

HB 600 INTRODUCED BY WINSLOW, ET AL.  
TERMINATE STATE ASSUMPTION OF COUNTY WELFARE

2/04 INTRODUCED  
2/04 REFERRED TO APPROPRIATIONS  
2/11 HEARING  
2/17 HEARING  
2/18 COMMITTEE REPORT--BILL PASSED  
2/23 2ND READING NOT PASSED AS AMENDED 60 40

1 House BILL NO. 600  
2 INTRODUCED BY W. C. Calt

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TERMINATING STATE  
5 ASSUMPTION OF COUNTY WELFARE AND PROTECTIVE SERVICES;  
6 PROVIDING THAT COUNTY WELFARE DUTIES PRESENTLY OPERATED BY  
7 THE STATE BECOME COUNTY RESPONSIBILITIES; PROVIDING GREATER  
8 FLEXIBILITY BY COUNTIES IN ADMINISTERING PUBLIC ASSISTANCE;  
9 ELIMINATING THE EMERGENCY GRANT-IN-AID PROGRAM AND ALLOWING  
10 FOR A MILL LEVY TO REDEEM REGISTERED WARRANTS; AMENDING  
11 SECTIONS 53-2-301, 53-2-302, 53-2-304, 53-2-306, 53-2-322,  
12 53-2-323, 53-3-108 THROUGH 53-3-110, 53-3-113, 53-3-114,  
13 53-3-205, 53-3-206, 53-3-304, 53-3-308, 53-3-310, 53-3-311,  
14 53-3-313, AND 53-3-315, MCA; REPEALING SECTIONS 53-2-801  
15 THROUGH 53-2-803, 53-2-811 THROUGH 53-2-813, 53-2-821,  
16 53-2-822, 53-3-112, AND 53-3-209, MCA; AND PROVIDING  
17 EFFECTIVE DATES."

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Transfer of local welfare  
21 responsibilities from state to counties -- transition.

22 (1) (a) On July 1, 1987, any duties or authority granted to  
23 the department of social and rehabilitation services to  
24 operate public assistance programs and provide protective  
25 services for children and adults that had been county

1 responsibilities but were transferred to the department  
2 pursuant to Title 53, chapter 2, part 8, terminates.

3 (b) On July 1, 1987, each county that had previously  
4 transferred such matters to the department of social and  
5 rehabilitation services under Title 53, chapter 2, part 8,  
6 assumes all powers and duties related to public assistance  
7 and protective services and accorded by law to the county  
8 welfare department.

9 (2) All employees of the department become county  
10 employees as specified in 53-2-304.

11 (3) All office equipment and supplies used by the  
12 department in any local office on January 1, 1987, for the  
13 administration of its local welfare duties become the  
14 property of the county reassuming such responsibilities.

15 Section 2. Section 53-2-301, MCA, is amended to read:

16 "53-2-301. County departments to be established. There  
17 shall be established in each county of the state; ~~except in~~  
18 ~~a county that has transferred its public assistance and~~  
19 ~~protective services responsibilities to the department of~~  
20 ~~social and rehabilitation services under the provisions of~~  
21 ~~part 8 of this chapter,~~ a county department of public  
22 welfare, which shall consist of a county board of public  
23 welfare and such staff personnel as may be necessary for the  
24 efficient performance of the public assistance activities of  
25 the county. If conditions warrant and if two or more county



-2- INTRODUCED BILL  
HB-600

boards enter into an agreement, two or more counties may combine into one administrative unit and use the same staff personnel throughout the administrative unit."

Section 3. Section 53-2-302, MCA, is amended to read:

"53-2-302. County commissioners ex officio county welfare board. ~~Except in a county that has transferred its public assistance and protective services responsibilities to the department of social and rehabilitation services under part 8 of this chapter, the~~ The board of county commissioners shall be the ex officio county welfare board and is hereby authorized to devote such additional time for public assistance matters as may be found necessary. The members of the county welfare board shall receive the same compensation for their services and the same mileage when acting as the county board of public welfare as they receive when acting as the board of county commissioners and shall be limited as to meetings as now provided by law, and the compensation and mileage of the members of the board shall be paid from county funds. They may transact business as a board of county commissioners and as a county welfare board on the same day, and in such cases they shall be paid as a board of county commissioners but may not receive compensation for more than 1 day's work for all services performed on the same calendar day."

