

SENATE BILL 10

Introduced by Keating

7/10	Fiscal Note Requested
7/10	Introduced
7/10	Referred to Finance & Claims
7/10	First Reading
7/13	Hearing
7/13	Fiscal Note Received
7/13	Fiscal Note Printed
7/17	Committee Report--Bill Passed as Amended
7/17	2nd Reading Passed
7/17	3rd Reading Passed
	Transmitted to House
7/17	First Reading
7/17	Referred to Appropriations
7/17	Hearing
7/17	Committee Report--Bill Concurred
7/17	2nd Reading Concurred
7/17	3rd Reading Concurred
	Returned to Senate
7/18	Signed by President
7/18	Signed by Speaker
7/20	Transmitted to Governor
8/06	Signed by Governor Chapter Number 7

1 Senate BILL NO. 10
 2 INTRODUCED BY Leahy
 3 BY REQUEST OF THE DEPARTMENT
 4 OF SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 7 LAWS RELATING TO GENERAL RELIEF; REDUCING BENEFITS FOR THE
 8 FIRST 2 MONTHS OF RESIDENCY; ELIMINATING STATE PAYMENTS FOR
 9 GENERAL RELIEF MEDICAL ASSISTANCE; REDUCING FROM 12 MILLS TO
 10 8.7 MILLS THE NUMBER OF MILLS LEVIED IN COUNTIES OPTING FOR
 11 STATE ASSUMPTION OF COUNTY ASSISTANCE PROGRAMS; AUTHORIZING
 12 LOCAL BOARDS OF HEALTH TO PROVIDE MEDICAL ASSISTANCE;
 13 REVISING THE PERIODS OF INELIGIBILITY; REDEFINING THE
 14 CLASSES OF PERSONS ELIGIBLE FOR GENERAL RELIEF; REVISING THE
 15 CONDITIONS OF ELIGIBILITY; REVISING THE DURATION OF
 16 ASSISTANCE PERMITTED; CREATING A SELF-SUFFICIENCY PROGRAM
 17 FOR CERTAIN UNEMPLOYED PERSONS; EXPANDING THE TIME PERIOD
 18 FOR JOB SEARCH, TRAINING, WORKFARE, OR SELF-SUFFICIENCY
 19 PROGRAMS PRIOR TO RECEIPT OF BENEFITS; AMENDING SECTIONS
 20 50-2-116, 53-2-323, 53-2-813, 53-3-109, 53-3-121, 53-3-122,
 21 53-3-201, 53-3-205, 53-3-209, 53-3-211, 53-3-212, 53-3-215,
 22 53-3-303, 53-3-304, 53-3-305, 53-3-311, 53-3-314, 53-3-321,
 23 53-3-322, 53-3-323, 53-3-324, 53-3-325, 53-3-326, 53-3-327,
 24 AND 53-3-328, MCA; REPEALING SECTIONS 53-3-206, 53-3-307,
 25 53-3-310, 53-3-313, AND 53-3-318, MCA; AND PROVIDING AN

1 EFFECTIVE DATE."

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

4 **Section 1.** Section 50-2-116, MCA, is amended to read:

5 "50-2-116. Powers and duties of local boards. (1) Local
6 boards shall:

7 (a) appoint a local health officer who is a physician
8 or a person with a master's degree in public health or the
9 equivalent and with appropriate experience, as determined by
10 the department, and shall fix his salary;

11 (b) elect a chairman and other necessary officers;

12 (c) employ necessary qualified staff;

13 (d) adopt bylaws to govern meetings;

14 (e) hold regular meetings quarterly and hold special
15 meetings as necessary;

16 (f) supervise destruction and removal of all sources of
17 filth that cause disease;

18 (g) guard against the introduction of communicable
19 disease;

20 (h) supervise inspections of public establishments for
21 sanitary conditions;

22 (i) adopt necessary regulations that are no less
23 stringent than state standards for the control and disposal
24 of sewage from private and public buildings that is not
25 regulated by Title 75, chapter 6, or Title 76, chapter 4.



