1) week for~~
19 ~~each refusal.~~

20 Section 13. Section 71-308, R.C.M. 1947, is amended to
21 read as follows:

22 "71-308. Medical aid and hospitalization. (1) Medical
23 aid and hospitalization for nonresidents within the county
24 and county residents unable to provide such necessities for
25 themselves are the legal and financial duty and

1 responsibility of the board-of-county-commissioners,--except
 2 ~~as otherwise provided in other parts of this act state~~
 3 ~~department,~~ payable from the ~~county poor fund~~ state public
 4 assistance funds. The board of county commissioners, acting
 5 as the county welfare boards, shall make provisions for
 6 competent and skilled medical or surgical services as
 7 approved by the department of health and environmental
 8 sciences or the state medical association, or in the case of
 9 osteopathic practitioners by the state osteopathic
 10 association or chiropractors by the state chiropractic
 11 association, or optometrical services as approved by the
 12 Montana optometric association and ~~or~~ dental services as
 13 approved by the dental association. "Medical" or "medicine"
 14 as used in this act refers to the healing art as practiced
 15 by licensed practitioners.

16 (2) The board, in arranging for medical care for those
 17 unable to provide it for themselves, may have the care
 18 provided by the physicians appointed by the board who shall
 19 be known as county physicians or deputy county physicians,
 20 and may fix a rate of compensation for the furnishing of the
 21 medical attendance.

22 (3) The board of county commissioners shall make
 23 suitable arrangements to provide respectable burial for
 24 nonresidents within the county and county residents for whom
 25 such expenses are not otherwise available. The cost of

1 burial provided pursuant to this subsection shall be paid by
 2 the state department from state public assistance funds.

3 (4) The ~~state~~ department of ~~social and rehabilitation~~
 4 ~~services~~ may promulgate rules to determine under what
 5 circumstances persons in the county are unable to provide
 6 medical aid and hospitalization for themselves, including
 7 the power to define the term "medically needy". ~~Provided,~~
 8 ~~however, such~~ However, the definition may not allow payment
 9 by a county for general assistance ~~medical~~ for persons whose
 10 income exceeds ~~three hundred percent~~ {300%} of the
 11 limitation for obtaining regular county general relief
 12 assistance.

13 (5) In any case where the ~~county or~~ state pays medical
 14 expenses or hospitalization for an individual, the ~~county or~~
 15 state is subrogated to the claims of the physician or
 16 hospital to the extent of payment."

17 Section 14. Section 71-504, R.C.M. 1947, is amended to
 18 read as follows:

19 "71-504. Eligibility for assistance in aid to
 20 dependent children. Assistance shall be granted under this
 21 chapter to any dependent child--1 as defined in section
 22 71-501--2 who:

23 ~~(a)(1)~~ is is in need of such assistance, and
 24 ~~(b)(2)~~ has has resided in the state for ~~one~~ {1} year
 25 immediately prior to the date of receipt of this assistance

1 or who was born within such year. A relative whose needs
 2 are included in a grant must meet the same residence
 3 requirements as does the child concerned. ~~Any dependent~~
 4 ~~child or relative with whom the child is living meeting the~~
 5 ~~above requirements shall be entitled to the assistance~~
 6 ~~herein provided for, but the state shall pay the full amount~~
 7 ~~of such assistance exclusive of the federal share unless and~~
 8 ~~until the child and/or the relative with whom the child is~~
 9 ~~living has been a resident of the county for a period of one~~
 10 ~~(1) year."~~

11 Section 15. Section 71-510, R.C.M. 1947, is amended to
 12 read as follows:

13 "71-510. Removal to another county. A recipient of aid
 14 to dependent children who moves to another county in the
 15 state shall continue to receive assistance with the approval
 16 of the state department; ~~the county from which he has moved~~
 17 ~~shall be charged by the state department for such county~~
 18 ~~share of his assistance for a period of one (1) year after~~
 19 ~~which time the county to which he has moved shall be charged~~
 20 ~~therefor. The state department will determine the date of~~
 21 ~~transfer. The county from which a recipient moves shall~~
 22 ~~notify the state department and the county to which the~~
 23 ~~recipient moves."~~

24 Section 16. Section 84-4213, R.C.M. 1947, is amended
 25 to read as follows:

1 "84-4213. Treasurer's duty to collect road taxes and
 2 poor taxes in support of public assistance programs
 3 administered locally -- seizure and sale of property -- when
 4 road and poor tax taxes to be paid. (1) The county treasurer
 5 must demand payment of poor taxes in support of public
 6 assistance programs administered locally, as authorized
 7 required by section ~~71-106~~ 71-222.1, and road taxes
 8 authorized by section 32-201 or section 84-4732, of every
 9 person liable therefor whose name does not appear on the
 10 assessment lists and on the neglect or refusal of such
 11 person to pay the same, he must collect by seizure and sale
 12 of any property owned by such person.

