

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



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 **Section 2.** Legislative policy and intent. Consistent
15 with the findings in [section 1], the legislature intends
16 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) general relief assistance should be provided to
21 those in need, but only to the extent of such need;

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

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

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

11 "53-3-109. Definitions. For the purposes of this
12 chapter, the following definitions apply:

13 ~~{1}--"Able-bodied"--means-the-condition-of-a-person-who~~
14 ~~is-not-infirm.~~

15 ~~{2}{1}~~ "Basic necessities" means food, shelter,
16 utilities, and personal needs.

17 ~~{3}{2}~~ "Department" means the department of social and
18 rehabilitation services provided for in Title 2, chapter 15,
19 part 22.

20 ~~{3}~~ "Employable" means the condition of a person who
21 is not unemployable. A person who is employable is
22 transitionally needy and is not eligible for general relief
23 for basic necessities except as provided in [section 4].

24 ~~{4}~~ "General relief" or "general relief assistance"
25 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)(B)~~ "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

1 condition, including pregnancy, that causes a serious health
 2 risk to a person and for which treatment is medically
 3 necessary; ~~including pregnancy~~. Diagnosis and determination
 4 of necessary treatment must be made by a licensed medical
 5 practitioner, and the department may confirm it through an
 6 expert medical review. Necessary treatment includes prenatal
 7 care and such other elective treatments as determined by
 8 department rule to be medically necessary.

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

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

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

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

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

22 (b) A person who is unemployable is chronically needy
 23 and must be provided general relief as provided in [section
 24 4]."

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

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

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

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

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

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

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

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

24 **Section 5.** Section 53-3-205, MCA, is amended to read:
 25 **"53-3-205. Eligibility for general relief. (1) A**

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

7 {2}--A--household-is-eligible-for-general-relief-if-the
 8 his total household income, exclusive of the first \$50
 9 earned each month by each household member, does not exceed
 10 that set forth in the following table:

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

23 {3}--Able-bodied--persons---without---dependent---minor
 24 children--living--in--the--household--are--not--eligible--for
 25 nonmedical-general-relief-assistance,--except-as-provided--in

1 53-3-209-

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

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

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

20 {5}{3} All applicants for and recipients of general
 21 relief assistance who reside in the same residence are
 22 considered as one household.

23 {6}--Prospective--income--that-is-reasonably-certain-to
 24 be-received-by-the-household-during--an--eligibility--period
 25 must-be-considered-when-determining-eligibility.

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

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

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

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

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

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

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

23 (8)(6) A person who is committed or sentenced by legal
 24 process to a state institution or a secure facility or who
 25 is incarcerated in a secure facility pending resolution of

1 legal process is not eligible for general relief.

2 ~~(9)(7)~~ A person who resides for a period of 1 day or
 3 more in any state or federally operated institution or
 4 residence is not eligible for general relief for the period
 5 of that residency.

6 ~~(10)(8)~~ For the purposes of an eligibility
 7 determination, an applicant for or recipient of general
 8 relief may be requested to produce all financial and other
 9 information concerning the household.

10 ~~(11)(9)~~ Whenever practical, an eligibility
 11 determination must be made within 30 days of the date of
 12 application and the applicant must be notified in writing of
 13 the eligibility determination and the reasons for the
 14 determination.

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

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

18 "53-3-206. Eligibility for general relief medical
 19 assistance. (1) In order to be considered for eligibility
 20 for general relief medical assistance, a person must be
 21 found to have a serious medical condition.

22 (2) ~~Eligibility for general relief medical assistance~~
 23 ~~must be determined as provided in this section and 53-3-205.~~
 24 A person with a serious medical condition must apply for
 25 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:

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

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

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

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

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

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

17 (i) remedial education;

18 (ii) counseling;

19 (iii) job skills training;

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

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

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

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

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

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

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

7 ~~(9)(8)~~ Where a labor organization represents a
8 substantial number of employees who are engaged in similar
9 work or training in the area where it is proposed to assign
10 the recipient to work or training, an opportunity must be
11 provided for that organization to submit comments with
12 respect to such proposal.

13 ~~(10)(9)~~ No work program may impair existing contracts
14 for services or collective bargaining agreements, and no
15 work program that would be inconsistent with the terms of a
16 collective bargaining agreement may be undertaken without
17 the written concurrence of the labor organization and
18 employer concerned."

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

20 "53-3-308. **Responsibility for general relief.** (1) The
21 county boards of public welfare and the department, in
22 accordance with this chapter and other relevant statutes,
23 are responsible for the provision of general relief to
24 indigent-or-misfortunate-persons as follows:

25 (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

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

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

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

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

16 (a) assessment and testing;

17 (b) an employability plan;

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

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

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

24 "53-3-313. Selection of medical providers --
25 conditions of participation. (1) In arranging for medical

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

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

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

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

13 **Section 14. Extension of authority.** Any existing
14 authority to make rules on the subject of the provisions of
15 [this act] is extended to the provisions of [this act].