Section 4. Section 53-2-304, MCA, is amended to read:

"53-2-304. Staff personnel of county department. (1) Each county board shall select and appoint from a list of qualified persons furnished by the department of social and rehabilitation services such staff personnel as are necessary. The staff personnel in each county shall consist of at least one qualified staff worker (or investigator) and such clerks and stenographers as may be decided necessary. If conditions warrant, the county board, with the approval of the department of social and rehabilitation services, may appoint some fully qualified person listed by the department as supervisor of its staff personnel. The staff personnel of each county department are directly responsible to the county board, but the department of social and rehabilitation services may supervise such county employees in respect to the efficient and proper performance of their duties. The county board of public welfare may not dismiss any member of the staff personnel without the approval of the department of social and rehabilitation services, but the department may request the county board to dismiss any member of the staff personnel for inefficiency, incompetence, or similar cause.

(2) Public assistance staff personnel attached to the county board shall be paid from state public assistance funds both their salaries and their travel expenses as provided for in 2-18-501 through 2-18-503 when away from the

1 county seat in the performance of their duties, but the  
 2 county board of public welfare shall reimburse the  
 3 department of social and rehabilitation services from county  
 4 poor funds the full amount of the salaries and travel  
 5 expenses not reimbursed to the department by the federal  
 6 government and the full amount of the department's  
 7 administrative costs which are allocated by the department  
 8 to the county for the administration of county welfare  
 9 programs and not reimbursed to the department by the federal  
 10 government. Under circumstances prescribed by the department  
 11 of social and rehabilitation services, the reimbursement by  
 12 the county board of public welfare may be less than the  
 13 county share as prescribed above. All other administrative  
 14 costs of the county department shall also be paid from  
 15 county poor funds.

16 (3) On or before the 20th day of the month following  
 17 the month for which the payments to the public assistance  
 18 staff personnel of the county were made, the department of  
 19 social and rehabilitation services shall present to the  
 20 county department of public welfare a claim for the required  
 21 reimbursements. The county board shall make such  
 22 reimbursements within 20 days after the presentation of the  
 23 claim, and the department of social and rehabilitation  
 24 services shall credit (add) all such reimbursements to its  
 25 account for administrative costs.

1 ~~(4) If a county has transferred its public assistance~~  
 2 ~~and protective services responsibilities to the department~~  
 3 ~~of social and rehabilitation services under part 8 of this~~  
 4 ~~chapter, the department shall select, appoint, and supervise~~  
 5 ~~all necessary public assistance and protective services~~  
 6 ~~personnel, including if necessary a supervisor of staff~~  
 7 ~~personnel. All such personnel are directly responsible to~~  
 8 ~~the department."~~

9 Section 5. Section 53-2-306, MCA, is amended to read:  
 10 "53-2-306. County department charged with local  
 11 administration of public assistance. ~~Except in a county that~~  
 12 ~~has transferred its public assistance and protective~~  
 13 ~~services responsibilities to the department of social and~~  
 14 ~~rehabilitation services under part 8 of this chapter, the~~  
 15 The county department of public welfare shall be charged  
 16 with the local administration of all forms of public  
 17 assistance operations in the county, including but not  
 18 limited to food stamp programs and social services programs.  
 19 All such local administration must conform to federal and  
 20 state law and the rules as established by the department of  
 21 social and rehabilitation services."

22 Section 6. Section 53-2-322, MCA, is amended to read:  
 23 "53-2-322. County to levy taxes, budget, and make  
 24 expenditures for public assistance activities. (1) The board  
 25 of county commissioners in each county shall levy ~~1375~~ as

1 ~~many mills for the county poor fund as provided by law or so~~  
 2 ~~much--thereof--as~~ may be necessary. ~~Counties transferring~~  
 3 ~~public assistance and protective--services--responsibilities~~  
 4 ~~to--the--department--of--social--and--rehabilitation services~~  
 5 ~~under part 8 of this chapter may not levy more than the~~  
 6 ~~difference between 13.5 mills and the state levy pursuant to~~  
 7 ~~53-2-813.~~

8 (2) The board shall budget and expend so much of the  
 9 funds in the county poor fund for public assistance purposes  
 10 as will enable the county welfare department to pay the  
 11 general relief activities of the county and to reimburse the  
 12 department of social and rehabilitation services for the  
 13 county's proportionate share of the administrative costs of  
 14 the county welfare department and of all public assistance  
 15 and its proportionate share of any other public assistance  
 16 activity that may be carried on jointly by the state and the  
 17 county.

18 (3) The amounts set up in the budget for the  
 19 reimbursements to the department of social and  
 20 rehabilitation services shall be sufficient to make all of  
 21 these reimbursements in full. The budget shall make separate  
 22 provision for each one of these public assistance  
 23 activities, and proper accounts shall be established for the  
 24 funds for all such activities.