1 The regulations must describe standards for granting
 2 variances from the minimum requirements that are identical
 3 to standards promulgated by the board of health and
 4 environmental sciences and must provide for appeal of
 5 variance decisions to the department as required by
 6 75-5-305.

7 (2) Local boards may:

8 (a) quarantine persons who have communicable diseases;

9 (b) require isolation of persons or things that are
 10 infected with communicable diseases;

11 (c) furnish treatment for persons who have communicable
 12 diseases;

13 (d) prohibit the use of places that are infected with
 14 communicable diseases;

15 (e) require and provide means for disinfecting places
 16 that are infected with communicable diseases;

17 (f) accept and spend funds received from a federal
 18 agency, the state, a school district, or other persons;

19 (g) contract with another local board for all or a part
 20 of local health services;

21 (h) reimburse local health officers for necessary
 22 expenses incurred in official duties;

23 (i) abate nuisances affecting public health and safety
 24 or bring action necessary to restrain the violation of
 25 public health laws or rules;

1 (j) adopt necessary fees to administer regulations for
 2 the control and disposal of sewage from private and public
 3 buildings (fees must be deposited with the county
 4 treasurer);

5 (k) provide medical assistance, including preventive
 6 health care; and

7 ~~(k)~~(1) adopt rules that do not conflict with rules
 8 adopted by the department:

9 (i) for the control of communicable diseases;

10 (ii) for the removal of filth that might cause disease
 11 or adversely affect public health;

12 (iii) on sanitation in public buildings that affects
 13 public health;

14 (iv) for heating, ventilation, water supply, and waste
 15 disposal in public accommodations that might endanger human
 16 lives; and

17 (v) for the maintenance of sewage treatment systems
 18 that do not discharge an effluent directly into state waters
 19 and that are not required to have an operating permit as
 20 required by rules adopted under 75-5-401; and

21 (vi) for providing medical assistance, including
 22 preventive health care."

23 **Section 2.** Section 53-2-323, MCA, is amended to read:

24 "53-2-323. Emergency grants from state funds to
 25 counties. Except when a county has transferred its public

1 assistance and protective services responsibilities to the
2 state under part 8 of this chapter, a county may apply to
3 the department for an emergency grant-in-aid, and the grant
4 shall be made to the county upon the following conditions:

5 (1) The board of county commissioners or a duly elected
6 or appointed executive officer of the county shall make
7 written application to the department for emergency
8 assistance and shall show by written report and sworn
9 affidavit of the county clerk and recorder and chairman of
10 the board of county commissioners or other duly elected or
11 appointed executive officer of the county the following:

12 (a) that the county will not be able to meet its
13 obligations under law to provide assistance to the needy of
14 the county or meet its proportionate share of any public
15 assistance activity carried on jointly with the department;

16 (b) that all lawful sources of revenue and other income
17 to the county poor fund will be exhausted;

18 (c) that all expenditures from the county poor fund
19 have been lawfully made; and

20 (d) that all expenditures from the county poor fund
21 have been reasonable and necessary, according to criteria
22 set by the department in rules adopted for that purpose, for
23 the county to meet its obligations under law to provide
24 assistance to the needy.

25 (2) Within 10 days of receipt of the application and

1 affidavit, the department shall determine whether the county
2 poor fund will be depleted and shall give notice to the
3 county of the department's intention to deny or allow the
4 grant-in-aid. Before a grant-in-aid for any fiscal year may
5 be made to a county under this section, any money credited
6 during that fiscal year to the depletion allowance reserve
7 fund from the sources provided by 7-34-2402(2) shall be
8 transferred to the county poor fund to be used for lawful
9 poor fund expenditures. The amount of the grant-in-aid shall
10 be determined after all sources of income available to the
11 poor fund, including the depletion allowance reserve fund
12 transfers, have been exhausted.

13 (3) Within 10 days of receiving notice from the
14 department that a grant-in-aid will be made to the county,
15 the board of county commissioners or other duly elected or
16 appointed executive officer of the county shall adopt an
17 emergency budget. There is no requirement of notice and
18 hearing for that emergency budget. The emergency budget
19 shall state the amount required to meet the obligation of
20 the county and shall allocate that whole amount among the
21 various classes of expenditures for which the grant was
22 made.

