SENATE BILL NO. 281

INTRODUCED BY BECK

IN THE SENATE

- FEBRUARY 4, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
- FEBRUARY 10, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 11, 1987 PRINTING REPORT.
- FEBRUARY 13, 1987 SECOND READING, DO PASS.
- FEBRUARY 14, 1987 ENGROSSING REPORT.
- FEBRUARY 16, 1987 THIRD READING, PASSED. AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

- IN THE HOUSE
- FEBRUARY 18, 1987
- MARCH 6, 1987
- MARCH 10, 1987
- MARCH 11, 1987

- INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
- COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- SECOND READING, CONCURRED IN.
 - THIRD READING, CONCURRED IN. AYES, 98; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

SENT TO ENROLLING.

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social and

INTRODUCED BY Files L. 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE STATE'S 4 SUPERVISION OF COUNTY WELFARE DEPARTMENTS; TO SET FORTH WHO 5 HAS THE DISMISSAL AUTHORITY FOR COUNTY WELFARE EMPLOYEES; TO 6 7 REQUIRE THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE COUNTIES WITH CERTAIN BUDGETING INFORMATION; 8 AMENDING SECTIONS 53-2-304 AND 53-2-322, MCA; AND PROVIDING 9 AN IMMEDIATE EFFECTIVE DATE." 10

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

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



2 rehabilitation services may supervise such county employees 3 in respect to the efficient and proper performance of their duties. The county board of public welfare may not dismiss 4 5 any member of the staff personnel without the approval of the department of social and rehabilitation services. --but 6 7 the. The department may request the county board to dismiss any member of the staff personnel for inefficiency, 8 incompetence, or similar cause. The final authority for 9 10 dismissal is the county board. In counties where the department has assumed the administration of welfare duties, 11 12 the final authority for dismissal is the director of the 13 department. (2) Public assistance staff personnel attached to the 14 county board shall be paid from state public assistance 15 funds both their salaries and their travel expenses as 16 17 provided for in 2-18-501 through 2-18-503 when away from the county seat in the performance of their duties, but the 18 county board of public welfare shall reimburse the 19 20 department of social and rehabilitation services from county poor funds the full amount of the salaries and travel 21

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government and the full amount of the department's

administrative costs which are allocated by the department

to the county for the administration of county welfare

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programs and not reimbursed to the department by the federal government. Under circumstances prescribed by the department of social and rehabilitation services, the reimbursement by the county board of public welfare may be less than the county share as prescribed above. All other administrative costs of the county department shall also be paid from county poor funds.

(3) On or before the 20th day of the month following 8 9 the month for which the payments to the public assistance 10 staff personnel of the county were made, the department of social and rehabilitation services shall present to the 11 county department of public welfare a claim for the required 12 13 reimbursements. The county board shall make such 14 reimbursements within 20 days after the presentation of the claim, and the department of social and rehabilitation 15 16 services shall credit (add) all such reimbursements to its 17 account for administrative costs.

18 (4) If a county has transferred its public assistance and protective services responsibilities to the department 19 of social and rehabilitation services under part 8 of this 20 21 chapter, the department shall select, appoint, and supervise all necessary public assistance and protective services 22 personnel, including if necessary a supervisor of staff 23 24 personnel. All such personnel are directly responsible to the department." 25

Section 2. Section 53-2-322, MCA, is amended to read: 1 "53-2-322. County to levy taxes, budget, and make 2 expenditures for public assistance activities. (1) The board 3 of county commissioners in each county shall levy 13.5 mills 4 for the county poor fund as provided by law or so much 5 thereof as may be necessary. Counties transferring public б assistance and protective services responsibilities to the 7 department of social and rehabilitation services under part 8 8 of this chapter may not levy more than the difference 9 between 13.5 mills and the state levy pursuant to 53-2-813. 10 (2) The board shall budget and expend so much of the 11 funds in the county poor fund for public assistance purposes 12 as will enable the county welfare department to pay the 13 general relief activities of the county and to reimburse the 14 department of social and rehabilitation services for the 15 county's proportionate share of the administrative costs of 16 the county welfare department and of all public assistance 17 and its proportionate share of any other public assistance 18 activity that may be carried on jointly by the state and the 19 20 county.

(3) The amounts set up in the budget for the 21 department of social and reimbursements to the 22 rehabilitation services shall be sufficient to make all of 23 these reimbursements in full. The budget shall make separate 24 provision for each one of these public assistance 25

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(4) The department of social and rehabilitation З services shall submit to the counties, no later than May 10, 4 the most current county participation percentages that are 5 necessary to establish preliminary county budgets. As soon 6 as the county proposed budget provided for in 7-6-2315 has 7 been agreed upon, a copy thereof shall without delay be 8 mailed to the department of social and rehabilitation 9 services, and at any time before the final adoption of the 10 budget, the department shall make such recommendations with 11 regard to changes in any part of the budget relating to the 12 county poor fund as considered necessary in order to enable 13 the county to discharge its obligations under the public 14 15 assistance laws.