25 (4) As soon as the county proposed budget provided for

1 in 7-6-2315 has been agreed upon, a copy thereof shall  
 2 without delay be mailed to the department of social and  
 3 rehabilitation services, and at any time before the final  
 4 adoption of the budget, the department shall make such  
 5 recommendations with regard to changes in any part of the  
 6 budget relating to the county poor fund as considered  
 7 necessary in order to enable the county to discharge its  
 8 obligations under the public assistance laws.

9 (5) The department of social and rehabilitation  
 10 services shall promptly examine the county proposed budget  
 11 in order to ascertain if the amounts provided for  
 12 reimbursements to the department are likely to be sufficient  
 13 and shall notify the county clerk of its findings. The board  
 14 shall make such changes in the amounts provided for  
 15 reimbursements, if any are required, in order that the  
 16 county will be able to make the reimbursements in full.

17 (6) The board of county commissioners may not make any  
 18 transfer from the amounts budgeted for reimbursing the  
 19 department of social and rehabilitation services without  
 20 having first obtained a statement in writing from the  
 21 department to the effect that the amount to be transferred  
 22 will not be required during the fiscal year for the purposes  
 23 for which the amounts were provided in the budget.

24 (7) No part of the county poor fund, irrespective of  
 25 the source of any part thereof, may be used directly or

1 indirectly for the erection or improvement of any county  
 2 building so long as the fund is needed for general relief  
 3 expenditures by the county or is needed for paying the  
 4 county's proportionate share of public assistance or its  
 5 proportionate share of any other public assistance activity  
 6 that may be carried on jointly by the state and the county.  
 7 Expenditures for improvement of any county buildings used  
 8 directly for care of the poor, except a county hospital or  
 9 county nursing home, may be made out of any moneys in the  
 10 county poor fund, whether such moneys are produced by the  
 11 ~~13.5-mill~~ levy provided for in subsection (1) of this  
 12 section or from any additional levy authorized or to be  
 13 authorized by law. Such expenditure shall be authorized only  
 14 when any county building used for the care of the poor must  
 15 be improved in order to meet legal standards required for  
 16 such buildings by the department of health and environmental  
 17 sciences and when such expenditure has been approved by the  
 18 department of social and rehabilitation services."

19 Section 7. Section 53-2-323, MCA, is amended to read:  
 20 "53-2-323. Emergency-grants-from-state Poor fund levy  
 21 -- insufficient funds to-counties -- registration and  
 22 redemption of warrants. Except--when If a county has  
 23 transferred-its-public-assistance--and--protective--services  
 24 responsibilities---to---the---department---of---social---and  
 25 rehabilitation-services-under-part--8--of--this--chapter,--a

1 county---may--apply--to--the--department--for--an--emergency  
 2 grant-in-aid; and-the-grant-shall-be-made-to-the-county-upon  
 3 the-following-conditions:

4 {i}--The--board--of--county--commissioners--or--a--duily  
 5 elected--or--appointed-executive-officer-of-the-county-shall  
 6 make-written-application-to--the--department--for--emergency  
 7 assistance--and--shall--show--by--written--report--and-sworn  
 8 affidavit-of-the-county-clerk-and-recorder-and--chairman--of  
 9 the--board--of--county--commissioners-or-other-duily-elected-or  
 10 appointed-executive-officer-of-the-county-the-following:

11 {a)--that-the-county will not be able to meet its  
 12 obligations under law to provide assistance to the needy of  
 13 the county or-meet-its-proportionate--share--of--any--public  
 14 assistance--activity-carried-on-jointly-with-the-department;

15 {b)--that because all lawful sources of revenue and  
 16 other income to the county poor fund will-be have been  
 17 exhausted;

18 {c)--that-all-expenditures-from-the--county--poor--fund  
 19 have-been-lawfully-made; and

20 {d)--that--all--expenditures--from-the-county-poor-fund  
 21 have-been-reasonable-and-necessary;--according--to--criteria  
 22 set-by-the-department-in-rules-adopted-for-that-purpose;--for  
 23 the--county--to--meet--its--obligations-under-law-to-provide  
 24 assistance-to-the-needy;

25 {2)--Within-10-days-of-receipt-of-the--application--and

1 affidavit, the department shall determine whether the county  
 2 poor fund will be depleted and shall give notice to the  
 3 county of the department's intention to deny or allow the  
 4 grant in aid. Before a grant in aid for any fiscal year may  
 5 be made to a county under this section, any money credited  
 6 during that fiscal year to the depletion allowance reserve  
 7 fund from the sources provided by 7-34-2402(2) shall be  
 8 transferred to the county poor fund to be used for lawful  
 9 poor fund expenditures. The amount of the grant in aid shall  
 10 be determined after all sources of income available to the  
 11 poor fund, including the depletion allowance reserve fund  
 12 transfers, have been exhausted.

