

CHAPTER NO. 450.

HOUSE BILL NO. 722

INTRODUCED BY DOZIER

BY REQUEST OF THE DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Human Services.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 16, 1979	Committee recommend bill be concurred in. Report adopted.
March 19, 1979	Motion pass consideration.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in.

IN THE HOUSE

March 24, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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House BILL NO. 722

INTRODUCED BY _____ Dyer _____

BY REQUEST OF THE

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PAY THE COUNTY SHARE OF PUBLIC ASSISTANCE FOR 1 YEAR AND TO REMOVE THE 1-YEAR RESIDENCY REQUIREMENT FOR LIABILITY WHEN A RECIPIENT OF PUBLIC ASSISTANCE MOVES TO ANOTHER COUNTY; AMENDING SECTIONS 53-2-610, 53-3-306, 53-4-231, AND 53-4-247, MCA."

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

Section 1. Section 53-2-610, MCA, is amended to read:

"53-2-610. County to reimburse department. (1) On or before the 20th of each month, the department of social and rehabilitation services shall present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county to recipients during the month and for vendor medical payments made on behalf of recipients in the previous month. The county department shall make the reimbursement to the department of social and rehabilitation services within 20 days after the claim is presented.

(2) The counties shall not be required to reimburse the department of social and rehabilitation services for any portion of old-age assistance, medical assistance, aid to needy dependent children, aid to needy blind, or aid to the totally disabled paid to ward Indians or for any payment on behalf of any person in a state-operated medical institution. The federal government may reimburse the state of Montana in behalf of counties providing general relief to ward Indians a sum in lieu of taxes which the counties would collect if the lands of such ward Indians were not in trust status.

(3) (a) Recipients From the original date of entrustment or the original date of state residency, whichever is earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital, foster home, or private charitable institution shall ~~have the county share of financial participation paid entirely from state funds for 1 year from the original date of entrustment or the original date of state residency, whichever is earlier, at the expiration of such period, the appropriate county as defined by the following guidelines shall become financially responsible to the extent of its legally required share of participation~~ be the financial responsibility of the appropriate county as provided in subsections (3)(b), (3)(c), and (3)(d) of this section.

1 (b) The county in which commitment of an adult is
 2 initiated is considered the county of financial
 3 responsibility except where court decree declares the
 4 residency to be otherwise. When an adult is transferred from
 5 a facility or institution to one of the above-enumerated
 6 facilities, the county which initiated the original
 7 commitment is considered the county of financial
 8 responsibility except in the case of an adult transfer from
 9 an out-of-state institution, in which case the county in
 10 which the facility is located is considered the county of
 11 financial responsibility.

12 (c) In all cases where a minor patient or ward is
 13 involved, the county of financial responsibility is the
 14 county in which the parent or guardian resides. If the
 15 custody of a minor is entrusted to a state agency, the
 16 agency may make a reasonable declaration of the county
 17 residency of its ward using applicable guidelines enumerated
 18 in this section. ~~A person who reaches majority in an
 19 institution, upon release and restoration to competency, may
 20 determine his own county residency. Such person shall
 21 continue to be a financial responsibility of the county
 22 which initiated the original commitment for 1 year from the
 23 date of release, at which time he shall become a financial
 24 responsibility of his new county of residence.~~

25 (d) If a person is or becomes an adult while in an

1 institution, he may determine his own county of residence
 2 when he is restored to competency and released. Such a
 3 person becomes the financial responsibility of the new
 4 county of residence."

5 Section 2. Section 53-3-306, MCA, is amended to read:

6 "53-3-306. County liability for general relief. ~~{1}~~
 7 ~~Upon the filing of his application in the county of~~
 8 ~~residence, a qualified applicant's general relief assistance~~
 9 ~~shall be paid entirely from state funds until he has resided~~
 10 ~~for 1 continuous year in Montana, at which time he shall~~
 11 ~~become a financial responsibility of the county in which he~~
 12 ~~resides at the expiration of the 1-year period. A person who~~
 13 ~~leaves Montana with the intent to reside in another state~~
 14 ~~and later returns to reside in Montana is considered a new~~
 15 ~~resident for the purposes of this chapter and 53-2-610(3).~~

16 ~~{2} If a recipient moves from his original county of~~
 17 ~~residence to reside in another county, he shall continue to~~
 18 ~~be a financial responsibility of the original county of~~
 19 ~~residence for 1 year from the date of his change of~~
 20 ~~residence. If during this 1-year period the individual~~
 21 ~~resides in several counties, he shall become a financial~~
 22 ~~responsibility of the county in which he resides at the~~
 23 ~~expiration of the 1-year period.~~

24 (1) General relief assistance shall be paid from the poor
 25 fund of the county where the eligible person resides.

1 (2) A person who leaves Montana with the intent to
2 reside in another state and later returns to reside in
3 Montana is considered a new resident for the purposes of
4 this chapter and 53-2-610(3).