13 (2) These taxes shall be added upon the assessment
 14 lists to other taxes of persons liable therefor, paying
 15 taxes upon real and personal property and paid to the county
 16 treasurer at the time of payment of other taxes. And all
 17 personal property assessed against a person shall be liable
 18 for the payment of such taxes."

19 Section 17. Saving clause. This act does not affect
 20 rights and duties that matured, penalties that were
 21 incurred, or proceedings that were begun before July 1,
 22 1977.

23 Section 18. Repealer. Sections 71-106, 71-222, 71-309,
 24 and 71-311, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 575-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 17, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 438 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to shift the financing of public assistance programs from the county welfare departments to the state; to provide a mandatory property tax of three (3) mills to be levied by all counties for these programs.

ASSUMPTIONS:

1. The state will assume all costs of general assistance, county medical, county burial, transient relief, county administration of public assistance and the county share of economic assistance and food stamp administration.
2. Current county office locations and FTE numbers do not change.
3. All county offices begin paying rent based upon 600 FTE, 100 square feet per FTE at \$5 per square foot.
4. Administrative costs will inflate at 6% per year.
5. Caseload growth will continue at the historic growth rate.
6. The bill is implemented July 1, 1977.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Additional cost of proposed legislation	<u>\$9,738,000</u>	<u>\$10,774,000</u>
The additional cost would be funded as follows:		
3 mill levy	\$4,430,328	\$ 4,906,689
State General Fund	<u>5,307,672</u>	<u>5,867,311</u>
	<u>\$9,738,000</u>	<u>\$10,774,000</u>

TECHNICAL NOTE:

Senate Bill 438 repeals Section 71-106, R.C.M. 1947. The only method remaining for a hospital to support county hospitals is through a hospital district.

Richard L. Drayton

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-22-77

Taxation

Without recommendation

As Amended

1 SENATE BILL NO. 438
 2 INTRODUCED BY FASBENDER, RASMUSSEN,
 3 MCCALLUM, MANLEY, LEE, MEHRENS, HEALY,
 4 NORMAN, FLYNN, THOMAS, ROSKIE, WARDEN, GOODOVER
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
 7 DIFFERENT METHOD OF FINANCING PUBLIC ASSISTANCE PROGRAMS
 8 ADMINISTERED LOCALLY BY COUNTY WELFARE DEPARTMENTS; TO SHIFT
 9 PRIMARY FINANCIAL RESPONSIBILITY FOR SUCH PROGRAMS FROM THE
 10 COUNTIES TO THE STATE; TO PROVIDE FOR A MANDATORY TAX ON
 11 PROPERTY OF 3 6 MILLS TO BE LEVIED BY EACH COUNTY FOR THE
 12 PURPOSE OF FUNDING SUCH PROGRAMS; TO AMEND SECTIONS 16-1043,
 13 16-3802, ~~71-106~~, 71-210, 71-211, 71-212, 71-214, 71-217,
 14 71-223, 71-230, 71-302.2, 71-307, 71-308, 71-504, 71-510,
 15 AND 84-4213, R.C.M. 1947; AND TO REPEAL SECTIONS ~~71-106~~
 16 ~~71-222~~, 71-309, AND 71-311, R.C.M. 1947."
 17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Section 16-1043, R.C.M. 1947, is amended to
 20 read as follows:
 21 "16-1043. Moneys for depletion allowance reserve fund.
 22 (1) Moneys for the depletion allowance reserve fund may be
 23 derived from:
 24 (a) public and private grants;
 25 (b) moneys collected by the hospital or nursing home

1 for which the fund is created, from or for indigent
 2 patients, that are in excess of the expenses incurred for
 3 the care of such patients;
 4 ~~(c) before a grant-in-aid for any fiscal year may be~~
 5 ~~made to a county under this provision of section 71-311~~
 6 ~~R.C.M. 1947, any moneys credited during that fiscal year to~~
 7 ~~the depletion allowance reserve fund from the sources~~
 8 ~~provided by section 16-1043 (1) (b) of this act shall be~~
 9 ~~transferred to the county poor fund to be used for lawful~~
 10 ~~poor fund expenditures. The amount of the grant-in-aid~~
 11 ~~shall be determined after all sources of income available to~~
 12 ~~the poor fund, including the depletion allowance reserve~~
 13 ~~fund transfers, have been exhausted.~~
 14 (2) The depletion allowance reserve fund may
 15 accumulate at the discretion of the governing body."
 16 Section 2. Section 16-3802, R.C.M. 1947, is amended to
 17 read as follows:
 18 "16-3802. Enumeration of county charges -- limitation
 19 as to state prison cases. (1) The following are county
 20 charges:
 21 (a) Charges incurred against the county by virtue of
 22 any provision of this title.
 23 (b) One-half of the salary of the county attorney, and
 24 all expenses necessarily incurred by him in criminal cases
 25 arising within the county.