13 (3) Within 10 days of receiving notice from the  
 14 department that a grant in aid will be made to the county,  
 15 the board of county commissioners or other duly elected or  
 16 appointed executive officer of the county shall adopt an  
 17 emergency budget. There is no requirement of notice and  
 18 hearing for that emergency budget. The emergency budget  
 19 shall state the amount required to meet the obligation of  
 20 the county and shall allocate that whole amount among the  
 21 various classes of expenditures for which the grant was  
 22 made.

23 (4) Upon receipt and approval of the county emergency  
 24 budget, the department shall issue a warrant to the county  
 25 treasurer of the county for the total amount stated in the

1 approved emergency budget.

2 (5) The grant in aid received by the county shall be  
 3 placed in an emergency fund account to be kept separate and  
 4 distinct from the poor fund account. All expenditures from  
 5 the emergency poor fund account shall be made by a separate  
 6 series of warrants or checks marked as emergency registered  
 7 warrants or checks. In the following fiscal year, the board  
 8 of county commissioners shall levy the additional number of  
 9 mills necessary to raise sufficient funds to redeem the  
 10 registered warrants. The additional levy is in addition to  
 11 all other levies authorized by law.

12 (6) The grants in aid from the department may be used  
 13 only for public assistance activities lawfully conducted by  
 14 the county, including but not limited to medical aid,  
 15 hospitalization, and institutional care. No part of a  
 16 grant in aid may be used, directly or indirectly, to pay for  
 17 the erection or improvement of any county building or for  
 18 furniture, fixtures, appliances, or equipment for a county  
 19 building.

20 (7) In the event the county poor fund is replenished  
 21 by other lawful sources of revenue, the county shall issue  
 22 warrants to meet its obligations from the county poor fund  
 23 until such time as that fund is again so depleted that  
 24 warrants can no longer lawfully be drawn on that account.  
 25 Upon depletion of the county poor fund, the county may again

1 make--disbursements--from--the--emergency--fund--account--as  
 2 provided--in--subsection--(5)--At--the--close--of--the--county  
 3 fiscal--year--the--county--shall--return--to--the--department--any  
 4 amounts--remaining--in--the--county--poor--fund--and--the--emergency  
 5 fund--account--but--the--remaining--amount--to--be--returned--may  
 6 not--exceed--the--total--amount--of--the--emergency--grant--in--aid  
 7 for--that--fiscal--year.

8 (8)--Any--amount--which--is--unlawfully--disbursed--or  
 9 transferred--from--the--emergency--fund--account--or--used--for--a  
 10 purpose--other--than--that--specified--in--the--grant--in--aid--shall  
 11 be--returned--by--the--county--to--the--department."

12 Section 8. Section 53-3-108, MCA, is amended to read:  
 13 "53-3-108. Purpose. (1) The legislature, in order to  
 14 implement the provisions of Article XII, section 3, of the  
 15 Montana constitution, finds that certain persons are in need  
 16 of assistance because of misfortune and must be provided  
 17 with certain assistance through programs for general relief.  
 18 These programs are to be efficiently administered by local  
 19 county welfare boards ~~or--whenever--responsibility--for--local~~  
 20 ~~welfare--programs--has--been--assumed--by--the--state--of--Montana~~  
 21 ~~by--the--department--of--social--and--rehabilitation--services.~~  
 22 General relief, along with other assistance programs, is  
 23 made available to provide basic necessities that provide  
 24 minimum subsistence compatible with decency and health and  
 25 to provide financial assistance for medical services

1 necessary for serious medical conditions. General relief  
 2 medical assistance is not intended to provide catastrophic  
 3 medical insurance to nonindigent persons.

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

11 (3)--The--legislature--in--recognition--of--the--need--to  
 12 expand--the--employment--opportunities--available--to--able--bodied  
 13 persons--who--do--not--have--dependent--minor--children--will  
 14 provide--2--months--of--general--relief--so--that--such--able--bodied  
 15 persons--may--be--eligible--for--the--job--readiness--training  
 16 authorized--in--53-3-304(3).

17 (4)(3) The legislature further finds that the purposes  
 18 of the general relief program must be implemented only to  
 19 the extent necessary and allowable by the mandates of  
 20 Article VIII, sections 12 and 14, of the Montana  
 21 constitution, regarding financial accountability and  
 22 expenditure by appropriation."

