

HOUSE BILL 224

Introduced by Roth, et al.

1/17	Introduced
1/17	Referred to Human Services & Aging
1/18	Fiscal Note Requested
1/20	Hearing
1/23	Committee Report--Bill Not Passed
1/24	Adverse Committee Report Adopted
1/24	Fiscal Note Received

1 *House* BILL NO. *224*
2 INTRODUCED BY *Roth Keating Park Hager*
3 *Thompson Gilbert Simon Smith R Nelson*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE DURATION
5 OF NONMEDICAL GENERAL RELIEF ASSISTANCE PROVIDED TO
6 ABLE-BODIED PERSONS AND TO REQUIRE ABLE-BODIED RECIPIENTS OF
7 GENERAL RELIEF TO CONDUCT A VERIFIABLE JOB SEARCH; AMENDING
8 SECTIONS 53-3-108, 53-3-109, 53-3-205, 53-3-209, 53-3-303,
9 AND 53-3-311, MCA; AND PROVIDING EFFECTIVE DATES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** 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) The legislature further finds that the purposes of
18 the general relief program must be implemented only to the
19 extent necessary and allowable by the mandates of Article
20 VIII, sections 12 and 14, of the Montana constitution,
21 regarding financial accountability and expenditure by
22 appropriation."

23 **Section 2.** 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) "Basic necessities" means food, shelter,
4 utilities, and personal needs.
- 5 (3) "Department" means the department of social and
6 rehabilitation services provided for in Title 2, chapter 15,
7 part 22.
- 8 (4) "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) "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) "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) "Indigent" or "misfortunate" means a person who is
21 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) "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) "Resource" means all real and personal property
16 retained after the calendar month of its receipt and which
17 the household or a member of the household has a legal right
18 to sell or liquidate.
- 19 (11) "Secure facility" means any facility in which a
20 person may be lawfully held against his will by federal,
21 state, or local authorities.
- 22 (12) "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

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."

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

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

(2) A household is eligible for general relief if the household income, exclusive of the first \$50 earned each month by each household member, does not exceed that set forth in the following table:

Number of Persons in Household	Monthly Income Standard
1	\$212
2	282
3	354
4	426
5	501
6	570
7	642

8	713
9	785
10 or more	857

(3) Able-bodied persons without---dependent--minor children--living--in--the--household are not eligible for nonmedical general relief assistance, except as provided in 53-3-209.

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

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

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

(5) All applicants for and recipients of general relief assistance who reside in the same residence are

1 considered as one household.

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

5 (7) The following resources of a household must be
6 excluded from consideration of resources for eligibility
7 purposes:

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

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

12 (c) personal items, clothing, household furniture,
13 appliances, and other essential household items, the total
14 equity value of which does not exceed resource eligibility
15 limits established by rule; and

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

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

22 (9) A person who resides for a period of 1 day or more
23 in any state or federally operated institution or residence
24 is not eligible for general relief for the period of that
25 residency.

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

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

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

11 **Section 4.** Section 53-3-209, MCA, is amended to read:

12 "53-3-209. Period of eligibility. (1) The period of
13 eligibility for receipt of general relief for basic
14 necessities is 1 month, except as provided in subsections
15 (2) and (3). A person may seek to establish eligibility for
16 the succeeding month prior to the end of the current month
17 of eligibility.

18 (2) Able-bodied persons ~~without---dependent---minor~~
19 ~~children--living--in--the-household~~ are eligible for no more
20 than 2 months of nonmedical general relief assistance within
21 any 12-month period, except that assistance received prior
22 to ~~November-17-1986~~, [the effective date of this act] shall
23 not be counted.

24 (3) Eligibility for general relief medical assistance
25 terminates when the serious medical condition of the person

has been treated.

(4) 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."

Section 5. Section 53-3-303, MCA, is amended to read:

"53-3-303. Recipient to register for and seek suitable employment -- verification by department. (1) A An able-bodied recipient of general relief must register for employment with the department of labor and industry and must actively seek and accept available employment within his or her capability. Refusal to accept--such--employment comply with the requirements of this section will render the recipient ineligible for further general relief assistance.

(2) The department of social and rehabilitation services shall verify the job search effort of each able-bodied general relief recipient to ensure compliance with the requirements of subsection (1)."

Section 6. Section 53-3-311, MCA, is amended to read:

"53-3-311. Amount of general relief for basic necessities. (1) In a county without state-assumed welfare services, the amounts of general relief for basic

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

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

NEW SECTION. Section 7. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 8. 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 the invalid applications.

NEW SECTION. Section 9. Effective dates. (1) [Section 7 and this section] are effective on passage and approval. (2) [Sections 1 through 6 and section 9] are effective July 1, 1989.

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