5 (3) When a person who receives general relief
6 assistance moves to reside in another county, he becomes the
7 financial responsibility of the new county from the date he
8 begins to reside in that new county."

9 Section 3. Section 53-4-231, MCA, is amended to read:

10 "53-4-231. Eligibility. (1) Assistance shall be
11 granted under this part to any dependent child, as defined
12 in 53-4-201, who*

13 (a) is in need of such assistance;

14 (b) ~~is residing in the state on the date the~~
15 ~~application is filed.~~

16 (2) ~~A relative whose needs are included in a grant~~
17 ~~must meet the same residence requirements as does the child~~
18 ~~concerned.~~

19 (3) ~~Any dependent child or relative with whom the~~
20 ~~child is living meeting the above requirements shall be~~
21 ~~entitled to the assistance herein provided for, but the~~
22 ~~state shall pay the full amount of such assistance exclusive~~
23 ~~of the federal share unless and until the child and/or the~~
24 ~~relative with whom the child is living has been a resident~~
25 ~~of the county for a period of 1 year.~~"

1 Section 4. Section 53-4-247, MCA, is amended to read:

2 "53-4-247. County liability when recipient moves to
3 another county. A recipient of aid to dependent children who
4 moves to another county in the state shall continue to
5 receive assistance with the approval of the department. The
6 county from which he has moved ~~that the recipient moves to~~
7 shall be charged by the department for such ~~the~~ county share
8 of his assistance, ~~for a period of 1 year after which time~~
9 ~~the county to which he has moved shall be charged therefore~~
10 ~~The department will determine the date of transfer.~~ The
11 county from which ~~that~~ a recipient moves ~~from~~ shall notify
12 ~~the department and~~ the county to which ~~that~~ the recipient
13 moves ~~to.~~"

-End-

H B 722

STATE OF MONTANA

REQUEST NO. 466-79

FISCAL NOTE

Form BD-15

In compliance with a written request received March 8, 19 79, there is hereby submitted a Fiscal Note for House Bill 722 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:

House Bill 772 is an act to remove the one year residency requirement related to county liability for a portion of public assistance costs.

ASSUMPTIONS:

1. The Federal Matching Assistance Percentage (FMAP) Rate for FY80 is 36.515 and for FY81 is 35.72.
2. AFDC, Non-resident General Assistance and Foster Care costs are based upon the Executive Budget request.
3. State paid (less than 1 year residency) AFDC and UF cases are 45 percent of the Ward/State line item.

FISCAL IMPACT:

The proposed legislation will shift from the State General Fund to County Revolving Accounts costs of \$471,000 in FY1980 and \$489,000 in FY1981.

TECHNICAL NOTE:

HB722 is a companion bill to HB 696 - refer to HB696 fiscal note.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/15/79

House BILL NO. 722

INTRODUCED BY _____ Dogier _____

BY REQUEST OF THE

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE REQUIREMENT THAT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PAY THE COUNTY SHARE OF PUBLIC ASSISTANCE FOR 1 YEAR AND TO REMOVE THE 1-YEAR RESIDENCY REQUIREMENT FOR LIABILITY WHEN A RECIPIENT OF PUBLIC ASSISTANCE MOVES TO ANOTHER COUNTY; AMENDING SECTIONS 53-2-610, 53-3-306, 53-4-231, AND 53-4-247, MCA."

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

Section 1. Section 53-2-610, MCA, is amended to read:

"53-2-610. County to reimburse department. (1) On or before the 20th of each month, the department of social and rehabilitation services shall present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county to recipients during the month and for vendor medical payments made on behalf of recipients in the previous month. The county department shall make the reimbursement to the department of social and rehabilitation services within 20 days after the claim is presented.

(2) The counties shall not be required to reimburse the department of social and rehabilitation services for any portion of old-age assistance, medical assistance, aid to needy dependent children, aid to needy blind, or aid to the totally disabled paid to ward Indians or for any payment on behalf of any person in a state-operated medical institution. The federal government may reimburse the state of Montana in behalf of counties providing general relief to ward Indians a sum in lieu of taxes which the counties would collect if the lands of such ward Indians were not in trust status.

(3) (a) Recipients From the original date of entrustment or the original date of state residency, whichever is earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital, foster home, or private charitable institution shall ~~have the county share of financial participation paid entirely from state funds for 1 year from the original date of entrustment or the original date of state residency, whichever is earlier. At the expiration of such period, the appropriate county, as defined by the following guidelines, shall become financially responsible to the extent of its legally required share of participation~~ be the financial responsibility of the appropriate county as provided in subsections (3)(b), (3)(c), and (3)(d) of this section.

1 (b) The county in which commitment of an adult is
 2 initiated is considered the county of financial
 3 responsibility except where court decree declares the
 4 residency to be otherwise. When an adult is transferred from
 5 a facility or institution to one of the above-enumerated
 6 facilities, the county which initiated the original
 7 commitment is considered the county of financial
 8 responsibility except in the case of an adult transfer from
 9 an out-of-state institution, in which case the county in
 10 which the facility is located is considered the county of
 11 financial responsibility.

