

HOUSE BILL 795

IN THE HOUSE

February 14, 1979

Introduced and referred to
Committee on Taxation.

March 13, 1979

Committee recommend bill, do
not pass.

March 14, 1979

Report adopted.

1 *House* BILL NO. *795*
 2 INTRODUCED BY *Falgun Subedar, Harold Bickel*
Joseph Meyer, Dillegan Casque, Dozier Kamins
 3 *Walton*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A
 5 DIFFERENT METHOD OF FINANCING PUBLIC ASSISTANCE PROGRAMS
 6 ADMINISTERED LOCALLY BY COUNTY WELFARE DEPARTMENTS; TO SHIFT
 7 PRIMARY FINANCIAL RESPONSIBILITY FOR THE PROGRAMS FROM THE
 8 COUNTIES TO THE STATE; TO PROVIDE FOR A MANDATORY TAX ON
 9 PROPERTY OF 6 MILLS TO BE LEVIED BY EACH COUNTY FOR THE
 10 PURPOSE OF FUNDING THE PROGRAMS; AMENDING SECTIONS 7-6-2426,
 11 15-16-117, 39-71-118, 53-2-201, 53-2-207, 53-2-302,
 12 53-2-304, 53-2-321, 53-2-606, 53-2-608, 53-2-610, 53-3-103,
 13 53-3-105, 53-3-201, 53-3-302, 53-3-306, 53-3-307, 53-4-231,
 14 AND 53-4-247, MCA; AND REPEALING SECTIONS 53-2-322,
 15 53-2-323, 53-3-104, 53-3-304, AND 53-3-305, MCA."
 16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 18 Section 1. Section 7-6-2426, MCA, is amended to read:
 19 "7-6-2426. Enumeration of county charges. The
 20 following are county charges:
 21 (1) charges incurred against the county by virtue of
 22 any provision of this title;
 23 (2) 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 (3) 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 (4) the board of prisoners confined in jail;
 6 (5) the sums required by law to be paid to grand and
 7 trial jurors and witnesses in criminal cases;
 8 (6) the accounts of the coroner of the county for such
 9 services as are provided by law;
 10 (7) 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 ~~(8) the necessary expenses incurred in the support of~~
 14 ~~county hospitals and poor farms and in the support of the~~
 15 ~~indigent sick and the otherwise dependent poor whose support~~
 16 ~~is chargeable to the county;~~
 17 ~~(9)~~(8) the contingent expenses necessarily incurred
 18 for the use and benefit of the county;
 19 ~~(10)~~(9) 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 Section 2. Section 15-16-117, MCA, is amended to read:
 23 "15-16-117. Personal property -- treasurer's duty to
 24 collect certain taxes on. (1) The county treasurer must
 25 demand payment of poor taxes in support of public assistance

1 ~~programs administered locally,~~ authorized required by
 2 ~~53-2-321 [section 6],~~ and road taxes, authorized by
 3 7-14-2206 or 7-14-2501 through 7-14-2504, of every person
 4 liable therefor whose name does not appear on the assessment
 5 lists, and on the neglect or refusal of such person to pay
 6 the same, he must collect by seizure and sale of any
 7 property owned by such person.

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

14 (3) The procedure for the sale of such property by the
 15 county treasurer for such taxes shall be regulated by
 16 15-16-113 and chapter 17, part 9."

17 Section 3. Section 39-71-118, MCA, is amended to read:

18 "39-71-118. Employee, worker, and workman defined. (1)
 19 The terms "employee", "workman", or "worker" mean:

20 (a) each person in this state, including a contractor
 21 other than an independent contractor, who is in the service
 22 of an employer, as defined by 39-71-117, under any
 23 appointment or contract of hire, expressed or implied, oral
 24 or written. The terms include aliens and minors, whether
 25 lawfully or unlawfully employed, and all of the elected and

1 appointed paid public officers and officers and members of
 2 boards of directors of quasi-public or private corporations
 3 while rendering actual service for such corporations for
 4 pay. Casual employees as defined by 39-71-116(3) are
 5 included as employees if they are not otherwise covered by
 6 workers' compensation and if an employer has elected to be
 7 bound by the provisions of the compensation law for these
 8 casual employments, as provided in 39-71-401(2). Household
 9 or domestic service is excluded.

