

SENATE BILL NO. 101

INTRODUCED BY AKLESTAD

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

IN THE SENATE

JANUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1989	PRINTING REPORT.
FEBRUARY 9, 1989	SECOND READING, DO PASS.
FEBRUARY 10, 1989	ENGROSSING REPORT.
FEBRUARY 11, 1989	THIRD READING, PASSED. AYES, 45; NOES, 2.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 20, 1989	FIRST READING.
MARCH 20, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 85; NOES, 7.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 10, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *101*  
2 INTRODUCED BY *ARLESTAD*  
3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 LAWS RELATING TO GENERAL RELIEF ASSISTANCE; TO ESTABLISH  
7 EMPLOYABILITY AS A CLASSIFICATION FOR DETERMINING  
8 ELIGIBILITY FOR GENERAL RELIEF ASSISTANCE; TO LIMIT THE  
9 DURATION OF ASSISTANCE PROVIDED TO EMPLOYABLE PERSONS; TO  
10 REQUIRE EMPLOYABLE RECIPIENTS TO PARTICIPATE IN A JOB  
11 SEARCH, TRAINING, AND WORK PROGRAM OR OTHER SPECIAL PROGRAM  
12 DESIGNED TO HELP RECIPIENTS OVERCOME PROBLEMS THAT IMPAIR  
13 THEIR EMPLOYMENT POTENTIAL; AMENDING SECTIONS 53-3-109,  
14 53-3-205, 53-3-206, 53-3-209, 53-3-304, 53-3-308, 53-3-311,  
15 AND 53-3-313, MCA; REPEALING SECTION 53-3-108, MCA; AND  
16 PROVIDING AN EFFECTIVE DATE."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1. Legislative findings.** The legislature finds  
20 that:

21 (1) Article XII, section 3, of the Montana  
22 constitution grants the legislature authority to determine  
23 the public policy governing the provision of public  
24 assistance;

25 (2) public policy requires that certain persons who

1 are in need should be provided with assistance through  
2 programs of general relief;

3 (3) general relief assistance, along with other  
4 assistance programs, should be available to provide:

5 (a) basic necessities that allow minimum subsistence  
6 compatible with decency and health; and

7 (b) financial assistance for medical services  
8 necessary for the treatment of a person's serious medical  
9 condition. However, general relief medical assistance should  
10 not be available to nonindigent persons who have  
11 catastrophic medical expenses.

12 (4) general relief assistance should not be available  
13 to those persons who have adequate income or resources to  
14 support themselves, nor should general relief assistance be  
15 provided in duplication of services and benefits available  
16 through other federal or state assistance programs;

17 (5) the legislature, in order to allocate scarce  
18 welfare resources to those most in need, may establish a  
19 reasonable classification that distinguishes between persons  
20 who are chronically in need of assistance and persons who  
21 are transitionally needy; and

22 (6) as the basis for the classification of recipients,  
23 it is reasonable to conclude that:

24 (a) some persons are in need of assistance because  
25 their age or physical, emotional, or mental condition

renders them incapable of substantial, gainful employment. Such persons are chronically needy and should be entitled to general relief assistance for the duration of their need.

(b) some persons are in need of assistance because they are unemployed or lack the skills, training, or experience to become employed. Such persons should be considered transitionally needy and should be provided only temporary, interim assistance and state help in obtaining gainful employment. In addition, because some persons who are transitionally needy suffer from serious personal problems or barriers to employment, the state should provide assistance to enable these persons to overcome the problems that impair their employment potential.

**Section 2.** Legislative policy and intent. Consistent with the findings in [section 1], the legislature intends that:

(1) the department shall administer or supervise the provision of general relief assistance in each county of the state;

(2) general relief assistance should be provided to those in need, but only to the extent of such need;

(3) unemployable persons, because they are chronically in need, should be afforded general relief for as long as they have need for such assistance;

(4) employable persons, being transitionally needy,

should be granted 4 months of general relief for basic necessities, which relief will be available only if such persons participate in a job search, training, and work program as required by 53-3-304; and

(5) in recognition that not all employable persons are ready to participate in the work force and that the state has a duty to protect the welfare of children, nonmedical general relief should be provided for 6 months to persons who meet the eligibility criteria provided in [section 4].

**Section 3.** Section 53-3-109, MCA, is amended to read:

"53-3-109. Definitions. For the purposes of this chapter, the following definitions apply:

~~{1}--"Able-bodied"--means-the-condition-of-a-person-who is-not-infirm-~~

~~{2}{(1)}~~ "Basic necessities" means food, shelter, utilities, and personal needs.

~~{3}{(2)}~~ "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

~~{(3)}~~ "Employable" means the condition of a person who is not unemployable. A person who is employable is transitionally needy and is not eligible for general relief for basic necessities except as provided in [section 4].

~~{(4)}~~ "General relief" or "general relief assistance" means--in-accordance-with-this-chapter, a program of public

1 assistance for basic necessities and medical needs to for  
 2 those persons determined to be eligible for that such  
 3 assistance.

4 (5) "Household" means:

5 (a) a collective body of persons consisting of spouses  
 6 or parents and their children who reside together in the  
 7 same residence; and

8 (b) all other persons who by choice, or necessity, or  
 9 legal relationship are mutually dependent upon each other  
 10 for basic necessities and who reside in the same residence.

11 (6) "Income" means the value of all property of any  
 12 nature, earned, unearned, or in-kind, including benefits,  
 13 that is reasonably certain to be received by or available to  
 14 is actually received during the month by members of a  
 15 household during the month of the receipt of the income.

16 ~~{7}--"indigent"--or--"misfortunate"--means--a--person--who--is~~  
 17 ~~lacking--the--means--financial--or--otherwise--by--which--to~~  
 18 ~~prevent--destitution--for--himself--and--others--dependent--upon~~  
 19 ~~him--for--basic--necessities--and--who--is--otherwise--eligible--for~~  
 20 ~~assistance--under--this--chapter--Except--as--provided--otherwise~~  
 21 ~~in--53-3-205--and--53-3-209--the--terms--do--not--include~~  
 22 ~~able-bodied--persons--unless--they--have--dependent--minor~~  
 23 ~~children--living--in--the--household;~~

24 ~~{8}--"infirm"--means--the--condition--of--a--person--who--is~~  
 25 ~~diagnosed--by--a--licensed--medical--practitioner--and--confirmed~~

1 ~~by--an--expert--medical--review--to--have--a--physical--or--mental~~  
 2 ~~handicap--that--significantly--impairs--the--person's--ability--to~~  
 3 ~~be--employed;~~

4 ~~{9}{7}~~ "Lump-sum income" means a nonrecurring source  
 5 of income received in a single payment by a household during  
 6 any eligibility period, including but not limited to  
 7 proceeds from a lawsuit, insurance settlement, inheritance,  
 8 lump-sum retirement, veterans' or unemployment benefits;  
 9 benefits received under the federal Social Security Act;  
 10 prizes; and tax refunds.

11 ~~{10}{8}~~ "Resource" means all real and personal  
 12 property retained after the calendar month of its receipt  
 13 and which the household or a member of the household has a  
 14 legal right to sell or liquidate.

15 ~~{11}{9}~~ "Secure facility" means any facility in which  
 16 a person may be lawfully held against his will by federal,  
 17 state, or local authorities.

18 (10) "Serious barrier to employment" means a limitation  
 19 in obtaining employment that results from:

20 (a) a lack of work skills, experience, or training  
 21 necessary to secure employment;

22 (b) the failure to attain a high school education or  
 23 its equivalent; or

24 (c) illiteracy.

25 ~~{12}{11}~~ "Serious medical condition" means a physical

condition, including pregnancy, that causes a serious health risk to a person and for which treatment is medically necessary; ~~including 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.

(12) (a) "Unemployable" means the condition of a person who:

(i) is at least 55 years of age and has a limited ability to obtain or retain suitable employment because of advanced age; or

(ii) has been diagnosed by a licensed medical practitioner and confirmed by an expert medical review to:

(A) have a serious physical, emotional, or mental handicap that prevents him from being employed in any substantial, gainful employment; or

(B) suffer from a permanent or temporary illness, injury, or incapacity that prevents the person from working in any substantial, gainful employment.

(b) A person who is unemployable is chronically needy and must be provided general relief as provided in [section 4]."

**Section 4. Eligibility classifications -- duration of**

assistance. (1) For purposes of eligibility, a recipient of general relief must be classified as either employable or unemployable.

(2) Unemployable persons may receive general relief for as long as they remain eligible.

(3) Except as provided in subsection (4), employable persons who are otherwise eligible may receive general relief for basic necessities for a period not to exceed 4 months in any 16-month period. However, assistance granted prior to July 1, 1989, may not be considered in determining eligibility.

(4) An employable person may receive nonmedical general relief for a maximum of 6 months in any 18-month period if such person:

(a) has a serious barrier to employment and is willing to participate in a program to overcome that employment barrier;

(b) suffers from drug or alcohol dependency and, subject to available funding, is undergoing active treatment in an approved program; or

(c) is the head of a household that includes minor dependent children and is enrolled in a job search, training, and work program as required by 53-3-304.

**Section 5.** Section 53-3-205, MCA, is amended to read:

**"53-3-205. Eligibility for general relief. (1) A**

Except as otherwise provided under this chapter, 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 his total 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 <u>286</u>
3	354 <u>359</u>
4	426 <u>433</u>
5	501 <u>507</u>
6	570 <u>580</u>
7	642 <u>654</u>
8	713 <u>727</u>
9	785 <u>762</u>
10 or more	857 <u>795</u>

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

53-3-289.

(4)(2) (a) When the household's If a person's household income exceeds the monthly income standard for a household of that size provided in subsection (1) because of receipt of lump-sum income, the household will be he is ineligible for nonmedical 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 lump-sum income was used to pay medical bills for a serious medical condition.

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

(5)(3) 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.

(4) Eligibility for nonmedical general relief assistance must be determined prospectively, based on household income and other relevant circumstances reasonably certain to exist in the month in which assistance is to be provided.

(5) (a) Except as provided in subsection (5)(b), the equity value of all household resources must be considered available to meet the needs of the individual applying for general relief.

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

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

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

(c)(iii) 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)(iv) tools of a trade that are essential to the current or future employment of a household member.

(8)(6) 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)(7) 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)(8) 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)(9) 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 6.** 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 must be determined as provided in this section and 53-3-205-~~  
A person with a serious medical condition must apply for general relief medical assistance prior to the provision of



1 medical services or within 90 days of the date the medical  
2 service is first provided. Eligibility is determined as of  
3 the date medical service is first provided.

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

8 (4) All individual or household resources must be used  
9 to offset medical obligations except those excluded in  
10 53-3-205(7)(5).

