

HOUSE BILL NO. 843

INTRODUCED BY APPROPRIATIONS COMMITTEE

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

IN THE HOUSE

February 15, 1985	Introduced and referred to Committee on Appropriations.
March 28, 1985	Committee recommend bill do pass as amended. Report adopted.
March 29, 1985	Bill printed and placed on members' desks.
April 1, 1985	Second reading, do pass. Third reading, passed. Transmitted to Senate.

IN THE SENATE

April 3, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
April 16, 1985	Committee recommend bill be concurred in as amended. Report adopted.
April 17, 1985	Second reading, concurred in as amended. Statement of Intent attached.
April 18, 1985	Third reading, concurred in. Ayes, 32; Noes, 18. Returned to House with amendments and Statement of Intent.

IN THE HOUSE

April 19, 1985

Received from Senate.

April 20, 1985

Second reading, amendments  
and Statement of Intent  
concurrent in.

April 22, 1985

Third reading, amendments and  
Statement of Intent concurrent  
in.

Sent to enrolling.

Reported correctly enrolled.

1                                 HOUSE BILL NO. 843  
 2   INTRODUCED BY Appropriations Committee  
 3                                 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE  
 4

5   A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS  
 6   RELATING TO PUBLIC ASSISTANCE; PROVIDING FOR ADMINISTRATION,  
 7   ELIGIBILITY, AND BENEFITS RELATING TO GENERAL RELIEF  
 8   ASSISTANCE PROVIDED BY COUNTIES OR BY THE STATE WHEN SUCH A  
 9   PROGRAM HAS BEEN ASSUMED BY THE STATE; AMENDING SECTIONS  
 10  39-71-118, 45-6-301, 53-2-603, 53-2-802, 53-2-811, 53-3-103,  
 11  AND 53-3-307, MCA; REPEALING SECTIONS 53-2-307 THROUGH  
 12  53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102, 53-3-104  
 13  THROUGH 53-3-107, 53-3-202 THROUGH 53-3-204, 53-3-301,  
 14  53-3-302, AND 53-3-306, MCA; AND PROVIDING AN EFFECTIVE  
 15  DATE."  
 16

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

18         NEW SECTION. Section 1. Purpose.                   (1) The  
 19   legislature, in order to implement the provisions of Article  
 20   XII, section 3, of the Montana constitution, finds that  
 21   certain persons are in need of assistance because of  
 22   misfortune and must be provided with certain assistance  
 23   through programs for general relief. These programs are to  
 24   be efficiently administered by local county welfare boards  
 25   or, whenever responsibility for local welfare programs has

1   been assumed by the state of Montana, by the department of  
 2   social and rehabilitation services. General relief, along  
 3   with other assistance programs, is made available to provide  
 4   basic necessities that provide minimum subsistence  
 5   compatible with decency and health and to provide financial  
 6   assistance for medical services necessary for serious  
 7   medical conditions. General relief medical assistance is not  
 8   intended to provide catastrophic medical insurance to  
 9   nonindigent persons.

10           (2) The legislature finds that assistance under the  
 11   general relief program should not be available to those  
 12   persons who have either adequate income or resources of  
 13   their own or who are able-bodied. When benefits and services  
 14   are available through other federal or state assistance  
 15   programs, general relief should not be provided in  
 16   duplication of such other assistance.

17           (3) The legislature further finds that the purposes of  
 18   the general relief program must be implemented only to the  
 19   extent necessary and allowable by the mandates of Article  
 20   VIII, sections 12 and 14, of the Montana constitution,  
 21   regarding financial accountability and expenditure by  
 22   appropriation.

23         NEW SECTION. Section 2. Definitions. For the purposes  
 24   of this chapter, the following definitions apply:

25           (1) "Able-bodied" means the condition of a person who



1 is not infirm.

2 (2) "Basic necessities" means food, shelter,  
3 utilities, and personal needs.

4 (3) "Department" means the department of social and  
5 rehabilitation services provided for in Title 2, chapter 15,  
6 part 22.

7 (4) "General relief" means, in accordance with this  
8 chapter, a program of public assistance for basic  
9 necessities and medical needs to those persons determined to  
10 be eligible for that assistance.

11 (5) "Household" means all persons who by choice,  
12 necessity, or legal relationship are mutually dependent upon  
13 each other for basic necessities and who reside in the same  
14 residence.

15 (6) "Income" means the value of all property of any  
16 nature, earned, unearned, or in-kind, including benefits  
17 reasonably certain to be received by or available to a  
18 household during the month of the receipt of the income.

19 (7) "Indigent" or "misfortunate" means a person who is  
20 lacking the means, financial or otherwise, by which to  
21 prevent destitution for himself and others dependent upon  
22 him for basic necessities and who is otherwise eligible for  
23 assistance under this chapter. The terms do not include  
24 able-bodied persons under the age of 50 years unless they  
25 have dependent minor children living in the household.

1 (8) "Infirm" means the condition of a person who is  
2 diagnosed by a licensed medical practitioner and confirmed  
3 by an expert medical review to have a physical or mental  
4 handicap that significantly impairs the person's ability to  
5 be employed.

6 (9) "Lump-sum income" means a nonrecurring source of  
7 income received in a single payment by a household during  
8 any eligibility period, including but not limited to  
9 proceeds from a lawsuit, insurance settlement, inheritance,  
10 lump-sum retirement, veterans' or unemployment benefits;  
11 benefits received under the federal Social Security Act;  
12 prizes; and tax refunds.

13 (10) "Nonresident" means a person who is a resident of  
14 another state or country or who is a transient with no  
15 established residence.

16 (11) "Resource" means all real and personal property  
17 retained after the calendar month of its receipt and which  
18 the household or a member of the household has a legal right  
19 to sell or liquidate.

20 (12) "Secure facility" means any facility in which a  
21 person may be lawfully held against his will by federal,  
22 state, or local authorities.

23 (13) "Serious medical condition" means a physical  
24 condition that causes a serious health risk to a person and  
25 for which treatment is medically necessary. Diagnosis and

1 determination of necessary treatment must be made by a  
 2 licensed medical practitioner, and the department may  
 3 confirm it through an expert medical review. Serious medical  
 4 condition includes pregnancy and prenatal care and such  
 5 other elective treatments as determined by department rule  
 6 to be medically necessary.

7 NEW SECTION. Section 3. Responsibility for general  
 8 relief. (1) The county boards of public welfare and the  
 9 department, in accordance with this chapter and other  
 10 relevant statutes, are responsible for the provision of  
 11 general relief to indigent or misfortunate persons as  
 12 follows:

13 (a) Counties without state-assumed welfare services  
 14 shall provide general relief consistent with their duties as  
 15 specified in Title 53, chapter 2, parts 3 and 7, and this  
 16 chapter.

17 (b) In counties with state-assumed welfare services,  
 18 general relief must be provided by the department and must  
 19 be consistent with its duties as specified in Title 53,  
 20 chapter 2, part 8, and this chapter.

21 (2) In counties without state-assumed welfare  
 22 services, general relief must be paid from the county poor  
 23 fund as authorized in 53-2-321 and 53-2-322.

24 (3) In counties with state-assumed welfare services,  
 25 general relief must be paid from and may not exceed money

1 available through:

- 2 (a) a general appropriation for such purpose;
- 3 (b) county mill levies as provided for in 53-2-813;
- 4 and
- 5 (c) federal or other assistance.

6 NEW SECTION. Section 4. Eligibility for general  
 7 relief. (1) A household is eligible for general relief if  
 8 the household income does not exceed that set forth in the  
 9 following table:

10	Number of Persons	Monthly
11	In Household	Income Standard
12	1	\$212
13	2	279
14	3	332
15	4	425
16	5	501
17	6	564
18	7	624
19	8	685
20	9	744
21	10 or more	804

22 (2) Able-bodied persons under the age of 50 years  
 23 without dependent minor children living in the household are  
 24 not eligible for nonmedical general relief assistance.

25 (3) Lump-sum income received by a household renders

1 the household ineligible for general relief for the full  
 2 number of months that is derived by dividing the amount of  
 3 the lump-sum income plus other income of the household by  
 4 the maximum monthly grant payable to a household of its  
 5 size. Any income remaining from this calculation not  
 6 attributable to a whole month is considered income in the  
 7 first month following the period of ineligibility. The  
 8 period of ineligibility may be recalculated if the household  
 9 size changes during the ineligibility period or if a portion  
 10 of the lump sum was used to pay medical bills for a serious  
 11 medical condition. The period of ineligibility does not  
 12 preclude eligibility for general relief medical assistance.

13 (4) All applicants for and recipients of general  
 14 relief assistance who reside in the same residence are  
 15 considered as one household.

16 (5) Prospective income that is reasonably certain to  
 17 be received by the household during an eligibility period  
 18 must be considered when determining eligibility.

19 (6) The following resources of a household must be  
 20 excluded from consideration of resources for eligibility  
 21 purposes:

22 (a) the domicile of the household, including necessary  
 23 appurtenant land not exceeding 10 acres;

24 (b) a motor vehicle that has no more than \$1,500 in  
 25 equity value;

1 (c) personal items, clothing, household furniture,  
 2 appliances, and other essential household items, the total  
 3 equity value of which does not exceed resource eligibility  
 4 limits established by rule; and

5 (d) tools of a trade that are essential to the current  
 6 or future employment of a household member.

7 (7) A person who is committed or sentenced by legal  
 8 process to a state institution or a secure facility or who  
 9 is incarcerated in a secure facility pending resolution of  
 10 legal process is not eligible for general relief.

11 (8) A person who resides for a period of 1 day or more  
 12 in any state or federally operated institution or residence  
 13 is not eligible for general relief for the period of that  
 14 residency.

15 (9) For the purposes of an eligibility determination,  
 16 an applicant for or recipient of general relief may be  
 17 requested to produce all financial and other information  
 18 concerning the household.

19 (10) Whenever practical, an eligibility determination  
 20 must be made within 30 days of the date of application and  
 21 the applicant must be notified in writing of the eligibility  
 22 determination and the reasons for the determination.

23 (11) An alien determined to be illegally within the  
 24 United States is not eligible for general relief.

25 NEW SECTION. Section 5. Eligibility for general

1 relief medical assistance. (1) Eligibility for general  
 2 relief medical assistance must be determined as provided in  
 3 this section and [section 4(5) through (11)]. A person with  
 4 a serious medical condition must apply for general relief  
 5 medical assistance prior to the provision of medical  
 6 services or within 90 days of the date the medical service  
 7 is first provided. Eligibility is determined as of the date  
 8 medical service is first provided.

9 (2) All legally responsible persons who reside in the  
 10 same residence are considered to be one household for  
 11 purposes of determining general relief medical assistance.

12 (3) All individual or household resources must be used  
 13 to offset medical obligations except those excluded in  
 14 [section 4(6)].

15 (4) To determine eligibility for county general relief  
 16 medical assistance, a county welfare board may promulgate  
 17 rules to establish the circumstances under which persons are  
 18 unable to pay for their medical aid and hospitalization.  
 19 However, no household with an income exceeding 300% of the  
 20 amount set forth in [section 4(1)] is eligible for such  
 21 medical assistance.

22 (5) In a county with state-assumed welfare services:

23 (a) covered medical services must be provided at no  
 24 cost to the person residing in a household if the average  
 25 household monthly income that is reasonably certain to be

1 received in a 12-month period beginning with the month the  
 2 medical service was provided does not exceed the amount in  
 3 [section 4(1)];

4 (b) a person is not eligible for medical services if  
 5 the household in which he resides has an average monthly  
 6 income reasonably certain to be received in a 12-month  
 7 period beginning with the month the medical service was  
 8 provided in excess of that set forth in the following table:

9	Family Size	Monthly Income Level
10	1	\$314
11	2	375
12	3	400
13	4	425
14	5	501
15	6	564
16	7	624
17	8	685
18	9	744
19	10	804
20	11	864
21	12	923
22	13	983
23	14	1,042
24	15	1,102
25		

1                   16                   1,162  
 2           (c) if the average household monthly income reasonably  
 3 certain to be received in a 12-month period beginning with  
 4 the month the medical service was provided is between the  
 5 amount in [section 4(1)] and the income standard set forth  
 6 in subsection (5)(b), a household must first incur covered  
 7 medical costs equal to the difference between average  
 8 monthly income and the income standard for the medically  
 9 needy before medical service is provided.

10       NEW SECTION. Section 6. Application for other state  
 11 and federal programs -- interim relief. If other federal or  
 12 state programs of assistance are reasonably available to  
 13 meet the needs of a household, an applicant must apply for  
 14 those programs before general relief may be provided. A  
 15 household may be provided general relief after initial  
 16 application for other programs of assistance. If denied such  
 17 other assistance, the applicant must pursue available  
 18 administrative appeals for those programs to the final  
 19 administrative appeal level. If the applicant becomes  
 20 eligible for other assistance covering the same period of  
 21 time that interim general relief is provided, such interim  
 22 relief must be repaid to the department or offset from lump  
 23 sums or retroactive payments from other programs of  
 24 assistance.

25       NEW SECTION. Section 7. Fraud and recovery of

1 overpayments. (1) The department shall deny general relief  
 2 for a reasonable period of time to any household determined  
 3 to have received any assistance by means of fraud.

4           (2) The department or its agent may recover or offset  
 5 any amounts of general relief made available to a household  
 6 which, because of fraud or mistake, are above the amounts  
 7 that should have been provided.

8       NEW SECTION. Section 8. Period of eligibility.  
 9 (1) The period of eligibility for receipt of general relief  
 10 for basic necessities is 1 month, except as provided in  
 11 subsections (2) and (3). A person may seek to establish  
 12 eligibility for the succeeding month prior to the end of the  
 13 current month of eligibility.

14           (2) Eligibility for general relief medical assistance  
 15 terminates when the serious medical condition of the person  
 16 has been treated.

17           (3) The period of eligibility for any type of general  
 18 assistance terminates at any time the county welfare board  
 19 or the department determines that the household:

20           (a) no longer meets the applicable eligibility  
 21 requirements; or

22           (b) received general relief by means of fraud or  
 23 mistake.

24       NEW SECTION. Section 9. Form of relief. The choice as  
 25 to the form or forms of relief provided is at the discretion



1 of the county welfare department in counties without  
 2 state-assumed welfare services or the department if the  
 3 state has assumed responsibility for the welfare services in  
 4 a county.

5 NEW SECTION. Section 10. Application. (1) Application  
 6 for general relief must be made in writing to a county  
 7 welfare department or the department's local office of  
 8 human services on forms provided for that purpose.

9 (2) A person applying in a county other than that of  
 10 his residency must have his application referred to the  
 11 county of his residency as soon as possible.

12 NEW SECTION. Section 11. County of financial  
 13 responsibility. (1) The county responsible for benefits  
 14 provided under this chapter is the county of residence of  
 15 the person making application for assistance.

16 (2) Medical costs covered by general relief medical  
 17 assistance are the financial responsibility of the treated  
 18 person's county of residence. Institutionalization for  
 19 medical services does not change such residency.

20 (3) General relief medical assistance for a transient  
 21 is the responsibility of the county in which the  
 22 nonresident's illness or injury requiring medical attention  
 23 initially occurred.

24 NEW SECTION. Section 12. Scope of general relief  
 25 medical assistance. (1) General relief medical assistance

1 is limited to those services determined necessary to treat a  
 2 person's serious medical condition. Assistance may not  
 3 exceed the scope or duration provided under the medicaid  
 4 program pursuant to Title 53, chapter 6, part 1, and rules  
 5 adopted by the department to administer the program.

6 (2) General relief medical assistance in a county  
 7 without state-assumed welfare services must, within the  
 8 limitations of subsection (1), be provided in amounts  
 9 determined by the county welfare board.

10 (3) General relief medical assistance in counties with  
 11 state-assumed welfare services must, within the limitations  
 12 of subsection (1), be provided in amounts not to exceed  
 13 payments under the medicaid program. Services must be  
 14 limited to the least costly method of alleviating the  
 15 serious medical condition.

16 (4) General relief medical assistance is limited to  
 17 covered medical needs not met by other services or benefits  
 18 available to the person. Available services or benefits  
 19 include but are not limited to health and accident  
 20 insurance, veterans' benefits, industrial accident benefits,  
 21 medicare and medicaid benefits, and other liable third  
 22 parties.

23 NEW SECTION. Section 13. Amount of general relief for  
 24 basic necessities. (1) In a county without state-assumed  
 25 welfare services, the amounts of general relief for basic

1 necessities must be determined and adopted at the discretion  
2 of the county welfare board.

3 (2) In a county with state-assumed welfare services,  
4 the amount of general relief for basic necessities available  
5 to an eligible household is the amount listed for the same  
6 size household in the table in [section 4(1)], less income  
7 and resources not excluded in [section 4(6)].

8 NEW SECTION. Section 14. Burial of deceased indigent.

9 (1) In a county without state-assumed welfare services, the  
10 county welfare board shall provide for the burial of a  
11 deceased indigent.

12 (2) In a county with state-assumed welfare services,  
13 the department shall provide for the burial of a deceased  
14 indigent.

15 NEW SECTION. Section 15. Confidentiality. (1) Any  
16 personal information provided to or obtained by the county  
17 welfare department or the department for the purposes of  
18 this chapter is confidential.

19 (2) Disclosure of confidential information concerning  
20 applicants for general relief is restricted to purposes  
21 directly connected with the administration of programs  
22 administered by the department except as otherwise provided  
23 in this section.

24 (3) Confidential information may be released upon  
25 written consent of the applicant.

1 (4) Confidential information concerning an applicant  
2 may be released without prior consent if an emergency  
3 situation necessitates the release. The applicant must be  
4 informed of such release as soon as practicable.

5 (5) Confidential information may be released without  
6 notice or consent for the purpose of fraud investigation,  
7 collection of child support, and third-party medical  
8 recovery.

9 (6) Confidential information may be released if so  
10 directed by a court order.

11 NEW SECTION. Section 16. Contested case hearing.

12 (1) Except as provided in subsection (2), a hearing must be  
13 held on request of any person who is dissatisfied with:

- 14 (a) an action taken on an application;
- 15 (b) an eligibility determination; or
- 16 (c) the amount or condition of payment.