10 (b) ~~a recipient of general relief who is performing~~
 11 ~~work for a county of this state under the provisions of~~
 12 ~~53-3-302 through 53-3-305 and any juvenile performing work~~
 13 under authorization of a district court judge in a
 14 delinquency prevention or rehabilitation program;

15 (c) a person receiving on-the-job vocational
 16 rehabilitation training or other on-the-job training under a
 17 state or federal vocational training program, whether or not
 18 under an appointment or contract of hire with an employer as
 19 defined in this chapter and whether or not receiving payment
 20 from a third party. However, this subsection does not apply
 21 to students enrolled in vocational training programs as
 22 outlined above while they are on the premises of a public
 23 school or community college; or

24 (d) students enrolled and in attendance in programs of
 25 vocational technical education approved by the state board

1 of public education at designated postsecondary vocational
2 technical centers.

3 (2) If the employer is a partnership or sole
4 proprietorship, such employer may elect to include as an
5 employee within the provisions of this chapter any member of
6 such partnership or the owner of the sole proprietorship
7 devoting full time to the partnership or proprietorship
8 business. In the event of such election, the employer must
9 serve upon the employer's insurer written notice naming the
10 partners or sole proprietor to be covered, and no partner or
11 sole proprietor shall be deemed an employee within this
12 chapter until such notice has been given. For premium
13 ratemaking and for the determination of weekly wage for
14 weekly compensation benefits, the insurance carrier shall
15 assume a salary or wage of such electing employee to be \$900
16 per month."

17 Section 4. Section 53-2-201, MCA, is amended to read:
18 "53-2-201. Powers and duties of department. (1) The
19 department shall:

20 (a) administer or supervise all forms of public
21 assistance, child protection, and child welfare, including
22 the provision of medical care payments in behalf of
23 recipients of public assistance;

24 (b) administer or supervise all child welfare
25 activities, including importation and exportation of

1 children; licensing and supervising of private and local
2 child-caring agencies; the care of dependent, neglected, and
3 delinquent children in foster family homes, especially
4 children placed for adoption or those of illegitimate birth;

5 (c) give consultant service to private institutions
6 providing care for the needy, indigent, handicapped, or
7 dependent adults;

8 (d) cooperate with other state agencies and develop
9 provisions for services to the blind, including the
10 prevention of blindness, the location of blind persons,
11 medical services for eye conditions, and vocational guidance
12 and training of the blind;

13 (e) provide services in respect to organization and
14 supervise county departments of public welfare and county
15 boards of public welfare in the administration of public
16 assistance functions and for efficiency and economy;

17 (f) assist and cooperate with other state and federal
18 departments, bureaus, agencies, and institutions, when so
19 requested, by performing services in conformity with public
20 assistance purposes; and

21 (g) administer and supervise all federal funds
22 allocated to this state, and all state funds appropriated to
23 the department for public assistance activities, and all
24 ~~money received pursuant to [section 6]~~. The department
25 shall do all things necessary, in conformity with federal

1 and state law, for the proper fulfillment of public
2 assistance purposes.

3 (2) The department may:

4 (a) purchase, exchange, condemn, or receive by gift
5 either real or personal property which is necessary to carry
6 out its public assistance functions. Title to property
7 obtained under this subsection shall be taken in the name of
8 the state of Montana for the use and benefit of the
9 department.

10 (b) contract with the federal government to carry out
11 its public assistance functions. The department may do all
12 things necessary in order to avail itself of federal aid and
13 assistance."

14 Section 5. Section 53-2-207, MCA, is amended to read:

15 "53-2-207. Power of department in administering state
16 ~~grants-in-aid~~ public assistance funds. In administering or
17 supervising any state or federal funds appropriated or made
18 available to the department for public assistance purposes,
19 the department ~~shall have the authority to~~ may

20 ~~{1}--require-as-a-condition-for-receiving-grants-in-aid~~
21 ~~that-the-county-shall-bear-the-proportion-of--the--total--of~~
22 ~~local-public-assistance-as-is-fixed-by-law-relating-to-such~~
23 ~~assistance;~~

24 ~~{2}--make-use-of-all-legal-processes--to--enforce--the~~
25 ~~minimum--standards--prescribed--by-the-department-under-laws~~

1 ~~providing-for-grants-in-aid, provided--that--such--standards~~
2 ~~shall--not--exceed--in--cost--the-amount-derived-from-taxes~~
3 ~~established-by-state-law-and~~

4 ~~{3}--require that each part of the public assistance~~
5 ~~laws shall be in effect in all counties of the state."~~

6 NEW SECTION. Section 6. Funding of public assistance
7 programs administered locally. Each county of the state
8 shall annually levy a tax of 6 mills on all of the taxable
9 property within the county. The money collected by each
10 county from the 6 mill levy required by this section shall
11 be paid into the state treasury to the credit of an
12 earmarked revenue fund account for the purpose of financing
13 public assistance programs administered locally. The balance
14 of the money needed to fund all of the public assistance
15 programs administered locally by county welfare departments
16 shall come from state appropriations, federal funds, and
17 money received from any other source.