11 (5) To determine eligibility for county general relief  
12 medical assistance, a county welfare board may promulgate  
13 rules to establish the circumstances under which persons are  
14 unable to pay for their medical aid and hospitalization.  
15 However, no household with an income exceeding 300% of the  
16 amount set forth in 53-3-205(2)(1) is eligible for such  
17 medical assistance.

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

19 (a) covered medical services must be provided at no  
20 cost to the person residing in a household if the average  
21 household monthly income that is reasonably certain to be  
22 received in a 12-month period beginning with the month the  
23 medical service was provided does not exceed the amount in  
24 53-3-205(2)(1);

25 (b) a person is not eligible for medical services if

1 the household in which he resides has an average monthly  
2 income reasonably certain to be received in a 12-month  
3 period beginning with the month the medical service was  
4 provided in excess of that set forth in the following table:

Family Size	Monthly Income Level
1	\$ 287
2	433
3	526
4	618
5	714
6	804
7	896
8	988
9	1,081
10	1,173
11	1,194
12	1,215
13	1,236
14	1,256
15	1,277
16 or more	1,298

23 ~~(c) if the average household monthly income reasonably~~  
24 ~~certain to be received in a 12-month period beginning with~~  
25 ~~the month the medical service was provided is between the~~

1 amount-in-53-3-205(2)-and-the-monthly-income-level-set-forth  
 2 in-subsection-(b)7-a--household--must--first--incur--covered  
 3 medical--costs--equal--to-the-difference-between-its-average  
 4 monthly--income--and--the---monthly---income---standard---in  
 5 53-3-205(2)-before-medical-assistance-is-provided."

6 **Section 7.** Section 53-3-209, MCA, is amended to read:

7 "53-3-209. Period of eligibility. (1) The period of  
 8 eligibility for receipt of general relief for basic  
 9 necessities is 1 month;--except. Except as provided in  
 10 subsections--(2)-and subsection (3)--A, a person may seek to  
 11 establish eligibility for the succeeding month prior to the  
 12 end of the current month of eligibility.

13 {2)--Abie-bodied---persons---without---dependent--minor  
 14 children-living-in-the-household-are-eligible--for--no--more  
 15 than-2-months-of-nonmedical-general-relief-assistance-within  
 16 any--12-month--period;--except-that-assistance-received-prior  
 17 to-November-17-1986;--shall-not-be-counted;

18 {3}{2} Eligibility for general relief medical  
 19 assistance is granted for a period of 1 month and terminates  
 20 when the serious medical condition of the person has been  
 21 treated. Except as provided in subsection (3), continued  
 22 eligibility for general relief medical assistance may be  
 23 established in any subsequent month.

24 {4}{3} The period of eligibility for any type of  
 25 general assistance terminates at any time the county welfare

1 board or the department determines that the household:

2 (a) no longer meets the applicable eligibility  
 3 requirements; or

4 (b) received general relief by means of fraud or  
 5 mistake."

6 **Section 8.** Section 53-3-304, MCA, is amended to read:

7 "53-3-304. Power to require recipient employable  
 8 recipients to participate in job search, training, and work  
 9 programs. (1) The department shall cooperate with the  
 10 department of labor and industry and other designated  
 11 agencies to initiate, promote, and develop job search,  
 12 training, and work programs that will contribute to the  
 13 employability of persons receiving general relief under the  
 14 provisions of this chapter. These programs must be designed  
 15 to preserve and improve the work habits and job-finding  
 16 skills of recipients for whom jobs are not otherwise  
 17 immediately available.

18 (2) For each county with state-assumed welfare  
 19 services, the department shall contract with the department  
 20 of labor and industry or other designated agencies to  
 21 institute a job search, training, and work program that  
 22 provides able-bodied employable general relief recipients  
 23 with the necessary job-finding skills to seek unsubsidized  
 24 employment independently.

25 (3) ~~In~~ Except as provided in [section 11], in a county

1 with state-assumed welfare services, an able-bodied  
 2 employable recipient of general relief shall enroll in a  
 3 structured job search and training program at an employment  
 4 office or other site designated by the department. The  
 5 program must include but is not limited to the following  
 6 elements:

- 7 (a) assessment and testing;
- 8 (b) an employability plan;
- 9 (c) remedial education or job skills training, if it  
 10 is called for in the employability plan and if it provides  
 11 for immediate referral to an appropriate Job Training  
 12 Partnership Act program;
- 13 (d) a job readiness and job search program that must  
 14 include but is not limited to:
  - 15 (i) self-assessment and occupational testing;
  - 16 (ii) instruction in completing applications, writing  
 17 resumes, and preparing for interviews;
  - 18 (iii) identification of and contact with potential  
 19 employers; and
  - 20 (iv) participation in simulated job interviews;
  - 21 (e) a supervised effort to find employment; and
  - 22 (f) efforts to address barriers to employment.

23 (4) (a) In addition to the training required in  
 24 subsection (3), if a public agency or a private nonprofit  
 25 agency has work available which a recipient of general

1 relief is capable of performing or the department of social  
 2 and rehabilitation services is required to operate a work  
 3 program under the provisions of 53-2-822, then the county  
 4 department of public welfare or the department of social and  
 5 rehabilitation services may require a recipient to perform  
 6 work at the minimum wage or may pay a recipient at the  
 7 prevailing rate of wages paid in that county by that agency  
 8 for similar work, to be paid from the county poor fund or  
 9 state funds, in place of granting him general relief.

10 (b) No currently employed worker may be displaced by  
 11 any recipient (including partial displacement such as a  
 12 reduction in the hours of nonovertime work, wages, or  
 13 employment benefits).

14 (c) No recipient may be employed when any other person  
 15 is on layoff from the same or any substantially equivalent  
 16 job or when the employer has terminated the employment of  
 17 any regular employee or otherwise reduced its workforce with  
 18 the intention of filling the vacancy so created by hiring a  
 19 recipient whose wages are subsidized under this section.

20 (5) The county department of public welfare or the  
 21 department of social and rehabilitation services, as the  
 22 case may be, shall provide coverage under the Workers'  
 23 Compensation Act for those recipients of general relief  
 24 working under the provisions hereof and may enter into such  
 25 agreements with the division of workers' compensation of the

department of labor and industry as may be necessary to carry out the provisions of this section.

(6) A recipient who has completed the assessment and testing portions of the program and has developed an employability plan shall participate in the job readiness and job search program provided for in subsection (3)(d) for at least 80 hours in any 5-week period and shall spend at least 8 hours a week in a supervised effort to find employment.

(7) A recipient who has completed the job search program provided for in subsection (3) shall:

(a) continue to spend at least 8 hours a week in a supervised effort to find employment; and

(b) for the duration of his eligibility for general relief, spend 32 hours a week, as called for in the employability plan, in:

(i) remedial education;

(ii) counseling;

(iii) job skills training;

(iv) work for a public agency or a private nonprofit agency, as required in subsection (4); or

(v) job-seeking or other related activities.

~~(8) Nothing in this chapter requires a recipient to:~~

~~(a) participate in the job search and training program~~

~~required by subsection (3) or to perform work under~~

~~subsection (4) if the training or work site is more than 10 miles from his residence, unless the department provides transportation or reimburses the recipient for transportation costs; or~~

~~(b) continue the activities required by subsection (7) for longer than 6 months.~~

~~(9)~~ Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the area where it is proposed to assign the recipient to work or training, an opportunity must be provided for that organization to submit comments with respect to such proposal.

~~(10)~~ No work program may impair existing contracts for services or collective bargaining agreements, and no work program that would be inconsistent with the terms of a collective bargaining agreement may be undertaken without the written concurrence of the labor organization and employer concerned."

**Section 9.** Section 53-3-308, MCA, is amended to read:

"53-3-308. Responsibility for general relief. (1) The county boards of public welfare and the department, in accordance with this chapter and other relevant statutes, are responsible for the provision of general relief to indigent or misfortunate persons as follows:

(a) Counties without state-assumed welfare services

1 shall provide general relief consistent with their duties as  
2 specified in Title 53, chapter 2, parts 3 and 7, and this  
3 chapter.

4 (b) In counties with state-assumed welfare services,  
5 general relief must be provided by the department and must  
6 be consistent with its duties as specified in Title 53,  
7 chapter 2, part 8, and this chapter.

8 (2) In counties without state-assumed welfare  
9 services, general relief must be paid from the county poor  
10 fund as authorized in 53-2-321 through 53-2-323.

11 (3) In counties with state-assumed welfare services,  
12 general relief must be paid from and may not exceed money  
13 available through:

14 (a) a general appropriation for such purpose;

15 (b) county mill levies as provided for in 53-2-813;

16 and

17 (c) federal or other assistance."

18 **Section 10.** 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 for the same  
2 size household in the table in 53-3-205(2)(1), less  
3 countable income and resources not excluded in  
4 53-3-205(7)(5).

5 (3) Except as provided in subsection (4), the amount  
6 of general relief for basic necessities that is available to  
7 an eligible household must be determined retrospectively on  
8 the basis of the household's actual countable income in the  
9 2 months immediately preceding the month in which assistance  
10 will be received. All available nonexempt resources must be  
11 considered in determining the amount of general relief  
12 available to the household, as provided in 53-3-205(5),  
13 during the benefit month.

14 (4) During the first 2 months following an initial  
15 application for assistance, the amount of general relief for  
16 basic necessities must be determined prospectively on the  
17 basis of household income and resources that are reasonably  
18 certain to exist during the month that assistance is to be  
19 granted."

20 **Section 11. Services for recipients in need of special**  
21 **assistance.** (1) In a county with state-assumed welfare  
22 services, a person who has a serious barrier to employment  
23 or who suffers from drug or alcohol dependency shall report  
24 to the agency designated pursuant to 53-3-304(2) to  
25 implement a job search, training, and work program for the

purpose of receiving an assessment to determine whether the person is likely to benefit from counseling, therapy, or rehabilitation. The agency shall require that the person be enrolled in either:

(a) a job search, training, and work program established under 53-3-304, except that he need not participate in the job search program under 53-3-304(3)(d) until the agency determines that he is ready to participate in the work force; or

(b) a program designed specifically to help that person overcome problems that impair the potential for employment.

(2) Subject to available funding, a program provided for in subsection (1)(b) must include the following elements:

(a) assessment and testing;

(b) an employability plan;

(c) remedial education or job skills training, if required by the employability plan; and

(d) services, including counseling, therapy, and rehabilitation, to address serious barriers to employment and drug or alcohol dependency.

**Section 12.** Section 53-3-313, MCA, is amended to read:

"53-3-313. Selection of medical providers -- conditions of participation. (1) In arranging for medical

care for those unable to provide it for themselves, the county board of public welfare or the department may select a medical provider.