17 (2) A hearing need not be granted if either state or  
18 federal law requires automatic grant adjustments for classes  
19 of persons unless the reason for an individual appeal is  
20 incorrect grant computation.

21 (3) The applicant or recipient must be informed of the  
22 right to request a hearing at the time any adverse action  
23 affects his eligibility.

24 (4) A hearing must be requested within 90 calendar  
25 days from the date of notice of adverse action. An applicant

1 is considered to have been given notice on the date the  
2 notice is mailed by certified mail or personally served.

3 (5) The hearing must be held in:

4 (a) the person's county of residence;

5 (b) the county where application is made if residency  
6 is unestablished; or

7 (c) Lewis and Clark County if a real party in interest  
8 requests a hearing for an applicant in any county with  
9 state-assumed welfare services.

10 (6) When a real party in interest requests a hearing  
11 for an applicant, venue for judicial review of the final  
12 administrative action is Lewis and Clark County if financial  
13 responsibility is alleged to be with a state-assumed county  
14 welfare program.

15 NEW SECTION. Section 17. Department to adopt rules.  
16 The department shall adopt such rules as are necessary to  
17 effectuate this chapter. Rules adopted may include those  
18 necessary for application, eligibility, residency, fraud,  
19 recovery of overpayments; the form, amount, scope, and  
20 duration of relief; confidentiality; burial of deceased  
21 indigents; and definition of terms. The department may not  
22 adopt rules to govern the amounts of relief to be provided  
23 in counties where the department has not assumed  
24 responsibility for the direct administration of welfare  
25 services.

1 Section 18. Section 39-71-118, MCA, is amended to  
2 read:

3 "39-71-118. Employee, worker, and workman defined. (1)  
4 The terms "employee", "workman", or "worker" mean:

5 (a) each person in this state, including a contractor  
6 other than an independent contractor, who is in the service  
7 of an employer, as defined by 39-71-117, under any  
8 appointment or contract of hire, expressed or implied, oral  
9 or written. The terms include aliens and minors, whether  
10 lawfully or unlawfully employed, and all of the elected and  
11 appointed paid public officers and officers and members of  
12 boards of directors of quasi-public or private corporations  
13 while rendering actual service for such corporations for  
14 pay. Casual employees as defined by 39-71-116(3) are  
15 included as employees if they are not otherwise covered by  
16 workers' compensation and if an employer has elected to be  
17 bound by the provisions of the compensation law for these  
18 casual employments, as provided in 39-71-401(2). Household  
19 or domestic service is excluded.

20 (b) a recipient of general relief who is performing  
21 work for a county of this state under the provisions of  
22 ~~53-3-302~~ 53-3-303 through 53-3-305 and any juvenile  
23 performing work under authorization of a district court  
24 judge in a delinquency prevention or rehabilitation program;

25 (c) a person receiving on-the-job vocational

1 rehabilitation training or other on-the-job training under a  
 2 state or federal vocational training program, whether or not  
 3 under an appointment or contract of hire with an employer as  
 4 defined in this chapter and whether or not receiving payment  
 5 from a third party. However, this subsection does not apply  
 6 to students enrolled in vocational training programs as  
 7 outlined above while they are on the premises of a public  
 8 school or community college; or

9 (d) students enrolled and in attendance in programs of  
 10 vocational technical education approved by the state board  
 11 of public education at designated postsecondary vocational  
 12 technical centers.

13 (2) If the employer is a partnership or sole  
 14 proprietorship, such employer may elect to include as an  
 15 employee within the provisions of this chapter any member of  
 16 such partnership or the owner of the sole proprietorship  
 17 devoting full time to the partnership or proprietorship  
 18 business. In the event of such election, the employer must  
 19 serve upon the employer's insurer written notice naming the  
 20 partners or sole proprietor to be covered, and no partner or  
 21 sole proprietor shall be deemed an employee within this  
 22 chapter until such notice has been given. For premium  
 23 ratemaking and for the determination of weekly wage for  
 24 weekly compensation benefits, the insurance carrier shall  
 25 assume a salary or wage of such electing employee to be not

1 less than \$900 a month and not more than 1 1/2 times the  
 2 average weekly wage as defined in this chapter."

3 Section 19. Section 45-6-301, MCA, is amended to read:

4 "45-6-301. Theft. (1) A person commits the offense of  
 5 theft when he purposely or knowingly obtains or exerts  
 6 unauthorized control over property of the owner and:

7 (a) has the purpose of depriving the owner of the  
 8 property;

9 (b) purposely or knowingly uses, conceals, or abandons  
 10 the property in such manner as to deprive the owner of the  
 11 property; or

12 (c) uses, conceals, or abandons the property knowing  
 13 such use, concealment, or abandonment probably will deprive  
 14 the owner of the property.

15 (2) A person commits the offense of theft when he  
 16 purposely or knowingly obtains by threat or deception  
 17 control over property of the owner and:

18 (a) has the purpose of depriving the owner of the  
 19 property;

20 (b) purposely or knowingly uses, conceals, or abandons  
 21 the property in such manner as to deprive the owner of the  
 22 property; or

23 (c) uses, conceals, or abandons the property knowing  
 24 such use, concealment, or abandonment probably will deprive  
 25 the owner of the property.

1 (3) A person commits the offense of theft when he  
2 purposely or knowingly obtains control over stolen property  
3 knowing the property to have been stolen by another and:

4 (a) has the purpose of depriving the owner of the  
5 property;

6 (b) purposely or knowingly uses, conceals, or abandons  
7 the property in such manner as to deprive the owner of the  
8 property; or

9 (c) uses, conceals, or abandons the property knowing  
10 such use, concealment, or abandonment probably will deprive  
11 the owner of the property.

12 (4) A person commits the offense of theft when he  
13 purposely or knowingly obtains or exerts unauthorized  
14 control over any part of any public assistance, ~~as defined~~  
15 ~~in 53-3-101~~ provided under Title 53 by a state or county  
16 agency, regardless of the original source of assistance, by  
17 means of:

18 (a) a knowingly false statement, representation, or  
19 impersonation; or

20 (b) a fraudulent scheme or device.

21 (5) A person convicted of the offense of theft of  
22 property not exceeding \$300 in value shall be fined not to  
23 exceed \$500 or be imprisoned in the county jail for any term  
24 not to exceed 6 months, or both. A person convicted of the  
25 offense of theft of property exceeding \$300 in value or

1 theft of any commonly domesticated hoofed animal shall be  
2 fined not to exceed \$50,000 or be imprisoned in the state  
3 prison for any term not to exceed 10 years, or both.

4 (6) Amounts involved in thefts committed pursuant to a  
5 common scheme or the same transaction, whether from the same  
6 person or several persons, may be aggregated in determining  
7 the value of the property."

8 Section 20. Section 53-2-603, MCA, is amended to read:

9 "53-2-603. Award of public assistance determined after  
10 investigation. (1) Upon completion of the an investigation,  
11 the county board shall determine whether the applicant is  
12 eligible for public assistance under the provisions of this  
13 title, the type and amount of public assistance he shall  
14 receive, and the date upon which such public assistance  
15 shall begin.

16 (2) The department, if necessary to conform with the  
17 United States Social Security Act, may issue rules to the  
18 county welfare departments requiring the use of the  
19 declaration method, in such form as the department may  
20 prescribe, for the purpose of determining eligibility,  
21 regardless of any other investigative provisions under this  
22 title, and for all types of assistance. These rules may  
23 include any additional investigations the department may  
24 require."

25 Section 21. Section 53-2-802, MCA, is amended to read:

1 "53-2-802. Definitions. Unless the context requires  
2 otherwise, in this part the following definitions apply:

3 (1) "County department" means the county department of  
4 public welfare provided for in part 3 of this chapter.

5 (2) "Department" means the department of social and  
6 rehabilitation services provided for in Title 2, chapter 15,  
7 part 22.

8 (3) "Mill levy equivalent" means the prior year's  
9 expenditure divided by the value of 1 mill.

10 (4) "Needy person" is one who is eligible for public  
11 assistance under the laws of this state.

12 (5) "Protective services" means services to children  
13 and adults to be provided by the department as permitted by  
14 Titles 41 and 53.

15 (6) "Public assistance" or "assistance" means any type  
16 of monetary or other assistance furnished under this title  
17 to a person by a state or county department, regardless of  
18 the original source of assistance.

19 (7) "State assumption" means the transfer to the  
20 department for the county by the board of county  
21 commissioners of all powers and duties, including staff  
22 personnel as provided in 53-2-301 through 53-2-307 53-2-306  
23 and public assistance and protective services provided by  
24 the county department pursuant to Titles 41 and 53, except  
25 as otherwise specifically provided in this part."

1 Section 22. Section 53-2-811, MCA, is amended to read:

2 "53-2-811. Transfer of county public assistance and  
3 protective services to state department. (1) All authority  
4 granted to the board of county commissioners to establish  
5 and operate a public assistance program and provide  
6 protective services for children and adults pursuant to  
7 Titles 41 and 53 may be transferred to the department,  
8 except that the county attorney shall continue to provide  
9 legal assistance and representation for the purposes of  
10 adult and child protective services without charge and all  
11 debts and obligations incurred prior to the effective date  
12 of state assumption continue as the responsibility of the  
13 county.

14 (2) The board of county commissioners, after public  
15 hearing, may by resolution or ordinance transfer to the  
16 department all powers and duties for public assistance and  
17 protective services for children and adults, including the  
18 selection, supervision, and termination of staff personnel  
19 associated with the performance of these activities. Upon  
20 the effective date of such transfer, the department shall  
21 assume all powers and duties related to public assistance  
22 and protective services and accorded by law to the county  
23 welfare department. If the notice required in subsection  
24 (3) is given, the transfer is effective at the start of the  
25 next state fiscal year.

1 (3) Counties opting for state assumption shall notify  
2 the department at least 90 days prior to the start of the  
3 state fiscal year unless the time period is waived in whole  
4 or in part by the director of the department.

5 (4) Counties opting for state assumption shall permit  
6 the department to use the same facilities currently occupied  
7 by the county department or substantially equal facilities,  
8 with fair rental value for such facilities to be paid by the  
9 department. Counties opting for state assumption shall  
10 transfer to the department all materials, equipment, and  
11 supplies used in the operation of the county department and  
12 which were paid for in whole or in part with federal or  
13 state funds."

14 Section 23. Section 53-3-103, MCA, is amended to read:

15 "53-3-103. ~~Medical--aid~~ Subrogation of medical and  
16 hospitalization costs for indigent. ~~{1}~~ ~~Except--as--provided~~  
17 ~~in--other--parts--of--this--title,~~ ~~medical--aid--and~~  
18 ~~hospitalization--for--county--residents--and--nonresidents--within~~  
19 ~~the--county--unable--to--provide--these--necessities--for~~  
20 ~~themselves--are--the--legal--and--financial--responsibility--of--the~~  
21 ~~county--commissioners--and--are--payable--from--the--county--poor~~  
22 ~~fund.~~ ~~The--county--commissioners--shall--make--provisions--for~~  
23 ~~competent--and--skilled--medical--or--surgical--services:~~  
24 ~~"Medical"--or--"medicine"--as--used--in--this--section--refers--to~~  
25 ~~the--healing--art--as--practiced--by--licensed--practitioners.~~

1 ~~{2}~~ ~~The--board,~~ ~~in--arranging--for--medical--care--for--those~~  
2 ~~unable--to--provide--it--for--themselves,~~ ~~may--have--the--care~~  
3 ~~provided--by--physicians--appointed--by--the--board--who--shall--be~~  
4 ~~known--as--county--physicians--or--deputy--county--physicians--and~~  
5 ~~may--fix--a--rate--of--compensation--for--the--furnishing--of--the~~  
6 ~~medical--attendance.~~

7 ~~{3}~~ ~~The--department--may--promulgate--rules--to--determine~~  
8 ~~under--what--circumstances--persons--in--the--county--are--unable--to~~  
9 ~~provide--medical--aid--and--hospitalization--for--themselves,~~  
10 ~~including--the--power--to--define--the--term--"medically--needy";~~  
11 ~~However,~~ ~~the--definition--may--not--allow--payment--by--a--county~~  
12 ~~for--general--assistance--medical--for--persons--whose--income~~  
13 ~~exceeds--300%--of--the--limitation--for--obtaining--regular--county~~  
14 ~~general--relief--assistance--or--for--persons--who--are--eligible~~  
15 ~~for--medicaid--in--accordance--with--Title--53--chapter--6--part--17~~  
16 ~~or--for--persons--who--have--the--right--or--are--entitled--to--medical~~  
17 ~~aid--and--hospitalization--from--the--federal--government--or--any~~  
18 ~~agency--thereof.~~

19 {4} In any case where the county or state pays medical  
20 expenses or hospitalization for an individual, the county or  
21 state is subrogated to the claims of the physician or  
22 hospital to the extent of payment. To the extent necessary  
23 for reimbursement of medical benefits paid to or on behalf  
24 of an individual, the county or state is subrogated to the  
25 rights of the individual to recover from a third party who

1 may be liable to pay the medical expenses. The provisions of  
 2 53-2-612 which relate to medical benefits provided under  
 3 Title XIX or XX of the Social Security Act apply to medical  
 4 benefits provided for in this section."

5 Section 24. Section 53-3-307, MCA, is amended to read:  
 6 "53-3-307. County medical assistance not to be paid  
 7 from state funds -- exception. (1) County general relief  
 8 medical assistance under 53-3-103 [section 12(2)] shall not  
 9 be entitled to be paid from state funds.

10 (2) Medical expenses arising from accidental injury to  
 11 interstate transients shall be paid from county funds and  
 12 reimbursed by the state upon submission of a proper claim."

13 NEW SECTION. Section 25. Codification instruction.  
 14 Sections 1 through 17 are intended to be codified as an  
 15 integral part of Title 53, chapter 3, and the provisions of  
 16 Title 53, chapter 3, apply to sections 1 through 17.

17 NEW SECTION. Section 26. Repealer. Sections 53-2-307  
 18 through 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102,  
 19 53-3-104 through 53-3-107, 53-3-202 through 53-3-204,  
 20 53-3-301, 53-3-302, and 53-3-306, MCA, are repealed.

21 NEW SECTION. Section 27. Severability. If a part of  
 22 this act is invalid, all valid parts that are severable from  
 23 the invalid part remain in effect. If a part of this act is  
 24 invalid in one or more of its applications, the part remains  
 25 in effect in all valid applications that are severable from

1 the invalid applications.

2 NEW SECTION. Section 28. Effective date. This act is  
 3 effective July 1, 1985.

-End-



APPROVED BY COMMITTEE  
ON APPROPRIATIONS

HOUSE BILL NO. 843

INTRODUCED BY APPROPRIATIONS COMMITTEE

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO PUBLIC ASSISTANCE; PROVIDING FOR ADMINISTRATION, ELIGIBILITY, AND BENEFITS RELATING TO GENERAL RELIEF ASSISTANCE PROVIDED BY COUNTIES OR BY THE STATE WHEN SUCH A PROGRAM HAS BEEN ASSUMED BY THE STATE; AMENDING SECTIONS 39-71-118, 45-6-301, 53-2-603, 53-2-802, 53-2-811, 53-3-103, AND 53-3-307, MCA; REPEALING SECTIONS 53-2-307 THROUGH 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102, 53-3-104 THROUGH 53-3-107, 53-3-202 THROUGH 53-3-204, 53-3-301, 53-3-302, AND 53-3-306, MCA; AND PROVIDING AN EFFECTIVE DATE DATES."

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

NEW SECTION. Section 1. Purpose. (1) The legislature, in order to implement the provisions of Article XII, section 3, of the Montana constitution, finds that certain persons are in need of assistance because of misfortune and must be provided with certain assistance through programs for general relief. These programs are to be efficiently administered by local county welfare boards or, whenever responsibility for local welfare programs has

been assumed by the state of Montana, by the department of social and rehabilitation services. General relief, along with other assistance programs, is made available to provide basic necessities that provide minimum subsistence compatible with decency and health and to provide financial assistance for medical services necessary for serious medical conditions. General relief medical assistance is not intended to provide catastrophic medical insurance to nonindigent persons.

(2) The legislature finds that assistance under the general relief program should not be available to those persons who have either adequate income or resources of their own or who are able-bodied. When benefits and services are available through other federal or state assistance programs, general relief should not be provided in duplication of such other assistance.

(3) The legislature further finds that the purposes of the general relief program must be implemented only to the extent necessary and allowable by the mandates of Article VIII, sections 12 and 14, of the Montana constitution, regarding financial accountability and expenditure by appropriation.

NEW SECTION. Section 2. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Able-bodied" means the condition of a person who

1 is not infirm.

2 (2) "Basic necessities" means food, shelter,  
3 utilities, and personal needs.

4 (3) "Department" means the department of social and  
5 rehabilitation services provided for in Title 2, chapter 15,  
6 part 22.

7 (4) "General relief" means, in accordance with this  
8 chapter, a program of public assistance for basic  
9 necessities and medical needs to those persons determined to  
10 be eligible for that assistance.

11 (5) "Household" means all persons who by choice,  
12 necessity, or legal relationship are mutually dependent upon  
13 each other for basic necessities and who reside in the same  
14 residence.

15 (6) "Income" means the value of all property of any  
16 nature, earned, unearned, or in-kind, including benefits  
17 reasonably certain to be received by or available to a  
18 household during the month of the receipt of the income.

19 (7) "Indigent" or "misfortunate" means a person who is  
20 lacking the means, financial or otherwise, by which to  
21 prevent destitution for himself and others dependent upon  
22 him for basic necessities and who is otherwise eligible for  
23 assistance under this chapter. The terms do not include  
24 able-bodied persons under the age of 50 years unless they  
25 have dependent minor children living in the household,

1 EXCEPT AS PROVIDED IN [SECTIONS 4(2) AND 8(2)].

2 (8) "Infirm" means the condition of a person who is  
3 diagnosed by a licensed medical practitioner and confirmed  
4 by an expert medical review to have a physical or mental  
5 handicap that significantly impairs the person's ability to  
6 be employed.

7 (9) "Lump-sum income" means a nonrecurring source of  
8 income received in a single payment by a household during  
9 any eligibility period, including but not limited to  
10 proceeds from a lawsuit, insurance settlement, inheritance,  
11 lump-sum retirement, veterans' or unemployment benefits;  
12 benefits received under the federal Social Security Act;  
13 prizes; and tax refunds.