(5) The department of social and rehabilitation 16 services shall promptly examine the county proposed budget 17 in order to ascertain if the amounts provided for 18 reimbursements to the department are likely to be sufficient 19 and shall notify the county clerk of its findings. The board 20 shall make such changes in the amounts provided for 21 reimbursements, if any are required, in order that the 22 county will be able to make the reimbursements in full. 23

24 (6) The board of county commissioners may not make any25 transfer from the amounts budgeted for reimbursing the

department of social and rehabilitation services without
 having first obtained a statement in writing from the
 department to the effect that the amount to be transferred
 will not be required during the fiscal year for the purposes
 for which the amounts were provided in the budget.

6 (7) No part of the county poor fund, irrespective of 7 the source of any part thereof, may be used directly or indirectly for the erection or improvement of any county 8 9 building so long as the fund is needed for general relief expenditures by the county or is needed for paying the 10 11 county's proportionate share of public assistance or its proportionate share of any other public assistance activity 12 13 that may be carried on jointly by the state and the county. 14 Expenditures for improvement of any county buildings used directly for care of the poor, except a county hospital or 15 16 county nursing home, may be made out of any moneys in the 17 county poor fund, whether such moneys are produced by the 13.5-mill levy provided for in subsection (1) of this 18 19 section or from any additional levy authorized or to be authorized by law. Such expenditure shall be authorized only 20 21 when any county building used for the care of the poor must be improved in order to meet legal standards required for 22 23 such buildings by the department of health and environmental 24 sciences and when such expenditure has been approved by the 25 department of social and rehabilitation services."

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

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-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB281, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to clarify the state's supervision of county welfare departments; to set forth who has the dismissal authority for county welfare employees; to require the Department of Social and Rehabilitation Services to provide counties with certain budgeting information; amending sections 53-2-304 and 53-2-322. MCA; and providing an immediate effective date.

ASSUMPTIONS:

The proposed bill will have no fiscal impact. The Department of Social and Rehabilitation Services will be 1. able to provide the budget information to counties within existing operating budgets.

FISCAL IMPACT:

There is no fiscal impact from the proposed legislation.

DAVID L. HUNTER. BIDGET DIRECTOR Office of Budget and Program Planning

 $\frac{\text{date}}{\mathcal{Z}}$ TOM BECK, PRIMARY SPONSOR

SB281, as introduced. Fiscal Note for

LC 1539/01

SECOND READING

58.281

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

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17 necessary. The staff personnel in each county shall consist 18 of at least one qualified staff worker (or investigator) and 19 such clerks and stenographers as may be decided necessary. 20 If conditions warrant, the county board, with the approval 21 of the department of social and rehabilitation services, may 22 23 appoint some fully gualified person listed by the department as supervisor of its staff personnel. The staff personnel of 24 each county department are directly responsible to the 25

1 county board, but the department of social and rehabilitation services may supervise such county employees 2 in respect to the efficient and proper performance of their 3 4 duties. The county board of public welfare may not dismiss any member of the staff personnel without the approval of 5 the department of social and rehabilitation services. ---but 6 7 the. The department may request the county board to dismiss 8 any member of the staff personnel for inefficiency, 9 incompetence, or similar cause. The final authority for 10 dismissal is the county board. In counties where the department has assumed the administration of welfare duties, 11 the final authority for dismissal is the director of the 12 13 department. (2) Public assistance staff personnel attached to the 14 15 county board shall be paid from state public assistance 16 funds both their salaries and their travel expenses as 17 provided for in 2-18-501 through 2-18-503 when away from the county seat in the performance of their duties, but the 18 county board of public welfare shall reimburse 19 the 20 department of social and rehabilitation services from county poor funds the full amount of the salaries and travel 21 expenses not reimbursed to the department by the federal 22 23 government and the full amount of the department's 24 administrative costs which are allocated by the department 25 to the county for the administration of county welfare

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programs and not reimbursed to the department by the federal government. Under circumstances prescribed by the department of social and rehabilitation services, the reimbursement by the county board of public welfare may be less than the county share as prescribed above. All other administrative costs of the county department shall also be paid from county poor funds.

8 (3) On or before the 20th day of the month following the month for which the payments to the public assistance 9 10 staff personnel of the county were made, the department of 11 social and rehabilitation services shall present to the 12 county department of public welfare a claim for the required 13 reimbursements. The county board shall make such 14 reimbursements within 20 days after the presentation of the 15 claim, and the department of social and rehabilitation services shall credit (add) all such reimbursements to its 16 17 account for administrative costs.