(2) As a condition of participation in the general relief medical program, a provider of medical services must accept as payment in full the amount paid by the state or county for such services.

(3) No provider of medical services may seek from a recipient any payment in addition to the amount paid by the state or county for such services."

**Section 13. Repealer.** Section 53-3-108, MCA, is repealed.

**Section 14. 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].

**Section 15. Codification instruction.** [Sections 1, 2, 4, and 11] are intended to be codified as an integral part of Title 53, chapter 3, and the provisions of Title 53, chapter 3, apply to [sections 1, 2, 4, and 11].

**Section 16. Coordination instruction.** If \_\_\_ Bill No. \_\_\_ [LC 129] is passed and approved and if it includes a section renumbering 53-3-304(3)(d), then the reference to 53-3-304(3)(d) in [section 11 of this act] is changed to correspond to the renumbering contained in \_\_\_ Bill No. \_\_\_ [LC 129].

1       **Section 17. Severability.** If a part of [this act] is  
2 invalid, all valid parts that are severable from the invalid  
3 part remain in effect. If a part of [this act] is invalid  
4 in one or more of its applications, the part remains in  
5 effect in all valid applications that are severable from the  
6 invalid applications.

7       **Section 18. Effective date.** [This act] is effective  
8 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 SB101, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Generally revises laws relating to general assistance, limits duration of benefits.

ASSUMPTIONS:Benefits

1. 37% of total GA caseload is employable per LFA survey 2/88.
2. 38% of total GA caseload have employment barriers per LFA survey 2/88.
3. Estimated caseload: FY90 - 2,061, FY91 - 2,143, FY92 - 2,229.
4. A four month limit within a 16 month period will reduce caseload by 34%.
5. A six month limit within an 18 month period will reduce caseload by 17%.
6. 34% of GA cases have State Medical expenditures.
7. Assume GA cases using State Medical = \$1,100 per case per year.
8. Assume project work program is continued.

Administration

9. There will be 4,050 additional infirmity determinations each year contracted to local physicians at a cost of \$69.50 per determination.
10. 4.0 FTE grade 10, step 2 will be needed to track clients in programs to eliminate barriers and when program is completed (when their eligibility is reduced from six months to four) they will work in all 12 assumed counties.

FISCAL IMPACT:

	<u>FY90</u>			<u>FY91</u>		
	<u>Current</u>	<u>Proposed</u>		<u>Current</u>	<u>Proposed</u>	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Change</u>	<u>Law</u>	<u>Law</u>	<u>Change</u>
Department of SRS						
Personal Services	\$1,861,879	\$1,944,174	\$ 85,295	\$ 1,863,844	\$1,946,139	\$ 82,295
Operating Costs	3,514,193	3,784,193	270,000	4,045,884	4,315,884	270,000
Equipment	103,891	109,891	6,000	93,325	93,325	
Benefits	62,128,860	60,991,618	(1,137,242)	67,076,941	65,648,061	(1,428,880)
Total	\$67,608,823	\$66,829,876	(\$778,947)	\$73,079,994	\$72,003,409	(\$1,076,585)
Funding:						
General Fund	\$18,616,860	\$17,837,913	(\$778,947)	\$19,869,650	\$18,793,065	(\$1,076,585)
Federal & Private						
Special Revenue	48,991,963	48,991,963	0	53,210,344	53,210,344	0
Total	\$67,608,823	\$66,829,876	(\$778,947)	\$73,079,994	\$72,003,409	(\$1,076,585)

*Ray Shackleford*  
 RAY SHACKLEFORD, BUDGET DIRECTOR  
 OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

1/18/89

*Gary C. Aklestad*  
 GARY C. AKLESTAD, PRIMARY SPONSOR

DATE

1-19-89

Fiscal Note for SB101, as introduced**SB 101**



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB101, reference bill.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to generally revising laws relating to general assistance.

ASSUMPTIONS:

1. 37% of the total general assistance (GA) caseload is employable according to the survey conducted by the Legislative Council and Fiscal Analyst in February 1988.
2. 38% of the GA recipients have employment barriers according to the survey.
3. Estimated GA caseload for FY90 is 1,982 and for FY91 is 2,061.
4. A six month limit within a 12 month period will reduce caseload by 28% for employable recipients.
5. 34% of the GA cases have state medical expenditures with an average annual medical cost per case of \$1,100.
6. Project work (SB128) is continued.
7. There will be 4,050 infirmity determinations each year at an estimated cost of \$270,000 per year.
8. Administration costs will include \$130,000 to fund contracted services to determine presumptive eligibility. (An applicant is presumed eligible for benefits and referred immediately to a work site.)

Estimated general fund savings of SB101 per Ms. Robinson testimony

at Senate Finance and Claims Committee 4/4/89: \$600,000

Reductions already made by legislative action:

FY90: 82 cases \$210,576

FY91: 111 cases 285,048

Total for biennium \$495,624

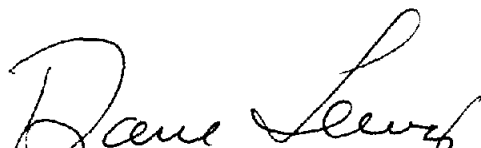
Further reduction allowable per Ms. Robinson testimony \$104,376

Additional reduction in infirmity determination costs due  
to delayed implementation date of SB101:

\$135,000

Total allowable reduction from passage of SB101

\$239,376

  
\_\_\_\_\_  
DAVE LEWIS, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

\_\_\_\_\_  
GARY C. AKLESTAD, PRIMARY SPONSOR

DATE 4-7-89

Fiscal Note for SB101, reference bill

SB101 - Revised

APPROVED BY COMMITTEE  
ON LABOR & EMPLOYMENT  
RELATIONS

SENATE BILL NO. 101

INTRODUCED BY AKLESTAD

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO GENERAL RELIEF ASSISTANCE; TO ESTABLISH EMPLOYABILITY AS A CLASSIFICATION FOR DETERMINING ELIGIBILITY FOR GENERAL RELIEF ASSISTANCE; TO LIMIT THE DURATION OF ASSISTANCE PROVIDED TO EMPLOYABLE PERSONS; TO REQUIRE EMPLOYABLE RECIPIENTS TO PARTICIPATE IN A JOB SEARCH, TRAINING, AND WORK PROGRAM OR OTHER SPECIAL PROGRAM DESIGNED TO HELP RECIPIENTS OVERCOME PROBLEMS THAT IMPAIR THEIR EMPLOYMENT POTENTIAL; AMENDING SECTIONS 53-3-109, 53-3-205, 53-3-206, 53-3-209, 53-3-304, 53-3-308, 53-3-311, AND 53-3-313, MCA; REPEALING SECTION 53-3-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1.** Legislative findings. The legislature finds that:

(1) Article XII, section 3, of the Montana constitution grants the legislature authority to determine the public policy governing the provision of public assistance;

(2) public policy requires that certain persons who

are in need should be provided with assistance through programs of general relief;

(3) general relief assistance, along with other assistance programs, should be available to provide:

(a) basic necessities that allow minimum subsistence compatible with decency and health; and

(b) financial assistance for medical services necessary for the treatment of a person's serious medical condition. However, general relief medical assistance should not be available to nonindigent persons who have catastrophic medical expenses.

(4) general relief assistance should not be available to those persons who have adequate income or resources to support themselves, nor should general relief assistance be provided in duplication of services and benefits available through other federal or state assistance programs;

(5) the legislature, in order to allocate scarce welfare resources to those most in need, may establish a reasonable classification that distinguishes between persons who are chronically in need of assistance and persons who are transitionally needy; and

(6) as the basis for the classification of recipients, it is reasonable to conclude that:

(a) some persons are in need of assistance because their age or physical, emotional, or mental condition

renders them incapable of substantial, gainful employment. Such persons are chronically needy and should be entitled to general relief assistance for the duration of their need.

(b) some persons are in need of assistance because they are unemployed or lack the skills, training, or experience to become employed. Such persons should be considered transitionally needy and should be provided only temporary, interim assistance and state help in obtaining gainful employment. In addition, because some persons who are transitionally needy suffer from serious personal problems or barriers to employment, the state should provide assistance to enable these persons to overcome the problems that impair their employment potential.

NEW SECTION. Section 2. Legislative policy and intent. Consistent with the findings in [section 1], the legislature intends that:

~~{1}--the--department--shall--administer--or--supervise--the--provision--of--general--relief--assistance--in--each--county--of--the--state;~~

~~{2}{1}~~ general relief assistance should be provided to those in need, but only to the extent of such need;

~~{3}{2}~~ unemployable persons, because they are chronically in need, should be afforded general relief for as long as they have need for such assistance;

~~{4}{3}~~ employable persons, being transitionally needy,

should be granted 4 months of general relief for basic necessities, which relief will be available only if such persons participate in a job search, training, and work program as required by 53-3-304; and

~~{5}{4}~~ in recognition that not all employable persons are ready to participate in the work force and that the state has a duty to protect the welfare of children, nonmedical general relief should be provided for 6 months to persons who meet the eligibility criteria provided in [section 4].

**Section 3.** Section 53-3-109, MCA, is amended to read:

"53-3-109. Definitions. For the purposes of this chapter, the following definitions apply:

~~{1}--"Able-bodied"--means--the--condition--of--a--person--who--is--not--infirm;~~

~~{2}{1}~~ "Basic necessities" means food, shelter, utilities, and personal needs.

~~{3}{2}~~ "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

~~{3}~~ "Employable" means the condition of a person who is not unemployable. A person who is employable is transitionally needy and is not eligible for general relief for basic necessities except as provided in [section 4].

(4) "General relief" or "general relief assistance"

means,--in-accordance-with-this-chapter, a program of public assistance for basic necessities and medical needs to for those persons determined to be eligible for that such assistance.

(5) "Household" means:

(a) a collective body of persons consisting of spouses or parents and their children who reside together in the same residence; and

(b) all other persons who by choice, or necessity, or legal-relationship are mutually dependent upon each other for basic necessities and who reside in the same residence.

(6) "Income" means the value of all property of any nature, earned, unearned, or in-kind, including benefits, that is reasonably certain to be received by or available-to is actually received during the month by members of a household during-the-month-of-the-receipt-of-the-income.

~~(7) "Indigent" or "misfortunate" means a person who is lacking--the--means,--financial--or--otherwise,--by which to prevent destitution for himself and others dependent upon him--for basic necessities and who is otherwise eligible for assistance under this chapter. Except as provided otherwise in--53-3-205--and--53-3-209,--the--terms--do--not--include able-bodied--persons--unless--they--have--dependent--minor children living in the household.~~

~~(8) "Infirm" means the condition of a person who is~~

~~diagnosed--by--a--licensed medical practitioner and confirmed by an expert medical review to have--a--physical--or--mental handicap--that significantly impairs the person's ability to be employed.~~

~~(9) (7)~~ "Lump-sum income" means a nonrecurring source of income received in a single payment by a household during any eligibility period, including but not limited to proceeds from a lawsuit, insurance settlement, inheritance, lump-sum retirement, veterans' or unemployment benefits; benefits received under the federal Social Security Act; prizes; and tax refunds.