14 (10) "Nonresident" means a person who is a resident of  
15 another state or country or who is a transient with no  
16 established residence.

17 (11) "Resource" means all real and personal property  
18 retained after the calendar month of its receipt and which  
19 the household or a member of the household has a legal right  
20 to sell or liquidate.

21 (12) "Secure facility" means any facility in which a  
22 person may be lawfully held against his will by federal,  
23 state, or local authorities.

24 (13) "Serious medical condition" means a physical  
25 condition that causes a serious health risk to a person and

1 for which treatment is medically necessary. Diagnosis and  
 2 determination of necessary treatment must be made by a  
 3 licensed medical practitioner, and the department may  
 4 confirm it through an expert medical review. Serious medical  
 5 condition includes pregnancy and prenatal care and such  
 6 other elective treatments as determined by department rule  
 7 to be medically necessary.

8 NEW SECTION. Section 3. Responsibility for general  
 9 relief. (1) The county boards of public welfare and the  
 10 department, in accordance with this chapter and other  
 11 relevant statutes, are responsible for the provision of  
 12 general relief to indigent or misfortunate persons as  
 13 follows:

14 (a) Counties without state-assumed welfare services  
 15 shall provide general relief consistent with their duties as  
 16 specified in Title 53, chapter 2, parts 3 and 7, and this  
 17 chapter.

18 (b) In counties with state-assumed welfare services,  
 19 general relief must be provided by the department and must  
 20 be consistent with its duties as specified in Title 53,  
 21 chapter 2, part 8, and this chapter.

22 (2) In counties without state-assumed welfare  
 23 services, general relief must be paid from the county poor  
 24 fund as authorized in 53-2-321 and 53-2-322.

25 (3) In counties with state-assumed welfare services,

1 general relief must be paid from and may not exceed money  
 2 available through:

- 3 (a) a general appropriation for such purpose;
- 4 (b) county mill levies as provided for in 53-2-813;
- 5 and
- 6 (c) federal or other assistance.

7 NEW SECTION. Section 4. Eligibility for general  
 8 relief. (1) A household is eligible for general relief if  
 9 the household income does not exceed that set forth in the  
 10 following table:

11	12	13	14	
			15	
			16	17
Number of Persons		Monthly <u>INCOME STANDARD</u>		
In Household		<u>Income-Standard</u>		
		<u>FISCAL 1986</u>	<u>FISCAL 1987</u>	
14	1	\$212	\$212	\$219
15	2	279	284	296
16	3	332	358	372
17	4	425	432	449
18	5	501	506	526
19	6	564	580	603
20	7	624	653	679
21	8	685	727	756
22	9	744	800	832
23	10 or more	804	874	909

24 (2) Able-bodied persons under the age of 50 35 years  
 25 without dependent minor children living in the household are

1 not eligible for nonmedical general relief assistance.

2 (3) Lump-sum income received by a household renders  
3 the household ineligible for general relief for the full  
4 number of months that is derived by dividing the amount of  
5 the lump-sum income plus other income of the household by  
6 the maximum monthly grant payable to a household of its  
7 size. Any income remaining from this calculation not  
8 attributable to a whole month is considered income in the  
9 first month following the period of ineligibility. The  
10 period of ineligibility may be recalculated if the household  
11 size changes during the ineligibility period or if a portion  
12 of the lump sum was used to pay medical bills for a serious  
13 medical condition. The period of ineligibility does not  
14 preclude eligibility for general relief medical assistance.

15 (4) All applicants for and recipients of general  
16 relief assistance who reside in the same residence are  
17 considered as one household.

18 (5) Prospective income that is reasonably certain to  
19 be received by the household during an eligibility period  
20 must be considered when determining eligibility.

21 (6) The following resources of a household must be  
22 excluded from consideration of resources for eligibility  
23 purposes:

24 (a) the domicile of the household, including necessary  
25 appurtenant land not exceeding 10 acres;

1 (b) a motor vehicle that has no more than \$1,500 in  
2 equity value;

3 (c) personal items, clothing, household furniture,  
4 appliances, and other essential household items, the total  
5 equity value of which does not exceed resource eligibility  
6 limits established by rule; and

7 (d) tools of a trade that are essential to the current  
8 or future employment of a household member.

9 (7) A person who is committed or sentenced by legal  
10 process to a state institution or a secure facility or who  
11 is incarcerated in a secure facility pending resolution of  
12 legal process is not eligible for general relief.

13 (8) A person who resides for a period of 1 day or more  
14 in any state or federally operated institution or residence  
15 is not eligible for general relief for the period of that  
16 residency.

17 (9) For the purposes of an eligibility determination,  
18 an applicant for or recipient of general relief may be  
19 requested to produce all financial and other information  
20 concerning the household.

21 (10) Whenever practical, an eligibility determination  
22 must be made within 30 days of the date of application and  
23 the applicant must be notified in writing of the eligibility  
24 determination and the reasons for the determination.

25 (11) An alien determined to be illegally within the

1 United States is not eligible for general relief.  
 2 NEW SECTION. Section 5. Eligibility for general  
 3 relief medical assistance. (1) Eligibility for general  
 4 relief medical assistance must be determined as provided in  
 5 this section and [section 4(5) through (11)]. A person with  
 6 a serious medical condition must apply for general relief  
 7 medical assistance prior to the provision of medical  
 8 services or within 90 days of the date the medical service  
 9 is first provided. Eligibility is determined as of the date  
 10 medical service is first provided.  
 11 (2) All legally responsible persons who reside in the  
 12 same residence are considered to be one household for  
 13 purposes of determining general relief medical assistance.  
 14 (3) All individual or household resources must be used  
 15 to offset medical obligations except those excluded in  
 16 [section 4(6)].  
 17 (4) To determine eligibility for county general relief  
 18 medical assistance, a county welfare board may promulgate  
 19 rules to establish the circumstances under which persons are  
 20 unable to pay for their medical aid and hospitalization.  
 21 However, no household with an income exceeding 300% of the  
 22 amount set forth in [section 4(1)] is eligible for such  
 23 medical assistance.  
 24 (5) In a county with state-assumed welfare services:  
 25 (a) covered medical services must be provided at no

1 cost to the person residing in a household if the average  
 2 household monthly income that is reasonably certain to be  
 3 received in a 12-month period beginning with the month the  
 4 medical service was provided does not exceed the amount in  
 5 [section 4(1)];  
 6 (b) a person is not eligible for medical services if  
 7 the household in which he resides has an average monthly  
 8 income reasonably certain to be received in a 12-month  
 9 period beginning with the month the medical service was  
 10 provided in excess of that set forth in the following table:  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Family Size	Monthly Income Level
1	\$314
2	375
3	400
4	425
5	501
6	564
7	624
8	685
9	744
10	804
11	864
12	923
13	983

1	14	1,042
2	15	1,102
3	16	1,162

(c) if the average household monthly income reasonably certain to be received in a 12-month period beginning with the month the medical service was provided is between the amount in [section 4(1)] and the income standard set forth in subsection (5)(b), a household must first incur covered medical costs equal to the difference between average monthly income and the income standard for the medically needy before medical service is provided.

NEW SECTION. SECTION 6. SELECTION OF MEDICAL PROVIDERS. IN ARRANGING FOR MEDICAL CARE FOR THOSE UNABLE TO PROVIDE IT FOR THEMSELVES, THE COUNTY BOARDS OF PUBLIC WELFARE OR THE DEPARTMENT MAY SELECT A MEDICAL PROVIDER.

NEW SECTION. SECTION 7. EMERGENCY ASSISTANCE. (1) EMERGENCY ASSISTANCE MAY BE PROVIDED TO THOSE PERSONS WHOSE INCOME AND RESOURCES MEET THE CRITERIA SET FORTH IN [SECTION 4] BUT ARE NOT OTHERWISE ELIGIBLE FOR GENERAL RELIEF ASSISTANCE.

(2) EMERGENCY ASSISTANCE IS LIMITED TO THE FOLLOWING:

(A) FOOD, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD, AND ONLY IF FOOD STAMPS ARE UNAVAILABLE FOR REASONS OTHER THAN FRAUD;

(B) TRANSPORTATION TO RETURN TO THE COUNTY OR STATE OF

RESIDENCE OR ORIGIN; AND  
(C) SHELTER, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD.

(3) IN STATE-ASSUMED COUNTIES, THE TOTAL AMOUNT EXPENDED FOR THIS PROGRAM OF EMERGENCY ASSISTANCE SHALL NOT EXCEED \$100,000 FOR STATE FISCAL YEAR 1986 AND \$100,000 FOR STATE FISCAL YEAR 1987. NONSTATE-ASSUMED COUNTIES MAY ADOPT A PLAN OF EMERGENCY ASSISTANCE NOT INCONSISTENT WITH THIS SECTION.

NEW SECTION. Section 8. Application for other state and federal programs -- interim relief. If other federal or state programs of assistance are reasonably available to meet the needs of a household, an applicant must apply for those programs before general relief may be provided. A household may be provided general relief after initial application for other programs of assistance. If denied such other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative appeal level. If the applicant becomes eligible for other assistance covering the same period of time that interim general relief is provided, such interim relief must be repaid to the department or offset from lump sums or retroactive payments from other programs of assistance.

NEW SECTION. Section 9. Fraud and recovery of

1 overpayments. (1) The department shall deny general relief  
2 for a reasonable period of time to any household determined  
3 to have received any assistance by means of fraud.

4 (2) The department or its agent may recover or offset  
5 any amounts of general relief made available to a household  
6 which, because of fraud or mistake, are above the amounts  
7 that should have been provided.

8 NEW SECTION. Section 10. Period of eligibility.

9 (1) The period of eligibility for receipt of general relief  
10 for basic necessities is 1 month, except as provided in  
11 subsections (2) and (3). A person may seek to establish  
12 eligibility for the succeeding month prior to the end of the  
13 current month of eligibility.

14 (2) ABLE-BODIED PERSONS AGE 35 THROUGH 49 WITHOUT  
15 DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD ARE  
16 ELIGIBLE FOR NO MORE THAN 3 MONTHS OF NONMEDICAL GENERAL  
17 RELIEF ASSISTANCE WITHIN ANY 12-MONTH PERIOD, EXCEPT THAT  
18 ASSISTANCE RECEIVED PRIOR TO JULY 1, 1985, SHALL NOT BE  
19 COUNTED. FOR THESE PERSONS WHO CONTINUOUSLY MEET ELIGIBILITY  
20 CRITERIA, THE PERIOD OF ELIGIBILITY WILL BEGIN 60 DAYS AFTER  
21 THE DATE OF APPLICATION.

22 ~~{2}~~(3) Eligibility for general relief medical  
23 assistance terminates when the serious medical condition of  
24 the person has been treated.

25 ~~{3}~~(4) The period of eligibility for any type of

1 general assistance terminates at any time the county welfare  
2 board or the department determines that the household:

3 (a) no longer meets the applicable eligibility  
4 requirements; or

5 (b) received general relief by means of fraud or  
6 mistake.

7 NEW SECTION. Section 11. Form of relief. The choice  
8 as to the form or forms of relief provided is at the  
9 discretion of the county welfare department in counties  
10 without state-assumed welfare services or the department if  
11 the state has assumed responsibility for the welfare  
12 services in a county.

13 NEW SECTION. Section 12. Application. (1) Application  
14 for general relief must be made in writing to a county  
15 welfare department or the department's local office of  
16 human services on forms provided for that purpose.

17 (2) A person applying in a county other than that of  
18 his residency must have his application referred to the  
19 county of his residency as soon as possible.

20 NEW SECTION. Section 13. County of financial  
21 responsibility. (1) The county responsible for benefits  
22 provided under this chapter is the county of residence of  
23 the person making application for assistance.

24 (2) Medical costs covered by general relief medical  
25 assistance are the financial responsibility of the treated

1 person's county of residence. Institutionalization for  
 2 medical services does not change such residency.

3 (3) General relief medical assistance for a transient  
 4 is the responsibility of the county in which the  
 5 nonresident's illness or injury requiring medical attention  
 6 initially occurred.

7 NEW SECTION. Section 14. Scope of general relief  
 8 medical assistance. (1) General relief medical assistance  
 9 is limited to those services determined necessary to treat a  
 10 person's serious medical condition. Assistance may not  
 11 exceed the scope or duration provided under the medicaid  
 12 program pursuant to Title 53, chapter 6, part 1, and rules  
 13 adopted by the department to administer the program.

14 (2) General relief medical assistance in a county  
 15 without state-assumed welfare services must, within the  
 16 limitations of subsection (1), be provided in amounts  
 17 determined by the county welfare board.

18 (3) General relief medical assistance in counties with  
 19 state-assumed welfare services must, within the limitations  
 20 of subsection (1), be provided in amounts not to exceed  
 21 payments under the medicaid program. Services must be  
 22 limited to the least costly method of alleviating the  
 23 serious medical condition.

24 (4) General relief medical assistance is limited to  
 25 covered medical needs not met by other services or benefits

1 available to the person. Available services or benefits  
 2 include but are not limited to health and accident  
 3 insurance, veterans' benefits, industrial accident benefits,  
 4 medicare and medicaid benefits, and other liable third  
 5 parties.

6 NEW SECTION. Section 15. Amount of general relief for  
 7 basic necessities. (1) In a county without state-assumed  
 8 welfare services, the amounts of general relief for basic  
 9 necessities must be determined and adopted at the discretion  
 10 of the county welfare board.

11 (2) In a county with state-assumed welfare services,  
 12 the amount of general relief for basic necessities available  
 13 to an eligible household is the amount listed for the same  
 14 size household in the table in [section 4(1)], less income  
 15 and resources not excluded in [section 4(6)].

16 NEW SECTION. Section 16. Burial of deceased indigent.  
 17 (1) In a county without state-assumed welfare services, the  
 18 county welfare board shall provide for the burial of a  
 19 deceased indigent.

20 (2) In a county with state-assumed welfare services,  
 21 the department shall provide for the burial of a deceased  
 22 indigent.

23 NEW SECTION. Section 17. Confidentiality. (1) Any  
 24 personal information provided to or obtained by the county  
 25 welfare department or the department for the purposes of



1 this chapter is confidential.

2 (2) Disclosure of confidential information concerning  
3 applicants for general relief is restricted to purposes  
4 directly connected with the administration of programs  
5 administered by the department except as otherwise provided  
6 in this section.

7 (3) Confidential information may be released upon  
8 written consent of the applicant.

9 (4) Confidential information concerning an applicant  
10 may be released without prior consent if an emergency  
11 situation necessitates the release. The applicant must be  
12 informed of such release as soon as practicable.

13 (5) Confidential information may be released without  
14 notice or consent for the purpose of fraud investigation,  
15 collection of child support, and third-party medical  
16 recovery.

17 (6) Confidential information may be released if so  
18 directed by a court order.

19 NEW SECTION. Section 18. Contested case hearing.

20 (1) Except as provided in subsection (2), a hearing must be  
21 held on request of any person who is dissatisfied with:

- 22 (a) an action taken on an application;
- 23 (b) an eligibility determination; or
- 24 (c) the amount or condition of payment.

25 (2) A hearing need not be granted if either state or

1 federal law requires automatic grant adjustments for classes  
2 of persons unless the reason for an individual appeal is  
3 incorrect grant computation.

4 (3) The applicant or recipient must be informed of the  
5 right to request a hearing at the time any adverse action  
6 affects his eligibility.

7 (4) A hearing must be requested within 90 calendar  
8 days from the date of notice of adverse action. An applicant  
9 is considered to have been given notice on the date the  
10 notice is mailed by certified mail or personally served.

11 (5) The hearing must be held in:

- 12 (a) the person's county of residence;
- 13 (b) the county where application is made if residency  
14 is unestablished; or

15 (c) Lewis and Clark County if a real party in interest  
16 requests a hearing for an applicant in any county with  
17 state-assumed welfare services.

18 (6) When a real party in interest requests a hearing  
19 for an applicant, venue for judicial review of the final  
20 administrative action is Lewis and Clark County if financial  
21 responsibility is alleged to be with a state-assumed county  
22 welfare program.

23 NEW SECTION. Section 19. Department to adopt rules.  
24 The department shall adopt such rules as are necessary to  
25 effectuate this chapter. Rules adopted may include those

1 necessary for application, eligibility, residency, fraud,  
 2 recovery of overpayments; the form, amount, scope, and  
 3 duration of relief; confidentiality; burial of deceased  
 4 indigents; and definition of terms. The department may not  
 5 adopt rules to govern the amounts of relief to be provided  
 6 in counties where the department has not assumed  
 7 responsibility for the direct administration of welfare  
 8 services.

9 Section 20. Section 39-71-118, MCA, is amended to  
 10 read:

11 "39-71-118. Employee, worker, and workman defined. (1)  
 12 The terms "employee", "workman", or "worker" mean:

13 (a) each person in this state, including a contractor  
 14 other than an independent contractor, who is in the service  
 15 of an employer, as defined by 39-71-117, under any  
 16 appointment or contract of hire, expressed or implied, oral  
 17 or written. The terms include aliens and minors, whether  
 18 lawfully or unlawfully employed, and all of the elected and  
 19 appointed paid public officers and officers and members of  
 20 boards of directors of quasi-public or private corporations  
 21 while rendering actual service for such corporations for  
 22 pay. Casual employees as defined by 39-71-116(3) are  
 23 included as employees if they are not otherwise covered by  
 24 workers' compensation and if an employer has elected to be  
 25 bound by the provisions of the compensation law for these

1 casual employments, as provided in 39-71-401(2). Household  
 2 or domestic service is excluded.

3 (b) a recipient of general relief who is performing  
 4 work for a county of this state under the provisions of  
 5 ~~53-3-302~~ 53-3-303 through 53-3-305 and any juvenile  
 6 performing work under authorization of a district court  
 7 judge in a delinquency prevention or rehabilitation program;

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

17 (d) students enrolled and in attendance in programs of  
 18 vocational technical education approved by the state board  
 19 of public education at designated postsecondary vocational  
 20 technical centers.