18 (4) If a county has transferred its public assistance and protective services responsibilities to the department 19 20 of social and rehabilitation services under part 8 of this 21 chapter, the department shall select, appoint, and supervise 22 all necessary public assistance and protective services 23 personnel, including if necessary a supervisor of staff 24 personnel. All such personnel are directly responsible to the department." 25

Section 2. Section 53-2-322, MCA, is amended to read: 1 "53-2-322. County to levy taxes, budget, and make 2 expenditures for public assistance activities. (1) The board 3 of county commissioners in each county shall levy 13.5 mills 4 for the county poor fund as provided by law or so much 5 thereof as may be necessary. Counties transferring public 6 assistance and protective services responsibilities to the 7 department of social and rehabilitation services under part 8 8 of this chapter may not levy more than the difference 9 between 13.5 mills and the state levy pursuant to 53-2-813. 10 (2) The board shall budget and expend so much of the 11 funds in the county poor fund for public assistance purposes 12 as will enable the county welfare department to pay the 13 general relief activities of the county and to reimburse the 14 department of social and rehabilitation services for the 15 county's proportionate share of the administrative costs of 16 the county welfare department and of all public assistance 17 and its proportionate share of any other public assistance 18 activity that may be carried on jointly by the state and the 19 20 county.

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(4) The department of social and rehabilitation 3 4 services shall submit to the counties, no later than May 10, 5 the most current county participation percentages that are necessary to establish preliminary county budgets. As soon 6 as the county proposed budget provided for in 7-6-2315 has 7 been agreed upon, a copy thereof shall without delay be 8 mailed to the department of social and rehabilitation 9 10 services, and at any time before the final adoption of the budget, the department shall make such recommendations with 11 regard to changes in any part of the budget relating to the 12 13 county poor fund as considered necessary in order to enable 14 the county to discharge its obligations under the public assistance laws. 15

16 (5) The department of social and rehabilitation 17 services shall promptly examine the county proposed budget in order to ascertain if the amounts provided for 18 reimbursements to the department are likely to be sufficient 19 20 and shall notify the county clerk of its findings. The board shall make such changes in the amounts provided 21 for reimbursements, if any are required, in order that the 22 23 county will be able to make the reimbursements in full.

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department of social and rehabilitation services without having first obtained a statement in writing from the department to the effect that the amount to be transferred will not be required during the fiscal year for the purposes for which the amounts were provided in the budget.

(7) No part of the county poor fund, irrespective of 6 the source of any part thereof, may be used directly or 7 8 indirectly for the erection or improvement of any county 9 building so long as the fund is needed for general relief expenditures by the county or is needed for paying the 10 county's proportionate share of public assistance or its 11 proportionate share of any other public assistance activity 12 that may be carried on jointly by the state and the county. 13 Expenditures for improvement of any county buildings used 14 15 directly for care of the poor, except a county hospital or county nursing home, may be made out of any moneys in the 16 17 county poor fund, whether such moneys are produced by the 13:5-mill levy provided for in subsection (1) of this 18 19 section or from any additional levy authorized or to be authorized by law. Such expenditure shall be authorized only 20 21 when any county building used for the care of the poor must be improved in order to meet legal standards required for 22 such buildings by the department of health and environmental 23 24 sciences and when such expenditure has been approved by the 25 department of social and rehabilitation services."

1 NEW SECTION. Section 3. Effective date. This act is

2 effective on passage and approval.

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INTRODUCED BY Free L 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE STATE'S 4 SUPERVISION OF COUNTY WELFARE DEPARTMENTS; TO SET FORTH WHO 5 HAS THE DISMISSAL AUTHORITY FOR COUNTY WELFARE EMPLOYEES: TO 6 REQUIRE THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES 7 TO PROVIDE COUNTIES WITH CERTAIN BUDGETING INFORMATION; 8 AMENDING SECTIONS 53-2-304 AND 53-2-322, MCA; AND PROVIDING 9 AN IMMEDIATE EFFECTIVE DATE." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 53-2-304, MCA, is amended to read: 13 "53-2-304. Staff personnel of county department. (1) 14 Each county board shall select and appoint from a list of 15 qualified persons furnished by the department of social and 16 rehabilitation services such staff personnel as are 17 necessary. The staff personnel in each county shall consist 18 of at least one qualified staff worker (or investigator) and 19 such clerks and stenographers as may be decided necessary. 20

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Montana Legislative Council

THIRD READING -2-513-291

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SB 281 REFERENCE BILL

SB 0281/02

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SB 281

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SB 281

SB 0281/02

1 NEW SECTION. Section 3. Effective date. This act is

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-End-

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