~~(10) (8)~~ "Resource" means all real and personal property retained after the calendar month of its receipt and which the household or a member of the household has a legal right to sell or liquidate.

~~(11) (9)~~ "Secure facility" means any facility in which a person may be lawfully held against his will by federal, state, or local authorities.

(10) "Serious barrier to employment" means a limitation in obtaining employment that results from:

(a) a lack of work skills, experience, or training necessary to secure employment;

(b) the failure to attain a high school education or its equivalent; or

(c) illiteracy.

~~(12)(11)~~ "Serious medical condition" means a physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is medically necessary; ~~including 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.

(12) (a) "Unemployable" means the condition of a person who:

(i) is at least 55 years of age and has a limited ability to obtain or retain suitable employment because of advanced age; or

~~(ii) has been diagnosed by a licensed medical practitioner and confirmed by an expert medical review to:~~

(A) have (II) HAS a serious physical, emotional, or mental handicap that prevents him from being employed in any substantial, gainful employment; or

(B) suffer (III) SUFFERS from a permanent or temporary illness, injury, or incapacity that prevents the person from working in any substantial, gainful employment.

(b) A person who is unemployable is chronically needy and must be provided general relief as provided in [section 4]."

#### **NEW SECTION. Section 4. Eligibility classifications**

--duration of assistance. (1) For purposes of eligibility, a recipient of general relief must be classified as either employable or unemployable.

(2) Unemployable persons may receive general relief for as long as they remain eligible.

(3) Except as provided in subsection (4), employable persons who are otherwise eligible may receive general relief for basic necessities for a period not to exceed 4 months in any 16-month period. However, assistance granted prior to July 1, 1989, may not be considered in determining eligibility.

(4) An employable person may receive nonmedical general relief for a maximum of 6 months in any 18-month period if such person:

(a) has a serious barrier to employment and is willing to participate in a program to overcome that employment barrier;

(b) suffers from drug or alcohol dependency and, subject to available funding, is undergoing active treatment in an approved program; or

(c) is the head of a household that includes minor dependent children and is enrolled in a job search, training, and work program as required by 53-3-304.

**Section 5.** Section 53-3-205, MCA, is amended to read:

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

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

12       Number of Persons	Monthly Income Standard
13       in Household	
14       1	\$212
15       2	<del>282</del> 286
16       3	<del>354</del> 359
17       4	<del>426</del> 433
18       5	<del>501</del> 507
19       6	<del>570</del> 580
20       7	<del>642</del> 654
21       8	<del>713</del> 727
22       9	<del>785</del> 762
23       10 or more	<del>857</del> 795

24       (3)--Able-bodied--persons---without---dependent---minor  
25       children--living--in--the--household--are--not--eligible-for

1       nonmedical-general-relief-assistance--except-as-provided--in  
2       53-3-209-

3       (4)(2) (a) When---the---household's If a person's  
4       household income exceeds the monthly income standard for--a  
5       household-of-that-size provided in subsection (1) because of  
6       receipt of lump-sum income, the--household-will-be he is  
7       ineligible for nonmedical general relief for the full number  
8       of months, beginning with the month of receipt, derived by  
9       dividing the total of the lump-sum income and other income  
10       by the monthly income standard for-a-household-of-that-size.  
11       Any income remaining from this calculation will be  
12       considered as income in the first month following the period  
13       of ineligibility.

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

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

21       (5)(3) All applicants for and recipients of general  
22       relief assistance who reside in the same residence are  
23       considered as one household.

24       (6)--Prospective--income--that-is-reasonably-certain-to  
25       be-received-by-the-household-during--an--eligibility--period

1 ~~must-be-considered-when-determining-eligibility:~~

2 (4) Eligibility for nonmedical general relief  
3 assistance must be determined prospectively, based on  
4 household income and other relevant circumstances reasonably  
5 certain to exist in the month in which assistance is to be  
6 provided.

7 (5) (a) Except as provided in subsection (5)(b), the  
8 equity value of all household resources must be considered  
9 available to meet the needs of the individual applying for  
10 general relief.

11 ~~(7)(b)~~ The following resources of a household must be  
12 excluded from consideration of resources for eligibility  
13 purposes:

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

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

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

22 ~~(d)(iv)~~ tools of a trade that are essential to the  
23 current or future employment of a household member.

24 ~~(8)(6)~~ A person who is committed or sentenced by legal  
25 process to a state institution or a secure facility or who

1 is incarcerated in a secure facility pending resolution of  
2 legal process is not eligible for general relief.

3 ~~(9)(7)~~ A person who resides for a period of 1 day or  
4 more in any state or federally operated institution or  
5 residence is not eligible for general relief for the period  
6 of that residency.

7 ~~(10)(8)~~ For the purposes of an eligibility  
8 determination, an applicant for or recipient of general  
9 relief may be requested to produce all financial and other  
10 information concerning the household.

11 ~~(11)(9)~~ Whenever practical, an eligibility  
12 determination must be made within 30 days of the date of  
13 application and the applicant must be notified in writing of  
14 the eligibility determination and the reasons for the  
15 determination.

16 ~~(12)-An-alien-determined-to-be-illegally-within-the~~  
17 ~~United-States-is-not-eligible-for-general-relief:-"~~

18 **Section 6.** Section 53-3-206, MCA, is amended to read:

19 "53-3-206. Eligibility for general relief medical  
20 assistance. (1) In order to be considered for eligibility  
21 for general relief medical assistance, a person must be  
22 found to have a serious medical condition.

23 ~~(2) Eligibility--for-general-relief-medical-assistance~~  
24 ~~must-be-determined-as-provided-in-this-section-and-53-3-205:-~~

25 A person with a serious medical condition must apply for

1 general relief medical assistance prior to the provision of  
2 medical services or within 90 days of the date the medical  
3 service is first provided. Eligibility is determined as of  
4 the date medical service is first provided.

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

9 (4) All individual or household resources must be used  
10 to offset medical obligations except those excluded in  
11 53-3-205(7)(5).

12 (5) To determine eligibility for county general relief  
13 medical assistance, a county welfare board may promulgate  
14 rules to establish the circumstances under which persons are  
15 unable to pay for their medical aid and hospitalization.  
16 However, no household with an income exceeding 300% of the  
17 amount set forth in 53-3-205(2)(1) is eligible for such  
18 medical assistance.

19 (6) In a county with state-assumed welfare services:  
20 ~~(a) covered medical services must be provided at no~~  
21 ~~cost to the person residing in a household if the average~~  
22 ~~household monthly income that is reasonably certain to be~~  
23 ~~received in a 12-month period beginning with the month the~~  
24 ~~medical service was provided does not exceed the amount in~~  
25 53-3-205(2)(1);

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

	Family Size	Monthly Income Level
6	1	\$ 287
7	2	433
8	3	526
9	4	618
10	5	714
11	6	804
12	7	896
13	8	988
14	9	1,081
15	10	1,173
16	11	1,194
17	12	1,215
18	13	1,236
19	14	1,256
20	15	1,277
21	16 or more	1,298

22 ~~(c) if the average household monthly income reasonably~~  
23 ~~certain to be received in a 12-month period beginning with~~  
24  
25



~~the--month--the--medical--service--was--provided--is--between--the  
amount--in--53-3-205(2)--and--the--monthly--income--level--set--forth  
in--subsection--(b)--a--household--must--first--incur--covered  
medical--costs--equal--to--the--difference--between--its--average  
monthly--income--and--the--monthly--income--standard--in  
53-3-205(2)--before--medical--assistance--is--provided--"~~

**Section 7.** Section 53-3-209, MCA, is amended to read:

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

~~(2)--Able-bodied--persons--without--dependent--minor  
children--living--in--the--household--are--eligible--for--no--more  
than--2--months--of--nonmedical--general--relief--assistance--within  
any--12--month--period,--except--that--assistance--received--prior  
to--November--17,--1986,--shall--not--be--counted--"~~

~~(3)(2)~~ Eligibility for general relief medical assistance is granted for a period of 1 month and terminates when the serious medical condition of the person has been treated. Except as provided in subsection (3), continued eligibility for general relief medical assistance may be established in any subsequent month.

~~(4)(3)~~ 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 8.** Section 53-3-304, MCA, is amended to read:

"53-3-304. Power to require recipient employable recipients to participate in job search, training, and work programs. (1) The department shall cooperate with the department of labor and industry and other designated agencies to initiate, promote, and develop job search, training, and work programs that will contribute to the employability of persons receiving general relief under the provisions of this chapter. These programs must be designed to preserve and improve the work habits and job-finding skills of recipients for whom jobs are not otherwise immediately available.

(2) For each county with state-assumed welfare services, the department shall contract with the department of labor and industry or other designated agencies to institute a job search, training, and work program that provides able-bodied employable general relief recipients with the necessary job-finding skills to seek unsubsidized employment independently.

1       (3) ~~in~~ Except as provided in [section 11], in a county  
 2 with state-assumed welfare services, an able-bodied  
 3 employable recipient of general relief shall enroll in a  
 4 structured job search and training program at an employment  
 5 office or other site designated by the department. The  
 6 program must include but is not limited to the following  
 7 elements:

- 8       (a) assessment and testing;
- 9       (b) an employability plan;
- 10       (c) remedial education or job skills training, if it  
 11 is called for in the employability plan and if it provides  
 12 for immediate referral to an appropriate Job Training  
 13 Partnership Act program;
- 14       (d) a job readiness and job search program that must  
 15 include but is not limited to:
  - 16       (i) self-assessment and occupational testing;
  - 17       (ii) instruction in completing applications, writing  
 18 resumes, and preparing for interviews;
  - 19       (iii) identification of and contact with potential  
 20 employers; and
  - 21       (iv) participation in simulated job interviews;
  - 22       (e) a supervised effort to find employment; and
  - 23       (f) efforts to address barriers to employment.
- 24       (4) (a) In addition to the training required in  
 25 subsection (3), if a public agency or a private nonprofit

1 agency has work available which a recipient of general  
 2 relief is capable of performing or the department of social  
 3 and rehabilitation services is required to operate a work  
 4 program under the provisions of 53-2-822, then the county  
 5 department of public welfare or the department of social and  
 6 rehabilitation services may require a recipient to perform  
 7 work at the minimum wage or may pay a recipient at the  
 8 prevailing rate of wages paid in that county by that agency  
 9 for similar work, to be paid from the county poor fund or  
 10 state funds, in place of granting him general relief.

