

HOUSE BILL 501

Introduced by Stickney, et al.

| | |
|------|--|
| 1/30 | Introduced |
| 1/31 | Referred to Local Government |
| 2/06 | Fiscal Note Requested |
| 2/08 | Fiscal Note Received |
| 2/09 | Hearing |
| 2/11 | Fiscal Note Printed |
| 2/15 | Committee Report--Bill Passed as Amended |
| 2/18 | 2nd Reading Do Pass Motion Failed |

1 House BILL NO. 501
 2 INTRODUCED BY Kerry Maas, Esq., M.D.
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE COUNTY
 5 CONTRIBUTIONS TO THE DEPARTMENT OF FAMILY SERVICES; AMENDING
 6 SECTION 41-3-1122, MCA; REPEALING SECTION 14, CHAPTER 609,
 7 LAWS OF 1987; AND PROVIDING AN EFFECTIVE DATE."
 8

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

10 **Section 1.** Section 41-3-1122, MCA, is amended to read:

11 "41-3-1122. Payment for support of youth in need of
 12 care, youth in need of supervision, or delinquent youth --
 13 reimbursement-by-county. (1) Whenever a youth who is a youth
 14 in need of care, a youth in need of supervision, or a
 15 delinquent youth is placed by the department of family
 16 services in a youth care facility, the department shall pay,
 17 within the limits of the appropriation for that purpose, a
 18 foster care payment to the youth care facility at a rate
 19 established by the department for board, clothing, personal
 20 needs, treatment, and room of the youth.

21 (2) ~~On or before the 20th of each month the department~~
 22 ~~shall present a claim to the county of residence of the~~
 23 ~~youth for no more than one-half of the nonfederal share of~~
 24 ~~the payments so made during the month. The county must make~~
 25 ~~reimbursement to the department within 20 days after the~~

1 claim is presented.

2 (3) ~~Except as provided in subsection (4), when a~~
 3 ~~county's level of expenditure for any year reaches the level~~
 4 ~~of reimbursement for foster care in fiscal year 1987, the~~
 5 ~~county has no further obligation for foster care~~
 6 ~~expenditures.~~

7 (4) ~~If a county's level of expenditure for foster care~~
 8 ~~in fiscal year 1987 is \$10,000 or less, the county's level~~
 9 ~~of expenditure for purposes of determining the county's~~
 10 ~~reimbursement specified in subsection (3) is the level of~~
 11 ~~expenditures for fiscal year 1987 or the average of~~
 12 ~~expenditures for fiscal years 1984 through 1987, whichever~~
 13 ~~is less.~~

14 (5) (2) The department shall conduct or arrange for the
 15 review required under 41-3-1115 of a youth placed in a youth
 16 care facility if the youth is placed by the department."

17 **NEW SECTION. Section 2.** Repealer. Section 14, Chapter
 18 609, Laws of 1987, is repealed.

19 **NEW SECTION. Section 3.** Extension of authority. Any
 20 existing authority to make rules on the subject of the
 21 provisions of [this act] is extended to the provisions of
 22 [this act].

23 **NEW SECTION. Section 4.** Effective date. [This act] is
 24 effective July 1, 1989.

-End-

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INTRODUCED BILL
 HB 501



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB501, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


HB501 eliminates county contribution to the Department of Family Services; amends Section 41-3-1122 MCA; and repeals Section 14, Chapter 609, Laws of 1987.

ASSUMPTIONS:

1. County contributions to the Department of Family Services are currently being used to partially provide the non-federal share of foster care expenditures and administrative costs for protective services workers.
2. Federal funding will not be available to offset the loss of county funding so general fund will be needed.