21 (2) If the employer is a partnership or sole  
 22 proprietorship, such employer may elect to include as an  
 23 employee within the provisions of this chapter any member of  
 24 such partnership or the owner of the sole proprietorship  
 25 devoting full time to the partnership or proprietorship

1 business. In the event of such election, the employer must  
 2 serve upon the employer's insurer written notice naming the  
 3 partners or sole proprietor to be covered, and no partner or  
 4 sole proprietor shall be deemed an employee within this  
 5 chapter until such notice has been given. For premium  
 6 ratemaking and for the determination of weekly wage for  
 7 weekly compensation benefits, the insurance carrier shall  
 8 assume a salary or wage of such electing employee to be not  
 9 less than \$900 a month and not more than 1 1/2 times the  
 10 average weekly wage as defined in this chapter."

11 Section 21. Section 45-6-301, MCA, is amended to read:

12 "45-6-301. Theft. (1) A person commits the offense of  
 13 theft when he purposely or knowingly obtains or exerts  
 14 unauthorized control over property of the owner and:

15 (a) has the purpose of depriving the owner of the  
 16 property;

17 (b) purposely or knowingly uses, conceals, or abandons  
 18 the property in such manner as to deprive the owner of the  
 19 property; or

20 (c) uses, conceals, or abandons the property knowing  
 21 such use, concealment, or abandonment probably will deprive  
 22 the owner of the property.

23 (2) A person commits the offense of theft when he  
 24 purposely or knowingly obtains by threat or deception  
 25 control over property of the owner and:

1 (a) has the purpose of depriving the owner of the  
 2 property;

3 (b) purposely or knowingly uses, conceals, or abandons  
 4 the property in such manner as to deprive the owner of the  
 5 property; or

6 (c) uses, conceals, or abandons the property knowing  
 7 such use, concealment, or abandonment probably will deprive  
 8 the owner of the property.

9 (3) A person commits the offense of theft when he  
 10 purposely or knowingly obtains control over stolen property  
 11 knowing the property to have been stolen by another and:

12 (a) has the purpose of depriving the owner of the  
 13 property;

14 (b) purposely or knowingly uses, conceals, or abandons  
 15 the property in such manner as to deprive the owner of the  
 16 property; or

17 (c) uses, conceals, or abandons the property knowing  
 18 such use, concealment, or abandonment probably will deprive  
 19 the owner of the property.

20 (4) A person commits the offense of theft when he  
 21 purposely or knowingly obtains or exerts unauthorized  
 22 control over any part of any public assistance, ~~as defined~~  
 23 ~~in 53-3-101~~ provided under Title 53 by a state or county  
 24 agency, regardless of the original source of assistance, by  
 25 means of:

1 (a) a knowingly false statement, representation, or  
2 impersonation; or

3 (b) a fraudulent scheme or device.

4 (5) A person convicted of the offense of theft of  
5 property not exceeding \$300 in value shall be fined not to  
6 exceed \$500 or be imprisoned in the county jail for any term  
7 not to exceed 6 months, or both. A person convicted of the  
8 offense of theft of property exceeding \$300 in value or  
9 theft of any commonly domesticated hoofed animal shall be  
10 fined not to exceed \$50,000 or be imprisoned in the state  
11 prison for any term not to exceed 10 years, or both.

12 (6) Amounts involved in thefts committed pursuant to a  
13 common scheme or the same transaction, whether from the same  
14 person or several persons, may be aggregated in determining  
15 the value of the property."

16 Section 22. Section 53-2-603, MCA, is amended to read:

17 "53-2-603. Award of public assistance determined after  
18 investigation. (1) Upon completion of the an investigation,  
19 the county board shall determine whether the applicant is  
20 eligible for public assistance under the provisions of this  
21 title, the type and amount of public assistance he shall  
22 receive, and the date upon which such public assistance  
23 shall begin.

24 (2) The department, if necessary to conform with the  
25 United States Social Security Act, may issue rules to the

1 county welfare departments requiring the use of the  
2 declaration method, in such form as the department may  
3 prescribe, for the purpose of determining eligibility,  
4 regardless of any other investigative provisions under this  
5 title, and for all types of assistance. These rules may  
6 include any additional investigations the department may  
7 require."

8 Section 23. Section 53-2-802, MCA, is amended to read:

9 "53-2-802. Definitions. Unless the context requires  
10 otherwise, in this part the following definitions apply:

11 (1) "County department" means the county department of  
12 public welfare provided for in part 3 of this chapter.

13 (2) "Department" means the department of social and  
14 rehabilitation services provided for in Title 2, chapter 15,  
15 part 22.

16 (3) "Mill levy equivalent" means the prior year's  
17 expenditure divided by the value of 1 mill.

18 (4) "Needy person" is one who is eligible for public  
19 assistance under the laws of this state.

20 (5) "Protective services" means services to children  
21 and adults to be provided by the department as permitted by  
22 Titles 41 and 53.

23 (6) "Public assistance" or "assistance" means any type  
24 of monetary or other assistance furnished under this title  
25 to a person by a state or county department, regardless of

1 the original source of assistance.

2 (7) "State assumption" means the transfer to the  
3 department for the county by the board of county  
4 commissioners of all powers and duties, including staff  
5 personnel as provided in 53-2-301 through 53-2-307 53-2-306  
6 and public assistance and protective services provided by  
7 the county department pursuant to Titles 41 and 53, except  
8 as otherwise specifically provided in this part."

9 Section 24. Section 53-2-811, MCA, is amended to read:

10 "53-2-811. Transfer of county public assistance and  
11 protective services to state department. (1) All authority  
12 granted to the board of county commissioners to establish  
13 and operate a public assistance program and provide  
14 protective services for children and adults pursuant to  
15 Titles 41 and 53 may be transferred to the department,  
16 except that the county attorney shall continue to provide  
17 legal assistance and representation for the purposes of  
18 adult and child protective services without charge and all  
19 debts and obligations incurred prior to the effective date  
20 of state assumption continue as the responsibility of the  
21 county.

22 (2) The board of county commissioners, after public  
23 hearing, may by resolution or ordinance transfer to the  
24 department all powers and duties for public assistance and  
25 protective services for children and adults, including the

1 selection, supervision, and termination of staff personnel  
2 associated with the performance of these activities. Upon  
3 the effective date of such transfer, the department shall  
4 assume all powers and duties related to public assistance  
5 and protective services and accorded by law to the county  
6 welfare department. If the notice required in subsection  
7 (3) is given, the transfer is effective at the start of the  
8 next state fiscal year.

9 (3) Counties opting for state assumption shall notify  
10 the department at least 90 days prior to the start of the  
11 state fiscal year unless the time period is waived in whole  
12 or in part by the director of the department.

13 (4) Counties opting for state assumption shall permit  
14 the department to use the same facilities currently occupied  
15 by the county department or substantially equal facilities,  
16 with fair rental value for such facilities to be paid by the  
17 department. Counties opting for state assumption shall  
18 transfer to the department all materials, equipment, and  
19 supplies used in the operation of the county department and  
20 which were paid for in whole or in part with federal or  
21 state funds."

22 Section 25. Section 53-3-103, MCA, is amended to read:

23 "53-3-103. ~~Medical--aid~~ Subrogation of medical and  
24 hospitalization costs for indigent. ~~(1) Except--as--provided~~  
25 ~~in--other--parts--of--this--title,--medical--aid--and~~

1 hospitalization-for-county-residents-and-nonresidents-within  
 2 the-county-unable-to-provide-these-necessities-for  
 3 themselves-are-the-legal-and-financial-responsibility-of-the  
 4 county-commissioners-and-are-payable-from-the-county-poor  
 5 fund-The-county-commissioners-shall-make-provisions-for  
 6 competent-and-skilled-medical-or-surgical-services.  
 7 "Medical"-or-"medicine"-as-used-in-this-section-refers-to  
 8 the-healing-art-as-practiced-by-licensed-practitioners.

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

15 (3)-The-department-may-promulgate-rules-to-determine  
 16 under-what-circumstances-persons-in-the-county-are-unable-to  
 17 provide-medical-aid-and-hospitalization-for-themselves,  
 18 including-the-power-to-define-the-term-"medically-needy".  
 19 However-the-definition-may-not-allow-payment-by-a-county  
 20 for-general-assistance-medical-for-persons-whose-income  
 21 exceeds-300%-of-the-limitation-for-obtaining-regular-county  
 22 general-relief-assistance-or-for-persons-who-are-eligible  
 23 for-medicaid-in-accordance-with-Title-53,chapter-6,part-1,  
 24 or-for-persons-who-have-the-right-or-are-entitled-to-medical  
 25 aid-and-hospitalization-from-the-federal-government-or-any

1 agency-thereof.

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

13 Section 26. Section 53-3-307, MCA, is amended to read:  
 14 "53-3-307. County medical assistance not to be paid  
 15 from state funds -- exception. (1) County general relief  
 16 medical assistance under 53-3-303 [section 12(2)] shall not  
 17 be entitled to be paid from state funds.

18 (2) Medical expenses arising from accidental injury to  
 19 interstate transients shall be paid from county funds and  
 20 reimbursed by the state upon submission of a proper claim."

21 NEW SECTION. Section 27. Codification instruction.  
 22 Sections 1 through 17 are intended to be codified as an  
 23 integral part of Title 53, chapter 3, and the provisions of  
 24 Title 53, chapter 3, apply to sections 1 through 17.

25 NEW SECTION. Section 28. Repealer. Sections 53-2-307

1 through 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102,  
2 53-3-104 through 53-3-107, 53-3-202 through 53-3-204,  
3 53-3-301, 53-3-302, and 53-3-306, MCA, are repealed.

4 NEW SECTION. Section 29. Severability. If a part of  
5 this act is invalid, all valid parts that are severable from  
6 the invalid part remain in effect. If a part of this act is  
7 invalid in one or more of its applications, the part remains  
8 in effect in all valid applications that are severable from  
9 the invalid applications.

10 NEW SECTION. Section 30. Effective date DATES. (1)  
11 This act is effective July 1, 1985.

12 (2) ON JULY 1, 1987, SECTION 7 IS REPEALED UNLESS  
13 REENACTED BY THE LEGISLATURE.

-End-

HOUSE BILL NO. 843

INTRODUCED BY APPROPRIATIONS COMMITTEE

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO PUBLIC ASSISTANCE; PROVIDING FOR ADMINISTRATION, ELIGIBILITY, AND BENEFITS RELATING TO GENERAL RELIEF ASSISTANCE PROVIDED BY COUNTIES OR BY THE STATE WHEN SUCH A PROGRAM HAS BEEN ASSUMED BY THE STATE; AMENDING SECTIONS 39-71-118, 45-6-301, 53-2-603, 53-2-802, 53-2-811, 53-3-103, AND 53-3-307, MCA; REPEALING SECTIONS 53-2-307 THROUGH 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102, 53-3-104 THROUGH 53-3-107, 53-3-202 THROUGH 53-3-204, 53-3-301, 53-3-302, AND 53-3-306, MCA; AND PROVIDING AN EFFECTIVE DATE DATES."

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

NEW SECTION. Section 1. Purpose. (1) The

legislature, in order to implement the provisions of Article XII, section 3, of the Montana constitution, finds that certain persons are in need of assistance because of misfortune and must be provided with certain assistance through programs for general relief. These programs are to be efficiently administered by local county welfare boards or, whenever responsibility for local welfare programs has

been assumed by the state of Montana, by the department of social and rehabilitation services. General relief, along with other assistance programs, is made available to provide basic necessities that provide minimum subsistence compatible with decency and health and to provide financial assistance for medical services necessary for serious medical conditions. General relief medical assistance is not intended to provide catastrophic medical insurance to nonindigent persons.

(2) The legislature finds that assistance under the general relief program should not be available to those persons who have either adequate income or resources of their own or who are able-bodied. When benefits and services are available through other federal or state assistance programs, general relief should not be provided in duplication of such other assistance.

(3) The legislature further finds that the purposes of the general relief program must be implemented only to the extent necessary and allowable by the mandates of Article VIII, sections 12 and 14, of the Montana constitution, regarding financial accountability and expenditure by appropriation.

NEW SECTION. Section 2. Definitions. For the purposes of this chapter, the following definitions apply:

(1) "Able-bodied" means the condition of a person who





1 is not infirm.

2 (2) "Basic necessities" means food, shelter,  
3 utilities, and personal needs.

4 (3) "Department" means the department of social and  
5 rehabilitation services provided for in Title 2, chapter 15,  
6 part 22.

7 (4) "General relief" means, in accordance with this  
8 chapter, a program of public assistance for basic  
9 necessities and medical needs to those persons determined to  
10 be eligible for that assistance.

11 (5) "Household" means all persons who by choice,  
12 necessity, or legal relationship are mutually dependent upon  
13 each other for basic necessities and who reside in the same  
14 residence.

15 (6) "Income" means the value of all property of any  
16 nature, earned, unearned, or in-kind, including benefits  
17 reasonably certain to be received by or available to a  
18 household during the month of the receipt of the income.

19 (7) "Indigent" or "misfortunate" means a person who is  
20 lacking the means, financial or otherwise, by which to  
21 prevent destitution for himself and others dependent upon  
22 him for basic necessities and who is otherwise eligible for  
23 assistance under this chapter. The terms do not include  
24 able-bodied persons under the age of 50 years unless they  
25 have dependent minor children living in the household.

1 EXCEPT AS PROVIDED IN [SECTIONS 4(2) AND 8(2)].

2 (8) "Infirm" means the condition of a person who is  
3 diagnosed by a licensed medical practitioner and confirmed  
4 by an expert medical review to have a physical or mental  
5 handicap that significantly impairs the person's ability to  
6 be employed.

7 (9) "Lump-sum income" means a nonrecurring source of  
8 income received in a single payment by a household during  
9 any eligibility period, including but not limited to  
10 proceeds from a lawsuit, insurance settlement, inheritance,  
11 lump-sum retirement, veterans' or unemployment benefits;  
12 benefits received under the federal Social Security Act;  
13 prizes; and tax refunds.

14 (10) "Nonresident" means a person who is a resident of  
15 another state or country or who is a transient with no  
16 established residence.

17 (11) "Resource" means all real and personal property  
18 retained after the calendar month of its receipt and which  
19 the household or a member of the household has a legal right  
20 to sell or liquidate.

21 (12) "Secure facility" means any facility in which a  
22 person may be lawfully held against his will by federal,  
23 state, or local authorities.

24 (13) "Serious medical condition" means a physical  
25 condition that causes a serious health risk to a person and

1 for which treatment is medically necessary. Diagnosis and  
 2 determination of necessary treatment must be made by a  
 3 licensed medical practitioner, and the department may  
 4 confirm it through an expert medical review. Serious medical  
 5 condition includes pregnancy and prenatal care and such  
 6 other elective treatments as determined by department rule  
 7 to be medically necessary.

8 NEW SECTION. Section 3. Responsibility for general  
 9 relief. (1) The county boards of public welfare and the  
 10 department, in accordance with this chapter and other  
 11 relevant statutes, are responsible for the provision of  
 12 general relief to indigent or misfortunate persons as  
 13 follows:

14 (a) Counties without state-assumed welfare services  
 15 shall provide general relief consistent with their duties as  
 16 specified in Title 53, chapter 2, parts 3 and 7, and this  
 17 chapter.

18 (b) In counties with state-assumed welfare services,  
 19 general relief must be provided by the department and must  
 20 be consistent with its duties as specified in Title 53,  
 21 chapter 2, part 8, and this chapter.

22 (2) In counties without state-assumed welfare  
 23 services, general relief must be paid from the county poor  
 24 fund as authorized in 53-2-321 and 53-2-322.

25 (3) In counties with state-assumed welfare services,

1 general relief must be paid from and may not exceed money  
 2 available through:

- 3 (a) a general appropriation for such purpose;
- 4 (b) county mill levies as provided for in 53-2-813;
- 5 and
- 6 (c) federal or other assistance.

7 NEW SECTION. Section 4. Eligibility for general  
 8 relief. (1) A household is eligible for general relief if  
 9 the household income does not exceed that set forth in the  
 10 following table:

11	12	13	14	
			15	
			16	17
Number of Persons	Monthly <u>INCOME STANDARD</u>			
In Household	Income-Standard			
			<u>FISCAL 1986</u>	<u>FISCAL 1987</u>
14	1	\$212	<u>\$212</u>	<u>\$219</u>
15	2	279	<u>284</u>	<u>296</u>
16	3	332	<u>358</u>	<u>372</u>
17	4	425	<u>432</u>	<u>449</u>
18	5	502	<u>506</u>	<u>526</u>
19	6	564	<u>580</u>	<u>603</u>
20	7	624	<u>653</u>	<u>679</u>
21	8	685	<u>727</u>	<u>756</u>
22	9	744	<u>800</u>	<u>832</u>
23	10 or more	804	<u>874</u>	<u>909</u>

24 (2) Able-bodied persons under the age of 50 35 years  
 25 without dependent minor children living in the household are

1 not eligible for nonmedical general relief assistance.

2 (3) Lump-sum income received by a household renders  
 3 the household ineligible for general relief for the full  
 4 number of months that is derived by dividing the amount of  
 5 the lump-sum income plus other income of the household by  
 6 the maximum monthly grant payable to a household of its  
 7 size. Any income remaining from this calculation not  
 8 attributable to a whole month is considered income in the  
 9 first month following the period of ineligibility. The  
 10 period of ineligibility may be recalculated if the household  
 11 size changes during the ineligibility period or if a portion  
 12 of the lump sum was used to pay medical bills for a serious  
 13 medical condition. The period of ineligibility does not  
 14 preclude eligibility for general relief medical assistance.

15 (4) All applicants for and recipients of general  
 16 relief assistance who reside in the same residence are  
 17 considered as one household.

18 (5) Prospective income that is reasonably certain to  
 19 be received by the household during an eligibility period  
 20 must be considered when determining eligibility.

21 (6) The following resources of a household must be  
 22 excluded from consideration of resources for eligibility  
 23 purposes:

24 (a) the domicile of the household, including necessary  
 25 appurtenant land not exceeding 10 acres;

1 (b) a motor vehicle that has no more than \$1,500 in  
 2 equity value;

3 (c) personal items, clothing, household furniture,  
 4 appliances, and other essential household items, the total  
 5 equity value of which does not exceed resource eligibility  
 6 limits established by rule; and

7 (d) tools of a trade that are essential to the current  
 8 or future employment of a household member.