12 (c) In all cases where a minor patient or ward is
 13 involved, the county of financial responsibility is the
 14 county in which the parent or guardian resides. If the
 15 custody of a minor is entrusted to a state agency, the
 16 agency may make a reasonable declaration of the county
 17 residency of its ward using applicable guidelines enumerated
 18 in this section. ~~A person who reaches majority in an~~
 19 ~~institution upon release and restoration to competency may~~
 20 ~~determine his own county residency. Such person shall~~
 21 ~~continue to be a financial responsibility of the county~~
 22 ~~which initiated the original commitment for 1 year from the~~
 23 ~~date of release at which time he shall become a financial~~
 24 ~~responsibility of his new county of residence.~~

25 (d) If a person is or becomes an adult while in an

1 institution, he may determine his own county of residence,
 2 when he is restored to competency and released. Such a
 3 person becomes the financial responsibility of the new
 4 county of residence."

5 Section 2. Section 53-3-306, MCA, is amended to read:

6 "53-3-306. County liability for general relief. ~~{1}~~
 7 ~~Upon the filing of his application in the county of~~
 8 ~~residence a qualified applicant's general relief assistance~~
 9 ~~shall be paid entirely from state funds until he has resided~~
 10 ~~for 1 continuous year in Montana at which time he shall~~
 11 ~~become a financial responsibility of the county in which he~~
 12 ~~resides at the expiration of the 1 year period. A person who~~
 13 ~~leaves Montana with the intent to reside in another state~~
 14 ~~and later returns to reside in Montana is considered a new~~
 15 ~~resident for the purposes of this chapter and 53-2-610(3).~~
 16 ~~{2} If a recipient moves from his original county of~~
 17 ~~residence to reside in another county, he shall continue to~~
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24 {1} General relief assistance shall be paid from the poor
 25 fund of the county where the eligible person resides.

1 (2) A person who leaves Montana with the intent to
 2 reside in another state and later returns to reside in
 3 Montana is considered a new resident for the purposes of
 4 this chapter and 53-2-610(3).

5 (3) When a person who receives general relief
 6 assistance moves to reside in another county, he becomes the
 7 financial responsibility of the new county from the date he
 8 begins to reside in that new county."

9 Section 3. Section 53-4-231, MCA, is amended to read:

10 "53-4-231. Eligibility. (1) Assistance shall be
 11 granted under this part to any dependent child, as defined
 12 in 53-4-201, who:

13 (a) is in need of such assistance;

14 (b) ~~is residing in the state on the date the~~
 15 ~~application is filed.~~

16 (2) ~~A relative whose needs are included in a grant~~
 17 ~~must meet the same residence requirements as does the child~~
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19 (3) ~~Any dependent child or relative with whom the~~
 20 ~~child is living meeting the above requirements shall be~~
 21 ~~entitled to the assistance herein provided for, but the~~
 22 ~~state shall pay the full amount of such assistance exclusive~~
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 25 ~~of the county for a period of 1 year."~~

1 Section 4. Section 53-4-247, MCA, is amended to read:
 2 "53-4-247. County liability when recipient moves to
 3 another county. A recipient of aid to dependent children who
 4 moves to another county in the state shall continue to
 5 receive assistance with the approval of the department. The
 6 county from which he has moved ~~that the recipient moves to~~
 7 shall be charged by the department for such ~~the~~ county share
 8 of his assistance, ~~for a period of 1 year, after which time~~
 9 ~~the county to which he has moved shall be charged; therefore~~
 10 ~~the department will determine the date of transfer.~~ The
 11 county from which ~~that~~ a recipient moves ~~from~~ shall notify
 12 ~~the department and~~ the county to which ~~that~~ the recipient
 13 moves ~~is.~~"

-End-

HB 722

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3 BY REQUEST OF THE

4 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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9 YEAR AND TO REMOVE THE 1-YEAR RESIDENCY REQUIREMENT FOR
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 6 "53-3-306. County liability for general relief. (1)
 7 Upon the filing of his application in the county of
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 11 become a financial responsibility of the county in which he
 12 resides at the expiration of the 1-year period. A person who
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 14 and later returns to reside in Montana is considered a new
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 16 (2) If a recipient moves from his original county of
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 21 resides in several counties, he shall become a financial
 22 responsibility of the county in which he resides at the
 23 expiration of the 1-year period.
 24 (3) General relief assistance shall be paid from the poor
 25 fund of the county where the eligible person resides.

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 6 ~~assistance moves to reside in another county, he becomes the~~
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10 "53-4-231. Eligibility. (1) Assistance shall be
 11 granted under this part to any dependent child, as defined
 12 in 53-4-201, who:

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-End-