FISCAL IMPACT:

| | <u>FY90</u> | | | <u>FY91</u> | | |
|----------------------|--------------|--------------|-------------------|--------------|--------------|-------------------|
| | Current | Proposed | | Current | Proposed | |
| <u>Expenditures:</u> | <u>Law</u> | <u>Law</u> | <u>Difference</u> | <u>Law</u> | <u>Law</u> | <u>Difference</u> |
| Personal Services | \$ 7,667,326 | \$ 7,667,326 | \$ -0- | \$ 7,683,633 | \$ 7,683,633 | \$ -0- |
| Operating | 1,027,064 | 1,027,064 | -0- | 1,046,199 | 1,046,199 | -0- |
| Foster Care | 7,986,873 | 7,986,873 | -0- | 7,986,873 | 7,986,873 | -0- |
| Total | \$16,681,263 | \$16,681,263 | \$ -0- | \$16,716,705 | \$16,716,705 | \$ -0- |
| <u>Funding:</u> | | | | | | |
| General Fund | 11,023,996 | 12,897,678 | 1,873,682 | 11,054,332 | 12,928,014 | 1,873,682 |
| Federal Funds | 3,783,585 | 3,783,585 | -0- | 3,788,691 | 3,788,691 | -0- |
| County Funds | \$ 1,873,682 | | (\$1,873,682) | \$ 1,873,682 | | (\$1,873,682) |

 2/8/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING


 JESSICA STICKNEY, PRIMARY SPONSOR DATE

Fiscal Note for HB501, as introduced

HB 501

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 501

INTRODUCED BY STICKNEY, MOORE, CODY, ABRAMS,

DEVLIN, MCLANE, ZOOK, DRISCOLL, HOFMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE COUNTY CONTRIBUTIONS TO THE DEPARTMENT OF FAMILY SERVICES; AMENDING ~~SECTION~~ SECTIONS 41-3-1122 AND 53-2-322, MCA; REPEALING SECTION 14, CHAPTER 609, LAWS OF 1987; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 41-3-1122, MCA, is amended to read:

"41-3-1122. Payment for support of youth in need of care, youth in need of supervision, or delinquent youth -- reimbursement-by-county. (1) Whenever a youth who is a youth in need of care, a youth in need of supervision, or a delinquent youth is placed by the department of family services in a youth care facility, the department shall pay, within the limits of the appropriation for that purpose, a foster care payment to the youth care facility at a rate established by the department for board, clothing, personal needs, treatment, and room of the youth.

(2) ~~On or before the 20th of each month the department shall present a claim to the county of residence of the youth for no more than one-half of the nonfederal share of~~

the payments so made during the month. The county must make reimbursement to the department within 20 days after the claim is presented.

(3) ~~Except as provided in subsection (4), when a county's level of expenditure for any year reaches the level of reimbursement for foster care in fiscal year 1987, the county has no further obligation for foster care expenditures.~~

(4) ~~If a county's level of expenditure for foster care in fiscal year 1987 is \$10,000 or less, the county's level of expenditure for purposes of determining the county's reimbursement specified in subsection (3) is the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is less.~~

(5) (2) The department shall conduct or arrange for the review required under 41-3-1115 of a youth placed in a youth care facility if the youth is placed by the department."

SECTION 2. SECTION 53-2-322, MCA, IS AMENDED TO READ:

"53-2-322. County to levy taxes, budget, and make expenditures for public assistance activities. (1) The board of county commissioners in each county shall levy 13.5 mills for the county poor fund as provided by law or so much thereof as may be necessary. Counties transferring public assistance and protective services responsibilities to the

1 state under part 8 of this chapter may not levy more than
2 the difference between 13.5 mills and the state levy
3 pursuant to 53-2-813.

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

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

23 (4) The department of social and rehabilitation
24 services shall submit to the counties, no later than May 10,
25 the most current county participation percentages that are

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

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

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

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

23 NEW SECTION. Section 3. Repealer. Section 14, Chapter
 24 609, Laws of 1987, is repealed.

25 NEW SECTION. Section 4. Extension of authority. Any

1 existing authority to make rules on the subject of the
 2 provisions of [this act] is extended to the provisions of
 3 [this act].

4 NEW SECTION. Section 5. Effective date. [This act] is
 5 effective July 1, 1989.

-End-