11       (b) No currently employed worker may be displaced by  
 12 any recipient (including partial displacement such as a  
 13 reduction in the hours of nonovertime work, wages, or  
 14 employment benefits).

15       (c) No recipient may be employed when any other person  
 16 is on layoff from the same or any substantially equivalent  
 17 job or when the employer has terminated the employment of  
 18 any regular employee or otherwise reduced its workforce with  
 19 the intention of filling the vacancy so created by hiring a  
 20 recipient whose wages are subsidized under this section.

21       (5) The county department of public welfare or the  
 22 department of social and rehabilitation services, as the  
 23 case may be, shall provide coverage under the Workers'  
 24 Compensation Act for those recipients of general relief  
 25 working under the provisions hereof and may enter into such

1 agreements with the division of workers' compensation of the  
2 department of labor and industry as may be necessary to  
3 carry out the provisions of this section.

4 (6) A recipient who has completed the assessment and  
5 testing portions of the program and has developed an  
6 employability plan shall participate in the job readiness  
7 and job search program provided for in subsection (3)(d) for  
8 at least 80 hours in any 5-week period and shall spend at  
9 least 8 hours a week in a supervised effort to find  
10 employment.

11 (7) A recipient who has completed the job search  
12 program provided for in subsection (3) shall:

13 (a) continue to spend at least 8 hours a week in a  
14 supervised effort to find employment; and

15 (b) for the duration of his eligibility for general  
16 relief, spend 32 hours a week, as called for in the  
17 employability plan, in:

18 (i) remedial education;

19 (ii) counseling;

20 (iii) job skills training;

21 (iv) work for a public agency or a private nonprofit  
22 agency, as required in subsection (4); or

23 (v) job-seeking or other related activities.

24 ~~{8}--Nothing--in--this--chapter--requires--a--recipient--to:~~

25 ~~{a}--participate--in--the--job--search--and--training--program~~

1 ~~required--by--subsection--{3}--or--to--perform--work--under~~  
2 ~~subsection--{4}--if--the--training--or--work--site--is--more--than--10~~  
3 ~~miles--from--his--residence,--unless--the--department--provides~~  
4 ~~transportation--or--reimburses--the--recipient--for~~  
5 ~~transportation--costs;--or~~

6 ~~{b}--continue--the--activities--required--by--subsection--{7}~~  
7 ~~for--longer--than--6--months;~~

8 ~~{9}{8}~~ Where a labor organization represents a  
9 substantial number of employees who are engaged in similar  
10 work or training in the area where it is proposed to assign  
11 the recipient to work or training, an opportunity must be  
12 provided for that organization to submit comments with  
13 respect to such proposal.

14 ~~{10}{9}~~ No work program may impair existing contracts  
15 for services or collective bargaining agreements, and no  
16 work program that would be inconsistent with the terms of a  
17 collective bargaining agreement may be undertaken without  
18 the written concurrence of the labor organization and  
19 employer concerned."

20 **Section 9.** Section 53-3-308, MCA, is amended to read:

21 **"53-3-308. Responsibility for general relief.** (1) The  
22 county boards of public welfare and the department, in  
23 accordance with this chapter and other relevant statutes,  
24 are responsible for the provision of general relief to  
25 indigent or misfortunate persons as follows:

(a) Counties without state-assumed welfare services shall provide general relief consistent with their duties as specified in Title 53, chapter 2, parts 3 and 7, and this chapter.

(b) In counties with state-assumed welfare services, general relief must be provided by the department and must be consistent with its duties as specified in Title 53, chapter 2, part 8, and this chapter.

(2) In counties without state-assumed welfare services, general relief must be paid from the county poor fund as authorized in 53-2-321 through 53-2-323.

(3) In counties with state-assumed welfare services, general relief must be paid from and may not exceed money available through:

(a) a general appropriation for such purpose;

(b) county mill levies as provided for in 53-2-813; and

(c) federal or other assistance."

**Section 10.** ~~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)(i), less countable income and resources not excluded in 53-3-205(7)(5).~~

~~(3) Except as provided in subsection (4), the amount of general relief for basic necessities that is available to an eligible household must be determined retrospectively on the basis of the household's actual countable income in the 2 months immediately preceding the month in which assistance will be received. All available nonexempt resources must be considered in determining the amount of general relief available to the household, as provided in 53-3-205(5), during the benefit month.~~

~~(4) During the first 2 months following an initial application for assistance, the amount of general relief for basic necessities must be determined prospectively on the basis of household income and resources that are reasonably certain to exist during the month that assistance is to be granted."~~

**NEW SECTION. Section 10.** Services for recipients in need of special assistance. (1) In a county with state-assumed welfare services, a person who has a serious barrier to employment or who suffers from drug or alcohol dependency shall report to the agency designated pursuant to

1 53-3-304(2) to implement a job search, training, and work  
 2 program for the purpose of receiving an assessment to  
 3 determine whether the person is likely to benefit from  
 4 counseling, therapy, or rehabilitation. The agency shall  
 5 require that the person be enrolled in either:

6 (a) a job search, training, and work program  
 7 established under 53-3-304, except that he need not  
 8 participate in the job search program under 53-3-304(3)(d)  
 9 until the agency determines that he is ready to participate  
 10 in the work force; or

11 (b) a program designed specifically to help that  
 12 person overcome problems that impair the potential for  
 13 employment.

14 (2) Subject to available funding, a program provided  
 15 for in subsection (1)(b) must include the following  
 16 elements:

17 (a) assessment and testing;

18 (b) an employability plan;

19 (c) remedial education or job skills training, if  
 20 required by the employability plan; and

21 (d) services, including counseling, therapy, and  
 22 rehabilitation, to address serious barriers to employment  
 23 and drug or alcohol dependency.

24 **NEW SECTION. SECTION 11. COORDINATION REQUIREMENTS --**  
 25 **CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR SHALL**

1 **ASSURE THAT PROGRAM ACTIVITIES UNDER 53-3-304 AND [SECTION**  
 2 **10] ARE COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE**  
 3 **FEDERAL JOB TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT**  
 4 **EMPLOYMENT, TRAINING, EDUCATION, OR WORK PROGRAM IN THIS**  
 5 **STATE.**

6 **(2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM PROVIDED**  
 7 **FOR IN 53-3-304 AND [SECTION 10] WITH OTHER PROGRAMS IN**  
 8 **ORDER TO MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS**  
 9 **REQUIRED IN SUBSECTION (1) AND TO PREVENT OVERLAPPING AND**  
 10 **DUPLICATION OF SERVICES.**

11 **Section 12.** Section 53-3-313, MCA, is amended to read:

12 **"53-3-313. Selection of medical providers --**  
 13 **conditions of participation. (1) In arranging for medical**  
 14 **care for those unable to provide it for themselves, the**  
 15 **county board of public welfare or the department may select**  
 16 **a medical provider.**

17 **(2) As a condition of participation in the general**  
 18 **relief medical program, a provider of medical services must**  
 19 **accept as payment in full the amount paid by the state or**  
 20 **county for such services.**

21 **(3) No provider of medical services may seek from a**  
 22 **recipient any payment in addition to the amount paid by the**  
 23 **state or county for such services."**

24 **NEW SECTION. Section 13. Repealer.** Section 53-3-108,  
 25 MCA, is repealed.

1        NEW SECTION.    **Section 14.** Extension of authority. Any  
2 existing authority to make rules on the subject of the  
3 provisions of [this act] is extended to the provisions of  
4 [this act].

5        NEW SECTION.    **Section 15.** Codification instruction.  
6 [Sections 1, 2, 4, 10, and 11] are intended to be codified  
7 as an integral part of Title 53, chapter 3, and the  
8 provisions of Title 53, chapter 3, apply to [sections 1, 2,  
9 4, 10, and 11].

10       NEW SECTION.    **Section 16.** Coordination instruction. If  
11 SENATE Bill No. 128 [LC 129] is passed and approved and if  
12 it includes a section renumbering 53-3-304(3)(d), then the  
13 reference to 53-3-304(3)(d) in [section ~~11~~ 10 of this act]  
14 is changed to correspond to the renumbering contained in  
15 SENATE Bill No. 128 [LC 129].

16       NEW SECTION.    **Section 17.** Severability. If a part of  
17 [this act] is invalid, all valid parts that are severable  
18 from the invalid part remain in effect. If a part of [this  
19 act] is invalid in one or more of its applications, the part  
20 remains in effect in all valid applications that are  
21 severable from the invalid applications.

22       NEW SECTION.    **Section 18.** Effective date. [This act]  
23 is effective July 1, 1989.

-End-

## 1 SENATE BILL NO. 101

2 INTRODUCED BY AKLESTAD

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 LAWS RELATING TO GENERAL RELIEF ASSISTANCE; TO ESTABLISH  
7 EMPLOYABILITY AS A CLASSIFICATION FOR DETERMINING  
8 ELIGIBILITY FOR GENERAL RELIEF ASSISTANCE; TO LIMIT THE  
9 DURATION OF ASSISTANCE PROVIDED TO EMPLOYABLE PERSONS; TO  
10 REQUIRE EMPLOYABLE RECIPIENTS TO PARTICIPATE IN A JOB  
11 SEARCH, TRAINING, AND WORK PROGRAM OR OTHER SPECIAL PROGRAM  
12 DESIGNED TO HELP RECIPIENTS OVERCOME PROBLEMS THAT IMPAIR  
13 THEIR EMPLOYMENT POTENTIAL; AMENDING SECTIONS 53-3-109,  
14 53-3-205, 53-3-206, 53-3-209, 53-3-304, 53-3-308, 53-3-311,  
15 AND 53-3-313, MCA; REPEALING SECTION 53-3-108, MCA; AND  
16 PROVIDING AN EFFECTIVE DATE."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:19 NEW SECTION. Section 1. Legislative findings. The  
20 legislature finds that:21 (1) Article XII, section 3, of the Montana  
22 constitution grants the legislature authority to determine  
23 the public policy governing the provision of public  
24 assistance;

25 (2) public policy requires that certain persons who

There is no change on SB 101 and will  
not be reprinted. Please refer to  
second reading copy (yellow) for  
complete text.

STANDING COMMITTEE REPORT

March 20, 1989  
Page 2 of 3

March 20, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging  
report that SENATE BILL 101 (third reading copy -- blue) be  
concurrent in as amended.

Signed:   
Stella Jean Hansen, Chairman

[REP. \_\_\_\_\_ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 16.

