

HB 28      INTRODUCED BY BRADLEY  
CHANGE GENERAL ASSISTANCE FROM ABLE-BODIED TO  
EMPLOYABLE -- JOB TRAINING

6/19    INTRODUCED

6/19    REFERRED TO HUMAN SERVICES & AGING

6/25    ON MOTION, TAKEN FROM HUMAN SERVICES  
         & AGING AND REFERRED TO  
         APPROPRIATIONS

6/26    ON MOTION, TAKEN FROM COMMITTEE  
         AND PLACED ON 2ND READING

52 48

6/26    2ND READING DO NOT PASS  
         BILL KILLED

64 28

1 House BILL NO. 28  
2 INTRODUCED BY Bradley  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE GENERAL  
5 RELIEF PROGRAM TO ELIMINATE REFERENCES TO WHETHER A  
6 POTENTIAL RECIPIENT IS ABLE-BODIED OR WITHIN A CERTAIN AGE  
7 CATEGORY; REPLACING SUCH CRITERIA WITH A DETERMINATION OF  
8 WHETHER THE PERSON IS UNEMPLOYABLE, EMPLOYABLE, OR  
9 VOLUNTARILY DESTITUTE; PROVIDING DEFINITIONS OF UNEMPLOYABLE  
10 AND EMPLOYABLE; RESTRICTING BENEFITS FOR THE EMPLOYABLE AND  
11 REQUIRING PARTICIPATION IN JOB TRAINING; AMENDING SECTIONS  
12 53-3-108, 53-3-109, 53-3-205, 53-3-208, AND 53-3-209, MCA;  
13 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 53-3-108, MCA, is amended to read:

17 "53-3-108. Purpose. (1) The legislature, in order to  
18 implement the provisions of Article XII, section 3, of the  
19 Montana constitution, finds that certain persons are in need  
20 of assistance because of misfortune and must be provided  
21 with certain assistance through programs for general relief.  
22 These programs are to be efficiently administered by local  
23 county welfare boards or, whenever responsibility for local  
24 welfare programs has been assumed by the state of Montana,  
25 by the department of social and rehabilitation services.

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

8 (2) The legislature finds that assistance under the  
9 general relief program should not be available to those  
10 persons who have either adequate income or resources of  
11 their own ~~or who are able-bodied~~.

12 (3) The legislature finds that indigent persons may be  
13 in such a condition for one of three reasons:

14 (a) employment is not a suitable solution for their  
15 indigency because they are mentally or physically incapable  
16 of gainful employment or because of the need to care for a  
17 dependent minor child;

18 (b) they have become unemployed and lack the necessary  
19 skills to find employment or the necessary experience to  
20 maintain employment; or

21 (c) they are voluntarily destitute.

22 (4) The legislature, in an effort to apportion  
23 resources where they are most needed, has determined that:

24 (a) persons described in subsection (3)(a), being  
25 unemployable, must be accorded basic assistance for the

duration of their plight;

(b) persons described in subsection (3)(b), being unemployed but employable, deserve interim basic monetary assistance and state help in obtaining the necessary skills and experience in gaining employment; and

(c) persons described in subsection (3)(c), the voluntarily poor, may be afforded 1 month of benefits in any 12-month period, but since their circumstances are the result of a lifestyle they have chosen, such persons are not proper subjects of either state subsidy or state involvement and precious state resources would be more productive as help for the involuntarily poor and for other state responsibilities such as education, roads, health, and funding other services benefiting all citizens of the state.

(5) 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)(6) 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."

Section 2. Section 53-3-109, MCA, is amended to read:

"53-3-109. Definitions. For the purposes of this chapter, the following definitions apply:

(1) ~~"Able-bodied"~~ means the condition of a person who is not infirm.

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

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

(3) "Employable" means persons who meet the requirements set forth in [section 3].