9 (7) A person who is committed or sentenced by legal  
 10 process to a state institution or a secure facility or who  
 11 is incarcerated in a secure facility pending resolution of  
 12 legal process is not eligible for general relief.

13 (8) A person who resides for a period of 1 day or more  
 14 in any state or federally operated institution or residence  
 15 is not eligible for general relief for the period of that  
 16 residency.

17 (9) For the purposes of an eligibility determination,  
 18 an applicant for or recipient of general relief may be  
 19 requested to produce all financial and other information  
 20 concerning the household.

21 (10) Whenever practical, an eligibility determination  
 22 must be made within 30 days of the date of application and  
 23 the applicant must be notified in writing of the eligibility  
 24 determination and the reasons for the determination.

25 (11) An alien determined to be illegally within the

1 United States is not eligible for general relief.

2 NEW SECTION. Section 5. Eligibility for general  
3 relief medical assistance. (1) Eligibility for general  
4 relief medical assistance must be determined as provided in  
5 this section and [section 4(5) through (11)]. A person with  
6 a serious medical condition must apply for general relief  
7 medical assistance prior to the provision of medical  
8 services or within 90 days of the date the medical service  
9 is first provided. Eligibility is determined as of the date  
10 medical service is first provided.

11 (2) All legally responsible persons who reside in the  
12 same residence are considered to be one household for  
13 purposes of determining general relief medical assistance.

14 (3) All individual or household resources must be used  
15 to offset medical obligations except those excluded in  
16 [section 4(6)].

17 (4) To determine eligibility for county general relief  
18 medical assistance, a county welfare board may promulgate  
19 rules to establish the circumstances under which persons are  
20 unable to pay for their medical aid and hospitalization.  
21 However, no household with an income exceeding 300% of the  
22 amount set forth in [section 4(1)] is eligible for such  
23 medical assistance.

24 (5) In a county with state-assumed welfare services:

25 (a) covered medical services must be provided at no

1 cost to the person residing in a household if the average  
2 household monthly income that is reasonably certain to be  
3 received in a 12-month period beginning with the month the  
4 medical service was provided does not exceed the amount in  
5 [section 4(1)];

6 (b) a person is not eligible for medical services if  
7 the household in which he resides has an average monthly  
8 income reasonably certain to be received in a 12-month  
9 period beginning with the month the medical service was  
10 provided in excess of that set forth in the following table:

	Family Size	Monthly Income Level
11		
12		
13	1	\$314
14	2	375
15	3	400
16	4	425
17	5	501
18	6	564
19	7	624
20	8	685
21	9	744
22	10	804
23	11	864
24	12	923
25	13	983

1	14	1,042
2	15	1,102
3	16	1,162

4 (c) if the average household monthly income reasonably  
 5 certain to be received in a 12-month period beginning with  
 6 the month the medical service was provided is between the  
 7 amount in [section 4(1)] and the income standard set forth  
 8 in subsection (5)(b), a household must first incur covered  
 9 medical costs equal to the difference between average  
 10 monthly income and the income standard for the medically  
 11 needy before medical service is provided.

12 NEW SECTION. SECTION 6. SELECTION OF MEDICAL  
 13 PROVIDERS. IN ARRANGING FOR MEDICAL CARE FOR THOSE UNABLE TO  
 14 PROVIDE IT FOR THEMSELVES, THE COUNTY BOARDS OF PUBLIC  
 15 WELFARE OR THE DEPARTMENT MAY SELECT A MEDICAL PROVIDER.

16 NEW SECTION. SECTION 7. EMERGENCY ASSISTANCE. (1)  
 17 EMERGENCY ASSISTANCE MAY BE PROVIDED TO THOSE PERSONS WHOSE  
 18 INCOME AND RESOURCES MEET THE CRITERIA SET FORTH IN [SECTION  
 19 4] BUT ARE NOT OTHERWISE ELIGIBLE FOR GENERAL RELIEF  
 20 ASSISTANCE.

21 (2) EMERGENCY ASSISTANCE IS LIMITED TO THE FOLLOWING:

22 (A) FOOD, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH  
 23 PERIOD, AND ONLY IF FOOD STAMPS ARE UNAVAILABLE FOR REASONS  
 24 OTHER THAN FRAUD;

25 (B) TRANSPORTATION TO RETURN TO THE COUNTY OR STATE OF

1 RESIDENCE OR ORIGIN; AND

2 (C) SHELTER, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH  
 3 PERIOD.

4 (3) IN STATE-ASSUMED COUNTIES, THE TOTAL AMOUNT  
 5 EXPENDED FOR THIS PROGRAM OF EMERGENCY ASSISTANCE SHALL NOT  
 6 EXCEED \$100,000 FOR STATE FISCAL YEAR 1986 AND \$100,000 FOR  
 7 STATE FISCAL YEAR 1987. NONSTATE-ASSUMED COUNTIES MAY ADOPT  
 8 A PLAN OF EMERGENCY ASSISTANCE NOT INCONSISTENT WITH THIS  
 9 SECTION.

10 NEW SECTION. Section 8. Application for other state  
 11 and federal programs -- interim relief. If other federal or  
 12 state programs of assistance are reasonably available to  
 13 meet the needs of a household, an applicant must apply for  
 14 those programs before general relief may be provided. A  
 15 household may be provided general relief after initial  
 16 application for other programs of assistance. If denied such  
 17 other assistance, the applicant must pursue available  
 18 administrative appeals for those programs to the final  
 19 administrative appeal level. If the applicant becomes  
 20 eligible for other assistance covering the same period of  
 21 time that interim general relief is provided, such interim  
 22 relief must be repaid to the department or offset from lump  
 23 sums or retroactive payments from other programs of  
 24 assistance.

25 NEW SECTION. Section 9. Fraud and recovery of

1 overpayments. (1) The department shall deny general relief  
2 for a reasonable period of time to any household determined  
3 to have received any assistance by means of fraud.

4 (2) The department or its agent may recover or offset  
5 any amounts of general relief made available to a household  
6 which, because of fraud or mistake, are above the amounts  
7 that should have been provided.

8 NEW SECTION. Section 10. Period of eligibility.

9 (1) The period of eligibility for receipt of general relief  
10 for basic necessities is 1 month, except as provided in  
11 subsections (2) and (3). A person may seek to establish  
12 eligibility for the succeeding month prior to the end of the  
13 current month of eligibility.

14 (2) ABLE-BODIED PERSONS AGE 35 THROUGH 49 WITHOUT  
15 DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD ARE  
16 ELIGIBLE FOR NO MORE THAN 3 MONTHS OF NONMEDICAL GENERAL  
17 RELIEF ASSISTANCE WITHIN ANY 12-MONTH PERIOD, EXCEPT THAT  
18 ASSISTANCE RECEIVED PRIOR TO JULY 1, 1985, SHALL NOT BE  
19 COUNTED. FOR THESE PERSONS WHO CONTINUOUSLY MEET ELIGIBILITY  
20 CRITERIA, THE PERIOD OF ELIGIBILITY WILL BEGIN 60 DAYS AFTER  
21 THE DATE OF APPLICATION.

22 ~~(2)~~(3) Eligibility for general relief medical  
23 assistance terminates when the serious medical condition of  
24 the person has been treated.

25 ~~(3)~~(4) The period of eligibility for any type of

1 general assistance terminates at any time the county welfare  
2 board or the department determines that the household:

3 (a) no longer meets the applicable eligibility  
4 requirements; or

5 (b) received general relief by means of fraud or  
6 mistake.

7 NEW SECTION. Section 11. Form of relief. The choice  
8 as to the form or forms of relief provided is at the  
9 discretion of the county welfare department in counties  
10 without state-assumed welfare services or the department if  
11 the state has assumed responsibility for the welfare  
12 services in a county.

13 NEW SECTION. Section 12. Application. (1) Application  
14 for general relief must be made in writing to a county  
15 welfare department or the department's local office of  
16 human services on forms provided for that purpose.

17 (2) A person applying in a county other than that of  
18 his residency must have his application referred to the  
19 county of his residency as soon as possible.

20 NEW SECTION. Section 13. County of financial  
21 responsibility. (1) The county responsible for benefits  
22 provided under this chapter is the county of residence of  
23 the person making application for assistance.

24 (2) Medical costs covered by general relief medical  
25 assistance are the financial responsibility of the treated

1 person's county of residence. Institutionalization for  
2 medical services does not change such residency.

3 (3) General relief medical assistance for a transient  
4 is the responsibility of the county in which the  
5 nonresident's illness or injury requiring medical attention  
6 initially occurred.

7 NEW SECTION. Section 14. Scope of general relief  
8 medical assistance. (1) General relief medical assistance  
9 is limited to those services determined necessary to treat a  
10 person's serious medical condition. Assistance may not  
11 exceed the scope or duration provided under the medicaid  
12 program pursuant to Title 53, chapter 6, part 1, and rules  
13 adopted by the department to administer the program.

14 (2) General relief medical assistance in a county  
15 without state-assumed welfare services must, within the  
16 limitations of subsection (1), be provided in amounts  
17 determined by the county welfare board.

18 (3) General relief medical assistance in counties with  
19 state-assumed welfare services must, within the limitations  
20 of subsection (1), be provided in amounts not to exceed  
21 payments under the medicaid program. Services must be  
22 limited to the least costly method of alleviating the  
23 serious medical condition.

24 (4) General relief medical assistance is limited to  
25 covered medical needs not met by other services or benefits

1 available to the person. Available services or benefits  
2 include but are not limited to health and accident  
3 insurance, veterans' benefits, industrial accident benefits,  
4 medicare and medicaid benefits, and other liable third  
5 parties.

6 NEW SECTION. Section 15. Amount of general relief for  
7 basic necessities. (1) In a county without state-assumed  
8 welfare services, the amounts of general relief for basic  
9 necessities must be determined and adopted at the discretion  
10 of the county welfare board.

11 (2) In a county with state-assumed welfare services,  
12 the amount of general relief for basic necessities available  
13 to an eligible household is the amount listed for the same  
14 size household in the table in [section 4(1)], less income  
15 and resources not excluded in [section 4(6)].

16 NEW SECTION. Section 16. Burial of deceased indigent.  
17 (1) In a county without state-assumed welfare services, the  
18 county welfare board shall provide for the burial of a  
19 deceased indigent.

20 (2) In a county with state-assumed welfare services,  
21 the department shall provide for the burial of a deceased  
22 indigent.

23 NEW SECTION. Section 17. Confidentiality. (1) Any  
24 personal information provided to or obtained by the county  
25 welfare department or the department for the purposes of

1 this chapter is confidential.

2 (2) Disclosure of confidential information concerning  
3 applicants for general relief is restricted to purposes  
4 directly connected with the administration of programs  
5 administered by the department except as otherwise provided  
6 in this section.

7 (3) Confidential information may be released upon  
8 written consent of the applicant.

9 (4) Confidential information concerning an applicant  
10 may be released without prior consent if an emergency  
11 situation necessitates the release. The applicant must be  
12 informed of such release as soon as practicable.

13 (5) Confidential information may be released without  
14 notice or consent for the purpose of fraud investigation,  
15 collection of child support, and third-party medical  
16 recovery.

17 (6) Confidential information may be released if so  
18 directed by a court order.

19 NEW SECTION. Section 18. Contested case hearing.

20 (1) Except as provided in subsection (2), a hearing must be  
21 held on request of any person who is dissatisfied with:

- 22 (a) an action taken on an application;
- 23 (b) an eligibility determination; or
- 24 (c) the amount or condition of payment.

25 (2) A hearing need not be granted if either state or

1 federal law requires automatic grant adjustments for classes  
2 of persons unless the reason for an individual appeal is  
3 incorrect grant computation.

4 (3) The applicant or recipient must be informed of the  
5 right to request a hearing at the time any adverse action  
6 affects his eligibility.

7 (4) A hearing must be requested within 90 calendar  
8 days from the date of notice of adverse action. An applicant  
9 is considered to have been given notice on the date the  
10 notice is mailed by certified mail or personally served.

11 (5) The hearing must be held in:

- 12 (a) the person's county of residence;
- 13 (b) the county where application is made if residency  
14 is unestablished; or

15 (c) Lewis and Clark County if a real party in interest  
16 requests a hearing for an applicant in any county with  
17 state-assumed welfare services.

18 (6) When a real party in interest requests a hearing  
19 for an applicant, venue for judicial review of the final  
20 administrative action is Lewis and Clark County if financial  
21 responsibility is alleged to be with a state-assumed county  
22 welfare program.

23 NEW SECTION. Section 19. Department to adopt rules.  
24 The department shall adopt such rules as are necessary to  
25 effectuate this chapter. Rules adopted may include those



1 necessary for application, eligibility, residency, fraud,  
 2 recovery of overpayments; the form, amount, scope, and  
 3 duration of relief; confidentiality; burial of deceased  
 4 indigents; and definition of terms. The department may not  
 5 adopt rules to govern the amounts of relief to be provided  
 6 in counties where the department has not assumed  
 7 responsibility for the direct administration of welfare  
 8 services.

9 Section 20. Section 39-71-118, MCA, is amended to  
 10 read:

11 "39-71-118. Employee, worker, and workman defined. (1)  
 12 The terms "employee", "workman", or "worker" mean:

13 (a) each person in this state, including a contractor  
 14 other than an independent contractor, who is in the service  
 15 of an employer, as defined by 39-71-117, under any  
 16 appointment or contract of hire, expressed or implied, oral  
 17 or written. The terms include aliens and minors, whether  
 18 lawfully or unlawfully employed, and all of the elected and  
 19 appointed paid public officers and officers and members of  
 20 boards of directors of quasi-public or private corporations  
 21 while rendering actual service for such corporations for  
 22 pay. Casual employees as defined by 39-71-116(3) are  
 23 included as employees if they are not otherwise covered by  
 24 workers' compensation and if an employer has elected to be  
 25 bound by the provisions of the compensation law for these

1 casual employments, as provided in 39-71-401(2). Household  
 2 or domestic service is excluded.

3 (b) a recipient of general relief who is performing  
 4 work for a county of this state under the provisions of  
 5 53-3-302 53-3-303 through 53-3-305 and any juvenile  
 6 performing work under authorization of a district court  
 7 judge in a delinquency prevention or rehabilitation program;

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

17 (d) students enrolled and in attendance in programs of  
 18 vocational technical education approved by the state board  
 19 of public education at designated postsecondary vocational  
 20 technical centers.

21 (2) If the employer is a partnership or sole  
 22 proprietorship, such employer may elect to include as an  
 23 employee within the provisions of this chapter any member of  
 24 such partnership or the owner of the sole proprietorship  
 25 devoting full time to the partnership or proprietorship

1 business. In the event of such election, the employer must  
 2 serve upon the employer's insurer written notice naming the  
 3 partners or sole proprietor to be covered, and no partner or  
 4 sole proprietor shall be deemed an employee within this  
 5 chapter until such notice has been given. For premium  
 6 ratemaking and for the determination of weekly wage for  
 7 weekly compensation benefits, the insurance carrier shall  
 8 assume a salary or wage of such electing employee to be not  
 9 less than \$900 a month and not more than 1 1/2 times the  
 10 average weekly wage as defined in this chapter."

11 Section 21. Section 45-6-301, MCA, is amended to read:

12 "45-6-301. Theft. (1) A person commits the offense of  
 13 theft when he purposely or knowingly obtains or exerts  
 14 unauthorized control over property of the owner and:

15 (a) has the purpose of depriving the owner of the  
 16 property;

17 (b) purposely or knowingly uses, conceals, or abandons  
 18 the property in such manner as to deprive the owner of the  
 19 property; or

20 (c) uses, conceals, or abandons the property knowing  
 21 such use, concealment, or abandonment probably will deprive  
 22 the owner of the property.

23 (2) A person commits the offense of theft when he  
 24 purposely or knowingly obtains by threat or deception  
 25 control over property of the owner and:

1 (a) has the purpose of depriving the owner of the  
 2 property;

3 (b) purposely or knowingly uses, conceals, or abandons  
 4 the property in such manner as to deprive the owner of the  
 5 property; or

6 (c) uses, conceals, or abandons the property knowing  
 7 such use, concealment, or abandonment probably will deprive  
 8 the owner of the property.

9 (3) A person commits the offense of theft when he  
 10 purposely or knowingly obtains control over stolen property  
 11 knowing the property to have been stolen by another and:

12 (a) has the purpose of depriving the owner of the  
 13 property;

14 (b) purposely or knowingly uses, conceals, or abandons  
 15 the property in such manner as to deprive the owner of the  
 16 property; or

17 (c) uses, conceals, or abandons the property knowing  
 18 such use, concealment, or abandonment probably will deprive  
 19 the owner of the property.

20 (4) A person commits the offense of theft when he  
 21 purposely or knowingly obtains or exerts unauthorized  
 22 control over any part of any public assistance, ~~as defined~~  
 23 in 53-3-101 provided under Title 53 by a state or county  
 24 agency, regardless of the original source of assistance, by  
 25 means of:

1 (a) a knowingly false statement, representation, or  
2 impersonation; or

3 (b) a fraudulent scheme or device.

4 (5) A person convicted of the offense of theft of  
5 property not exceeding \$300 in value shall be fined not to  
6 exceed \$500 or be imprisoned in the county jail for any term  
7 not to exceed 6 months, or both. A person convicted of the  
8 offense of theft of property exceeding \$300 in value or  
9 theft of any commonly domesticated hoofed animal shall be  
10 fined not to exceed \$50,000 or be imprisoned in the state  
11 prison for any term not to exceed 10 years, or both.

12 (6) Amounts involved in thefts committed pursuant to a  
13 common scheme or the same transaction, whether from the same  
14 person or several persons, may be aggregated in determining  
15 the value of the property."

16 Section 22. Section 53-2-603, MCA, is amended to read:

17 "53-2-603. Award of public assistance determined after  
18 investigation. (1) Upon completion of the an investigation,  
19 the county board shall determine whether the applicant is  
20 eligible for public assistance under the provisions of this  
21 title, the type and amount of public assistance he shall  
22 receive, and the date upon which such public assistance  
23 shall begin.