Strike: "AN"

Insert: "A DELAYED"

2. Page 5, line 8.

Following: "residence;"

Strike: "and"

Insert: "or"

3. Page 7, line 19.

Strike: "or"

4. Page 7, line 22.

Following: "employment"

Strike: " . "

Insert: "; or

(iv) is unable to secure any substantial, gainful  
employment because:

(A) no jobs are available that a person with his work  
history, skills, and ability has the physical and mental ability  
to perform; or

(B) the state is distressed. For the purpose of this  
subsection (B), the state is distressed if it has an average  
unemployment rate of 10% or more for the 1-year period ending  
April 30 of the year in which the designation is made."

5. Page 8, line 10.

Strike: "16-month"

Insert: "12-month"

6. Page 8, lines 10 through 12.

Following: "period." on line 10

Strike: remainder of line 10 through line 12

7. Page 8, line 14.

Strike: "18-month"

Insert: "12-month"

8. Page 8.

Following: line 24

Insert: "(5) Assistance granted prior to January 1, 1990, may  
not be considered in determining eligibility."

9. Page 9, line 4.

Following: "if"

Insert: "the household is determined to be eligible under the  
provisions of this section."

10. Page 9.

Following: line 8

Insert: "(2) A person is eligible for general relief assistance  
if"

Renumber: subsequent sections

11. Page 10, line 5.

Strike: "(1)"

Insert: "(2)"

12. Page 10, line 7.

Strike: "nonmedical"

13. Page 11, line 7.

Strike: "(5)(b)"

Insert: "(6)(b)"

14. Page 12.

Following: line 24

Insert: "Eligibility for general relief medical assistance must  
be determined as provided in 53-3-205 and this section."

15. Page 17, line 1.

Following: "as"

Insert: "otherwise"

Following: "in"

Strike: "[section 11]"

Insert: "this chapter"

16. Page 17, line 6.

HOUSE

SB 101



March 20, 1989  
Page 3 of 3

Strike: "must"  
Insert: "may"  
Strike: "but is not limited to"

17. Page 17, line 14.  
Strike: "must"  
Insert: "may"

18. Page 17, line 15.  
Strike: "but is not limited to"

19. Page 22, line 22.  
Strike: "In"  
Insert: "Unless otherwise exempted, in"

20. Page 23, line 15.  
Strike: "must"  
Insert: "may"

21. Page 23.  
Following: line 23  
Insert: "(3) In order to encourage rehabilitation, the department may restrict services to persons suffering from drug or alcohol dependency to one intervention through the provision of services described in subsections (2)(a) through (2)(d). The department may continue to provide up to 3 months of additional benefits for those persons participating in a drug or alcohol rehabilitation program. This 3-month extension extends those limitations in [section 4]."

22. Page 25, line 23.  
Strike: "July 1, 1989"  
Insert: "January 1, 1990"

7.36

COMMITTEE OF THE WHOLE AMENDMENT  
Senate Bill 101  
Representative Dorothy Bradley

March 27, 1989 1:02 pm  
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 101 (third reading copy -- blue).

Signed: Dorothy Bradley  
Representative Dorothy Bradley

And, that such amendments to Senate Bill 101 read as follows:

1. Amend House Committee on Human Services and Aging standing committee amendments dated March 20, 1989 to read as follows:
2. Strike: Amendment number 4 in its entirety.

ADOPT

REJECT

SB101

HOUSE

RT

## 1 SENATE BILL NO. 101

2 INTRODUCED BY AKLESTAD

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
6 LAWS RELATING TO GENERAL RELIEF ASSISTANCE; TO ESTABLISH  
7 EMPLOYABILITY AS A CLASSIFICATION FOR DETERMINING  
8 ELIGIBILITY FOR GENERAL RELIEF ASSISTANCE; TO LIMIT THE  
9 DURATION OF ASSISTANCE PROVIDED TO EMPLOYABLE PERSONS; TO  
10 REQUIRE EMPLOYABLE RECIPIENTS TO PARTICIPATE IN A JOB  
11 SEARCH, TRAINING, AND WORK PROGRAM OR OTHER SPECIAL PROGRAM  
12 DESIGNED TO HELP RECIPIENTS OVERCOME PROBLEMS THAT IMPAIR  
13 THEIR EMPLOYMENT POTENTIAL; AMENDING SECTIONS 53-3-109,  
14 53-3-205, 53-3-206, 53-3-209, 53-3-304, 53-3-308, 53-3-311,  
15 AND 53-3-313, MCA; REPEALING SECTION 53-3-108, MCA; AND  
16 PROVIDING AN A DELAYED EFFECTIVE DATE."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:19 NEW SECTION. Section 1. Legislative findings. The  
20 legislature finds that:21 (1) Article XII, section 3, of the Montana  
22 constitution grants the legislature authority to determine  
23 the public policy governing the provision of public  
24 assistance;

25 (2) public policy requires that certain persons who

1 are in need should be provided with assistance through  
2 programs of general relief;3 (3) general relief assistance, along with other  
4 assistance programs, should be available to provide:5 (a) basic necessities that allow minimum subsistence  
6 compatible with decency and health; and7 (b) financial assistance for medical services  
8 necessary for the treatment of a person's serious medical  
9 condition. However, general relief medical assistance should  
10 not be available to nonindigent persons who have  
11 catastrophic medical expenses.12 (4) general relief assistance should not be available  
13 to those persons who have adequate income or resources to  
14 support themselves, nor should general relief assistance be  
15 provided in duplication of services and benefits available  
16 through other federal or state assistance programs;17 (5) the legislature, in order to allocate scarce  
18 welfare resources to those most in need, may establish a  
19 reasonable classification that distinguishes between persons  
20 who are chronically in need of assistance and persons who  
21 are transitionally needy; and22 (6) as the basis for the classification of recipients,  
23 it is reasonable to conclude that:24 (a) some persons are in need of assistance because  
25 their age or physical, emotional, or mental condition

1 renders them incapable of substantial, gainful employment.  
 2 Such persons are chronically needy and should be entitled to  
 3 general relief assistance for the duration of their need.

4 (b) some persons are in need of assistance because  
 5 they are unemployed or lack the skills, training, or  
 6 experience to become employed. Such persons should be  
 7 considered transitionally needy and should be provided only  
 8 temporary, interim assistance and state help in obtaining  
 9 gainful employment. In addition, because some persons who  
 10 are transitionally needy suffer from serious personal  
 11 problems or barriers to employment, the state should provide  
 12 assistance to enable these persons to overcome the problems  
 13 that impair their employment potential.

14 NEW SECTION. Section 2. Legislative policy and  
 15 intent. Consistent with the findings in [section 1], the  
 16 legislature intends that:

17 ~~{1}--the--department--shall-administer-or-supervise-the~~  
 18 ~~provision-of-general-relief-assistance-in-each-county-of-the~~  
 19 ~~state;~~

20 ~~{2}{1}~~ general relief assistance should be provided to  
 21 those in need, but only to the extent of such need;

22 ~~{3}{2}~~ unemployable persons, because they are  
 23 chronically in need, should be afforded general relief for  
 24 as long as they have need for such assistance;

25 ~~{4}{3}~~ employable persons, being transitionally needy,

1 should be granted 4 months of general relief for basic  
 2 necessities, which relief will be available only if such  
 3 persons participate in a job search, training, and work  
 4 program as required by 53-3-304; and

5 ~~{5}{4}~~ in recognition that not all employable persons  
 6 are ready to participate in the work force and that the  
 7 state has a duty to protect the welfare of children,  
 8 nonmedical general relief should be provided for 6 months to  
 9 persons who meet the eligibility criteria provided in  
 10 [section 4].

11 **Section 3.** Section 53-3-109, MCA, is amended to read:

12 "53-3-109. Definitions. For the purposes of this  
 13 chapter, the following definitions apply:

14 ~~{1}--"Abie-bodied"--means-the-condition-of-a-person-who~~  
 15 ~~is-not-infirm;~~

16 ~~{2}{1}~~ "Basic necessities" means food, shelter,  
 17 utilities, and personal needs.

18 ~~{3}{2}~~ "Department" means the department of social and  
 19 rehabilitation services provided for in Title 2, chapter 15,  
 20 part 22.

21 ~~{3}~~ "Employable" means the condition of a person who  
 22 is not unemployable. A person who is employable is  
 23 transitionally needy and is not eligible for general relief  
 24 for basic necessities except as provided in [section 4].

25 (4) "General relief" or "general relief assistance"

1 means,--in--accordance--with--this--chapter, a program of public  
2 assistance for basic necessities and medical needs to for  
3 those persons determined to be eligible for that such  
4 assistance.

5 (5) "Household" means:

6 (a) a collective body of persons consisting of spouses  
7 or parents and their children who reside together in the  
8 same residence; and OR

9 (b) all other persons who by choice, or necessity, or  
10 legal relationship are mutually dependent upon each other  
11 for basic necessities and who reside in the same residence.

12 (6) "Income" means the value of all property of any  
13 nature, earned, unearned, or in-kind, including benefits,  
14 that is reasonably certain to be received by or available to  
15 is actually received during the month by members of a  
16 household during the month of the receipt of the income.

17 {7}--"Indigent"--or--"misfortunate"--means--a--person--who--is  
18 lacking--the--means,--financial--or--otherwise,--by--which--to  
19 prevent--destitution--for--himself--and--others--dependent--upon  
20 him--for--basic--necessities--and--who--is--otherwise--eligible--for  
21 assistance--under--this--chapter,--Except--as--provided--otherwise  
22 in--53-3-205--and--53-3-209,--the--terms--do--not--include  
23 able-bodied--persons--unless--they--have--dependent--minor  
24 children--living--in--the--household.

25 {8}--"Infirm"--means--the--condition--of--a--person--who--is

1 diagnosed--by--a--licensed--medical--practitioner--and--confirmed  
2 by--an--expert--medical--review--to--have--a--physical--or--mental  
3 handicap--that--significantly--impairs--the--person's--ability--to  
4 be--employed.

5 {9}{7} "Lump-sum income" means a nonrecurring source  
6 of income received in a single payment by a household during  
7 any eligibility period, including but not limited to  
8 proceeds from a lawsuit, insurance settlement, inheritance,  
9 lump-sum retirement, veterans' or unemployment benefits;  
10 benefits received under the federal Social Security Act;  
11 prizes; and tax refunds.

12 {10}{8} "Resource" means all real and personal  
13 property retained after the calendar month of its receipt  
14 and which the household or a member of the household has a  
15 legal right to sell or liquidate.

16 {11}{9} "Secure facility" means any facility in which  
17 a person may be lawfully held against his will by federal,  
18 state, or local authorities.

19 {10} "Serious barrier to employment" means a limitation  
20 in obtaining employment that results from:

21 (a) a lack of work skills, experience, or training  
22 necessary to secure employment;

23 (b) the failure to attain a high school education or  
24 its equivalent; or

25 (c) illiteracy.

