

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 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1987 SECOND READING, CONCURRED IN.

MARCH 11, 1987 THIRD READING, CONCURRED IN.
AYES, 98; NOES, 0.

RETURNED TO SENATE.

IN THE SENATE

MARCH 13, 1987 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 Senate BILL NO. 281
2 INTRODUCED BY Beck

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

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

13 Section 1. Section 53-2-304, MCA, is amended to read:

14 "53-2-304. Staff personnel of county department. (1)
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
18 necessary. The staff personnel in each county shall consist
19 of at least one qualified staff worker (or investigator) and
20 such clerks and stenographers as may be decided necessary.
21 If conditions warrant, the county board, with the approval
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

1 county board, but the department of social and
2 rehabilitation services may supervise such county employees
3 in respect to the efficient and proper performance of their
4 duties. The county board of public welfare may not dismiss
5 any member of the staff personnel without the approval of
6 the department of social and rehabilitation services, ~~but~~
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
11 department has assumed the administration of welfare duties,
12 the final authority for dismissal is the director of the
13 department.

14 (2) Public assistance staff personnel attached to the
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
18 county seat in the performance of their duties, but the
19 county board of public welfare shall reimburse the
20 department of social and rehabilitation services from county
21 poor funds the full amount of the salaries and travel
22 expenses not reimbursed to the department by the federal
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



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

8 (3) On or before the 20th day of the month following
 9 the month for which the payments to the public assistance
 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
 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
 19 and protective services responsibilities to the department
 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
 25 the department."

1 Section 2. Section 53-2-322, MCA, is amended to read:
 2 "53-2-322. County to levy taxes, budget, and make
 3 expenditures for public assistance activities. (1) The board
 4 of county commissioners in each county shall levy 13.5 mills
 5 for the county poor fund as provided by law or so much
 6 thereof as may be necessary. Counties transferring public
 7 assistance and protective services responsibilities to the
 8 department of social and rehabilitation services under part
 9 8 of this chapter may not levy more than the difference
 10 between 13.5 mills and the state levy pursuant to 53-2-813.

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

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

1 activities, and proper accounts shall be established for the
2 funds for all such activities.

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

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

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

1 department of social and rehabilitation services without
2 having first obtained a statement in writing from the
3 department to the effect that the amount to be transferred
4 will not be required during the fiscal year for the purposes
5 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
8 indirectly for the erection or improvement of any county
9 building so long as the fund is needed for general relief
10 expenditures by the county or is needed for paying the
11 county's proportionate share of public assistance or its
12 proportionate share of any other public assistance activity
13 that may be carried on jointly by the state and the county.
14 Expenditures for improvement of any county buildings used
15 directly for care of the poor, except a county hospital or
16 county nursing home, may be made out of any moneys in the
17 county poor fund, whether such moneys are produced by the
18 13.6-mill levy provided for in subsection (1) of this
19 section or from any additional levy authorized or to be
20 authorized by law. Such expenditure shall be authorized only
21 when any county building used for the care of the poor must
22 be improved in order to meet legal standards required for
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."

LC 1539/01

1 NEW SECTION. Section 3. Effective date. This act is
2 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 SB281, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

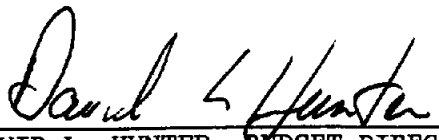
An act to clarify the state's supervision of county welfare departments; to set forth who has the dismissal authority for county welfare employees; to require the Department of Social and Rehabilitation Services to provide counties with certain budgeting information; amending sections 53-2-304 and 53-2-322,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

ASSUMPTIONS:

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

FISCAL IMPACT:

There is no fiscal impact from the proposed legislation.

 DATE 2/6/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 2-7-87

TOM BECK, PRIMARY SPONSOR

Fiscal Note for SB281, as introduced.

SB 281

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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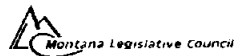
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2 funds for all such activities.

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

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

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

1 department of social and rehabilitation services without
2 having first obtained a statement in writing from the
3 department to the effect that the amount to be transferred
4 will not be required during the fiscal year for the purposes
5 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
8 indirectly for the erection or improvement of any county
9 building so long as the fund is needed for general relief
10 expenditures by the county or is needed for paying the
11 county's proportionate share of public assistance or its
12 proportionate share of any other public assistance activity
13 that may be carried on jointly by the state and the county.
14 Expenditures for improvement of any county buildings used
15 directly for care of the poor, except a county hospital or
16 county nursing home, may be made out of any moneys in the
17 county poor fund, whether such moneys are produced by the
18 13.5-mill levy provided for in subsection (1) of this
19 section or from any additional levy authorized or to be
20 authorized by law. Such expenditure shall be authorized only
21 when any county building used for the care of the poor must
22 be improved in order to meet legal standards required for
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."

SB 0281/02

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

-End-