

HOUSE BILL NO. 742  
INTRODUCED BY BRADLEY

IN THE HOUSE

FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 22, 1989	FIRST READING.
MARCH 7, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 8, 1989	PRINTING REPORT.
MARCH 9, 1989	SECOND READING, DO PASS.
MARCH 10, 1989	ENGROSSING REPORT.
MARCH 11, 1989	THIRD READING, PASSED. AYES, 91; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 5, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 6, 1989	SECOND READING, CONCURRED IN.
APRIL 10, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 10, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 742  
 2 INTRODUCED BY Bradley  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY  
 5 IN ESTABLISHING GENERAL ASSISTANCE BY REPLACING BENEFIT  
 6 SCHEDULES WITH AMOUNTS DETERMINED BY RULE; AMENDING SECTIONS  
 7 53-3-205, 53-3-206, AND 53-3-311, MCA; AND PROVIDING  
 8 EFFECTIVE DATES."

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

11 **Section 1.** Section 53-3-205, MCA, is amended to read:

12 "53-3-205. Eligibility for general relief. (1) A  
 13 person or persons constituting a household may receive  
 14 general relief assistance for basic necessities if the  
 15 household is determined to be eligible under the provisions  
 16 of this section and is in need of such assistance as a  
 17 result of their infirmity, misfortune, or indigency.

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

22 Number-of-Persons	Monthly-Income-Standard
23 in-Household	-
24 1	\$212
25 2	-282

1	3	-354
2	4	-426
3	5	-501
4	6	-570
5	7	-642
6	8	-713
7	9	-785
8	10-or-more	-857

9 the amount established by the department by rule. The  
 10 department shall establish the amount, taking into account  
 11 the size of the household, the amount of money available for  
 12 benefits, and the estimated number of eligible households.

13 (3) Able-bodied persons without dependent minor  
 14 children living in the household are not eligible for  
 15 nonmedical general relief assistance, except as provided in  
 16 53-3-209.

17 (4) (a) When the household's income exceeds the  
 18 monthly income standard for a household of that size because  
 19 of receipt of lump-sum income, the household will be  
 20 ineligible for general relief for the full number of months,  
 21 beginning with the month of receipt, derived by dividing the  
 22 total of the lump-sum income and other income by the monthly  
 23 income standard for a household of that size. Any income  
 24 remaining from this calculation will be considered as income  
 25 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 considered as one household.

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

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

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

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

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

(d) tools of a trade that are essential to the current

or future employment of a household member.

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

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

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

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

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

**Section 2.** Section 53-3-206, MCA, is amended to read:

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

(2) Eligibility for general relief medical assistance

1 must be determined as provided in this section and 53-3-205.  
 2 A person with a serious medical condition must apply for  
 3 general relief medical assistance prior to the provision of  
 4 medical services or within 90 days of the date the medical  
 5 service is first provided. Eligibility is determined as of  
 6 the date medical service is first provided.

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

11 (4) All individual or household resources must be used  
 12 to offset medical obligations except those excluded in  
 13 53-3-205(7).

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

21 (6) In a county with state-assumed welfare services:

22 (a) covered medical services must be provided at no  
 23 cost to the person residing in a household if the average  
 24 household monthly income that is reasonably certain to be  
 25 received in a 12-month period beginning with the month the

1 medical service was provided does not exceed the amount in  
 2 53-3-205(2);

3 (b) a person is not eligible for medical services if  
 4 the household in which he resides has an average monthly  
 5 income reasonably certain to be received in a 12-month  
 6 period beginning with the month the medical service was  
 7 provided in excess of that set forth in the following table:

8	--	Monthly
9	Family-Size	Income-Level
10	-1	\$--287
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15	-6	---804
16	-7	---896
17	-8	---988
18	-9	-1,081
19	-10	-1,173
20	-11	-1,194
21	-12	-1,215
22	-13	-1,236
23	-14	-1,256
24	-15	-1,277
25	-16-or-more	-1,298

1 the amount established by the department by rule. The  
 2 department shall establish the amount, taking into account  
 3 the size of the household, the amount of money available for  
 4 benefits, and the estimated number of eligible households.

5 (c) if the average household monthly income reasonably  
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 7 the month the medical service was provided is between the  
 8 amount in 53-3-205(2) and the monthly income level set forth  
 9 in subsection (b), a household must first incur covered  
 10 medical costs equal to the difference between its average  
 11 monthly income and the monthly income standard in  
 12 53-3-205(2) before medical assistance is provided."

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

14 "53-3-311. Amount of general relief for basic  
 15 necessities. (1) In a county without state-assumed welfare  
 16 services, the amounts of general relief for basic  
 17 necessities must be determined and adopted at the discretion  
 18 of the county welfare board.

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 22 the same size household ~~in--the--table--in~~ pursuant to  
 23 53-3-205(2), less income and resources not excluded in  
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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 dates.** (1) [Section

5 4 and this section] are effective on passage and approval.

6 (2) [Sections 1 through 3] are effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB742, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing flexibility in establishing general assistance by replacing benefit schedules with amounts determined by rule; amending Sections 53-3-205, 53-3-206, and 53-3-311, MCA; and providing effective dates.

ASSUMPTIONS:

There is no fiscal impact to the Department of Social and Rehabilitation Services.


NOTE:

This legislation would require SRS to establish general assistance payments based on the appropriation and estimated caseload. The Human Services Appropriations Subcommittee has directed SRS to set payments for both general assistance and aid to families with dependent children at 42% of the federally-established poverty level, by size of household. This bill would require SRS to adjust payment levels one or more times in a fiscal year if the appropriation is inadequate. If the Department of Social and Rehabilitative Services were to adjust only GA payment levels, SRS could possibly be sued and enjoined from implementing the rules for GA standards.