24 (2) The department, if necessary to conform with the  
25 United States Social Security Act, may issue rules to the

1 county welfare departments requiring the use of the  
2 declaration method, in such form as the department may  
3 prescribe, for the purpose of determining eligibility,  
4 regardless of any other investigative provisions under this  
5 title, and for all types of assistance. These rules may  
6 include any additional investigations the department may  
7 require."

8 Section 23. Section 53-2-802, MCA, is amended to read:

9 "53-2-802. Definitions. Unless the context requires  
10 otherwise, in this part the following definitions apply:

11 (1) "County department" means the county department of  
12 public welfare provided for in part 3 of this chapter.

13 (2) "Department" means the department of social and  
14 rehabilitation services provided for in Title 2, chapter 15,  
15 part 22.

16 (3) "Mill levy equivalent" means the prior year's  
17 expenditure divided by the value of 1 mill.

18 (4) "Needy person" is one who is eligible for public  
19 assistance under the laws of this state.

20 (5) "Protective services" means services to children  
21 and adults to be provided by the department as permitted by  
22 Titles 41 and 53.

23 (6) "Public assistance" or "assistance" means any type  
24 of monetary or other assistance furnished under this title  
25 to a person by a state or county department, regardless of

1 the original source of assistance.

2 (7) "State assumption" means the transfer to the  
3 department for the county by the board of county  
4 commissioners of all powers and duties, including staff  
5 personnel as provided in 53-2-301 through 53-2-307 53-2-306  
6 and public assistance and protective services provided by  
7 the county department pursuant to Titles 41 and 53, except  
8 as otherwise specifically provided in this part."

9 Section 24. Section 53-2-811, MCA, is amended to read:

10 "53-2-811. Transfer of county public assistance and  
11 protective services to state department. (1) All authority  
12 granted to the board of county commissioners to establish  
13 and operate a public assistance program and provide  
14 protective services for children and adults pursuant to  
15 Titles 41 and 53 may be transferred to the department,  
16 except that the county attorney shall continue to provide  
17 legal assistance and representation for the purposes of  
18 adult and child protective services without charge and all  
19 debts and obligations incurred prior to the effective date  
20 of state assumption continue as the responsibility of the  
21 county.

22 (2) The board of county commissioners, after public  
23 hearing, may by resolution or ordinance transfer to the  
24 department all powers and duties for public assistance and  
25 protective services for children and adults, including the

1 selection, supervision, and termination of staff personnel  
2 associated with the performance of these activities. Upon  
3 the effective date of such transfer, the department shall  
4 assume all powers and duties related to public assistance  
5 and protective services and accorded by law to the county  
6 welfare department. If the notice required in subsection  
7 (3) is given, the transfer is effective at the start of the  
8 next state fiscal year.

9 (3) Counties opting for state assumption shall notify  
10 the department at least 90 days prior to the start of the  
11 state fiscal year unless the time period is waived in whole  
12 or in part by the director of the department.

13 (4) Counties opting for state assumption shall permit  
14 the department to use the same facilities currently occupied  
15 by the county department or substantially equal facilities,  
16 with fair rental value for such facilities to be paid by the  
17 department. Counties opting for state assumption shall  
18 transfer to the department all materials, equipment, and  
19 supplies used in the operation of the county department and  
20 which were paid for in whole or in part with federal or  
21 state funds."

22 Section 25. Section 53-3-103, MCA, is amended to read:

23 "53-3-103. ~~Medical--aid~~ Subrogation of medical and  
24 hospitalization costs for indigent. ~~(1) Except--as--provided~~  
25 ~~in--other--parts--of--this--title--medical--aid--and~~

1 hospitalization for county residents and nonresidents within  
 2 the county unable to provide these necessities for  
 3 themselves are the legal and financial responsibility of the  
 4 county commissioners and are payable from the county poor  
 5 fund. The county commissioners shall make provisions for  
 6 competent and skilled medical or surgical services.  
 7 "Medical" or "medicine" as used in this section refers to  
 8 the healing art as practiced by licensed practitioners.

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

15 (3) The department may promulgate rules to determine  
 16 under what circumstances persons in the county are unable to  
 17 provide medical aid and hospitalization for themselves,  
 18 including the power to define the term "medically needy".  
 19 However, the definition may not allow payment by a county  
 20 for general assistance medical for persons whose income  
 21 exceeds 300% of the limitation for obtaining regular county  
 22 general relief assistance or for persons who are eligible  
 23 for Medicaid in accordance with Title 53, chapter 6, part 1,  
 24 or for persons who have the right or are entitled to medical  
 25 aid and hospitalization from the federal government or any

1 agency thereof.

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

13 Section 26. Section 53-3-307, MCA, is amended to read:  
 14 "53-3-307. County medical assistance not to be paid  
 15 from state funds -- exception. (1) County general relief  
 16 medical assistance under 53-3-303 [section 12(2)] shall not  
 17 be entitled to be paid from state funds.

18 (2) Medical expenses arising from accidental injury to  
 19 interstate transients shall be paid from county funds and  
 20 reimbursed by the state upon submission of a proper claim."

21 NEW SECTION. Section 27. Codification instruction.  
 22 Sections 1 through 17 are intended to be codified as an  
 23 integral part of Title 53, chapter 3, and the provisions of  
 24 Title 53, chapter 3, apply to sections 1 through 17.

25 NEW SECTION. Section 28. Repealer. Sections 53-2-307

1 through 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102,  
2 53-3-104 through 53-3-107, 53-3-202 through 53-3-204,  
3 53-3-301, 53-3-302, and 53-3-306, MCA, are repealed.

4 NEW SECTION. Section 29. Severability. If a part of  
5 this act is invalid, all valid parts that are severable from  
6 the invalid part remain in effect. If a part of this act is  
7 invalid in one or more of its applications, the part remains  
8 in effect in all valid applications that are severable from  
9 the invalid applications.

10 NEW SECTION. Section 30. Effective date DATES. (1)  
11 This act is effective July 1, 1985.

12 (2) ON JULY 1, 1987, SECTION 7 IS REPEALED UNLESS  
13 REENACTED BY THE LEGISLATURE.

-End-

APRIL 15, 1985

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 843

THIRD reading copy ( BLUE color )

GENERALLY REVISE LAWS RELATING TO GENERAL ASSISTANCE

HOUSE APPROPRIATIONS COMMITTEE (JACOBSON)

Respectfully report as follows: That HOUSE BILL No. 843

be amended as follows:

1. Title, line 15.
Strike: "DATES"
Insert: "DATE"

2. Page 2, line 12.
Following: "have"
Strike: "either"

3. Page 2, line 13.
Following: "own"
Strike: "or who are able-bodied"

4. Page 2, line 25 through line 1, page 3.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

5. Page 3, line 23 through line 1, page 4.
Following: "chapter." in line 23
Strike: remainder of line 23 through line 1 in their entirety

6. Page 4, lines 14 through 16.
Strike: subsection (10) in its entirety
Renumber: subsequent subsections

7. Page 5, line 1.
Following: "necessary"
Insert: ", including pregnancy"

XXXXXX

XXXXXXXXXX

CONTINUED

Chairman.

APRIL 15, 1985

SENATE PUBLIC HEALTH
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8. Page 5, lines 4 and 5.
Following: "review." in line 4
Strike: remainder of line 4 through "condition" in line 5
Insert: "Necessary treatment"
Following: "includes" in line 5
Strike: "pregnancy and"

9. Page 5, line 24.
Following: "53-2-321"
Strike: "and"
Insert: ", "
Following: "53-2-322"
Insert: ", and 53-2-323"

10. Page 6, line 8.
Following: "relief."
Insert: "(1) A person or persons, constituting a household, may receive general relief assistance for basic necessities if the household is determined to be eligible under the provisions of this section and is in need of such assistance as a result of their infirmity, misfortune, or indigency."
Renumber: subsequent subsections

11. Page 6, line 24 through page 7, line 1.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

12. Page 7, lines 2 through 14.
Following: "(3)" in line 2
Strike: remainder of line 2 through "medical assistance." in line 14
Insert: "When the household's income exceeds the monthly income standard for a household of that size because of receipt of lump sum income, the household will be ineligible for general relief for the full number of months, beginning with the month of receipt, derived by dividing the total of the lump sum income and other income by the monthly income standard for a household of that size. Any income remaining from this calculation will be considered as income in the first month following the period of ineligibility."

CONTINUED

SENATE PUBLIC HEALTH  
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(a) The period of ineligibility may be recalculated if the household size changes or if a portion of the lump sum was used to pay medical bills for a serious medical condition.

(b) Ineligibility due to the receipt of a lump sum does not preclude eligibility for general relief medical assistance."

13. Page 9, line 3.

Following: "assistance."

Insert: "(1) In order to be considered for eligibility for general relief medical assistance a person must be found to have a serious medical condition."

Renumber: subsequent subsections

14. Page 9, line 5.

Following: "and [section 4"

Strike: "(5) through (11)"

15. Page 9, line 11.

Following: "All"

Strike: "legally responsible"

16. Page 9, line 12.

Following: "residence"

Insert: "and are legally related to or responsible for each other"

17. Page 9, line 22.

Following: "section 4"

Strike: "(1)"

Insert: "(2)"

18. Page 10, line 5.

Following: "section 4"

Strike: "(1)"

Insert: "(2)"

19. Page 11, line 7.

Following: "section 4"

Strike: "(1)"

Insert: "(2)"

Following: "and the"

Insert: "monthly"

Following: "income"

Strike: "standard"

Insert: "level"

CONTINUED

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20. Page 11, line 8.

Following: "subsection"

Strike: "(5)"

21. Page 11, line 9.

Following: "between"

Insert: "its"

22. Page 11, lines 10 and 11.

Following: "and the" in line 10

Insert: "monthly"

Following: "income" in line 10

Strike: remainder of line 10 through "needy" in line 11

Insert: "level in subsection (b)"

23. Page 11, line 14.

Following: "COUNTY"

Strike: "BOARDS"

Insert: "board"

24. Page 11, lines 16 through line 9, page 12.

Strike: section 7 in its entirety

Renumber: subsequent sections

25. Page 13, lines 14 through 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

26. Page 16, line 14.

Following: "section 4"

Strike: "(1)"

Insert: "(2)"

27. Page 18, line 25.

Following: line 24

Strike: "effectuate"

Insert: "implement"

28. Page 28, line 16.

Following: "section"

Strike: "12 (2)"

Insert: "5"

CONTINUED

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SENATE PUBLIC HEALTH  
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APRIL 15, ..... 1985

29. Page 28, line 22.  
Following: "through"  
Strike: "17"  
Insert: "18"

30. Page 28, line 24.  
Following: "through"  
Strike: "17"  
Insert: "18"

31. Page 29, line 10.  
Following: "date"  
Strike: "DATES"  
Insert: "date"  
Following: "."  
Strike: "(1)"

32. Page 29, lines 12 and 13.  
Strike: subsection (2) in its entirety

AND AS AMENDED  
BE CONCURRED IN

*Judy Jacobson*  
SENATOR JUDY JACOBSON

KB

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

APRIL 17, 85  
DATE

8:00  
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 843

third reading copy ( blue ) as follows:  
Color

Attach the following Statement of Intent:

STATEMENT OF INTENT

A statement of intent is necessary for this bill because section 18 grants rulemaking authority to the department of social and rehabilitation services. The department may adopt rules necessary to implement this act and rules making the on-going administration of the general relief program more efficient, including the adoption of federally assisted public assistance program methodology. If the amount appropriated for this program appears to be insufficient, the department shall make rules to limit expenditures to the amount of the appropriation. The department is prohibited from interfering with the rights of counties without state-assumed welfare services to determine eligibility, types of services, and amounts of assistance available to indigents which are not inconsistent with this act. This grant of rulemaking authority is in addition to any existing authority of the department to make rules on the subject of the provisions of this act.

PC3HB893.831

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

APRIL 17, 85  
DATE

8:30  
TIME

MR. CHAIRMAN: I MOVE TO AMEND HOUSE BILL No. 843

third reading copy ( blue ) as follows:  
Color

1. AMEND THE SENATE PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE REPORT OF 4/15/85 AS FOLLOWS:

a. Amendments Nos. 1,2,3,4,11,24,25,31, and 32.  
Strike: Amendments Nos. 1,2,3,4,11,24,25,31, and 32 in their entirety

b. Amendment No.29.  
Following: "Insert:"  
Strike: "18"  
Insert: "19"

c. Amendment No.30.  
Following: "Insert:"  
Strike: "18"  
Insert: "19"

2. AMEND HOUSE BILL NO.843, THIRD READING COPY, BLUE, AS FOLLOWS:

Page 3, line 23.  
Following: "chapter."  
Insert: "Except as provided otherwise in [sections 4 and 10], the terms do not include able-bodied persons under the age of 50 unless they have dependent minor children living in the household."

PC3HB843.831

KB  
ADOPT  
REJECT

*Judy Jacobson*  
JACOBSON

KB  
ADOPT  
REJECT

*Q. Stephens*  
STEPHENS

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 843

3

4 A statement of intent is necessary for this bill  
5 because section 18 grants rulemaking authority to the  
6 department of social and rehabilitation services. The  
7 department may adopt rules necessary to implement this act  
8 and rules making the on-going administration of the general  
9 relief program more efficient, including the adoption of  
10 federally assisted public assistance program methodology. If  
11 the amount appropriated for this program appears to be  
12 insufficient, the department shall make rules to limit  
13 expenditures to the amount of the appropriation. The  
14 department is prohibited from interfering with the rights of  
15 counties without state-assumed welfare services to determine  
16 eligibility, types of services, and amounts of assistance  
17 available to indigents which are not inconsistent with this  
18 act. This grant of rulemaking authority is in addition to  
19 any existing authority of the department to make rules on  
20 the subject of the provisions of this act.

## 1 HOUSE BILL NO. 843

2 INTRODUCED BY APPROPRIATIONS COMMITTEE

3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS  
6 RELATING TO PUBLIC ASSISTANCE; PROVIDING FOR ADMINISTRATION,  
7 ELIGIBILITY, AND BENEFITS RELATING TO GENERAL RELIEF  
8 ASSISTANCE PROVIDED BY COUNTIES OR BY THE STATE WHEN SUCH A  
9 PROGRAM HAS BEEN ASSUMED BY THE STATE; AMENDING SECTIONS  
10 39-71-118, 45-6-301, 53-2-603, 53-2-802, 53-2-811, 53-3-103,  
11 AND 53-3-307, MCA; REPEALING SECTIONS 53-2-307 THROUGH  
12 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102, 53-3-104  
13 THROUGH 53-3-107, 53-3-202 THROUGH 53-3-204, 53-3-301,  
14 53-3-302, AND 53-3-306, MCA; AND PROVIDING AN AN EFFECTIVE  
15 DATE DATES DATE DATES."

16

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

18 NEW SECTION. Section 1. Purpose. (1) The legislature,  
19 in order to implement the provisions of Article XII, section  
20 3, of the Montana constitution, finds that certain persons  
21 are in need of assistance because of misfortune and must be  
22 provided with certain assistance through programs for  
23 general relief. These programs are to be efficiently  
24 administered by local county welfare boards or, whenever  
25 responsibility for local welfare programs has been assumed

1 by the state of Montana, by the department of social and  
2 rehabilitation services. General relief, along with other  
3 assistance programs, is made available to provide basic  
4 necessities that provide minimum subsistence compatible with  
5 decency and health and to provide financial assistance for  
6 medical services necessary for serious medical conditions.  
7 General relief medical assistance is not intended to provide  
8 catastrophic medical insurance to nonindigent persons.

9 (2) The legislature finds that assistance under the  
10 general relief program should not be available to those  
11 persons who have either EITHER adequate income or resources  
12 of their own or-who-are-able-bodied OR WHO ARE ABLE-BODIED.  
13 When benefits and services are available through other  
14 federal or state assistance programs, general relief should  
15 not be provided in duplication of such other assistance.

16 (3) The legislature further finds that the purposes of  
17 the general relief program must be implemented only to the  
18 extent necessary and allowable by the mandates of Article  
19 VIII, sections 12 and 14, of the Montana constitution,  
20 regarding financial accountability and expenditure by  
21 appropriation.

22 NEW SECTION. Section 2. Definitions. For the purposes  
23 of this chapter, the following definitions apply:

24 ~~{1}--"Able-bodied"--means-the-condition-of-a-person-who~~  
25 ~~is-not-infirm.~~

1 (1) "ABLE-BODIED" MEANS THE CONDITION OF A PERSON WHO  
 2 IS NOT INFIRM.

3 (2)(1)(2) "Basic necessities" means food, shelter,  
 4 utilities, and personal needs.

5 (3)(2)(3) "Department" means the department of social  
 6 and rehabilitation services provided for in Title 2, chapter  
 7 15, part 22.

8 (4)(3)(4) "General relief" means, in accordance with  
 9 this chapter, a program of public assistance for basic  
 10 necessities and medical needs to those persons determined to  
 11 be eligible for that assistance.

12 (5)(4)(5) "Household" means all persons who by choice,  
 13 necessity, or legal relationship are mutually dependent upon  
 14 each other for basic necessities and who reside in the same  
 15 residence.

16 (6)(5)(6) "Income" means the value of all property of  
 17 any nature, earned, unearned, or in-kind, including benefits  
 18 reasonably certain to be received by or available to a  
 19 household during the month of the receipt of the income.

20 (7)(6)(7) "Indigent" or "misfortunate" means a person  
 21 who is lacking the means, financial or otherwise, by which  
 22 to prevent destitution for himself and others dependent upon  
 23 him for basic necessities and who is otherwise eligible for  
 24 assistance under this chapter. ~~The terms do not include~~  
 25 ~~able-bodied persons under the age of 50 years unless they~~

1 ~~have--dependent--minor--children--living--in--the--household,~~  
 2 ~~EXCEPT AS PROVIDED IN (SECTIONS 4(2) AND 8(2)); EXCEPT AS~~  
 3 ~~PROVIDED OTHERWISE IN [SECTIONS 4 AND 10], THE TERMS DO NOT~~  
 4 ~~INCLUDE ABLE-BODIED PERSONS UNDER THE AGE OF 50 UNLESS THEY~~  
 5 ~~HAVE DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD.~~

6 (8)(7)(8) "Infirm" means the condition of a person who  
 7 is diagnosed by a licensed medical practitioner and  
 8 confirmed by an expert medical review to have a physical or  
 9 mental handicap that significantly impairs the person's  
 10 ability to be employed.