23 Section 9. Section 53-3-109, MCA, is amended to read:  
 24 "53-3-109. Definitions. For the purposes of this  
 25 chapter, the following definitions apply:



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

3       ~~{2}~~{1} "Basic necessities" means food, shelter,  
4       utilities, and personal needs.

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

8       ~~{4}~~{3} "General relief" means, in accordance with this  
9       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} "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} "Income" means the value of all property of any  
17      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} "Indigent" or "misfortunate" means a person who  
21      is lacking the means, financial or otherwise, by which to  
22      prevent destitution for himself and others dependent upon  
23      him for basic necessities and who is otherwise eligible for  
24      assistance under this chapter. ~~Except as provided otherwise~~  
25      ~~in 53-3-205 and 53-3-209, the terms do not include~~

1       ~~able-bodied~~---persons---unless---they---have---dependent---minor  
2       ~~children living in the household.~~

3       ~~{8}~~{7} "Infirm" means the condition of a person who is  
4       diagnosed by a licensed medical practitioner and confirmed  
5       by an expert medical review to have a physical or mental  
6       handicap that significantly impairs the person's ability to  
7       be employed.

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

15      ~~{10}~~{8} "Resource" means all real and personal  
16      property retained after the calendar month of its receipt  
17      and which the household or a member of the household has a  
18      legal right to sell or liquidate.

19      ~~{11}~~{9} "Secure facility" means any facility in which  
20      a person may be lawfully held against his will by federal,  
21      state, or local authorities.

22      ~~{12}~~{10} "Serious medical condition" means a physical  
23      condition that causes a serious health risk to a person and  
24      for which treatment is medically necessary, including  
25      pregnancy. Diagnosis and determination of necessary

1 treatment must be made by a licensed medical practitioner,  
 2 and ~~the department may confirm it is subject to confirmation~~  
 3 through an expert medical review. Necessary treatment  
 4 includes prenatal care and such other elective treatments as  
 5 determined by ~~department~~ the county board of welfare by rule  
 6 to be medically necessary."

7 Section 10. Section 53-3-110, MCA, is amended to read:

8 "53-3-110. Burial of deceased indigent. ~~{1}--In--a~~  
 9 ~~county--without--state-assumed--welfare--services,--the~~ 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 Section 11. Section 53-3-113, MCA, is amended to read:

16 "53-3-113. Contested case hearing. (1) Except as  
 17 provided in subsection (2), a hearing must be held on  
 18 request of any person who is dissatisfied with:

- 19 (a) an action taken on an application;  
 20 (b) an eligibility determination; or  
 21 (c) the amount or condition of payment.

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

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

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

8 (5) The hearing must be held in:

- 9 (a) the person's county of residence; or  
 10 (b) the county where application is made if residency  
 11 is unestablished; or,

12 ~~{c}--Bewis-and-Clark-County-if-a-real-party-in-interest~~  
 13 ~~requests--a--hearing--for--an--applicant--in--any--county--with~~  
 14 ~~state-assumed-welfare-services;~~

15 ~~{6}--When-a-real-party-in-interest-requests--a--hearing~~  
 16 ~~for--an--applicant,--venue--for--judicial-review-of-the-final~~  
 17 ~~administrative-action-is-Bewis-and-Clark-County-if-financial~~  
 18 ~~responsibility-is-alleged-to-be-with-a-state-assumed--county~~  
 19 ~~welfare-program."~~

20 Section 12. Section 53-3-114, MCA, is amended to read:

21 "53-3-114. Department to adopt rules. The department  
 22 shall adopt such rules as are necessary to implement this  
 23 chapter. ~~Rules--adopted--may--include--those--necessary--for~~  
 24 ~~application,--eligibility,--residency,--fraud,--recovery--of~~  
 25 ~~overpayments,--the--form,--amount,--scope,--and--duration--of~~

1 relief, confidentiality, burial of deceased indigents, and  
 2 definition of terms. The department may not adopt rules to  
 3 govern the scope, duration, or amounts of relief to be  
 4 provided in counties where the department has not assumed  
 5 responsibility for the direct administration of welfare  
 6 services."

7 Section 13. Section 53-3-205, MCA, is amended to read:  
 8 "53-3-205. Eligibility for general relief. (1) A  
 9 person or persons constituting a household may receive  
 10 general relief assistance for basic necessities if the  
 11 household is determined to be eligible under the provisions  
 12 of this section and is in need of such assistance  
 13 eligibility guidelines established by the county board of  
 14 welfare as a result of their infirmity, misfortune, or  
 15 indigency.

