

HOUSE BILL NO. 758

Introduced: 02/12/83

Referred to Committee on Appropriations: 02/12/83

Hearing: 3/26/83

Died in Committee

1 *House* BILL NO. *758*
 2 INTRODUCED BY *Bergene Mills Limited Liability*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COUNTY
 5 POOR FUND MATCHING GRANT-IN-AID PROGRAM BY PROVIDING THAT
 6 CERTAIN EXPENSES ARE REASONABLE AND NECESSARY POOR FUND
 7 EXPENDITURES FOR PURPOSES OF THE MATCHING GRANT-IN-AID
 8 PROGRAM AND MAKING THESE PROVISIONS RETROACTIVE TO JULY 1,
 9 1982; DEFINING "INDIGENT PERSON" AND "MEDICAL SERVICES" FOR
 10 POOR FUND PURPOSES; MAKING THE COUNTY POOR FUND MATCHING
 11 GRANT-IN-AID PROGRAM A PERMANENT PROGRAM; APPROPRIATING
 12 MONEY FOR THE CURRENT FISCAL YEAR TO FUND EXPENDITURES
 13 AUTHORIZED BY THIS ACT; AMENDING SECTIONS 1 AND 2, CHAPTER
 14 11, SPECIAL LAWS OF 1981; REPEALING SECTION 4, CHAPTER 11,
 15 SPECIAL LAWS OF 1981; AND PROVIDING AN IMMEDIATE EFFECTIVE
 16 DATE AND AN APPLICABILITY DATE."
 17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 19 Section 1. Section 1, Chapter 11, Special Laws of
 20 1981, is amended to read:
 21 "Section 1. Section 53-2-321, MCA, is amended to read:
 22 53-2-321. County authorized to care for indigent and
 23 levy taxes therefor. (1) The board of county commissioners
 24 has jurisdiction and power under such limitations and
 25 restrictions as are prescribed by law to provide for the

1 care and maintenance, including medical services, of the
 2 indigent sick persons, except as otherwise provided in other
 3 parts of this title, or the otherwise dependent poor of the
 4 county; erect and maintain hospitals therefor or otherwise
 5 provide for the same; and for said purposes to levy and
 6 collect annually a tax on property not exceeding 13 1/2
 7 mills, except as provided in [Chapter 11, section 2, Special
 8 Laws of 1981], that shall be made at the time other tax
 9 levies are made on property, as provided by law.
 10 (2) For the purposes of this section and [Chapter 11,
 11 section 2, Special Laws of 1981], the following definitions
 12 apply:
 13 (a) "Indigent person" means any individual determined
 14 to be indigent in accordance with the eligibility criteria
 15 set forth in the county general assistance or the county
 16 medical plan as approved by the department.
 17 (b) "Medical services" includes only the following
 18 services:
 19 (i) inpatient hospital services;
 20 (ii) outpatient hospital services;
 21 (iii) other laboratory and x-ray services;
 22 (iv) skilled and intermediate nursing services in
 23 long-term care facilities;
 24 (v) early and periodic screening, diagnosis, and
 25 treatment;

1 ~~(vii) physician's services;~~
 2 ~~(viii) podiatry services;~~
 3 ~~(viii) outpatient physical therapy services;~~
 4 ~~(ix) speech therapy, audiology, and hearing aids;~~
 5 ~~(x) outpatient occupational therapy services;~~
 6 ~~(xi) home health care services;~~
 7 ~~(xii) personal care services in a recipient's home;~~
 8 ~~(xiii) home dialysis;~~
 9 ~~(xiv) private duty nursing services;~~
 10 ~~(xv) clinic services;~~
 11 ~~(xvi) dental services;~~
 12 ~~(xvii) outpatient drugs;~~
 13 ~~(xviii) prosthetic devices and medical supplies;~~
 14 ~~(xix) eyeglasses and optometric services;~~
 15 ~~(xx) transportation and per diem incurred in obtaining~~
 16 ~~other medical services;~~
 17 ~~(xxi) family planning services; and~~
 18 ~~(xxii) psychological services."~~

19 Section 2. Section 2, Chapter 11, Special Laws of
 20 1981, is amended to read:

21 "Section 2. Matching grants from state funds to
 22 counties. (1) A county may apply to the department for a
 23 matching grant-in-aid. The matching grant-in-aid is a state
 24 contribution of 50% of the county cost of providing
 25 assistance to the needy for all lawful poor fund purposes,

1 except subsidy to a medical facility.