18 Section 7. Section 53-2-302, MCA, is amended to read:

19 "53-2-302. County commissioners ex officio county
20 welfare board. The board of county commissioners shall be
21 the ex officio county welfare board and is hereby authorized
22 to devote such additional time for public assistance matters
23 as may be found necessary. The members of the county welfare
24 board shall receive the same compensation for their services
25 and the same mileage when acting as the county board of

1 public welfare as they receive when acting as the board of
 2 county commissioners, and ~~The county welfare board~~ shall be
 3 limited as to meetings as now provided by law, and the
 4 compensation and mileage of the members of the board shall
 5 be paid from county ~~state~~ funds. They may transact business
 6 as a board of county commissioners and as a county welfare
 7 board on the same day, and in such cases they shall be paid
 8 as a board of county commissioners but may not receive
 9 compensation for more than 1 day's work for all services
 10 performed on the same calendar day."

11 Section 8. Section 53-2-304, MCA, is amended to read:

12 "53-2-304. Staff personnel of county department. (1)
 13 Each county board shall select and appoint from a list of
 14 qualified persons furnished by the department of social and
 15 rehabilitation services such staff personnel as are
 16 necessary. The staff personnel in each county shall consist
 17 of at least one qualified staff worker (or investigator) and
 18 such clerks and stenographers as may be decided necessary.
 19 If conditions warrant, the county board, with the approval
 20 of the department of social and rehabilitation services, may
 21 appoint some fully qualified person listed by the department
 22 as supervisor of its staff personnel. The staff personnel of
 23 each county department are directly responsible to the
 24 county board, but the department of social and
 25 rehabilitation services may supervise such county employees

1 in respect to the efficient and proper performance of their
 2 duties. The county board of public welfare may not dismiss
 3 any member of the staff personnel without the approval of
 4 the department of social and rehabilitation services, but
 5 the department may request the county board to dismiss any
 6 member of the staff personnel for inefficiency,
 7 incompetence, or similar cause.

8 (2) Public assistance staff personnel attached to the
 9 county board shall be paid from state public assistance
 10 funds both their salaries and their travel expenses as
 11 provided for in 2-18-501 through 2-18-503 when away from the
 12 county seat in the performance of their duties, ~~but the~~
 13 ~~county--board--of--public--welfare--shall--reimburse--the~~
 14 ~~department--of--social--and--rehabilitation--services--from--county~~
 15 ~~poor--funds--the--full--amount--of--the--salaries--and--travel~~
 16 ~~expenses--not--reimbursed--to--the--department--by--the--federal~~
 17 ~~government--and--the--full--amount--of--the--department's~~
 18 ~~administrative--costs--which--are--allocated--by--the--department~~
 19 ~~to--the--county--for--the--administration--of--county--welfare~~
 20 ~~programs--and--not--reimbursed--to--the--department--by--the--federal~~
 21 ~~government. Under circumstances prescribed by the department~~
 22 ~~of--social--and--rehabilitation--services, the reimbursement by~~
 23 ~~the--county--board--of--public--welfare--may--be--less--than--the~~
 24 ~~county--share--as--prescribed--above.~~ All other administrative
 25 costs of the county department shall also be paid from

1 county-poor state public assistance funds.
 2 ~~{3}--On or before the 20th day of the month following~~
 3 ~~the month for which the payments to the public assistance~~
 4 ~~staff personnel of the county were made, the department of~~
 5 ~~social and rehabilitation services shall present to the~~
 6 ~~county department of public welfare a claim for the required~~
 7 ~~reimbursements. The county board shall make such~~
 8 ~~reimbursements within 20 days after the presentation of the~~
 9 ~~claim, and the department of social and rehabilitation~~
 10 ~~services shall credit (add) all such reimbursements to its~~
 11 ~~account for administrative costs."~~
 12 Section 9. Section 53-2-321, MCA, is amended to read:
 13 "53-2-321. County authorized to care for indigent and
 14 levy taxes therefor. The board of county commissioners₂ has
 15 jurisdiction and power under such limitations and
 16 restrictions as are prescribed by law₂ to provide for the
 17 care and maintenance of the indigent sick, except as
 18 otherwise provided in other parts of this title, or the
 19 otherwise dependent poor of the county; may erect and
 20 maintain hospitals therefor or otherwise provide for the
 21 same; and for said a hospital or nursing home for the care
 22 and maintenance of the indigent sick. For these purposes to
 23 they may levy and collect annually a tax on property not
 24 exceeding ~~13-1/2~~ 6 mills, which levy shall be made at the
 25 time other tax levies are made on property, as provided by