1 (c) The salary and actual expenses for traveling when
2 on official duty allowed by law to sheriffs, and the
3 compensation allowed by law to constables for executing
4 process on persons charged with criminal offenses.

5 (d) The board of prisoners confined in jail.

6 (e) The sums required by law to be paid to grand and
7 trial jurors and witnesses in criminal cases.

8 (f) The accounts of the coroner of the county for such
9 services as are provided by law.

10 (g) All charges and accounts for services rendered by
11 any justice of the peace for services in the examination or
12 trial of persons charged with crime as provided for by law.

13 ~~(h) The necessary expenses incurred in the support of
14 county hospitals and poor farms and the indigent sick and
15 the otherwise dependent poor whose support is chargeable to
16 the county.~~

17 ~~(i) The contingent expenses necessarily incurred
18 for the use and benefit of the county.~~

19 ~~(j) Every other sum directed by law to be raised
20 for any county purpose under the direction of the board of
21 county commissioners, or declared to be a county charge.~~

22 (2) Notwithstanding the preceding subsection, all
23 costs of a criminal prosecution, including attorneys' fees,
24 of an offense committed in the state prison are not charges
25 against the county in which the state prison is located.

1 Such costs shall be paid by the department of institutions."

2 SECTION 3. SECTION 71-106, R.C.M. 1947, IS AMENDED TO
3 READ AS FOLLOWS:

4 "71-106. ~~Support of poor and indigent persons County~~
5 ~~hospitals and nursing homes~~ -- tax levy. The board of county
6 commissioners ~~has jurisdiction and power,~~ under such
7 limitations and restrictions as are prescribed by law, ~~may~~
8 ~~to provide for the care and maintenance of the indigent~~

9 ~~sick except as otherwise provided in other parts of this~~
10 ~~act or the otherwise dependent poor of the county,~~ erect
11 and maintain ~~hospitals therefor or otherwise provide for~~
12 ~~the same, a hospital or nursing home for the care and~~
13 ~~maintenance of the indigent sick~~ and for said purposes to
14 ~~may either:~~

15 (1) levy and collect annually a tax on property not
16 exceeding ~~thirteen and one-half (13-1/2)~~ 6 mills, which levy
17 shall be made at the time other tax levies are made on
18 property, as provided by law; ~~or~~

19 (2) ~~form a public hospital district as provided in~~
20 ~~title 16, chapter 43.~~"

21 Section 4. Section 71-210, R.C.M. 1947, is amended to
22 read as follows:

23 "71-210. Authority and activities of the state
24 department. (1) The state department has authority over and
25 administration or supervision of all the purposes and

1 operations as set forth under Title 71. The state department
2 shall:

3 (a) Administer or supervise all forms of public
4 assistance, child protection and child welfare, including
5 the provision of medical care payments in behalf of
6 recipients of public assistance;

7 (b) Administer or supervise all child welfare
8 activities, including importation and exportation of
9 children; licensing and supervising of private and local
10 child-caring agencies; the care of dependent, neglected and
11 delinquent children in foster family homes, especially
12 children placed for adoption or those of illegitimate birth;

13 (c) Give consultant service to private institutions
14 providing care for the needy, indigent, handicapped or
15 dependent adults;

16 (d) Develop and cooperate with other state agencies
17 provisions for services to the blind, including the
18 prevention of blindness, the location of blind persons,
19 medical services for eye conditions and vocational guidance
20 and training of the blind;

21 (e) Provide services in respect to organization and
22 supervise county departments of public welfare and county
23 boards of public welfare in the administration of public
24 welfare functions, and for efficiency and economy;

25 (f) Assist and cooperate with other state and federal

1 departments, bureaus, agencies and institutions, when so
2 requested, by performing services in conformity with the
3 purposes of this act.