11 (9)(8)(9) "Lump-sum income" means a nonrecurring  
 12 source of income received in a single payment by a household  
 13 during any eligibility period, including but not limited to  
 14 proceeds from a lawsuit, insurance settlement, inheritance,  
 15 lump-sum retirement, veterans' or unemployment benefits;  
 16 benefits received under the federal Social Security Act;  
 17 prizes; and tax refunds.

18 ~~(10) "Nonresident" means a person who is a resident of~~  
 19 ~~another state or country or who is a transient with no~~  
 20 ~~established residence.~~

21 (11)(9)(10) "Resource" means all real and personal  
 22 property retained after the calendar month of its receipt  
 23 and which the household or a member of the household has a  
 24 legal right to sell or liquidate.

25 (12)(10)(11) "Secure facility" means any facility in

1 which a person may be lawfully held against his will by  
 2 federal, state, or local authorities.

3 ~~(13)~~(12) "Serious medical condition" means a  
 4 physical condition that causes a serious health risk to a  
 5 person and for which treatment is medically necessary,  
 6 INCLUDING PREGNANCY. Diagnosis and determination of  
 7 necessary treatment must be made by a licensed medical  
 8 practitioner, and the department may confirm it through an  
 9 expert medical review. ~~Serious-medical-condition~~ NECESSARY  
 10 TREATMENT includes ~~pregnancy--and~~ prenatal care and such  
 11 other elective treatments as determined by department rule  
 12 to be medically necessary.

13 NEW SECTION. Section 3. Responsibility for general  
 14 relief. (1) The county boards of public welfare and the  
 15 department, in accordance with this chapter and other  
 16 relevant statutes, are responsible for the provision of  
 17 general relief to indigent or misfortunate persons as  
 18 follows:

19 (a) Counties without state-assumed welfare services  
 20 shall provide general relief consistent with their duties as  
 21 specified in Title 53, chapter 2, parts 3 and 7, and this  
 22 chapter.

23 (b) In counties with state-assumed welfare services,  
 24 general relief must be provided by the department and must  
 25 be consistent with its duties as specified in Title 53,

1 chapter 2, part 8, and this chapter.

2 (2) In counties without state-assumed welfare  
 3 services, general relief must be paid from the county poor  
 4 fund as authorized in 53-2-321 ~~and--53-2-322~~ THROUGH  
 5 53-2-323.

6 (3) In counties with state-assumed welfare services,  
 7 general relief must be paid from and may not exceed money  
 8 available through:

- 9 (a) a general appropriation for such purpose;
- 10 (b) county mill levies as provided for in 53-2-813;
- 11 and
- 12 (c) federal or other assistance.

13 NEW SECTION. Section 4. Eligibility for general  
 14 relief. (1) A PERSON OR PERSONS, CONSTITUTING A HOUSEHOLD,  
 15 MAY RECEIVE GENERAL RELIEF ASSISTANCE FOR BASIC NECESSITIES  
 16 IF THE HOUSEHOLD IS DETERMINED TO BE ELIGIBLE UNDER THE  
 17 PROVISIONS OF THIS SECTION AND IS IN NEED OF SUCH ASSISTANCE  
 18 AS A RESULT OF THEIR INFIRMITY, MISFORTUNE, OR INDIGENCY.

19 ~~(1)~~(2) A household is eligible for general relief if  
 20 the household income does not exceed that set forth in the  
 21 following table:

Number of Persons In Household	Monthly <u>INCOME STANDARD</u>	
	<u>FISCAL 1986</u>	<u>FISCAL 1987</u>
1	<u>\$212</u>	<u>\$219</u>

1	2	279	284	296
2	3	332	358	372
3	4	425	432	449
4	5	501	506	526
5	6	564	580	603
6	7	624	653	679
7	8	685	727	756
8	9	744	800	832
9	10 or more	804	874	909

(2) ~~ABLE-BODIED PERSONS UNDER THE AGE OF 35 YEARS WITHOUT DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD ARE NOT ELIGIBLE FOR NONMEDICAL GENERAL RELIEF ASSISTANCE.~~

(2) ABLE-BODIED PERSONS UNDER THE AGE OF 35 YEARS WITHOUT DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD ARE NOT ELIGIBLE FOR NONMEDICAL GENERAL RELIEF ASSISTANCE.

~~(3) LUMP-SUM INCOME RECEIVED BY A HOUSEHOLD RENDERS THE HOUSEHOLD INELIGIBLE FOR GENERAL RELIEF FOR THE FULL NUMBER OF MONTHS THAT IS DERIVED BY DIVIDING THE AMOUNT OF THE LUMP-SUM INCOME PLUS OTHER INCOME OF THE HOUSEHOLD BY THE MAXIMUM MONTHLY GRANT PAYABLE TO A HOUSEHOLD OF ITS SIZE. ANY INCOME REMAINING FROM THIS CALCULATION NOT ATTRIBUTABLE TO A WHOLE MONTH IS CONSIDERED INCOME IN THE FIRST MONTH FOLLOWING THE PERIOD OF INELIGIBILITY. THE PERIOD OF INELIGIBILITY MAY BE RECALCULATED IF THE HOUSEHOLD SIZE CHANGES DURING THE INELIGIBILITY PERIOD OR IF A PORTION~~

~~OF THE LUMP SUM WAS USED TO PAY MEDICAL BILLS FOR A SERIOUS MEDICAL CONDITION. THE PERIOD OF INELIGIBILITY DOES NOT PRECLUDE ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE.~~  
(A) WHEN THE HOUSEHOLD'S INCOME EXCEEDS THE MONTHLY INCOME STANDARD FOR A HOUSEHOLD OF THAT SIZE BECAUSE OF RECEIPT OF LUMP-SUM INCOME, THE HOUSEHOLD WILL BE INELIGIBLE FOR GENERAL RELIEF FOR THE FULL NUMBER OF MONTHS, BEGINNING WITH THE MONTH OF RECEIPT, DERIVED BY DIVIDING THE TOTAL OF THE LUMP-SUM INCOME AND OTHER INCOME BY THE MONTHLY INCOME STANDARD FOR A HOUSEHOLD OF THAT SIZE. ANY INCOME REMAINING FROM THIS CALCULATION WILL BE CONSIDERED AS INCOME IN THE FIRST MONTH FOLLOWING THE PERIOD OF INELIGIBILITY.

(B) THE PERIOD OF INELIGIBILITY MAY BE RECALCULATED IF THE HOUSEHOLD SIZE CHANGES OR IF A PORTION OF THE LUMP SUM WAS USED TO PAY MEDICAL BILLS FOR A SERIOUS MEDICAL CONDITION.

(C) INELIGIBILITY DUE TO THE RECEIPT OF A LUMP SUM DOES NOT PRECLUDE ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE.

(4) All applicants for and recipients of general relief assistance who reside in the same residence are considered as one household.

(5) Prospective income that is reasonably certain to be received by the household during an eligibility period must be considered when determining eligibility.

1 (6) The following resources of a household must be  
2 excluded from consideration of resources for eligibility  
3 purposes:

4 (a) the domicile of the household, including necessary  
5 appurtenant land not exceeding 10 acres;

6 (b) a motor vehicle that has no more than \$1,500 in  
7 equity value;

8 (c) personal items, clothing, household furniture,  
9 appliances, and other essential household items, the total  
10 equity value of which does not exceed resource eligibility  
11 limits established by rule; and

12 (d) tools of a trade that are essential to the current  
13 or future employment of a household member.

14 (7) A person who is committed or sentenced by legal  
15 process to a state institution or a secure facility or who  
16 is incarcerated in a secure facility pending resolution of  
17 legal process is not eligible for general relief.

18 (8) A person who resides for a period of 1 day or more  
19 in any state or federally operated institution or residence  
20 is not eligible for general relief for the period of that  
21 residency.

22 (9) For the purposes of an eligibility determination,  
23 an applicant for or recipient of general relief may be  
24 requested to produce all financial and other information  
25 concerning the household.

1 (10) Whenever practical, an eligibility determination  
2 must be made within 30 days of the date of application and  
3 the applicant must be notified in writing of the eligibility  
4 determination and the reasons for the determination.

5 (11) An alien determined to be illegally within the  
6 United States is not eligible for general relief.

7 NEW SECTION. Section 5. Eligibility for general  
8 relief medical assistance. (1) IN ORDER TO BE CONSIDERED FOR  
9 ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE, A PERSON  
10 MUST BE FOUND TO HAVE A SERIOUS MEDICAL CONDITION.

11 ~~(1)~~(2) Eligibility for general relief medical  
12 assistance must be determined as provided in this section  
13 and [section 4~~(5)~~-through-~~(11)~~]. A person with a serious  
14 medical condition must apply for general relief medical  
15 assistance prior to the provision of medical services or  
16 within 90 days of the date the medical service is first  
17 provided. Eligibility is determined as of the date medical  
18 service is first provided.

19 ~~(2)~~(3) All ~~legally--responsible~~ persons who reside in  
20 the same residence AND ARE LEGALLY RELATED TO OR RESPONSIBLE  
21 FOR EACH OTHER are considered to be one household for  
22 purposes of determining general relief medical assistance.

23 ~~(3)~~(4) All individual or household resources must be  
24 used to offset medical obligations except those excluded in  
25 [section 4(6)].



1 {4}(5) To determine eligibility for county general  
 2 relief medical assistance, a county welfare board may  
 3 promulgate rules to establish the circumstances under which  
 4 persons are unable to pay for their medical aid and  
 5 hospitalization. However, no household with an income  
 6 exceeding 300% of the amount set forth in [section 4{1}(2)]  
 7 is eligible for such medical assistance.

8 {5}(6) In a county with state-assumed welfare  
 9 services:

10 (a) covered medical services must be provided at no  
 11 cost to the person residing in a household if the average  
 12 household monthly income that is reasonably certain to be  
 13 received in a 12-month period beginning with the month the  
 14 medical service was provided does not exceed the amount in  
 15 [section 4{1}(2)];

16 (b) a person is not eligible for medical services if  
 17 the household in which he resides has an average monthly  
 18 income reasonably certain to be received in a 12-month  
 19 period beginning with the month the medical service was  
 20 provided in excess of that set forth in the following table:

Family Size	Monthly Income Level
1	\$314
2	375
3	400

1	4	425
2	5	501
3	6	564
4	7	624
5	8	685
6	9	744
7	10	804
8	11	864
9	12	923
10	13	983
11	14	1,042
12	15	1,102
13	16	1,162

14 (c) if the average household monthly income reasonably  
 15 certain to be received in a 12-month period beginning with  
 16 the month the medical service was provided is between the  
 17 amount in [section 4{1}(2)] and the MONTHLY income standard  
 18 LEVEL set forth in subsection {5}(b), a household must first  
 19 incur covered medical costs equal to the difference between  
 20 ITS average monthly income and the MONTHLY income standard  
 21 for--the--medically--needy LEVEL IN SUBSECTION (B) before  
 22 medical service is provided.

23 NEW SECTION. SECTION 6. SELECTION OF MEDICAL  
 24 PROVIDERS. IN ARRANGING FOR MEDICAL CARE FOR THOSE UNABLE TO  
 25 PROVIDE IT FOR THEMSELVES, THE COUNTY BOARDS BOARD OF PUBLIC

WELFARE OR THE DEPARTMENT MAY SELECT A MEDICAL PROVIDER.

~~NEW SECTION. SECTION 7. EMERGENCY ASSISTANCE. (1) EMERGENCY ASSISTANCE MAY BE PROVIDED TO THOSE PERSONS WHOSE INCOME AND RESOURCES MEET THE CRITERIA SET FORTH IN SECTION 4 BUT ARE NOT OTHERWISE ELIGIBLE FOR GENERAL RELIEF ASSISTANCE.~~

~~(2) EMERGENCY ASSISTANCE IS LIMITED TO THE FOLLOWING: (A) FOOD, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD, AND ONLY IF FOOD STAMPS ARE UNAVAILABLE FOR REASONS OTHER THAN FRAUD;~~

~~(B) TRANSPORTATION TO RETURN TO THE COUNTY OR STATE OF RESIDENCE OR ORIGIN; AND~~

~~(C) SHELTER, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD;~~

~~(3) IN STATE ASSUMED COUNTIES, THE TOTAL AMOUNT EXPENDED FOR THIS PROGRAM OF EMERGENCY ASSISTANCE SHALL NOT EXCEED \$100,000 FOR STATE FISCAL YEAR 1986 AND \$100,000 FOR STATE FISCAL YEAR 1987. NONSTATE ASSUMED COUNTIES MAY ADOPT A PLAN OF EMERGENCY ASSISTANCE NOT INCONSISTENT WITH THIS SECTION.~~

NEW SECTION. SECTION 7. EMERGENCY ASSISTANCE. (1) EMERGENCY ASSISTANCE MAY BE PROVIDED TO THOSE PERSONS WHOSE INCOME AND RESOURCES MEET THE CRITERIA SET FORTH IN SECTION 4 BUT ARE NOT OTHERWISE ELIGIBLE FOR GENERAL RELIEF ASSISTANCE.

(2) EMERGENCY ASSISTANCE IS LIMITED TO THE FOLLOWING:

(A) FOOD, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD, AND ONLY IF FOOD STAMPS ARE UNAVAILABLE FOR REASONS OTHER THAN FRAUD;

(B) TRANSPORTATION TO RETURN TO THE COUNTY OR STATE OF RESIDENCE OR ORIGIN; AND

(C) SHELTER, FOR NO MORE THAN 3 DAYS IN ANY 12-MONTH PERIOD.

(3) IN STATE ASSUMED COUNTIES, THE TOTAL AMOUNT EXPENDED FOR THIS PROGRAM OF EMERGENCY ASSISTANCE SHALL NOT EXCEED \$100,000 FOR STATE FISCAL YEAR 1986 AND \$100,000 FOR STATE FISCAL YEAR 1987. NONSTATE ASSUMED COUNTIES MAY ADOPT A PLAN OF EMERGENCY ASSISTANCE NOT INCONSISTENT WITH THIS SECTION.

NEW SECTION. Section 8. Application for other state and federal programs -- interim relief. If other federal or state programs of assistance are reasonably available to meet the needs of a household, an applicant must apply for those programs before general relief may be provided. A household may be provided general relief after initial application for other programs of assistance. If denied such other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative appeal level. If the applicant becomes eligible for other assistance covering the same period of

1 time that interim general relief is provided, such interim  
 2 relief must be repaid to the department or offset from lump  
 3 sums or retroactive payments from other programs of  
 4 assistance.

5 NEW SECTION. Section 9. Fraud and recovery of  
 6 overpayments. (1) The department shall deny general relief  
 7 for a reasonable period of time to any household determined  
 8 to have received any assistance by means of fraud.

9 (2) The department or its agent may recover or offset  
 10 any amounts of general relief made available to a household  
 11 which, because of fraud or mistake, are above the amounts  
 12 that should have been provided.

13 NEW SECTION. Section 10. Period of eligibility. (1)  
 14 The period of eligibility for receipt of general relief for  
 15 basic necessities is 1 month, except as provided in  
 16 subsections (2) and (3). A person may seek to establish  
 17 eligibility for the succeeding month prior to the end of the  
 18 current month of eligibility.

19 ~~{2}--ABLE-BODIED-PERSONS--AGE--35--THROUGH--49--WITHOUT~~  
 20 ~~DEPENDENT---MINOR--CHILDREN--LIVING--IN--THE--HOUSEHOLD--ARE~~  
 21 ~~ELIGIBLE-FOR-NO-MORE-THAN-3--MONTHS--OF--NONMEDICAL--GENERAL~~  
 22 ~~RELIEF--ASSISTANCE--WITHIN--ANY--12-MONTH-PERIOD, EXCEPT THAT~~  
 23 ~~ASSISTANCE-RECEIVED-PRIOR-TO-JULY--17--1985,--SHALL--NOT--BE~~  
 24 ~~COUNTED, FOR THESE PERSONS WHO CONTINUOUSLY MEET ELIGIBILITY~~  
 25 ~~CRITERIA, THE PERIOD OF ELIGIBILITY WILL BEGIN 60 DAYS AFTER~~

1 ~~THE-DATE-OF-APPLICATION;~~  
 2 ~~{2} ABLE-BODIED PERSONS AGE 35 THROUGH 49 WITHOUT~~  
 3 ~~DEPENDENT MINOR CHILDREN LIVING IN THE HOUSEHOLD ARE~~  
 4 ~~ELIGIBLE FOR NO MORE THAN 3 MONTHS OF NONMEDICAL GENERAL~~  
 5 ~~RELIEF ASSISTANCE WITHIN ANY 12-MONTH PERIOD, EXCEPT THAT~~  
 6 ~~ASSISTANCE RECEIVED PRIOR TO JULY 1, 1985, SHALL NOT BE~~  
 7 ~~COUNTED. FOR THESE PERSONS WHO CONTINUOUSLY MEET ELIGIBILITY~~  
 8 ~~CRITERIA, THE PERIOD OF ELIGIBILITY WILL BEGIN 60 DAYS AFTER~~  
 9 ~~THE DATE OF APPLICATION.~~

10 ~~{2}{3}{2}{3}~~ Eligibility for general relief medical  
 11 assistance terminates when the serious medical condition of  
 12 the person has been treated.

13 ~~{3}{4}{3}{4}~~ The period of eligibility for any type of  
 14 general assistance terminates at any time the county welfare  
 15 board or the department determines that the household:

16 (a) no longer meets the applicable eligibility  
 17 requirements; or

18 (b) received general relief by means of fraud or  
 19 mistake.

20 NEW SECTION. Section 11. Form of relief. The choice  
 21 as to the form or forms of relief provided is at the  
 22 discretion of the county welfare department in counties  
 23 without state-assumed welfare services or the department if  
 24 the state has assumed responsibility for the welfare  
 25 services in a county.

1        NEW SECTION. Section 12. Application. (1) Application  
 2 for general relief must be made in writing to a county  
 3 welfare department or the department's local office of  
 4 human services on forms provided for that purpose.

5        (2) A person applying in a county other than that of  
 6 his residency must have his application referred to the  
 7 county of his residency as soon as possible.