23 (4) Upon receipt and approval of the county emergency
24 budget, the department shall issue a warrant to the county
25 treasurer of the county for the total amount stated in the

1 approved emergency budget.

2 (5) The grant-in-aid received by the county shall be
3 placed in an emergency fund account to be kept separate and
4 distinct from the poor fund account. All expenditures from
5 the emergency fund account shall be made by a separate
6 series of warrants or checks marked as emergency warrants or
7 checks.

8 (6) The grants-in-aid from the department may be used
9 only for public assistance activities lawfully conducted by
10 the county, including but not limited to ~~medical--aid,~~
11 hospitalization, and institutional care. No part of a
12 grant-in-aid may be used, directly or indirectly, to pay for
13 the erection or improvement of any county building or for
14 furniture, fixtures, appliances, or equipment for a county
15 building.

16 (7) In the event the county poor fund is replenished by
17 other lawful sources of revenue, the county shall issue
18 warrants to meet its obligations from the county poor fund
19 until such time as that fund is again so depleted that
20 warrants can no longer lawfully be drawn on that account.
21 Upon depletion of the county poor fund, the county may again
22 make disbursements from the emergency fund account as
23 provided in subsection (5). At the close of the county
24 fiscal year, the county shall return to the department any
25 amounts remaining in the county poor fund and the emergency

1 fund account, but the remaining amount to be returned may
2 not exceed the total amount of the emergency grant-in-aid
3 for that fiscal year.

4 (8) Any amount which is unlawfully disbursed or
5 transferred from the emergency fund account or used for a
6 purpose other than that specified in the grant-in-aid shall
7 be returned by the county to the department."

8 **Section 3.** Section 53-2-813, MCA, is amended to read:

9 "53-2-813. Mill levy for counties transferring public
10 assistance and protective services. (1) For the purpose of
11 this part, ~~±2~~ 8.7 mills must be levied annually in those
12 counties opting for state assumption.

13 (2) For a county electing state assumption before July
14 1, 1986, the proceeds of the mill levy established in
15 subsection (1) must be deposited in the state special
16 revenue fund in the state treasury for the purpose of paying
17 the expenses of the department of social and rehabilitation
18 services. The mill levy may not exceed ~~±2~~ 8.7 mills,
19 notwithstanding actual expenditures made by the department.

20 (3) For a county electing state assumption on or after
21 July 1, 1986, the proceeds of the mill levy established in
22 subsection (1) must be deposited in the state special
23 revenue fund in the state treasury to the credit of the
24 department of social and rehabilitation services. The
25 general fund authority of the department of social and

1 rehabilitation services shall be reduced and the general
 2 fund authority of the department of family services shall be
 3 increased by an amount equal to the county's expenditures
 4 for child and adult protective services in the fiscal year
 5 immediately preceding state assumption. The mill levy may
 6 not exceed ~~±2~~ 8.7 mills, notwithstanding actual expenditures
 7 made by the department of social and rehabilitation services
 8 and the department of family services.

9 (4) For a county retaining or reassuming operational
 10 responsibility for medical assistance or monetary payments
 11 to needy persons as provided in 53-2-812, the levy provided
 12 in subsection (1) must be reduced by the mill levy
 13 equivalent expended by that county or the department for
 14 such purposes in the fiscal year immediately preceding the
 15 option to retain or reassume such responsibility."

16 **Section 4.** Section 53-3-109, MCA, is amended to read:

17 "53-3-109. Definitions. For the purposes of this
 18 chapter, the following definitions apply:

19 ~~(1) "Acute medical need" means an illness, injury, or
 20 other serious medical condition that:~~

21 ~~(a) demands urgent medical attention; and~~

22 ~~(b) is expected to last less than 12 months if treated.~~

23 ~~(2)(1) "Basic necessities" means food, shelter,
 24 utilities, and personal needs.~~

25 ~~(3)(2) "Children" means minor and adult children who~~

1 reside in the same household with their parents. The term
 2 includes both adoptive and natural children.