16 (2) A household is eligible for general relief if the  
 17 household income does not exceed that set forth in the  
 18 following table:

19 Number of Persons	Monthly Income Standard
20 in Household	-
21 1	\$212
22 2	282
23 3	354
24 4	426
25 5	501

1	6	570
2	7	642
3	8	713
4	9	785
5	10 or more	857
6	(3) Able-bodied persons without dependent minor	
7	children living in the household are not eligible for	
8	nonmedical general relief assistance, except as provided in	
9	53-3-209.	

10 (4) (a) When the household's income exceeds the  
 11 monthly income standard for a household of that size because  
 12 of receipt of lump sum income, the household will be  
 13 ineligible for general relief for the full number of months,  
 14 beginning with the month of receipt, derived by dividing the  
 15 total of the lump sum income and other income by the monthly  
 16 income standard for a household of that size. Any income  
 17 remaining from this calculation will be considered as income  
 18 in the first month following the period of ineligibility.

19 (b) The period of ineligibility may be recalculated if  
 20 the household size changes or if a portion of the lump sum  
 21 was used to pay medical bills for a serious medical  
 22 condition.

23 (c) Ineligibility due to the receipt of a lump sum  
 24 does not preclude eligibility for general relief medical  
 25 assistance.

1       †5†(2) All applicants for and recipients of general  
2 relief assistance who reside in the same residence are  
3 considered as one household.

4       †6†~~Prospective income that is reasonably certain to~~  
5 ~~be received by the household during an eligibility period~~  
6 ~~must be considered when determining eligibility.~~

7       †7†(3) The following resources of a household must be  
8 excluded from consideration of resources for eligibility  
9 purposes:

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

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

14       (c) personal items, clothing, household furniture,  
15 appliances, and other essential household items, the total  
16 equity value of which does not exceed resource ~~eligibility~~  
17 limits established by ~~rule~~ the county welfare board; and

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

20       †8†(4) A person who is committed or sentenced by legal  
21 process to a state institution or a secure facility or who  
22 is incarcerated in a secure facility pending resolution of  
23 legal process is not eligible for general relief.

24       †9†(5) A person who resides for a period of 1 day or  
25 more in any state or federally operated institution or

1 residence is not eligible for general relief for the period  
2 of that residency.

3       †10†(6) For the purposes of an eligibility  
4 determination, an applicant for or recipient of general  
5 relief may be requested to produce all financial and other  
6 information concerning the household.

7       †11†(7) Whenever practical, an eligibility  
8 determination must be made within 30 days of the date of  
9 application and the applicant must be notified in writing of  
10 the eligibility determination and the reasons for the  
11 determination.

12       †12†(8) An alien determined to be illegally within the  
13 United States is not eligible for general relief."

14       Section 14. Section 53-3-206, MCA, is amended to read:

15       "53-3-206. Eligibility for general relief medical  
16 assistance. (1) In order to be considered for eligibility  
17 for general relief medical assistance, a person must be  
18 found to have a serious medical condition.

19       (2) Eligibility for general relief medical assistance  
20 must be determined as provided in this section and 53-3-205.  
21 A person with a serious medical condition must apply for  
22 general relief medical assistance prior to the provision of  
23 medical services or within 90 days of the date the medical  
24 service is first provided. Eligibility is determined as of  
25 the date medical service is first provided.

1 (3) All persons who reside in the same residence and  
 2 are legally related to or responsible for each other are  
 3 considered to be one household for purposes of determining  
 4 general relief medical assistance.

5 (4) All individual or household resources must be used  
 6 to offset medical obligations except those excluded in  
 7 53-3-205(7)(3).

8 (5) To determine eligibility for county general relief  
 9 medical assistance, a county welfare board may promulgate  
 10 rules to establish the circumstances under which persons are  
 11 unable to pay for their medical aid and hospitalization.  
 12 However, no household with an income exceeding 300% of the  
 13 amount set forth in 53-3-205(2) is eligible for such medical  
 14 assistance.