16 **Section 15. Codification instruction.** [Sections 1, 2,
17 4, and 11] are intended to be codified as an integral part
18 of Title 53, chapter 3, and the provisions of Title 53,
19 chapter 3, apply to [sections 1, 2, 4, and 11].

20 **Section 16. Coordination instruction.** If ___ Bill No.
21 ___ [LC 129] is passed and approved and if it includes a
22 section renumbering 53-3-304(3)(d), then the reference to
23 53-3-304(3)(d) in [section 11 of this act] is changed to
24 correspond to the renumbering contained in ___ Bill No. ___
25 [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>Change</u>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>		<u>Law</u>	<u>Law</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)
<u>Funding:</u>						
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

11/18/89
DATE

Gary C. Aklestad

GARY C. AKLESTAD, PRIMARY SPONSOR

1-19-89
DATE

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.

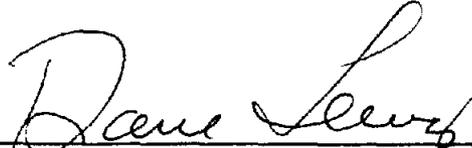
DESCRIPTION OF PROPOSED LEGISLATION:

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	<u>285,048</u>
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:	 <u>\$135,000</u>
Total allowable reduction from passage of SB101	<u>\$239,376</u>



DAVE LEWIS, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

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



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}--"Able-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

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.

1 ~~(12)~~(11) "Serious medical condition" means a physical
 2 condition, including pregnancy, that causes a serious health
 3 risk to a person and for which treatment is medically
 4 necessary; ~~including pregnancy~~. Diagnosis and determination
 5 of necessary treatment must be made by a licensed medical
 6 practitioner, and the department may confirm it through an
 7 expert medical review. Necessary treatment includes prenatal
 8 care and such other elective treatments as determined by
 9 department rule to be medically necessary.

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

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

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

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

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

23 (b) A person who is unemployable is chronically needy
 24 and must be provided general relief as provided in [section
 25 4]."

1 NEW SECTION. Section 4. Eligibility classifications

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

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

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

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

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

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

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

25 **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	202 <u>286</u>
16 3	354 <u>359</u>
17 4	426 <u>433</u>
18 5	501 <u>507</u>
19 6	570 <u>580</u>
20 7	642 <u>654</u>
21 8	713 <u>727</u>
22 9	785 <u>762</u>
23 10 or more	857 <u>795</u>

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:

6	7	8	9
	Family Size	Monthly	Income Level
8	1	\$	287
9	2		433
10	3		526
11	4		618
12	5		714
13	6		804
14	7		896
15	8		988
16	9		1,081
17	10		1,173
18	11		1,194
19	12		1,215
20	13		1,236
21	14		1,256
22	15		1,277
23	16 or more		1,298

24 ~~{c}--if--the--average--household--monthly--income--reasonably~~
25 ~~certain--to--be--received--in--a--12--month--period--beginning--with~~

1 ~~the--month--the--medical--service--was--provided--is--between--the~~
 2 ~~amount--in--53-3-205(2)--and--the--monthly--income--level--set--forth~~
 3 ~~in--subsection--(b),--a--household--must--first--incur--covered~~
 4 ~~medical--costs--equal--to--the--difference--between--its--average~~
 5 ~~monthly--income--and--the--monthly--income--standard--in~~
 6 ~~53-3-205(2)--before--medical--assistance--is--provided:--"~~

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

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

14 ~~(2)--Able-bodied--persons--without--dependent--minor~~
 15 ~~children--living--in--the--household--are--eligible--for--no--more~~
 16 ~~than--2--months--of--nonmedical--general--relief--assistance--within~~
 17 ~~any--12--month--period,--except--that--assistance--received--prior~~
 18 ~~to--November--1,--1986,--shall--not--be--counted:--"~~

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

25 ~~(4)(3)~~ The period of eligibility for any type of

1 general assistance terminates at any time the county welfare
 2 board or the department determines that the household:

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

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

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

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

19 (2) For each county with state-assumed welfare
 20 services, the department shall contract with the department
 21 of labor and industry or other designated agencies to
 22 institute a job search, training, and work program that
 23 provides able-bodied employable general relief recipients
 24 with the necessary job-finding skills to seek unsubsidized
 25 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:

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

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

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

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

- 15 (a) a general appropriation for such purpose;
- 16 (b) county mill levies as provided for in 53-2-813;
- 17 and
- 18 (c) federal or other assistance."