3 ~~(4)(3) "Chronic illness" or "chronically ill" means the
 4 condition of a person who is diagnosed as having an illness,
 5 injury, or physical or mental impairment that:~~

6 ~~(a) is expected to last for a continuous period of at
 7 least 12 months; and~~

8 ~~(b) would be considered a disability under 42 U.S.C.
 9 1382(c) if evaluated under criteria used to determine
 10 eligibility for the federal supplemental security income
 11 program.~~

12 ~~(5)(4) "Department" means the department of social and
 13 rehabilitation services provided for in Title 2, chapter 15,
 14 part 22.~~

15 ~~(6)(5) "Employable" means the condition of a person who
 16 is not unemployable, as determined by a vocational
 17 specialist. A person who is employable is transitionally
 18 needy and is not eligible for general relief for basic
 19 necessities except as provided in 53-3-215.~~

20 ~~(7)(6) "General relief" or "general relief assistance"
 21 means a program of public assistance for basic necessities
 22 and medical needs for those persons determined to be
 23 eligible for such assistance.~~

24 ~~(8)(7) "Household" means:~~

25 ~~(a) a collective body of persons consisting of spouses~~

1 or parents and their children who reside together in the
2 same residence; or

3 (b) all other persons who by choice or necessity are
4 mutually dependent upon each other for basic necessities and
5 who reside in the same residence.

6 †9†(8) "Income" means the value of all property of any
7 nature, earned, unearned, or in-kind, including benefits,
8 that is reasonably certain to be received or is actually
9 received during the month by members of a household.

10 †10†(9) "Lump-sum income" means a nonrecurring source
11 of income received in a single payment by a household during
12 any eligibility period, including but not limited to
13 proceeds from a lawsuit, insurance settlement, inheritance,
14 lump-sum retirement, veterans' or unemployment benefits;
15 benefits received under the federal Social Security Act;
16 prizes; and tax refunds.

17 †10†(10) "New to Montana" means a person who has been a
18 Montana resident for 1 month or less at the time of
19 application.

20 (11) "Presumptive income" means the amount of financial
21 assistance that a person would have received under the aid
22 to families with dependent children program, as provided for
23 in Title 53, chapter 4, part 2, if the person had not been
24 determined ineligible due to receipt of lump-sum income,
25 overpayment, fraud, or failure or refusal to comply with

1 requirements for continued participation in the program.

2 (12) "Resource" means all real and personal property
3 retained after the calendar month of its receipt and which
4 the household or a member of the household has a legal right
5 to sell or liquidate.

6 (13) "Secure facility" means any facility in which a
7 person may be lawfully held against his will by federal,
8 state, or local authorities.

9 †14†(14) "Self-sufficiency program" means a program designed
10 to enable temporarily unemployable persons to achieve
11 self-sufficiency and includes any combination of a
12 self-sufficiency plan, concentrated rehabilitation
13 activities, or support services.

14 †14†(15) "Serious barrier to employment" means a
15 limitation in obtaining employment, as determined by a
16 vocational specialist, that results from:

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

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

21 (c) illiteracy.

22 †15†(15) "~~\"Serious medical condition\" means a mental or~~
23 ~~physical condition that causes a serious health risk to a~~
24 ~~person and for which treatment is medically necessary.~~
25 ~~Diagnosis and determination of necessary treatment must be~~

1 made-by-a-licensed-medical-practitioner-and-the-department
 2 may-confirm-the-diagnosis-through-an-expert-medical-review.
 3 Necessary-treatment--includes--essential--medical--care--and
 4 other--services--that-the-department-determines-by-rule-to
 5 be-medically--necessary.--A--serious--medical--condition--is
 6 limited--to--chronic--illness--an--acute-medical-need--or-a
 7 medical-condition-that-requires--services--in--order--for--a
 8 person-to-obtain-or-retain-employment.

9 (16) "Temporarily unemployable" means the condition of a
 10 person who suffers from a temporary illness, injury, or
 11 incapacity that is medically certifiable and that prevents
 12 the person from becoming immediately employable in any
 13 substantial, gainful employment, as determined by a
 14 vocational specialist, and who:

15 (a) is at least 55 years of age and who has a limited
 16 ability because of advanced age to obtain or retain suitable
 17 employment, as determined by a vocational specialist; or

18 (b) would not be considered disabled under 42 U.S.C.
 19 1382(c) if evaluated under criteria used to determine
 20 eligibility for the federal supplemental security income
 21 program.