1 law, or they may form a public hospital district as provided
 2 in Title 7, chapter 34."
 3 Section 10. Section 53-2-606, MCA, is amended to read:
 4 "53-2-606. Right of appeal. (1) If an application for
 5 assistance under this title is not acted upon promptly or if
 6 a decision is made with which the applicant or recipient is
 7 not satisfied, he may appeal to the board of social and
 8 rehabilitation appeals for a fair hearing by addressing a
 9 request for a hearing to the department. The board of social
 10 and rehabilitation appeals shall, upon receipt of a request
 11 for a hearing, give the applicant or recipient prompt notice
 12 and opportunity for a fair hearing. A county welfare board
 13 which is involved in a grievance shall be represented at
 14 such a hearing.
 15 (2) The department may upon its own motion review any
 16 decision of a county welfare board and may consider any
 17 application upon which a decision has not been made by the
 18 county board within a reasonable time from the filing
 19 thereof. The department may have an additional investigation
 20 made and shall make a decision as to the granting of
 21 assistance and the amount of assistance to be granted the
 22 applicant as in its opinion is justified and in conformity
 23 with the provisions of this title.
 24 (3) If the department reviews a county decision on its
 25 own motion, applicants or recipients affected by the

1 decisions of the department shall upon request be given
2 reasonable notice and an opportunity for a fair hearing by
3 the board of social and rehabilitation appeals.

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

8 Section 11. Section 53-2-608, MCA, is amended to read:

9 "53-2-608. Method of issuing assistance grants. (1)
10 Checks in payment of public assistance ~~with the exception~~
11 ~~of general relief~~ shall be issued by the department of
12 social and rehabilitation services upon approved
13 certificates of award and reports of changes of such
14 eligible grantees as are forwarded by the county department
15 to the state department, and all such checks will be mailed
16 to the individual recipient or the appropriate vendor. The
17 checks in payment of public assistance shall be issued in
18 the full approved amount for each eligible approved grantee,
19 and the original monthly payment shall be from the state
20 public assistance accounts. All public assistance checks
21 shall represent cash on demand at full par value to the
22 recipient and vendor.

23 (2) Whenever the department of social and
24 rehabilitation services, acting pursuant to standards
25 established by the department, determines that any otherwise

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

18 Section 12. Section 53-2-610, MCA, is amended to read:

19 "53-2-610. County ~~to reimburse department~~ State
20 department to act as agency in assistance to ward Indians.
21 ~~(1) On or before the 28th of each month, the department of~~
22 ~~social and rehabilitation services shall present a claim for~~
23 ~~reimbursement to each county department for its~~
24 ~~proportionate share of public assistance granted in the~~
25 ~~county to recipients during the month and for vendor medical~~

1 payments made on behalf of recipients in the previous months
 2 The county department shall make the reimbursement to the
 3 department of social and rehabilitation services within 20
 4 days after the claim is presented.

5 (2) The counties shall not be required to reimburse
 6 the department of social and rehabilitation services for any
 7 portion of old age assistance, medical assistance, aid to
 8 needy dependent children, aid to needy blind, or aid to the
 9 totally disabled paid to ward Indians or for any payment on
 10 behalf of any person in a state-operated medical
 11 institution. The federal government may reimburse the state
 12 of Montana in behalf of counties providing general relief to
 13 ward Indians a sum in lieu of taxes which the counties a
 14 county would collect have collected pursuant to [section 5]
 15 if the lands of such ward Indians within the county were not
 16 in trust status.

17 (3) (a) Recipients of public assistance who become
 18 wards or patients in a licensed nursing home or hospital
 19 foster home, or private charitable institution shall have
 20 the county share of financial participation paid entirely
 21 from state funds for 1 year from the original date of
 22 entrustment or the original date of state residency
 23 whichever is earlier. At the expiration of such period, the
 24 appropriate county, as defined by the following guidelines,
 25 shall become financially responsible to the extent of its

1 legally required share of participation.