2 (2) ~~(a)~~ The grant ~~shall~~ ~~must~~ be awarded if the board
 3 of county commissioners or an executive officer of a county
 4 makes written application to the department certifying:

5 ~~(a)(i)~~ that the county has budgeted for a mill levy in
 6 excess of 8 mills for the county poor fund;

7 ~~(b)(ii)~~ that the county has, or within a reasonable
 8 time will have, expended from the poor fund an amount ~~raised~~
 9 ~~actually collected by levying~~ 8 mills;

10 ~~(c)(iii)~~ that such expenditures were reasonable and
 11 necessary, according to criteria set by the department in
 12 its rules adopted for such purposes, for the county to meet
 13 its obligations under law to provide assistance to the
 14 needy; and

15 ~~(d)(iv)~~ that the county participates in or operates a
 16 work program, as authorized by 53-3-304, that has been
 17 approved by the department.

18 ~~(b) For purposes of subsection (2)(a)(iii), reasonable~~
 19 ~~and necessary expenditures include but are not limited to:~~

20 ~~(i) legal services relating to county welfare cases~~
 21 ~~provided by the county attorney's office or by a contracted~~
 22 ~~attorney authorized by the board of county commissioners;~~

23 ~~(ii) interest on registered poor fund warrants; and~~

24 ~~(iii) administrative and supervisory costs of operating~~
 25 ~~the work program, including personnel salaries and wages and~~

costs of materials.

(3) Upon determination that a county has met the conditions for a matching grant-in-aid, the state shall financially participate in 50% of all further lawful poor fund expenditures, except those for a medical facility subsidy, until such time that a county qualifies for an emergency grant-in-aid. The department may at its discretion advance funds to a county for the state's matching contribution for poor fund expenditures, or it may reimburse a county for such expenditures.

(4) (a) A county receiving a matching grant-in-aid may not levy more than 1/2 mill for each 1-mill expenditure equivalent over 8 mills for poor fund purposes except to subsidize a medical facility.

(b) For the purposes of 53-2-323, a county has exhausted all sources of revenue whenever its lawful poor fund expenditures (other than a subsidy for a medical facility) plus the state matching contribution has reached an amount equivalent to the revenues that could have been raised by the maximum mill levy authorized by 53-2-321.

(5) The department may adopt rules to implement this section; ~~however, such rules may not provide a definition of "indigent person" or "medical services" that is more expansive or restrictive than that provided in 53-2-321."~~

NEW SECTION. Section 3. Appropriation. There is

appropriated from the general fund to the department of social and rehabilitation services \$_____ for the fiscal year ending June 30, 1983, to fund the additional authorized expenditures established by section 2 for the county poor fund matching grant-in-aid program established in Chapter 11, Special Laws of 1981, and for the county poor fund emergency grant-in-aid program established in 53-2-323. Any unspent balance of this appropriation must revert to the general fund.

NEW SECTION. Section 4. Repealer. Section 4, Chapter 11, Special Laws of 1981, is repealed.

NEW SECTION. Section 5. Codification instruction. Section 2, Chapter 11, Special Laws of 1981, is intended to be codified as an integral part of Title 53, chapter 2.

NEW SECTION. Section 6. Effective date -- retroactive in part. (1) This act is effective on passage and approval.

(2) Section 2 applies retroactively, within the meaning of 1-2-109, as of July 1, 1982.

-End-

STATE OF MONTANA

REQUEST NO. 422-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 15, 19 83, there is hereby submitted a Fiscal Note for House Bill 758 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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 758 would provide that certain expenses are reasonable and necessary poor fund expenditures for purposes of a matching grant-in-aid and makes the matching grant-in-aid program permanent.

ASSUMPTIONS:

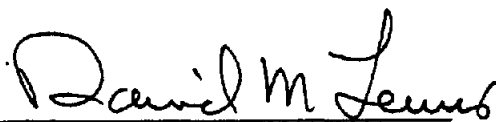
- 1) Work program administrative and supply costs are based on the same assumptions used for the fiscal note on House Bill 197.
- 2) FY 83 legal fees will be \$25,000 and \$5,250 for counties under 10,000.
- 3) Interest on warrants will be the same percentage of total poor fund as reflected in three grant-in-aid requests received as of 2/16/83.
- 4) Costs will increase 6% per year.

FISCAL IMPACT:

The proposal would increase state general fund expenditures by the following amounts:

	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
Under Current Law	\$ 4,037,509	\$ 2,266,694	\$ 2,402,696
Under Proposed Law	4,766,730	5,052,733	5,355,952
Increase Expenditure	<u>\$ 729,221</u>	<u>\$ 2,786,039</u>	<u>\$ 2,953,256</u>

FISCAL NOTE 14:Z/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-83