15 (6) In a county with state assumed welfare services,  
 16 (a) covered medical services must be provided at no  
 17 cost to the person residing in a household if the average  
 18 household monthly income that is reasonably certain to be  
 19 received in a 12-month period beginning with the month the  
 20 medical service was provided does not exceed the amount in  
 21 53-3-205(2);

22 (b) a person is not eligible for medical services if  
 23 the household in which he resides has an average monthly  
 24 income reasonably certain to be received in a 12-month  
 25 period beginning with the month the medical service was

1 provided in excess of that set forth in the following table:

2 --	3 Monthly
4 Family-Size	5 Income-Level
6 -1	7 \$--287
8 -2	9 ---433
10 -3	11 ---526
12 -4	13 ---618
14 -5	15 ---714
16 -6	17 ---804
18 -7	19 ---896
20 -8	21 ---988
22 -9	23 -17081
24 10	25 -17173
11 11	12 -17194
13 12	14 -17215
15 13	16 -17236
17 14	18 -17256
19 15	20 -17277
21 16 or more	22 -17298

23 (c) if the average household monthly income reasonably  
 24 certain to be received in a 12-month period beginning with  
 25 the month the medical service was provided is between the  
 amount in 53-3-205(2) and the monthly income level set forth  
 in subsection (b), a household must first incur covered  
 medical costs equal to the difference between its average

1 monthly---income---and---the---monthly---income---standard---in  
2 53-3-205(2) before medical assistance is provided."

3 Section 15. Section 53-3-304, MCA, is amended to read:

4 "53-3-304. Power to require recipient to participate  
5 in---job---search,---training,---and work programs. (1)---The  
6 department shall cooperate with the department of labor and  
7 industry and other designated agencies to initiate, promote,  
8 and develop job search, training, and work programs that  
9 will contribute to the employability of persons receiving  
10 general relief under the provisions of this chapter. These  
11 programs must be designed to preserve and improve the work  
12 habits and job finding skills of recipients for whom jobs  
13 are not otherwise immediately available.

14 (2)---For each county with state assumed welfare  
15 services, the department shall contract with the department  
16 of labor and industry or other designated agencies to  
17 institute a job search, training, and work program that  
18 provides able-bodied general relief recipients with the  
19 necessary job finding skills to seek unsubsidized employment  
20 independently.

21 (3)---In a county with state assumed welfare services,  
22 an able-bodied recipient of general relief shall enroll in a  
23 structured job search and training program at an employment  
24 office or other site designated by the department. The  
25 program must include but is not limited to the following

1 elements:

- 2 (a)---assessment and testing;
- 3 (b)---an employability plan;
- 4 (c)---remedial education or job skills training, if it  
5 is called for in the employability plan and if it provides  
6 for immediate referral to an appropriate Job Training  
7 Partnership Act program;
- 8 (d)---a job readiness and job search program that must  
9 include but is not limited to:
- 10 (i)---self-assessment and occupational testing;
- 11 (ii)---instruction in completing applications, writing  
12 resumes, and preparing for interviews;
- 13 (iii)---identification of and contact with potential  
14 employers; and
- 15 (iv)---participation in simulated job interviews;
- 16 (e)---a supervised effort to find employment; and
- 17 (f)---efforts to address barriers to employment.
- 18 (4)---(a)---In addition to the training required in  
19 subsection (3), if if a public agency or a private nonprofit  
20 agency has work available which a recipient of general  
21 relief is capable of performing or the department of social  
22 and rehabilitation services is required to operate a work  
23 program under the provisions of 53-2-822, then the county  
24 department of public welfare or the department of social and  
25 rehabilitation services may require a recipient to perform

1 work at the minimum wage or may pay a recipient at the  
2 prevailing rate of wages paid in that county by that agency  
3 for similar work, to be paid from the county poor fund or  
4 state funds, in place of granting him general relief.

5 (b)(1) No currently employed worker may be displaced  
6 by any recipient (including partial displacement such as a  
7 reduction in the hours of nonovertime work, wages, or  
8 employment benefits).

9 (c)(2) No recipient may be employed when any other  
10 person is on layoff from the same or any substantially  
11 equivalent job or when the employer has terminated the  
12 employment of any regular employee or otherwise reduced its  
13 workforce with the intention of filling the vacancy so  
14 created by hiring a recipient whose wages are subsidized  
15 under this section.

16 (5)(3) The county department of public welfare or the  
17 department of social and rehabilitation services, as the  
18 case may be, shall provide coverage under the Workers'  
19 Compensation Act for those recipients of general relief  
20 working under the provisions hereof and may enter into such  
21 agreements with the division of workers' compensation of the  
22 department of labor and industry as may be necessary to  
23 carry out the provisions of this section.

24 (6) A recipient who has completed the assessment and  
25 testing portions of the program and has developed an

1 employability plan shall participate in the job readiness  
2 and job search program provided for in subsection (3)(d) for  
3 at least 88 hours in any 5-week period and shall spend at  
4 least 8 hours a week in a supervised effort to find  
5 employment.