8        NEW SECTION. Section 13. County of financial  
 9 responsibility. (1) The county responsible for benefits  
 10 provided under this chapter is the county of residence of  
 11 the person making application for assistance.

12        (2) Medical costs covered by general relief medical  
 13 assistance are the financial responsibility of the treated  
 14 person's county of residence. Institutionalization for  
 15 medical services does not change such residency.

16        (3) General relief medical assistance for a transient  
 17 is the responsibility of the county in which the  
 18 nonresident's illness or injury requiring medical attention  
 19 initially occurred.

20        NEW SECTION. Section 14. Scope of general relief  
 21 medical assistance. (1) General relief medical assistance  
 22 is limited to those services determined necessary to treat a  
 23 person's serious medical condition. Assistance may not  
 24 exceed the scope or duration provided under the medicaid  
 25 program pursuant to Title 53, chapter 6, part 1, and rules

1 adopted by the department to administer the program.

2        (2) General relief medical assistance in a county  
 3 without state-assumed welfare services must, within the  
 4 limitations of subsection (1), be provided in amounts  
 5 determined by the county welfare board.

6        (3) General relief medical assistance in counties with  
 7 state-assumed welfare services must, within the limitations  
 8 of subsection (1), be provided in amounts not to exceed  
 9 payments under the medicaid program. Services must be  
 10 limited to the least costly method of alleviating the  
 11 serious medical condition.

12        (4) General relief medical assistance is limited to  
 13 covered medical needs not met by other services or benefits  
 14 available to the person. Available services or benefits  
 15 include but are not limited to health and accident  
 16 insurance, veterans' benefits, industrial accident benefits,  
 17 medicare and medicaid benefits, and other liable third  
 18 parties.

19        NEW SECTION. Section 15. Amount of general relief for  
 20 basic necessities. (1) In a county without state-assumed  
 21 welfare services, the amounts of general relief for basic  
 22 necessities must be determined and adopted at the discretion  
 23 of the county welfare board.

24        (2) In a county with state-assumed welfare services,  
 25 the amount of general relief for basic necessities available

1 to an eligible household is the amount listed for the same  
2 size household in the table in [section 4††(2)], less  
3 income and resources not excluded in [section 4(6)].

4 NEW SECTION. Section 16. Burial of deceased indigent.

5 (1) In a county without state-assumed welfare services, the  
6 county welfare board shall provide for the burial of a  
7 deceased indigent.

8 (2) In a county with state-assumed welfare services,  
9 the department shall provide for the burial of a deceased  
10 indigent.

11 NEW SECTION. Section 17. Confidentiality. (1) Any  
12 personal information provided to or obtained by the county  
13 welfare department or the department for the purposes of  
14 this chapter is confidential.

15 (2) Disclosure of confidential information concerning  
16 applicants for general relief is restricted to purposes  
17 directly connected with the administration of programs  
18 administered by the department except as otherwise provided  
19 in this section.

20 (3) Confidential information may be released upon  
21 written consent of the applicant.

22 (4) Confidential information concerning an applicant  
23 may be released without prior consent if an emergency  
24 situation necessitates the release. The applicant must be  
25 informed of such release as soon as practicable.

1 (5) Confidential information may be released without  
2 notice or consent for the purpose of fraud investigation,  
3 collection of child support, and third-party medical  
4 recovery.

5 (6) Confidential information may be released if so  
6 directed by a court order.

7 NEW SECTION. Section 18. Contested case hearing.

8 (1) Except as provided in subsection (2), a hearing must be  
9 held on request of any person who is dissatisfied with:

- 10 (a) an action taken on an application;
- 11 (b) an eligibility determination; or
- 12 (c) the amount or condition of payment.

13 (2) A hearing need not be granted if either state or  
14 federal law requires automatic grant adjustments for classes  
15 of persons unless the reason for an individual appeal is  
16 incorrect grant computation.

17 (3) The applicant or recipient must be informed of the  
18 right to request a hearing at the time any adverse action  
19 affects his eligibility.

20 (4) A hearing must be requested within 90 calendar  
21 days from the date of notice of adverse action. An applicant  
22 is considered to have been given notice on the date the  
23 notice is mailed by certified mail or personally served.

24 (5) The hearing must be held in:

- 25 (a) the person's county of residence;

1 (b) the county where application is made if residency  
2 is unestablished; or

3 (c) Lewis and Clark County if a real party in interest  
4 requests a hearing for an applicant in any county with  
5 state-assumed welfare services.

6 (6) When a real party in interest requests a hearing  
7 for an applicant, venue for judicial review of the final  
8 administrative action is Lewis and Clark County if financial  
9 responsibility is alleged to be with a state-assumed county  
10 welfare program.

11 NEW SECTION. Section 19. Department to adopt rules.  
12 The department shall adopt such rules as are necessary to  
13 effectuate IMPLEMENT this chapter. Rules adopted may include  
14 those necessary for application, eligibility, residency,  
15 fraud, recovery of overpayments; the form, amount, scope,  
16 and duration of relief; confidentiality; burial of deceased  
17 indigents; and definition of terms. The department may not  
18 adopt rules to govern the amounts of relief to be provided  
19 in counties where the department has not assumed  
20 responsibility for the direct administration of welfare  
21 services.

22 Section 20. Section 39-71-118, MCA, is amended to  
23 read:

24 "39-71-118. Employee, worker, and workman defined. (1)  
25 The terms "employee", "workman", or "worker" mean:

1 (a) each person in this state, including a contractor  
2 other than an independent contractor, who is in the service  
3 of an employer, as defined by 39-71-117, under any  
4 appointment or contract of hire, expressed or implied, oral  
5 or written. The terms include aliens and minors, whether  
6 lawfully or unlawfully employed, and all of the elected and  
7 appointed paid public officers and officers and members of  
8 boards of directors of quasi-public or private corporations  
9 while rendering actual service for such corporations for  
10 pay. Casual employees as defined by 39-71-116(3) are  
11 included as employees if they are not otherwise covered by  
12 workers' compensation and if an employer has elected to be  
13 bound by the provisions of the compensation law for these  
14 casual employments, as provided in 39-71-401(2). Household  
15 or domestic service is excluded.

16 (b) a recipient of general relief who is performing  
17 work for a county of this state under the provisions of  
18 53-3-302 53-3-303 through 53-3-305 and any juvenile  
19 performing work under authorization of a district court  
20 judge in a delinquency prevention or rehabilitation program;

21 (c) a person receiving on-the-job vocational  
22 rehabilitation training or other on-the-job training under a  
23 state or federal vocational training program, whether or not  
24 under an appointment or contract of hire with an employer as  
25 defined in this chapter and whether or not receiving payment

1 from a third party. However, this subsection does not apply  
 2 to students enrolled in vocational training programs as  
 3 outlined above while they are on the premises of a public  
 4 school or community college; or

5 (d) students enrolled and in attendance in programs of  
 6 vocational technical education approved by the state board  
 7 of public education at designated postsecondary vocational  
 8 technical centers.

9 (2) If the employer is a partnership or sole  
 10 proprietorship, such employer may elect to include as an  
 11 employee within the provisions of this chapter any member of  
 12 such partnership or the owner of the sole proprietorship  
 13 devoting full time to the partnership or proprietorship  
 14 business. In the event of such election, the employer must  
 15 serve upon the employer's insurer written notice naming the  
 16 partners or sole proprietor to be covered, and no partner or  
 17 sole proprietor shall be deemed an employee within this  
 18 chapter until such notice has been given. For premium  
 19 ratemaking and for the determination of weekly wage for  
 20 weekly compensation benefits, the insurance carrier shall  
 21 assume a salary or wage of such electing employee to be not  
 22 less than \$900 a month and not more than 1 1/2 times the  
 23 average weekly wage as defined in this chapter."

24 Section 21. Section 45-6-301, MCA, is amended to read:

25 "45-6-301. Theft. (1) A person commits the offense of

1 theft when he purposely or knowingly obtains or exerts  
 2 unauthorized control over property of the owner and:

3 (a) has the purpose of depriving the owner of the  
 4 property;

5 (b) purposely or knowingly uses, conceals, or abandons  
 6 the property in such manner as to deprive the owner of the  
 7 property; or

8 (c) uses, conceals, or abandons the property knowing  
 9 such use, concealment, or abandonment probably will deprive  
 10 the owner of the property.

11 (2) A person commits the offense of theft when he  
 12 purposely or knowingly obtains by threat or deception  
 13 control over property of the owner and:

14 (a) has the purpose of depriving the owner of the  
 15 property;

16 (b) purposely or knowingly uses, conceals, or abandons  
 17 the property in such manner as to deprive the owner of the  
 18 property; or

19 (c) uses, conceals, or abandons the property knowing  
 20 such use, concealment, or abandonment probably will deprive  
 21 the owner of the property.

22 (3) A person commits the offense of theft when he  
 23 purposely or knowingly obtains control over stolen property  
 24 knowing the property to have been stolen by another and:

25 (a) has the purpose of depriving the owner of the

1 property;

2 (b) purposely or knowingly uses, conceals, or abandons  
3 the property in such manner as to deprive the owner of the  
4 property; or

5 (c) uses, conceals, or abandons the property knowing  
6 such use, concealment, or abandonment probably will deprive  
7 the owner of the property.

8 (4) A person commits the offense of theft when he  
9 purposely or knowingly obtains or exerts unauthorized  
10 control over any part of any public assistance, ~~as defined~~  
11 ~~in 53-3-101~~ provided under Title 53 by a state or county  
12 agency, regardless of the original source of assistance, by  
13 means of:

14 (a) a knowingly false statement, representation, or  
15 impersonation; or

16 (b) a fraudulent scheme or device.

17 (5) A person convicted of the offense of theft of  
18 property not exceeding \$300 in value shall be fined not to  
19 exceed \$500 or be imprisoned in the county jail for any term  
20 not to exceed 6 months, or both. A person convicted of the  
21 offense of theft of property exceeding \$300 in value or  
22 theft of any commonly domesticated hoofed animal shall be  
23 fined not to exceed \$50,000 or be imprisoned in the state  
24 prison for any term not to exceed 10 years, or both.

25 (6) Amounts involved in thefts committed pursuant to a

1 common scheme or the same transaction, whether from the same  
2 person or several persons, may be aggregated in determining  
3 the value of the property."

4 Section 22. Section 53-2-603, MCA, is amended to read:

5 "53-2-603. Award of public assistance determined after  
6 investigation. (1) Upon completion of the an investigation,  
7 the county board shall determine whether the applicant is  
8 eligible for public assistance under the provisions of this  
9 title, the type and amount of public assistance he shall  
10 receive, and the date upon which such public assistance  
11 shall begin.

12 (2) The department, if necessary to conform with the  
13 United States Social Security Act, may issue rules to the  
14 county welfare departments requiring the use of the  
15 declaration method, in such form as the department may  
16 prescribe, for the purpose of determining eligibility,  
17 regardless of any other investigative provisions under this  
18 title, and for all types of assistance. These rules may  
19 include any additional investigations the department may  
20 require."

21 Section 23. Section 53-2-802, MCA, is amended to read:

22 "53-2-802. Definitions. Unless the context requires  
23 otherwise, in this part the following definitions apply:

24 (1) "County department" means the county department of  
25 public welfare provided for in part 3 of this chapter.



1 (2) "Department" means the department of social and  
 2 rehabilitation services provided for in Title 2, chapter 15,  
 3 part 22.

4 (3) "Mill levy equivalent" means the prior year's  
 5 expenditure divided by the value of 1 mill.

6 (4) "Needy person" is one who is eligible for public  
 7 assistance under the laws of this state.

8 (5) "Protective services" means services to children  
 9 and adults to be provided by the department as permitted by  
 10 Titles 41 and 53.

11 (6) "Public assistance" or "assistance" means any type  
 12 of monetary or other assistance furnished under this title  
 13 to a person by a state or county department, regardless of  
 14 the original source of assistance.

15 (7) "State assumption" means the transfer to the  
 16 department for the county by the board of county  
 17 commissioners of all powers and duties, including staff  
 18 personnel as provided in 53-2-301 through ~~53-2-307~~ 53-2-306  
 19 and public assistance and protective services provided by  
 20 the county department pursuant to Titles 41 and 53, except  
 21 as otherwise specifically provided in this part."

22 Section 24. Section 53-2-811, MCA, is amended to read:  
 23 "53-2-811. Transfer of county public assistance and  
 24 protective services to state department. (1) All authority  
 25 granted to the board of county commissioners to establish

1 and operate a public assistance program and provide  
 2 protective services for children and adults pursuant to  
 3 Titles 41 and 53 may be transferred to the department,  
 4 except that the county attorney shall continue to provide  
 5 legal assistance and representation for the purposes of  
 6 adult and child protective services without charge and all  
 7 debts and obligations incurred prior to the effective date  
 8 of state assumption continue as the responsibility of the  
 9 county.

10 (2) The board of county commissioners, after public  
 11 hearing, may by resolution or ordinance transfer to the  
 12 department all powers and duties for public assistance and  
 13 protective services for children and adults, including the  
 14 selection, supervision, and termination of staff personnel  
 15 associated with the performance of these activities. Upon  
 16 the effective date of such transfer, the department shall  
 17 assume all powers and duties related to public assistance  
 18 and protective services and accorded by law to the county  
 19 welfare department. If the notice required in subsection  
 20 (3) is given, the transfer is effective at the start of the  
 21 next state fiscal year.

22 (3) Counties opting for state assumption shall notify  
 23 the department at least 90 days prior to the start of the  
 24 state fiscal year unless the time period is waived in whole  
 25 or in part by the director of the department.

1 (4) Counties opting for state assumption shall permit  
 2 the department to use the same facilities currently occupied  
 3 by the county department or substantially equal facilities,  
 4 with fair rental value for such facilities to be paid by the  
 5 department. Counties opting for state assumption shall  
 6 transfer to the department all materials, equipment, and  
 7 supplies used in the operation of the county department and  
 8 which were paid for in whole or in part with federal or  
 9 state funds."

10 Section 25. Section 53-3-103, MCA, is amended to read:

11 "53-3-103. Medical--aid Subrogation of medical and  
 12 hospitalization costs for indigent. ~~(1)-Except-as-provided~~  
 13 ~~in-other---parts---of---this---title,---medical---aid---and~~  
 14 ~~hospitalization-for-county-residents-and-nonresidents-within~~  
 15 ~~the---county---unable---to---provide---these---necessities---for~~  
 16 ~~themselves-are-the-legal-and-financial-responsibility-of-the~~  
 17 ~~county-commissioners-and-are-payable-from--the--county--poor~~  
 18 ~~fund,--The--county--commissioners--shall-make-provisions-for~~  
 19 ~~competent--and--skilled--medical---or---surgical---services.~~  
 20 ~~"Medical"--or--"medicine"--as-used-in-this-section-refers-to~~  
 21 ~~the-healing-art-as-practiced-by-licensed-practitioners.~~

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

1 ~~may--fix--a--rate--of-compensation-for-the-furnishing-of-the~~  
 2 ~~medical-attendance.~~

3 ~~(3)--The-department-may-promulgate-rules--to--determine~~  
 4 ~~under-what-circumstances-persons-in-the-county-are-unable-to~~  
 5 ~~provide--medical--aid--and--hospitalization--for-themselves,~~  
 6 ~~including-the-power-to-define-the--term--"medically--needy";~~  
 7 ~~However,--the--definition--may-not-allow-payment-by-a-county~~  
 8 ~~for-general-assistance--medical--for--persons--whose--income~~  
 9 ~~exceeds--300%--of-the-limitation-for-obtaining-regular-county~~  
 10 ~~general-relief-assistance-or-for-persons--who--are--eligible~~  
 11 ~~for-medicaid-in-accordance-with--Title-53,--chapter-6,--part-1,~~  
 12 ~~or-for-persons-who-have-the-right-or-are-entitled-to-medical~~  
 13 ~~aid--and--hospitalization-from-the-federal-government-or-any~~  
 14 ~~agency-thereof.~~

15 (4) In any case where the county or state pays medical  
 16 expenses or hospitalization for an individual, the county or  
 17 state is subrogated to the claims of the physician or  
 18 hospital to the extent of payment. To the extent necessary  
 19 for reimbursement of medical benefits paid to or on behalf  
 20 of an individual, the county or state is subrogated to the  
 21 rights of the individual to recover from a third party who  
 22 may be liable to pay the medical expenses. The provisions of  
 23 53-2-612 which relate to medical benefits provided under  
 24 Title XIX or XX of the Social Security Act apply to medical  
 25 benefits provided for in this section."

1 Section 26. Section 53-3-307, MCA, is amended to read:  
 2 "53-3-307. County medical assistance not to be paid  
 3 from state funds -- exception. (1) County general relief  
 4 medical assistance under 53-3-103 [section 12(2) 5] shall  
 5 not be 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 NEW SECTION. Section 27. Codification instruction.  
 10 Sections 1 through 17 10 19 are intended to be codified as  
 11 an integral part of Title 53, chapter 3, and the provisions  
 12 of Title 53, chapter 3, apply to sections 1 through 17 10  
 13 19.

14 NEW SECTION. Section 28. Repealer. Sections 53-2-307  
 15 through 53-2-310, 53-2-604, 53-2-605, 53-3-101, 53-3-102,  
 16 53-3-104 through 53-3-107, 53-3-202 through 53-3-204,  
 17 53-3-301, 53-3-302, and 53-3-306, MCA, are repealed.

18 NEW SECTION. Section 29. Severability. If a part of  
 19 this act is invalid, all valid parts that are severable from  
 20 the invalid part remain in effect. If a part of this act is  
 21 invalid in one or more of its applications, the part remains  
 22 in effect in all valid applications that are severable from  
 23 the invalid applications.

24 NEW SECTION. Section 30. Effective date DATES DATE  
 25 DATES. 111 (1) This act is effective July 1, 1985.

1 ~~(2) -- ON JULY 1, 1987, SECTION 7 IS REPEALED UNLESS~~  
 2 ~~REENACTED BY THE LEGISLATURE.~~  
 3 (2) ON JULY 1, 1987, SECTION 7 IS REPEALED UNLESS  
 4 REENACTED BY THE LEGISLATURE.

-End-