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

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

1 Section 13. Section 53-3-103, MCA, is amended to read:

2 "53-3-103. Medical aid and hospitalization for
3 indigent. (1) Except as provided in other parts of this
4 title, medical aid and hospitalization for county residents
5 and nonresidents within the county unable to provide these
6 necessities for themselves are the legal and financial duty
7 and responsibility of the ~~board--of--county--commissioners~~
8 ~~department~~ and are payable from ~~the-county-poor-fund state~~
9 ~~public assistance funds~~. The board of county commissioners,
10 ~~acting as the county welfare board~~, shall make provisions
11 for competent and skilled medical or surgical services as
12 are approved by the department of health and environmental
13 sciences or the state medical association or, in the case of
14 osteopathic practitioners, by the state osteopathic
15 association or chiropractors by the state chiropractic
16 association or optometrical services as approved by the
17 Montana optometric association or dental services as
18 approved by the dental association. "Medical" or "medicine"
19 as used in this section refers to the healing art as
20 practiced by licensed practitioners.

21 (2) The board, in arranging for medical care for those
22 unable to provide it for themselves, may have the care
23 provided by physicians appointed by the board who shall be
24 known as county physicians or deputy county physicians and
25 may fix a rate of compensation for the furnishing of the

1 medical attendance.

2 (3) The department may promulgate rules to determine
3 under what circumstances persons in the county are unable to
4 provide medical aid and hospitalization for themselves,
5 including the power to define the term "medically needy".
6 However, the definition may not allow payment by a county
7 for general assistance--medical for persons whose income
8 exceeds 300% of the limitation for obtaining regular county
9 general relief assistance.

10 (4) In any case where the county-or state pays medical
11 expenses or hospitalization for an individual, the county-or
12 state is subrogated to the claims of the physician or
13 hospital to the extent of payment. To the extent necessary
14 for reimbursement of medical benefits paid to or on behalf
15 of an individual, the county or state is subrogated to the
16 rights of the individual to recover from a third party who
17 may be liable to pay the medical expenses. The provisions of
18 53-2-612 which relate to medical benefits provided under
19 Titles XIX and XX of the Social Security Act apply to
20 medical benefits provided for in this section."

21 Section 14. Section 53-3-105, MCA, is amended to read:

22 "53-3-105. Burial of indigent. The board of county
23 commissioners shall make suitable arrangements to provide
24 respectable burial for county residents and nonresidents
25 within the county for whom the expenses are not otherwise

1 available. The cost of burial shall be paid by the
2 department from state public assistance funds."

3 Section 15. Section 53-3-201, MCA, is amended to read:
4 "53-3-201. Residency requirements. (1) Any person
5 otherwise qualified who makes his home in Montana with the
6 intent to become a resident shall be eligible for general
7 relief.

8 (2) If a person is absent from the state voluntarily,
9 he is ineligible for general relief in Montana.

10 (3) Aliens found to be illegally within the United
11 States are not eligible for relief from state funds.

12 (4) Nonresidents or interstate transients may receive
13 temporary relief from county state public assistance funds
14 in cases of extreme necessity and destitution until they are
15 returned at state expense to their state of residence or
16 origin."

17 Section 16. Section 53-3-302, MCA, is amended to read:

18 "53-3-302. Payment by check or disbursing order. All
19 general relief disbursements by county ~~departments of public~~
20 ~~welfare~~ the department shall be by warrant or check.
21 However, if the ~~county welfare~~ department finds that a
22 recipient is in the habit of dissipating general relief
23 allowances instead of using them for the purposes intended
24 or that for any other reason it is better for the recipient
25 and his family to receive the allowance through disbursing

1 orders, then disbursing orders shall be used instead of cash
2 payments. All such disbursing orders must be written in such
3 form that the goods and merchandise to be provided may be
4 furnished by any regular dealer in such goods and
5 merchandise within the county of the recipient's residence."

6 Section 17. Section 53-3-306, MCA, is amended to read:

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

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

1 Section 18. Section 53-3-307, MCA, is amended to read:

2 "53-3-307. County medical assistance ~~not to interstate~~
3 ~~transients~~ to be paid from state funds---~~exception. {1}~~
4 ~~County--medical--assistance--under--53-3-103--shall--not--be~~
5 ~~entitled-to-be-paid-from-state-funds~~

6 {2}--Medical expenses arising from accidental injury to
7 interstate transients shall be paid from county funds and
8 reimbursed by the state upon submission of a proper claim."

9 Section 19. 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; and

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

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

13 Section 21. Saving clause. This act does not affect
14 rights and duties that matured, penalties that were
15 incurred, or proceedings that were begun before the
16 effective date of this act.

17 Section 22. Repealer. Sections 53-2-322, 53-2-323,
18 53-3-104, 53-3-304, and 53-3-305, MCA, are repealed.

-End-

HB 795