22 ~~(16)(17)~~ (a) "Unemployable" means the condition of a
 23 person who:

24 ~~(17)~~ ~~is at least 55 years of age and has a limited~~
 25 ~~ability to obtain or retain suitable employment because of~~

1 advanced-age-as-determined-by-a-vocational-specialist;

2 ~~(17)(i)~~ (i) has a serious physical, emotional, or mental
 3 handicap that is medically certified and that prevents him
 4 from being employed in any substantial, gainful employment,
 5 as determined by a vocational specialist; or

6 ~~(17)(ii)~~ (ii) suffers from a permanent or temporary illness,
 7 injury, or incapacity that is medically certified and that
 8 prevents the person from working in any substantial, gainful
 9 employment, as determined by a vocational specialist.

10 (b) A person who is unemployable is chronically needy
 11 and must be provided general relief as provided in 53-3-215.

12 ~~(17)(18)~~ "Vocational specialist" means an employment
 13 counselor or other experienced personnel who are qualified
 14 to evaluate a recipient's ability to work in substantial,
 15 gainful employment."

16 **Section 5.** Section 53-3-121, MCA, is amended to read:

17 "53-3-121. Legislative findings. The legislature finds
 18 that:

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

22 ~~(2)~~ ~~public-policy-requires-that-certain-persons-who-are~~
 23 ~~in-need-should-be-provided-with-assistance-through--programs~~
 24 ~~of-general-relief;~~

25 ~~(3)~~ ~~general--relief--assistance,--along--with--other~~

1 ~~assistance programs, should be available to provide:~~

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

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

9 ~~(4)(2)~~ general relief assistance should not be
10 available to those persons who have adequate income or
11 resources to support themselves, nor should general relief
12 assistance be provided in duplication of services and
13 benefits available through other federal or state assistance
14 programs;

15 ~~(5)(3)~~ the legislature, in order to allocate scarce
16 welfare resources to those most in need, may establish a
17 reasonable classification that distinguishes between persons
18 who are chronically in need of assistance and persons who
19 are transitionally needy; and

20 ~~(6)(4)~~ as the basis for the classification of
21 recipients, it is reasonable to conclude that:

22 (a) some persons are in need of assistance because
23 their age or physical, emotional, or mental condition
24 renders them incapable of substantial, gainful employment.
25 Such persons are chronically needy and should be entitled to

1 general relief assistance for the duration of their need.

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

13 **Section 6.** Section 53-3-122, MCA, is amended to read:

14 "53-3-122. Legislative policy and intent. Consistent
15 with the findings in 53-3-121, the legislature intends that:

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

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

21 (3) temporarily unemployable persons, being
22 transitionally needy, may be granted 6 months of general
23 relief for basic necessities during an 18-month period,
24 which relief will be available only if those persons
25 participate in a self-sufficiency program as required by

1 53-3-304;

2 †3†(4) employable persons, being transitionally needy,
3 should be granted 4 months of general relief for basic
4 necessities, which relief will be available only if such
5 persons participate in a job search, training, and work
6 program as required by 53-3-304; and

7 †4†(5) in recognition that not all employable persons
8 are ready to participate in the work force and that the
9 state has a duty to protect the welfare of children,
10 ~~nonmedical~~ general relief should be provided for 6 months to
11 persons who meet the eligibility criteria provided in
12 53-3-215."

13 **Section 7.** Section 53-3-201, MCA, is amended to read:

14 "53-3-201. Residency requirements. (1) Any person
15 otherwise qualified who makes his home in Montana with the
16 intent to become a resident shall be eligible for general
17 relief.

18 (2) Persons new to Montana are eligible for general
19 relief reduced benefits for the first 2 months of their
20 Montana residency.

21 †2†(3) If a person is absent from the state
22 voluntarily, he is ineligible for general relief in Montana.

23 †3†(4) Aliens found to be illegally within the United
24 States are not eligible for relief from state funds.