~~{12}~~(11) "Serious medical condition" means a physical condition, including pregnancy, that causes a serious health risk to a person and for which treatment is medically necessary, including 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.

(12) (a) "Unemployable" means the condition of a person who:

(i) is at least 55 years of age and has a limited ability to obtain or retain suitable employment because of advanced age; or

~~{ii} has been diagnosed by a licensed medical practitioner and confirmed by an expert medical review to:~~

~~{A} have (II) HAS a serious physical, emotional, or mental handicap that prevents him from being employed in any substantial, gainful employment; or OR~~

~~{B} suffer (III) SUFFERS from a permanent or temporary illness, injury, or incapacity that prevents the person from working in any substantial, gainful employment; or~~

~~{IV} IS UNABLE TO SECURE ANY SUBSTANTIAL, GAINFUL EMPLOYMENT BECAUSE:~~

~~{A} NO JOBS ARE AVAILABLE THAT A PERSON WITH HIS WORK~~

~~HISTORY, SKILLS, AND ABILITY HAS THE PHYSICAL AND MENTAL ABILITY TO PERFORM; OR~~

~~{B} THE STATE IS DISTRESSED FOR THE PURPOSE OF THIS SUBSECTION {B}, THE STATE IS DISTRESSED IF IT HAS AN AVERAGE UNEMPLOYMENT RATE OF 10% OR MORE FOR THE 1-YEAR PERIOD ENDING APRIL 30 OF THE YEAR IN WHICH THE DESIGNATION IS MADE;~~

(b) A person who is unemployable is chronically needy and must be provided general relief as provided in [section 4]."

NEW SECTION. Section 4. Eligibility classifications --duration of assistance. (1) For purposes of eligibility, a recipient of general relief must be classified as either employable or unemployable.

(2) Unemployable persons may receive general relief for as long as they remain eligible.

(3) Except as provided in subsection (4), employable persons who are otherwise eligible may receive general relief for basic necessities for a period not to exceed 4 months in any 16-month 12-MONTH period. However, assistance granted prior to July 1, 1989, may not be considered in determining eligibility.

(4) An employable person may receive nonmedical general relief for a maximum of 6 months in any 18-month 12-MONTH period if such person:

1 (a) has a serious barrier to employment and is willing  
2 to participate in a program to overcome that employment  
3 barrier;

4 (b) suffers from drug or alcohol dependency and,  
5 subject to available funding, is undergoing active treatment  
6 in an approved program; or

7 (c) is the head of a household that includes minor  
8 dependent children and is enrolled in a job search,  
9 training, and work program as required by 53-3-304.

10 (5) ASSISTANCE GRANTED PRIOR TO JANUARY 1, 1990, MAY  
11 NOT BE CONSIDERED IN DETERMINING ELIGIBILITY.

12 **Section 5.** Section 53-3-205, MCA, is amended to read:

13 "53-3-205. Eligibility for general relief. (1) A  
14 Except as otherwise provided under this chapter, a person or  
15 persons constituting a household may receive general relief  
16 assistance for basic necessities if THE HOUSEHOLD IS  
17 DETERMINED TO BE ELIGIBLE UNDER THE PROVISIONS OF THIS  
18 SECTION. the household is determined to be eligible under  
19 the provisions of this section and is in need of such  
20 assistance as a result of their infirmity, misfortune, or  
21 indigency.

22 (2) A household is eligible for general relief if the  
23 (2) A PERSON IS ELIGIBLE FOR GENERAL RELIEF ASSISTANCE  
24 IF his total household income, exclusive of the first \$50  
25 earned each month by each household member, does not exceed

1 that set forth in the following table:

2 Number of Persons	Monthly Income Standard
3 in Household	
4 1	\$212
5 2	282 286
6 3	354 359
7 4	426 433
8 5	501 507
9 6	570 580
10 7	642 654
11 8	713 727
12 9	785 762
13 10 or more	857 795

14 ~~(3) Able-bodied persons without dependent minor~~  
15 ~~children living in the household are not eligible for~~  
16 ~~nonmedical general relief assistance, except as provided in~~  
17 ~~53-3-209.~~

18 ~~(4)(2)(3)~~ (a) When the household's If a person's  
19 household income exceeds the monthly income standard for a  
20 household of that size provided in subsection ~~(1)~~ (2)  
21 because of receipt of lump-sum income, the household will be  
22 he is ineligible for ~~nonmedical~~ general relief for the full  
23 number of months, beginning with the month of receipt,  
24 derived by dividing the total of the lump-sum income and  
25 other income by the monthly income standard for a household

1 of--that--size. Any income remaining from this calculation  
2 will be considered as income in the first month following  
3 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 lump-sum income was used to pay medical bills for a serious  
7 medical condition.

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

11 {5}{3}{4} 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 {4}{5} Eligibility for nonmedical general relief  
18 assistance must be determined prospectively, based on  
19 household income and other relevant circumstances reasonably  
20 certain to exist in the month in which assistance is to be  
21 provided.

22 {5}{6} (a) Except as provided in subsection {5}{b}  
23 {6}{B}, the equity value of all household resources must be  
24 considered available to meet the needs of the individual  
25 applying for general relief.

1 {7}{b} The following resources of a household must be  
2 excluded from consideration of resources for eligibility  
3 purposes:

4 {a}{i} the domicile of the household, including  
5 necessary appurtenant land not exceeding 10 acres;

6 {b}{ii} a motor vehicle that has no more than \$1,500 in  
7 equity value;

8 {c}{iii} personal items, clothing, household furniture,  
9 appliances, and other essential household items, the total  
10 equity value of which does not exceed resource eligibility  
11 limits established by rule; and

12 {d}{iv} tools of a trade that are essential to the  
13 current or future employment of a household member.

14 {8}{6}{7} A person who is committed or sentenced by  
15 legal process to a state institution or a secure facility or  
16 who is incarcerated in a secure facility pending resolution  
17 of legal process is not eligible for general relief.

18 {9}{7}{8} A person who resides for a period of 1 day  
19 or more in any state or federally operated institution or  
20 residence is not eligible for general relief for the period  
21 of that residency.

22 {10}{8}{9} For the purposes of an eligibility  
23 determination, an applicant for or recipient of general  
24 relief may be requested to produce all financial and other  
25 information concerning the household.



~~{11}{9}{10}~~ 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 6.** 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 must be determined as provided in this section and 53-3-205.~~  
ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE MUST BE DETERMINED AS PROVIDED IN 53-3-205 AND THIS SECTION. A person with a serious medical condition must apply for general relief medical assistance prior to the provision of medical services or within 90 days of the date the medical service is first provided. Eligibility is determined as of the date medical service is first provided.

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

(4) All individual or household resources must be used to offset medical obligations except those excluded in 53-3-205~~{7}{5}~~.

(5) To determine eligibility for county general relief medical assistance, a county welfare board may promulgate rules to establish the circumstances under which persons are unable to pay for their medical aid and hospitalization. However, no household with an income exceeding 300% of the amount set forth in 53-3-205~~{2}{1}~~ is eligible for such medical assistance.

(6) In a county with state-assumed welfare services:  
~~(a)--covered-medical-services-must-be--provided--at--no--cost--to--the--person-residing-in-a-household-if-the-average--household-monthly-income-that-is-reasonably--certain--to--be--received--in--a-12-month-period-beginning-with-the-month-the-medical-service-was-provided--does-not-exceed-the--amount--in--53-3-205{2}{1};~~

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

Family Size	Monthly
	Income Level
1	\$ 287

1	2	433
2	3	526
3	4	618
4	5	714
5	6	804
6	7	896
7	8	988
8	9	1,081
9	10	1,173
10	11	1,194
11	12	1,215
12	13	1,236
13	14	1,256
14	15	1,277
15	16 or more	1,298

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

**Section 7.** Section 53-3-209, MCA, is amended to read:

"53-3-209. Period of eligibility. (1) The period of

eligibility for receipt of general relief for basic necessities is 1 month;--except. Except as provided in subsections--(2)--and subsection (3);--A, a person may seek to establish eligibility for the succeeding month prior to the end of the current month of eligibility.

(2)--Able-bodied---persons---without---dependent---minor children-living-in-the-household-are-eligible--for--no--more than-2-months-of-nonmedical-general-relief-assistance-within any--12-month--period,--except-that-assistance-received-prior to-November-17-1986,--shall-not-be-counted.

(3)(2) Eligibility for general relief medical assistance is granted for a period of 1 month and terminates when the serious medical condition of the person has been treated. Except as provided in subsection (3), continued eligibility for general relief medical assistance may be established in any subsequent month.

(4)(3) 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 8.** Section 53-3-304, MCA, is amended to read:

"53-3-304. Power to require recipient employable

1 recipients to participate in job search, training, and work  
 2 programs. (1) The department shall cooperate with the  
 3 department of labor and industry and other designated  
 4 agencies to initiate, promote, and develop job search,  
 5 training, and work programs that will contribute to the  
 6 employability of persons receiving general relief under the  
 7 provisions of this chapter. These programs must be designed  
 8 to preserve and improve the work habits and job-finding  
 9 skills of recipients for whom jobs are not otherwise  
 10 immediately available.

11 (2) For each county with state-assumed welfare  
 12 services, the department shall contract with the department  
 13 of labor and industry or other designated agencies to  
 14 institute a job search, training, and work program that  
 15 provides ~~able-bodied~~ employable general relief recipients  
 16 with the necessary job-finding skills to seek unsubsidized  
 17 employment independently.

18 (3) ~~In Except as OTHERWISE provided in {section--11}~~  
 19 THIS CHAPTER, in a county with state-assumed welfare  
 20 services, an able-bodied employable recipient of general  
 21 relief shall enroll in a structured job search and training  
 22 program at an employment office or other site designated by  
 23 the department. The program must MAY include but-is-not  
 24 limited-to the following elements:

25 (a) assessment and testing;

1 (b) an employability plan;

2 (c) remedial education or job skills training, if it  
 3 is called for in the employability plan and if it provides  
 4 for immediate referral to an appropriate Job Training  
 5 Partnership Act program;

6 (d) a job readiness and job search program that ~~must~~  
 7 MAY include but-is-not-limited-to:

8 (i) self-assessment and occupational testing;

9 (ii) instruction in completing applications, writing  
 10 resumes, and preparing for interviews;

11 (iii) identification of and contact with potential  
 12 employers; and

13 (iv) participation in simulated job interviews;

14 (e) a supervised effort to find employment; and

15 (f) efforts to address barriers to employment.