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

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

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

(7) "Indigent" or "misfortunate" means a person who is lacking the means, financial or otherwise, by which to

prevent destitution for himself and others dependent upon him for basic necessities and who is otherwise eligible for assistance under this chapter. ~~Except-as-provided-otherwise in---53-3-205---and---53-3-209;---the---terms---do---not---include able-bodied-persons-under-the-age-of--50--unless--they--have dependent-minor-children-living-in-the-household;~~

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

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

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

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

(12) "Serious medical condition" means a physical condition that causes a serious health risk to a person and for which treatment is medically necessary, including pregnancy. Diagnosis and determination of necessary treatment must be made by a licensed medical practitioner, and the department may confirm it through an expert medical review. Necessary treatment includes prenatal care and such other elective treatments as determined by department rule to be medically necessary.

(13) "Unemployable" means a person who is not suitable for employment by reason of infirmity or because of the need to care for a dependent minor child."

NEW SECTION. Section 3. Employable persons -- qualifications -- period of eligibility. (1) An employable person is a person who is not required to care for a dependent minor child and who, by reason of his physical and mental capabilities, is capable of finding and keeping gainful employment.

(2) To be considered employable for the purposes of this chapter, a person must:

- (a) qualify financially as required in this chapter;
- (b) not have been determined to be employable or have made application to be determined employable for 12 months prior to the date of application;
- (c) not have been disqualified for unemployment

1 compensation benefits unless the department or the county  
2 welfare director determines that such disqualification was  
3 justifiable under the circumstances; and

4 (d) not have been employed in the 30 days preceding  
5 application for assistance.

6 (3) A person continues to be considered employable  
7 until:

8 (a) the expiration of 6 months after the date of  
9 application; or

10 (b) the person is determined to be unemployable:

11 (i) due to subsequent infirmity;

12 (ii) based upon an administrative or judicial finding  
13 under the provisions of this chapter; or

14 (iii) due to failure to comply with the provisions of  
15 53-3-304.

16 Section 4. Section 53-3-205, MCA, is amended to read:

17 "53-3-205. Eligibility for general relief. (1) A  
18 person or persons constituting a household may receive  
19 general relief assistance for basic necessities if the  
20 household is determined to be eligible under the provisions  
21 of this section and is in need of such assistance as a  
22 result of their infirmity, misfortune, or indigency.

23 (2) A household is eligible for general relief if the  
24 household income does not exceed that set forth in the  
25 following table:

1	2	Monthly Income Standard	
		Fiscal 1986	Fiscal 1987
3	Number of Persons in Household		
4	1	\$212	\$219
5	2	284	296
6	3	358	372
7	4	432	449
8	5	506	526
9	6	580	603
10	7	653	679
11	8	727	756
12	9	800	832
13	10 or more	874	909
14	<del>{3}--Able-bodied persons under the age of 35 years</del>		
15	<del>without dependent minor children living in the household are</del>		
16	<del>not eligible for nonmedical general relief assistance.</del>		
17	{4}{3} (a) When the household's income exceeds the		
18	monthly income standard for a household of that size because		
19	of receipt of lump-sum income, the household will be		
20	ineligible for general relief for the full number of months,		
21	beginning with the month of receipt, derived by dividing the		
22	total of the lump-sum income and other income by the monthly		
23	income standard for a household of that size. Any income		
24	remaining from this calculation will be considered as income		
25	in the first month following the period of ineligibility.		

1 (b) The period of ineligibility may be recalculated if  
2 the household size changes or if a portion of the lump sum  
3 was used to pay medical bills for a serious medical  
4 condition.

5 (c) Ineligibility due to the receipt of a lump sum  
6 does not preclude eligibility for general relief medical  
7 assistance.

8 ~~(5)~~(4) All applicants for and recipients of general  
9 relief assistance who reside in the same residence are  
10 considered as one household.

11 ~~(6)~~(5) Prospective income that is reasonably certain  
12 to be received by the household during an eligibility period  
13 must be considered when determining eligibility.