DATE 3/6/89

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING



DATE 3/21/89

DOROTHY M. BRADLEY, PRIMARY SPONSOR

Fiscal Note for HB742, as introduced

**HB 742**

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13 THE AMOUNT MUST BE BASED ON A PERCENTAGE OF THE FEDERAL  
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 6       existing authority to make rules on the subject of the  
 7       provisions of [this act] is extended to the provisions of  
 8       [this act].

9       **NEW SECTION. Section 5.** Effective dates. (1) [Section  
 10       4 and this section] are effective on passage and approval.  
 11       (2) [Sections 1 through 3] are effective July 1, 1989.

-End-

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

## HOUSE BILL NO. 742

INTRODUCED BY BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY  
IN ESTABLISHING GENERAL ASSISTANCE BY REPLACING BENEFIT  
SCHEDULES WITH AMOUNTS DETERMINED BY RULE; AMENDING SECTIONS  
53-3-205, 53-3-206, AND 53-3-311, MCA; AND PROVIDING  
EFFECTIVE DATES."

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

**Section 1.** 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

the amount established by the department by rule. The  
department shall establish the amount, taking into account  
the size of the household, the amount of money available for  
benefits, and the estimated number of eligible households.  
THE AMOUNT MUST BE BASED ON A PERCENTAGE OF THE FEDERAL  
POVERTY INDEX. THE PERCENTAGE IS ESTABLISHED IN THE STATE  
GENERAL APPROPRIATIONS ACT.

(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



1 income standard for a household of that size. Any income  
2 remaining from this calculation will be considered as income  
3 in the first month following the period of ineligibility.

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

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

11 (5) All applicants for and recipients of general  
12 relief assistance who reside in the same residence are  
13 considered as one household.

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

17 (7) The following resources of a household must be  
18 excluded from consideration of resources for eligibility  
19 purposes:

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

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

24 (c) personal items, clothing, household furniture,  
25 appliances, and other essential household items, the total

1 equity value of which does not exceed resource eligibility  
2 limits established by rule; and

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

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

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

13 (10) For the purposes of an eligibility determination,  
14 an applicant for or recipient of general relief may be  
15 requested to produce all financial and other information  
16 concerning the household.

17 (11) Whenever practical, an eligibility determination  
18 must be made within 30 days of the date of application and  
19 the applicant must be notified in writing of the eligibility  
20 determination and the reasons for the determination.

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

23 **Section 2.** Section 53-3-206, MCA, is amended to read:

24 "53-3-206. Eligibility for general relief medical  
25 assistance. (1) In order to be considered for eligibility

1 for general relief medical assistance, a person must be  
2 found to have a serious medical condition.

3 (2) Eligibility for general relief medical assistance  
4 must be determined as provided in this section and 53-3-205.  
5 A person with a serious medical condition must apply for  
6 general relief medical assistance prior to the provision of  
7 medical services or within 90 days of the date the medical  
8 service is first provided. Eligibility is determined as of  
9 the date medical service is first provided.

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

14 (4) All individual or household resources must be used  
15 to offset medical obligations except those excluded in  
16 53-3-205(7).

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

24 (6) In a county with state-assumed welfare services:

25 (a) covered medical services must be provided at no

1 cost to the person residing in a household if the average  
2 household monthly income that is reasonably certain to be  
3 received in a 12-month period beginning with the month the  
4 medical service was provided does not exceed the amount in  
5 53-3-205(2);

6 (b) a person is not eligible for medical services if  
7 the household in which he resides has an average monthly  
8 income reasonably certain to be received in a 12-month  
9 period beginning with the month the medical service was  
10 provided in excess of that set forth in the following table:

11	--	Monthly
12	Family-Size	Income-Level
13	-1	\$--287
14	-2	---433
15	-3	---526
16	-4	---618
17	-5	---714
18	-6	---804
19	-7	---896
20	-8	---988
21	-9	-1,081
22	-10	-1,173
23	-11	-1,264
24	-12	-1,355
25	-13	-1,446

1                   14                   -17256  
 2                   15                   -17277  
 3                   16-or-more                   -17298  
 4   the amount established by the department by rule. The  
 5   department shall establish the amount, taking into account  
 6   the size of the household, the amount of money available for  
 7   benefits, and the estimated number of eligible households.  
 8   THE AMOUNT MUST BE 150% OF THE AMOUNT ESTABLISHED IN  
 9   53-3-205(2).

10           (c) if the average household monthly income reasonably  
 11   certain to be received in a 12-month period beginning with  
 12   the month the medical service was provided is between the  
 13   amount in 53-3-205(2) and the monthly income level set forth  
 14   in subsection (b), a household must first incur covered  
 15   medical costs equal to the difference between its average  
 16   monthly income and the monthly income standard in  
 17   53-3-205(2) before medical assistance is provided."

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

19       "53-3-311. Amount of general relief for basic  
 20   necessities. (1) In a county without state-assumed welfare  
 21   services, the amounts of general relief for basic  
 22   necessities must be determined and adopted at the discretion  
 23   of the county welfare board.

24       (2) In a county with state-assumed welfare services,  
 25   the amount of general relief for basic necessities available

1   to an eligible household is the amount listed determined for  
 2   the same size household in--the--table--in pursuant to  
 3   53-3-205(2), less income and resources not excluded in  
 4   53-3-205(7)."

5       NEW SECTION. **Section 4.** Extension of authority. Any  
 6   existing authority to make rules on the subject of the  
 7   provisions of [this act] is extended to the provisions of  
 8   [this act].

9       NEW SECTION. **Section 5.** Effective dates. (1) [Section  
 10   4 and this section] are effective on passage and approval.  
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