4 (g) Administer and supervise all federal funds
5 allocated to this state, and all state funds appropriated to
6 this the state department for the activities set forth in
7 title 71, and all money received pursuant to 71-222.1. The
8 state department shall do all things necessary, in
9 conformity with federal and state law, for the proper
10 fulfillment of the purposes set forth in Title 71.

11 (2) The state department may:

12 (a) Purchase, exchange, condemn, or receive by gift,
13 either real or personal property which is necessary to carry
14 out its functions under Title 71. Title to property obtained
15 under this subsection shall be taken in the name of the
16 state of Montana, for the use and benefit of the state
17 department.

18 (b) Contract with the federal government to carry out
19 its functions under Title 71. The state department may do
20 all things necessary in order to avail itself of federal aid
21 and assistance."

22 Section 5. Section 71-211, R.C.M. 1947, is amended to
23 read as follows:

24 "71-211. State department to act as agency of federal
25 government -- assistance to ward Indians. (1) The state

1 department shall act as the agent of the federal government
2 in public welfare assistance matters of mutual concern in
3 conformity with this act and the Federal Social Security
4 Act, and in the administration of any federal funds granted
5 to the state to aid in the purposes and functions of the
6 state department.

7 ~~(2) The counties shall not be required to reimburse~~
8 ~~the state department for any portion of old age assistance,~~
9 ~~medical assistance, aid to needy dependent children or aid~~
10 ~~to needy blind or aid to the totally disabled paid to ward~~
11 ~~Indians or for any payment on behalf of any person in a~~
12 ~~state operated medical institution, further provided that~~
13 ~~the the federal government may reimburse the state of~~
14 ~~Montana in behalf of counties providing general relief to~~
15 ~~ward Indians, a sum in lieu of taxes which the counties a~~
16 ~~county would collect have collected pursuant to 71-222.1 if~~
17 ~~the lands of such ward Indians within the county were not in~~
18 ~~trust status. A ward Indian is hereby defined as an Indian~~
19 ~~who is living on an Indian reservation set aside for tribal~~
20 ~~use, or is a member of a tribe or nation accorded certain~~
21 ~~rights and privileges by treaty or by federal statutes. If~~
22 ~~and when the Federal Social Security Act is amended to~~
23 ~~define a "ward Indian," such definition shall supersede the~~
24 ~~foregoing definition."~~

25 Section 6. Section 71-212, R.C.M. 1947, is amended to

1 read as follows:

2 "71-212. State grants-in-aid Power of state department
3 in administering public assistance funds. In administering
4 or supervising any state or federal funds appropriated or
5 made available to the state department for public welfare
6 assistance purposes, the state department ~~shall have the~~
7 ~~authority to:~~ may

8 (a) ~~Require as a condition for receiving grants-in-aid~~
9 ~~that the county shall bear the proportion of the total of~~
10 ~~local public assistance as is fixed by law relating to such~~
11 ~~assistance.~~

12 (b) ~~Make use of all legal processes to enforce the~~
13 ~~minimum standards prescribed by the state department under~~
14 ~~laws providing for grants-in-aid, provided that such~~
15 ~~standards shall not exceed in cost the amount derived from~~
16 ~~levies established by state law.~~

17 (c) ~~Require~~ require that each part of this act shall
18 the public assistance laws be in effect in all counties of
19 the state."

20 Section 7. Section 71-214, R.C.M. 1947, is amended to
21 read as follows:

22 "71-214. County commissioners ex officio county
23 welfare board -- compensation. The board of county
24 commissioners, ex officio, shall be the county welfare board
25 and is hereby authorized to devote such additional time for

1 public welfare assistance matters as may be found necessary.
 2 The members of the county welfare board shall receive the
 3 same compensation for their services and the same mileage
 4 when acting as the county board of public welfare as they
 5 receive when acting as the board of county commissioners
 6 and, ~~the county welfare board~~ shall be limited as to
 7 meetings as now provided by law, and the compensation and
 8 mileage of the members of the board shall be paid from
 9 county state funds. They may transact business as a board of
 10 county commissioners and as a county welfare board on the
 11 same day, and in such cases they shall be paid as a board of
 12 county commissioners, but ~~shall in no case~~ may not receive
 13 compensation for more than one 1 day's work for all services
 14 performed on the same calendar day."