6 (7) A recipient who has completed the job search  
7 program provided for in subsection (3) shall:

8 (a) continue to spend at least 8 hours a week in a  
9 supervised effort to find employment, and

10 (b) for the duration of his eligibility for general  
11 relief, spend 32 hours a week, as called for in the  
12 employability plan, in:

13 (i) remedial education;

14 (ii) counseling;

15 (iii) job skills training;

16 (iv) work for a public agency or a private nonprofit  
17 agency, as required in subsection (4); or

18 (v) job seeking or other related activities.

19 (8) Nothing in this chapter requires a recipient to  
20 continue the activities required by subsection (7) for  
21 longer than 6 months.

22 (9) Where a labor organization represents a  
23 substantial number of employees who are engaged in similar  
24 work or training in the area where it is proposed to assign  
25 the recipient to work or training, an opportunity must be

provided for that organization to submit comments with respect to such proposal.

{10} No work program may impair existing contracts for services or collective bargaining agreements, and no work program that would be inconsistent with the terms of a collective bargaining agreement may be undertaken without the written concurrence of the labor organization and employer concerned."

Section 16. Section 53-3-308, MCA, is amended to read:

"53-3-308. Responsibility for general relief. (1) The county boards of public welfare and the department, in accordance with this chapter and other relevant statutes, are responsible for the provision of general relief to indigent or misfortunate persons as follows:

{a} Counties without state assumed welfare services shall provide general relief consistent with their duties as specified in Title 53, chapter 2, parts 3 and 7, and this chapter.

{b} In counties with state assumed welfare services, general relief must be provided by the department and must be consistent with its duties as specified in Title 53, chapter 2, part 8, and this chapter.

{2} In counties without state assumed welfare services, general General relief must be paid from the county poor fund as authorized in 53-2-321 through 53-2-323.

{3} In counties with state assumed welfare services, general relief must be paid from and may not exceed money available through:

{a} a general appropriation for such purpose;

{b} county mill levies as provided for in 53-2-813;

and

{c} federal or other assistance."

Section 17. Section 53-3-310, MCA, is amended to read:

"53-3-310. Scope of general relief medical assistance.

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

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

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



1        ~~(4)~~(3) General relief medical assistance is limited to  
 2 covered medical needs not met by other services or benefits  
 3 available to the person. Available services or benefits  
 4 include but are not limited to health and accident  
 5 insurance, veterans' benefits, industrial accident benefits,  
 6 medicare and medicaid benefits, and other liable third  
 7 parties."

8        Section 18. Section 53-3-311, MCA, is amended to read:  
 9        "53-3-311. Amount of general relief for basic  
 10 necessities. ~~(1) In a county without state assumed welfare~~  
 11 ~~services, the~~ The amounts of general relief for basic  
 12 necessities must be determined and adopted at the discretion  
 13 of the county welfare board.

14        ~~(2) In a county with state assumed welfare services,~~  
 15 ~~the amount of general relief for basic necessities available~~  
 16 ~~to an eligible household is the amount listed for the same~~  
 17 ~~size household in the table in 53-3-205(2), less income and~~  
 18 ~~resources not excluded in 53-3-205(7)."~~

19        Section 19. Section 53-3-313, MCA, is amended to read:  
 20        "53-3-313. Selection of medical providers. In  
 21 arranging for medical care for those unable to provide it  
 22 for themselves, the county board of public welfare ~~or the~~  
 23 department may select a medical provider."

24        Section 20. Section 53-3-315, MCA, is amended to read:  
 25        "53-3-315. Subrogation of medical and hospitalization

1 costs for indigent. In any case where the county ~~or state~~  
 2 pays medical expenses or hospitalization for an individual,  
 3 the county ~~or state~~ is subrogated to the claims of the  
 4 physician or hospital to the extent of payment. To the  
 5 extent necessary for reimbursement of medical benefits paid  
 6 to or on behalf of an individual, the county ~~or state~~ is  
 7 subrogated to the rights of the individual to recover from a  
 8 third party who may be liable to pay the medical expenses.  
 9 The provisions of 53-2-612 apply to medical benefits  
 10 provided for in this section."

11        NEW SECTION. Section 21. Extension of authority. Any  
 12 existing authority of the department of social and  
 13 rehabilitation services to make rules on the subject of the  
 14 provisions of this act is extended to the provisions of this  
 15 act.

16        NEW SECTION. Section 22. Repealer. Sections 53-2-801  
 17 through 53-2-803, 53-2-811 through 53-2-813, 53-2-821,  
 18 53-2-822, 53-3-112, and 53-3-209, MCA, are repealed.

19        NEW SECTION. Section 23. Effective dates. (1) Section  
 20 1 and this section are effective on passage and approval.

21        (2) All other sections in this act are effective July  
 22 1, 1987.

-End-