14 ~~(7)~~(6) The following resources of a household must be  
15 excluded from consideration of resources for eligibility  
16 purposes:

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

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

21 (c) personal items, clothing, household furniture,  
22 appliances, and other essential household items, the total  
23 equity value of which does not exceed resource eligibility  
24 limits established by rule; and

25 (d) tools of a trade that are essential to the current

1 or future employment of a household member.

2 ~~(8)~~(7) A person who is committed or sentenced by legal  
3 process to a state institution or a secure facility or who  
4 is incarcerated in a secure facility pending resolution of  
5 legal process is not eligible for general relief.

6 ~~(9)~~(8) A person who resides for a period of 1 day or  
7 more in any state or federally operated institution or  
8 residence is not eligible for general relief for the period  
9 of that residency.

10 ~~(10)~~(9) For the purposes of an eligibility  
11 determination, an applicant for or recipient of general  
12 relief may be requested to produce all financial and other  
13 information concerning the household.

14 ~~(11)~~(10) Whenever practical, an eligibility  
15 determination must be made within 30 days of the date of  
16 application and the applicant must be notified in writing of  
17 the eligibility determination and the reasons for the  
18 determination.

19 ~~(12)~~(11) An alien determined to be illegally within the  
20 United States is not eligible for general relief."

21 Section 5. Section 53-3-208, MCA, is amended to read:  
22 "53-3-208. Application -- initial payment expedited.

23 (1) Application for general relief must be made in writing  
24 to a county welfare department or the department's local  
25 office of human services on forms provided for that

purpose.

(2) If an applicant has not made an application for general relief within the 12 months prior to the date of the application, such application must be handled expeditiously.

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

Section 6. Section 53-3-209, MCA, is amended to read:

"53-3-209. Period of eligibility. (1) The period of eligibility for receipt of general relief for basic necessities is 1 month, except as provided in subsections (2) and (3). A person may seek to establish eligibility for the succeeding month prior to the end of the current month of eligibility.

(2) ~~Able-bodied persons--age--35--through--49--without dependent--minor-children-living-in-the-household~~ Employable persons are eligible for no more than 3 6 months of nonmedical general relief assistance within any 12-month period, ~~except that assistance received prior to July 1, 1985, shall not be counted. For these persons who continuously meet eligibility criteria, the period of eligibility will begin 60 days after the date of application.~~

(3) Persons who are neither employable nor unemployable are eligible for no more than 1 month of

nonmedical general relief assistance in any 12-month period.

(4) Eligibility for general relief medical assistance terminates when the serious medical condition of the person has been treated.

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

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

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

NEW SECTION. Section 7. Codification instruction. Section 3 is intended to be codified as an integral part of Title 53, chapter 3, and the provisions of Title 53, chapter 3, apply to section 3.

NEW SECTION. Section 8. Extension of authority. Any existing authority of the department of social and rehabilitation services to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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

- 1 the invalid applications.
- 2 NEW SECTION. Section 10. Effective date. This act is
- 3 effective on passage and approval.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB028, as introduced.

Description of Proposed Legislation:

HB28 would revise the general relief program to provide criteria for determination of whether a person is unemployable, employable or voluntarily destitute, would restrict benefits for the employable and would require participation in job training.

Assumptions:

1. Assumes the general assistance population is 60% employable.
2. Assumes a 4% increase in benefit levels from FY86 to FY87.
3. Assumes the additional savings from the one-month benefit limit for the voluntarily destitute will be off-set by an increase in the number of individuals being determined as unemployable.

Based on the above assumptions, HB28 would reduce general fund expenditures for general assistance by \$463,000 in FY87.

Technical or Mechanical Defects in Proposed Legislation or Conflicts With Existing Legislation:

1. Sections 3(2)b and 3(2)d could create inequities for individuals applying for assistance less than 30 days after loss of a job.
2. Section 6(2) does not specify whether assistance received prior to July 1, 1986, is to count toward the 6-month limit on benefits.

  
BUDGET DIRECTOR

6/20/86  
DATE

Office of Budget and Program Planning

  
PRIMARY SPONSOR

6/20/86  
DATE

Fiscal Note for HB28, as introduced.