15 Section B. Section 71-217, R.C.M. 1947, is amended to
 16 read as follows:

17 "71-217. Staff personnel -- how selected, paid, and
 18 controlled -- dismissal. (1) Each county board shall select
 19 and appoint from a list of qualified persons furnished by
 20 the state department such staff personnel as are necessary.
 21 The staff personnel in each county shall consist of at least
 22 one qualified staff worker (or investigator) and such clerks
 23 and stenographers as may be decided necessary. If conditions
 24 warrant, the county board, with the approval of the state
 25 department, may appoint some fully qualified person listed

1 by the state department as supervisor of its staff
 2 personnel. The staff personnel of each county department are
 3 directly responsible to the county board, but the state
 4 department shall have the authority to supervise such county
 5 employees in respect to the efficient and proper performance
 6 of their duties. The county board of public welfare shall
 7 not dismiss any member of the staff personnel without the
 8 approval of the state department, but the state department
 9 shall have the authority to request the county board to
 10 dismiss any member of the staff personnel for inefficiency,
 11 incompetence, or similar cause.

12 (2) Public assistance staff personnel attached to the
 13 county board shall be paid from state public welfare
 14 assistance funds, both their salaries and, ~~when away from~~
 15 ~~the county in the performance of their duties,~~ their travel
 16 expenses, as provided for in sections 59-538, 59-539, and
 17 59-801, ~~when away from the county seat in the performance of~~
 18 ~~their duties, but the county board of public welfare shall~~
 19 ~~reimburse the state department from county poor funds~~
 20 ~~one-half of the payments so made to its public assistance~~
 21 ~~staff personnel, except that, under circumstances prescribed~~
 22 ~~by the state department, the reimbursement by the county~~
 23 ~~board of public welfare may be less than one-half. All other~~
 24 administrative costs of the county department shall also be
 25 paid from county poor state public assistance funds.

~~1 on or before the 20th day of the month following the
 2 month for which the payments to the public assistance staff
 3 personnel of the county were made, the state department
 4 shall present to the county department of public welfare a
 5 claim for the required reimbursements. The county board
 6 shall make such reimbursements within twenty (20) days after
 7 the presentation of the claim and the state department shall
 8 credit (add) all such reimbursements to its account for
 9 administrative costs."~~

10 Section 9. There is a new R.C.M. section numbered
 11 71-222.1 that reads as follows:

12 71-222.1. Funding of public assistance programs
 13 administered locally. Each county of the state shall
 14 annually levy a tax of 3 1/2 mills on all of the taxable
 15 property within the county. The money collected by each
 16 county from the ~~3-mill~~ 6-MILL levy required by this section
 17 shall be paid into the state treasury to the credit of an
 18 earmarked revenue fund account for the purpose of financing
 19 public assistance programs administered locally. The balance
 20 of the money needed to fund all of the public assistance
 21 programs administered locally by county welfare departments
 22 shall come from state appropriations for this purpose,
 23 federal funds received for this purpose, and money received
 24 from any other source for this purpose.

25 Section 10. Section 71-223, R.C.M. 1947, is amended to

1 read as follows:

2 "71-223. Right of appeal. (1) If an application for
 3 assistance under Title 71, except for benefits under chapter
 4 19 22 pertaining to veterans' welfare, is not acted upon
 5 promptly or if a decision is made with which the applicant
 6 or recipient is not satisfied, he may appeal to the board of
 7 social and rehabilitation appeals for a fair hearing by
 8 addressing a request for a hearing to the state department.
 9 The board of social and rehabilitation appeals shall, upon
 10 receipt of a request for a hearing, give the applicant or
 11 recipient prompt notice and opportunity for a fair hearing.
 12 A county welfare board which is involved in a grievance
 13 shall be represented at such a hearing.

14 (2) The state department may, upon its own motion,
 15 review any decision of a county welfare board, and may
 16 consider any application upon which a decision has not been
 17 made by the county board within a reasonable time from the
 18 filing thereof. The state department may have an additional
 19 investigation made, and shall make a decision as to the
 20 granting of assistance and the amount of assistance to be
 21 granted the applicant as in its opinion is justified and in
 22 conformity with the provisions of this act.

23 (3) If the state department reviews a county decision
 24 on its own motion, applicants or recipients affected by the
 25 decisions of the state department shall, upon request, be

1 given reasonable notice and an opportunity for a fair
2 hearing by the board of social and rehabilitation appeals.

3 (4) All decisions of the state department or the board
4 of social and rehabilitation appeals are final and are
5 binding and shall be complied with by the county department
6 and the state department."