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

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

25 ~~(2) in a county with state-assumed welfare services,~~

1 ~~the amount of general relief for basic necessities available~~
2 ~~to an eligible household is the amount listed for the same~~
3 ~~size household in the table in 53-3-205(2)(1), less~~
4 ~~countable income and resources not excluded in~~
5 ~~53-3-205(7)(5).~~

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

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

21 NEW SECTION. Section 10. Services for recipients in
22 need of special assistance. (1) In a county with
23 state-assumed welfare services, a person who has a serious
24 barrier to employment or who suffers from drug or alcohol
25 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 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 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.


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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; 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



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.

1 ~~{12}~~(11) "Serious medical condition" means a physical
 2 condition, including pregnancy, that causes a serious health
 3 risk to a person and for which treatment is medically
 4 necessary, ~~including pregnancy~~. Diagnosis and determination
 5 of necessary treatment must be made by a licensed medical
 6 practitioner, and the department may confirm it through an
 7 expert medical review. Necessary treatment includes prenatal
 8 care and such other elective treatments as determined by
 9 department rule to be medically necessary.

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

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

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

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

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

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

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

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

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

8 (b) A person who is unemployable is chronically needy
 9 and must be provided general relief as provided in [section
 10 4]."

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

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

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

23 (4) An employable person may receive nonmedical
 24 general relief for a maximum of 6 months in any 18-month
 25 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 <u>286</u>
6	3	354 <u>359</u>
7	4	426 <u>433</u>
8	5	501 <u>507</u>
9	6	570 <u>580</u>
10	7	642 <u>654</u>
11	8	713 <u>727</u>
12	9	785 <u>762</u>
13	10 or more	857 <u>795</u>

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.

1 ~~{11}{9}{10}~~ Whenever practical, an eligibility
2 determination must be made within 30 days of the date of
3 application and the applicant must be notified in writing of
4 the eligibility determination and the reasons for the
5 determination.

6 ~~{12}-An--alien--determined--to--be--illegally--within--the
7 United--States--is--not--eligible--for--general--relief--"~~

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

9 "53-3-206. Eligibility for general relief medical
10 assistance. (1) In order to be considered for eligibility
11 for general relief medical assistance, a person must be
12 found to have a serious medical condition.

13 ~~(2) Eligibility for general relief medical assistance
14 must be determined as provided in this section and 53-3-205-
15 ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE MUST BE
16 DETERMINED AS PROVIDED IN 53-3-205 AND THIS SECTION. A
17 person with a serious medical condition must apply for
18 general relief medical assistance prior to the provision of
19 medical services or within 90 days of the date the medical
20 service is first provided. Eligibility is determined as of
21 the date medical service is first provided.~~

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

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

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

11 (6) In a county with state-assumed welfare services:
12 ~~{a}--covered--medical--services--must--be--provided--at--no
13 cost--to--the--person--residing--in--a--household--if--the--average
14 household--monthly--income--that--is--reasonably--certain--to--be
15 received--in--a--12--month--period--beginning--with--the--month--the
16 medical--service--was--provided--does--not--exceed--the--amount--in
17 53-3-205~~{2}{1}~~;~~

18 ~~{b}--1~~ a person is not eligible for medical services if
19 the household in which he resides has an average monthly
20 income reasonably certain to be received in a 12-month
21 period beginning with the month the medical service was
22 provided in excess of that set forth in the following table:

	Monthly
Family Size	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-a,available~~
 19 ~~to-an-eligible-household-is-the-amount-listed-for--the--same~~
 20 ~~size---household---in--the--table--in--53-3-205(2){1},--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~~

1 ~~the basis of the household's actual countable income in the~~
 2 ~~2 months immediately preceding the month in which assistance~~
 3 ~~will be received. All available nonexempt resources must be~~
 4 ~~considered in determining the amount of general relief~~
 5 ~~available to the household, as provided in 53-3-205(5)7~~
 6 ~~during the benefit month.~~

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

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

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

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

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

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

10 (a) assessment and testing;

11 (b) an employability plan;

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

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

17 (3) IN ORDER TO ENCOURAGE REHABILITATION, THE
 18 DEPARTMENT MAY RESTRICT SERVICES TO PERSONS SUFFERING FROM
 19 DRUG OR ALCOHOL DEPENDENCY TO ONE INTERVENTION THROUGH THE
 20 PROVISION OF SERVICES DESCRIBED IN SUBSECTIONS (2)(A)
 21 THROUGH (2)(D). THE DEPARTMENT MAY CONTINUE TO PROVIDE UP TO
 22 3 MONTHS OF ADDITIONAL BENEFITS FOR THOSE PERSONS
 23 PARTICIPATING IN A DRUG OR ALCOHOL REHABILITATION PROGRAM.
 24 THIS 3-MONTH EXTENSION EXTENDS THOSE LIMITATIONS IN [SECTION
 25 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 17, 1989 JANUARY 1, 1990.

-End-