16 (4) (a) In addition to the training required in  
 17 subsection (3), if a public agency or a private nonprofit  
 18 agency has work available which a recipient of general  
 19 relief is capable of performing or the department of social  
 20 and rehabilitation services is required to operate a work  
 21 program under the provisions of 53-2-822, then the county  
 22 department of public welfare or the department of social and  
 23 rehabilitation services may require a recipient to perform  
 24 work at the minimum wage or may pay a recipient at the  
 25 prevailing rate of wages paid in that county by that agency

1 for similar work, to be paid from the county poor fund or  
2 state funds, in place of granting him general relief.

3 (b) No currently employed worker may be displaced by  
4 any recipient (including partial displacement such as a  
5 reduction in the hours of nonovertime work, wages, or  
6 employment benefits).

7 (c) No recipient may be employed when any other person  
8 is on layoff from the same or any substantially equivalent  
9 job or when the employer has terminated the employment of  
10 any regular employee or otherwise reduced its workforce with  
11 the intention of filling the vacancy so created by hiring a  
12 recipient whose wages are subsidized under this section.

13 (5) The county department of public welfare or the  
14 department of social and rehabilitation services, as the  
15 case may be, shall provide coverage under the Workers'  
16 Compensation Act for those recipients of general relief  
17 working under the provisions hereof and may enter into such  
18 agreements with the division of workers' compensation of the  
19 department of labor and industry as may be necessary to  
20 carry out the provisions of this section.

21 (6) A recipient who has completed the assessment and  
22 testing portions of the program and has developed an  
23 employability plan shall participate in the job readiness  
24 and job search program provided for in subsection (3)(d) for  
25 at least 80 hours in any 5-week period and shall spend at

1 least 8 hours a week in a supervised effort to find  
2 employment.

3 (7) A recipient who has completed the job search  
4 program provided for in subsection (3) shall:

5 (a) continue to spend at least 8 hours a week in a  
6 supervised effort to find employment; and

7 (b) for the duration of his eligibility for general  
8 relief, spend 32 hours a week, as called for in the  
9 employability plan, in:

10 (i) remedial education;

11 (ii) counseling;

12 (iii) job skills training;

13 (iv) work for a public agency or a private nonprofit  
14 agency, as required in subsection (4); or

15 (v) job-seeking or other related activities.

16 ~~{8}--Nothing-in-this-chapter-requires-a--recipient--to--~~  
17 ~~{a}--participate-in-the-job-search-and-training-program~~  
18 ~~required--by--subsection--{3}--or--to--perform--work--under~~  
19 ~~subsection--{4}--if-the-training-or-work-site-is-more-than--10~~  
20 ~~miles--from--his--residence,--unless-the-department-provides~~  
21 ~~transportation--or---reimburses---the---recipient---for~~  
22 ~~transportation-costs;--or~~

23 ~~{b}--continue-the-activities-required-by-subsection--{7}~~  
24 ~~for-longer-than-6-months.~~

25 ~~{9}{8}~~ Where a labor organization represents a

1 substantial number of employees who are engaged in similar  
2 work or training in the area where it is proposed to assign  
3 the recipient to work or training, an opportunity must be  
4 provided for that organization to submit comments with  
5 respect to such proposal.

6 ~~{10}~~{9} No work program may impair existing contracts  
7 for services or collective bargaining agreements, and no  
8 work program that would be inconsistent with the terms of a  
9 collective bargaining agreement may be undertaken without  
10 the written concurrence of the labor organization and  
11 employer concerned."

12 **Section 9.** Section 53-3-308, MCA, is amended to read:

13 "53-3-308. Responsibility for general relief. (1) The  
14 county boards of public welfare and the department, in  
15 accordance with this chapter and other relevant statutes,  
16 are responsible for the provision of general relief to  
17 indigent-or-misfortunate-persons as follows:

18 (a) Counties without state-assumed welfare services  
19 shall provide general relief consistent with their duties as  
20 specified in Title 53, chapter 2, parts 3 and 7, and this  
21 chapter.

22 (b) In counties with state-assumed welfare services,  
23 general relief must be provided by the department and must  
24 be consistent with its duties as specified in Title 53,  
25 chapter 2, part 8, and this chapter.

1 (2) In counties without state-assumed welfare  
2 services, general relief must be paid from the county poor  
3 fund as authorized in 53-2-321 through 53-2-323.

4 (3) In counties with state-assumed welfare services,  
5 general relief must be paid from and may not exceed money  
6 available through:

7 (a) a general appropriation for such purpose;

8 (b) county mill levies as provided for in 53-2-813;  
9 and

10 (c) federal or other assistance."

11 **Section 10.** ~~Section 53-3-311, MCA, is amended to read:~~

12 ~~"53-3-311. Amount of general relief for basic~~  
13 ~~necessities. (1) In a county without state-assumed welfare~~  
14 ~~services, the amounts of general relief for basic~~  
15 ~~necessities must be determined and adopted at the discretion~~  
16 ~~of the county welfare board.~~

17 ~~(2) In a county with state-assumed welfare services,~~  
18 ~~the amount of general relief for basic necessities available~~  
19 ~~to an eligible household is the amount listed for the same~~  
20 ~~size household in the table in 53-3-205(2)(i), less~~  
21 ~~countable income and resources not excluded in~~  
22 ~~53-3-205(7)(5).~~

23 ~~(3) Except as provided in subsection (4), the amount~~  
24 ~~of general relief for basic necessities that is available to~~  
25 ~~an eligible household must be determined retrospectively on~~

the--basis-of-the-household's-actual-countable-income-in-the  
2-months-immediately-preceding-the-month-in-which-assistance  
will-be-received;-All-available-nonexempt-resources-must--be  
considered--in--determining--the--amount--of--general-relief  
available-to-the--household;--as--provided--in--53-3-205(5);  
during-the-benefit-month;

(4)--During--the--first--2--months-following-an-initial  
application-for-assistance;--the-amount-of-general-relief-for  
basic-necessities-must-be-determined--prospectively--on--the  
basis--of-household-income-and-resources-that-are-reasonably  
certain-to-exist-during-the-month-that-assistance-is--to--be  
granted-;

**NEW SECTION. Section 10.** Services for recipients in  
 need of special assistance. (1) In UNLESS OTHERWISE  
EXEMPTED, IN a county with state-assumed welfare services, a  
 person who has a serious barrier to employment or who  
 suffers from drug or alcohol dependency shall report to the  
 agency designated pursuant to 53-3-304(2) to implement a job  
 search, training, and work program for the purpose of  
 receiving an assessment to determine whether the person is  
 likely to benefit from counseling, therapy, or  
 rehabilitation. The agency shall require that the person be  
 enrolled in either:

(a) a job search, training, and work program  
 established under 53-3-304, except that he need not

participate in the job search program under 53-3-304(3)(d)  
 until the agency determines that he is ready to participate  
 in the work force; or

(b) a program designed specifically to help that  
 person overcome problems that impair the potential for  
 employment.

(2) Subject to available funding, a program provided  
 for in subsection (1)(b) must MAY include the following  
 elements:

(a) assessment and testing;

(b) an employability plan;

(c) remedial education or job skills training, if  
 required by the employability plan; and

(d) services, including counseling, therapy, and  
 rehabilitation, to address serious barriers to employment  
 and drug or alcohol dependency.

(3) IN ORDER TO ENCOURAGE REHABILITATION, THE  
DEPARTMENT MAY RESTRICT SERVICES TO PERSONS SUFFERING FROM  
DRUG OR ALCOHOL DEPENDENCY TO ONE INTERVENTION THROUGH THE  
PROVISION OF SERVICES DESCRIBED IN SUBSECTIONS (2)(A)  
THROUGH (2)(D). THE DEPARTMENT MAY CONTINUE TO PROVIDE UP TO  
3 MONTHS OF ADDITIONAL BENEFITS FOR THOSE PERSONS  
PARTICIPATING IN A DRUG OR ALCOHOL REHABILITATION PROGRAM.  
THIS 3-MONTH EXTENSION EXTENDS THOSE LIMITATIONS IN [SECTION  
4].

1 NEW SECTION. SECTION 11. COORDINATION REQUIREMENTS --  
 2 CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR SHALL  
 3 ASSURE THAT PROGRAM ACTIVITIES UNDER 53-3-304 AND [SECTION  
 4 10] ARE COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE  
 5 FEDERAL JOB TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT  
 6 EMPLOYMENT, TRAINING, EDUCATION, OR WORK PROGRAM IN THIS  
 7 STATE.

8 (2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM PROVIDED  
 9 FOR IN 53-3-304 AND [SECTION 10] WITH OTHER PROGRAMS IN  
 10 ORDER TO MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS  
 11 REQUIRED IN SUBSECTION (1) AND TO PREVENT OVERLAPPING AND  
 12 DUPLICATION OF SERVICES.

13 **Section 12.** Section 53-3-313, MCA, is amended to read:

14 **"53-3-313. Selection of medical providers --**  
 15 **conditions of participation. (1)** In arranging for medical  
 16 care for those unable to provide it for themselves, the  
 17 county board of public welfare or the department may select  
 18 a medical provider.

19 **(2)** As a condition of participation in the general  
 20 relief medical program, a provider of medical services must  
 21 accept as payment in full the amount paid by the state or  
 22 county for such services.

23 **(3)** No provider of medical services may seek from a  
 24 recipient any payment in addition to the amount paid by the  
 25 state or county for such services."

1 NEW SECTION. Section 13. Repealer. Section 53-3-108,  
 2 MCA, is repealed.

3 NEW SECTION. Section 14. Extension of authority. Any  
 4 existing authority to make rules on the subject of the  
 5 provisions of [this act] is extended to the provisions of  
 6 [this act].

7 NEW SECTION. Section 15. Codification instruction.  
 8 [Sections 1, 2, 4, 10, and 11] are intended to be codified  
 9 as an integral part of Title 53, chapter 3, and the  
 10 provisions of Title 53, chapter 3, apply to [sections 1, 2,  
 11 4, 10, and 11].

12 NEW SECTION. Section 16. Coordination instruction. If  
 13 SENATE Bill No. 128 [LC 129] is passed and approved and if  
 14 it includes a section renumbering 53-3-304(3)(d), then the  
 15 reference to 53-3-304(3)(d) in [section 11 10 of this act]  
 16 is changed to correspond to the renumbering contained in  
 17 SENATE Bill No. 128 [LC 129].

18 NEW SECTION. Section 17. Severability. If a part of  
 19 [this act] is invalid, all valid parts that are severable  
 20 from the invalid part remain in effect. If a part of [this  
 21 act] is invalid in one or more of its applications, the part  
 22 remains in effect in all valid applications that are  
 23 severable from the invalid applications.

24 NEW SECTION. Section 18. Effective date. [This act]  
 25 is effective July 1, 1989 JANUARY 1, 1990.

-End-