7 Section 11. Section 71-230, R.C.M. 1947, is amended to
8 read as follows:

9 "71-230. Method of issuing assistance grants --
10 reimbursement. (a) Checks in payment of public assistance,
11 ~~as provided for in each part of this act, with the exception~~
12 ~~of general relief,~~ shall be issued by the state department
13 upon approved certificates of award and reports of changes
14 of such eligible grantees as are forwarded by the county
15 department to the state department, and all such checks will
16 be mailed to the individual recipient or the appropriate
17 vendor. The checks in payment of public assistance shall be
18 issued in the full approved amount for each eligible
19 approved grantee and the original monthly payment shall be
20 from the state public welfare assistance accounts. All
21 public assistance checks shall represent cash on demand at
22 full par value to the recipient and vendor.

23 (b) Whenever the state department, acting pursuant to
24 standards established by said department, shall determine
25 that any otherwise eligible recipient of old age assistance,

1 aid to the needy blind, aid to the permanently and totally
2 disabled, has, by reason of any physical or mental
3 condition, such inability to manage funds that making
4 payments to him would be contrary to his welfare, the
5 department may under standards established under the state
6 plan, make the public assistance payment on behalf of such
7 recipient to another person found by the department to be
8 interested in or concerned with the welfare of such needy
9 individual. Before such payments may be paid to such other
10 person, such person shall give a bond, with adequate
11 corporate surety and in form to be approved by the state
12 department, running in favor of the needy individual and the
13 state of Montana, conditioned upon the faithful use by such
14 other person of the funds for the welfare of the said needy
15 individual. Such bond shall be in an amount equal to six (6)
16 times the amount of the monthly payment involved.

17 ~~(c) On or before the twentieth of each month the state~~
18 ~~department will present a claim for reimbursement to each~~
19 ~~county department for its proportionate share of public~~
20 ~~assistance granted in the county to recipients during the~~
21 ~~month and for vendor medical payments made on behalf of~~
22 ~~recipients in the previous month. The county department must~~
23 ~~make such reimbursement to the state department within~~
24 ~~twenty (20) days after such claim is presented."~~

25 Section 12. Section 71-302.2, R.C.M. 1947, is amended

1 to read as follows:

2 "71-302.2. Residency requirements. (1) Any person
3 otherwise qualified who makes his home in the state of
4 Montana with the intent to become a resident shall be
5 eligible for general relief. Upon the filing of his
6 application in the county of residence, his a qualified
7 applicant's general relief assistance shall be paid entirely
8 from state funds ~~until he has resided for one (1) continuous~~
9 ~~year in the state of Montana at which time he shall become~~
10 ~~a financial responsibility of the county in which he resides~~
11 ~~at the expiration of the one (1) year period. A person who~~
12 ~~leaves the state of Montana with the intent to reside in~~
13 ~~another state and later returns to reside in the state of~~
14 ~~Montana shall be deemed a new resident for the purposes of~~
15 ~~this act. If a recipient moves from his original county of~~
16 ~~residence to reside in another county, he shall continue to~~
17 ~~be a financial responsibility of the original county of~~
18 ~~residence for one (1) year from the date of his change of~~
19 ~~residence. If during this one (1) year period, the~~
20 ~~individual resides in several counties, he shall become a~~
21 ~~financial responsibility of the county in which he resides~~
22 ~~at the expiration of the one (1) year period. County medical~~
23 ~~assistance under section 71-308 shall not be entitled to be~~
24 ~~paid from state funds.~~

25 (2) If a person is absent from the state voluntarily,

1 he shall be ineligible for general relief in the state of
2 Montana. Aliens found to be illegally within the United
3 States ~~shall~~ are not be eligible for relief from state
4 funds.

5 ~~recipients of public assistance who become wards or~~
6 ~~patients in a licensed nursing home or hospital, foster home~~
7 ~~or a private charitable institution shall have the county~~
8 ~~share of financial participation paid entirely from state~~
9 ~~funds for one (1) year from the original date of entrustment~~
10 ~~or the original date of state residency, whichever is~~
11 ~~earlier. At the expiration of such period, the appropriate~~
12 ~~county as defined by the following guidelines shall become~~
13 ~~financially responsible to the extent of its legally~~
14 ~~required share of participations. The county in which~~
15 ~~commitment of an adult is initiated shall be deemed the~~
16 ~~county of financial responsibility except where court decree~~
17 ~~declares the residency to be otherwise. Where an adult is~~
18 ~~transferred from a facility or institution to one of the~~
19 ~~above enumerated facilities, the county which initiated the~~
20 ~~original commitment shall be deemed the county of financial~~
21 ~~responsibility except in the case of an adult transfer from~~
22 ~~an out-of-state institution in which case the county in~~
23 ~~which the facility is located shall be deemed the county of~~
24 ~~financial responsibility. In all cases where a minor patient~~
25 ~~or ward is involved, the county of financial responsibility~~

1 ~~shall be the county in which the parent or guardian resides~~
 2 ~~where the custody of a minor is entrusted to a state agency~~
 3 ~~the agency shall have the power to make a reasonable~~
 4 ~~declaration of the county residency of its ward using~~
 5 ~~applicable guidelines enumerated in this section. A person~~
 6 ~~who reaches majority in an institution shall upon release~~
 7 ~~and restoration to competency have the power to determine~~
 8 ~~his own county residency. Such person shall continue to be a~~
 9 ~~financial responsibility of the county which initiated the~~
 10 ~~original commitment for one (1) year from the date of~~
 11 ~~release, at which time he shall become a financial~~
 12 ~~responsibility of his new county of residence.~~

13 [3] Nonresidents or interstate transients may receive
 14 temporary relief from county state public assistance funds
 15 in cases of extreme necessity and destitution until they may
 16 be returned at state expense to their state of residence or
 17 origin. Medical expenses arising from accidental injury to
 18 interstate transients shall be paid from county funds and
 19 reimbursed by the state upon submission of a proper claim.

20 [4] Interstate transient, as the term is used in this
 21 act, is defined as an individual who has signed a
 22 declaration that he is unable to pay for his own necessities
 23 or transportation to return to his state of residence or
 24 origin and is en route to a point outside of this state,
 25 being unable, due to unexpected distress, to reach his

1 destination."

2 section 13. Section 71-307, R.C.M. 1947, is amended to
 3 read as follows:

4 "71-307. Relief by check or disbursing orders.
 5 (1) All general relief disbursements by county departments
 6 of public welfare the state department shall be by warrant
 7 or check. However, if the county welfare state department
 8 finds that a recipient is in the habit of dissipating
 9 general relief allowances instead of using them for the
 10 purposes intended, or that for any other reason it is better
 11 for the recipient and his family to receive the allowance
 12 through disbursing orders, then disbursing orders shall be
 13 used instead of cash payments, ~~but not~~ All such disbursing
 14 orders must be written in such form that the goods and
 15 merchandise to be provided may be furnished by any regular
 16 dealer in such goods and merchandise within the county of
 17 the recipient's residence. A recipient of general relief
 18 must register for employment with the State Employment
 19 Service and must accept available employment within his or
 20 her capability. Refusal to accept such employment will
 21 render the recipient ineligible for further general relief
 22 assistance. ~~if the county has work available which a~~
 23 ~~recipient of general relief is capable of performing, then~~
 24 ~~the county department of public welfare may require the~~
 25 ~~recipient to perform the work at the prevailing rate of~~

1 ~~wages paid by that county for similar work to be paid from~~
 2 ~~the county poor fund in place of granting him general~~
 3 ~~relief.~~

4 ~~(2) The county department of public welfare shall~~
 5 ~~provide coverage under the Workmen's Compensation Act for~~
 6 ~~those recipients of general relief working under the~~
 7 ~~provisions hereof and may enter into such agreements with~~
 8 ~~the division of workmen's compensation of the department of~~
 9 ~~labor and industry as may be necessary to carry out the~~
 10 ~~provisions of this section.~~

11 ~~(3) Any recipient of general relief who is subject to~~
 12 ~~the provisions of this section and who without cause refuses~~
 13 ~~to perform work assigned to him as herein provided, shall~~
 14 ~~lose his eligibility for general relief for one (1) week for~~
 15 ~~each refusal.~~

16 Section 14. Section 71-308, R.C.M. 1947, is amended to
 17 read as follows:

18 "71-308. Medical aid and hospitalization. (1) Medical
 19 aid and hospitalization for nonresidents within the county
 20 and county residents unable to provide such necessities for
 21 themselves are the legal and financial duty and
 22 responsibility of the ~~board of county commissioners, except~~
 23 ~~as otherwise provided in other parts of this act state~~
 24 ~~department,~~ payable from the county poor fund state public
 25 assistance funds. The board of county commissioners, acting

1 as the county welfare board, shall make provisions for
 2 competent and skilled medical or surgical services as
 3 approved by the department of health and environmental
 4 sciences or the state medical association, or in the case of
 5 osteopathic practitioners by the state osteopathic
 6 association or chiropractors by the state chiropractic
 7 association, or optometrical services as approved by the
 8 Montana optometric association ~~and of~~ dental services as
 9 approved by the dental association. "Medical" or "medicine"
 10 as used in this act refers to the healing art as practiced
 11 by licensed practitioners.

12 (2) The board, in arranging for medical care for those
 13 unable to provide it for themselves, may have the care
 14 provided by the physicians appointed by the board who shall
 15 be known as county physicians or deputy county physicians,
 16 and may fix a rate of compensation for the furnishing of the
 17 medical attendance.

18 (3) The board of county commissioners shall make
 19 suitable arrangements to provide respectable burial for
 20 nonresidents within the county and county residents for whom
 21 such expenses are not otherwise available. The cost of
 22 burial provided pursuant to this subsection shall be paid by
 23 the state department from state public assistance funds.

24 (4) The ~~state~~ department of ~~social and rehabilitation~~
 25 ~~services~~ may promulgate rules to determine under what

1 circumstances persons in the county are unable to provide
 2 medical aid and hospitalization for themselves, including
 3 the power to define the term "medically needy". Provided
 4 however, such ~~However, the~~ definition may not allow payment
 5 by a county for general assistance-medical for persons whose
 6 income exceeds ~~three---hundred--percent--(300%)~~ of the
 7 limitation for obtaining regular county general relief
 8 assistance.

9 (5) In any case where the ~~county-or~~ state pays medical
 10 expenses or hospitalization for an individual, the ~~county-or~~
 11 state is subrogated to the claims of the physician or
 12 hospital to the extent of payment."

13 Section 15. Section 71-504, R.C.M. 1947, is amended to
 14 read as follows:

15 "71-504. Eligibility for assistance in aid to
 16 dependent children. Assistance shall be granted under this
 17 chapter to any dependent child--~~1~~ as defined in section
 18 71-501--~~1~~ who:

19 (a)(1) ~~is is~~ in need of such assistance; and

20 (b)(2) ~~Has has~~ resided in the state for one-(1) year
 21 immediately prior to the date of receipt of this assistance
 22 or who was born within such year. A relative whose needs
 23 are included in a grant must meet the same residence
 24 requirements as does the child concerned. ~~Any-dependent~~
 25 ~~child-or-relative-with-whom-the-child-is-living-meeting--the~~

1 ~~above--requirements--shall--be--entitled--to--the--assistance~~
 2 ~~herein-provided-for,--but--the--state--shall--pay--the--full--amount~~
 3 ~~of--such--assistance--exclusive--of--the--federal--share--unless--and~~
 4 ~~until--the--child--and/or--the--relative--with--whom--the--child--is~~
 5 ~~living--has--been--a--resident--of--the--county--for--a--period--of--one~~
 6 ~~(1)--years"~~

7 Section 16. Section 71-510, R.C.M. 1947, is amended to
 8 read as follows:

9 "71-510. Removal to another county. A recipient of aid
 10 to dependent children who moves to another county in the
 11 state shall continue to receive assistance with the approval
 12 of the state department; ~~the-county-from-which-he-has--moved~~
 13 ~~shall--be--charged--by--the--state--department--for--such--county~~
 14 ~~share-of-his-assistance-for-a-period-of-one-(1)--year--after~~
 15 ~~which-time-the-county-to-which-he-has-moved-shall-be-charged~~
 16 ~~therefor--the--state--department-will-determine-the-date-of~~
 17 ~~transfer.~~ The county from which a recipient moves shall
 18 notify the state department and the county to which the
 19 recipient moves."

20 Section 17. Section 84-4213, R.C.M. 1947, is amended
 21 to read as follows:

22 "84-4213. Treasurer's duty to collect road taxes and
 23 poor taxes in support of public assistance programs
 24 administered locally -- seizure and sale of property -- when
 25 road-and-poor-tax taxes to be paid. (1) The county treasurer

1 must demand payment of ~~door~~ taxes in support of public
2 assistance programs administered locally, as authorized
3 required by ~~section--71-106~~ 71-222a, and road taxes
4 authorized by ~~section~~ 32-201 or ~~section~~ 84-4732, of every
5 person liable therefor whose name does not appear on the
6 assessment lists and on the neglect or refusal of such
7 person to pay the same, he must collect by seizure and sale
8 of any property owned by such person.

9 ~~(2)~~ These taxes shall be added upon the assessment
10 lists to other taxes of persons liable therefor, paying
11 taxes upon real and personal property and paid to the county
12 treasurer at the time of payment of other taxes. And all
13 personal property assessed against a person shall be liable
14 for the payment of such taxes."

15 Section 18. Saving clause. This act does not affect
16 rights and duties that matured, penalties that were
17 incurred, or proceedings that were begun before July 1,
18 1977.

19 Section 19. Repealer. Sections ~~71-106~~, 71-222, 71-309,
20 and 71-311, R.C.M. 1947, are repealed.

-End-