25 †4†(5) Nonresidents or interstate transients may

1 receive temporary relief from county funds in cases of
2 extreme necessity and destitution until they are returned at
3 state expense to their state of residence or origin."

4 **Section 8.** Section 53-3-205, MCA, is amended to read:

5 "53-3-205. Eligibility for general relief. (1) Except
6 as otherwise provided under this chapter, a person may
7 receive general relief ~~for--basic--necessities~~ if the
8 household is determined to be eligible under the provisions
9 of this section.

10 (2) A person is eligible for general relief ~~assistance~~
11 if his total household income, including presumptive income
12 but exclusive of the earned income disregard provided for in
13 subsection †3†(4), does not exceed the amount established by
14 the department by rule. The department shall establish
15 eligibility and the amount of benefits to be granted, taking
16 into account the size of the household and the estimated
17 number of eligible households. Eligibility and the The
18 amount of benefits to be granted must be based on a
19 percentage of the federal poverty index. The percentage is
20 established in the state general appropriations act.

21 (3) The maximum benefit amount to be granted to a
22 person new to Montana must be reduced by \$50 per month for
23 each of the first 2 months of the person's residency.

24 †3†(4) For 4 consecutive months, the first \$30 plus
25 one-third of the remainder of the total income earned each

1 month by each household member who is a current recipient
 2 must be disregarded in determining a household's eligibility
 3 for general relief assistance. If the total household
 4 income, exclusive of this amount, exceeds the amount
 5 established by the department under subsection (2), the
 6 household is not eligible for general relief assistance. A
 7 current recipient is one who has been receiving general
 8 relief assistance for at least 1 complete calendar month.

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

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

22 ~~(c)--ineligibility-due-to-the-receipt-of-lump-sum-income~~
 23 ~~does-not-preclude-eligibility--for--general--relief--medical~~
 24 ~~assistance.~~

25 ~~5~~(6) All applicants for and recipients of general

1 relief assistance who reside in the same residence are
 2 considered as one household.

3 ~~6~~(7) Eligibility for nonmedical general relief
 4 assistance must be determined prospectively, based on
 5 household income and other relevant circumstances reasonably
 6 certain to exist in the month in which assistance is to be
 7 provided. Once eligibility is determined, ~~an-individual-must~~
 8 ~~be--paid--benefits~~ general relief will be provided in
 9 accordance with ~~the-method-provided-for-in~~ 53-3-311.

10 ~~7~~(8) (a) Except as provided in subsection
 11 ~~7~~(b)(8)(b), the equity value of all household resources
 12 must be considered available to meet the needs of the
 13 individual applying for general relief.

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

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

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

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

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

1 or future employment of a household member.

2 ~~†8†~~(9) A person who is committed or sentenced by legal
3 process to a state institution or a secure facility or who
4 is incarcerated in a secure facility pending resolution of
5 legal process is not eligible for general relief.

6 ~~†9†~~(10) A person who resides for a period of 1 day or
7 more in any state or federally operated institution or
8 residence is not eligible for general relief for the period
9 of that residency.

10 ~~†10†~~(11) For the purposes of an eligibility
11 determination, an applicant for or recipient of general
12 relief may be requested to produce all financial and other
13 information concerning the household.

14 (12) A household is ineligible to receive general relief
15 if the household is ineligible for assistance under the aid
16 to families with dependent children program because of
17 overpayment, fraud, or failure or refusal to comply with
18 requirements for continued participation in that program.
19 The period of ineligibility for the household or individual
20 household members is the same as the period of ineligibility
21 for the aid to families with dependent children program.

22 ~~†11†~~(13) Whenever practical, an eligibility
23 determination must be made within 30 days of the date of
24 application and the applicant must be notified in writing of
25 the eligibility determination and the reasons for the

1 determination."

2 **Section 9.** Section 53-3-209, MCA, is amended to read:

3 "53-3-209. Period of eligibility. (1) The period of
4 eligibility for receipt of general relief for--basic
5 necessities is 1 month. Except as provided in subsection
6 ~~†3†~~(2), a person may seek to establish eligibility for the
7 succeeding month prior to the end of the current month of
8 eligibility.

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

15 ~~†3†~~ The period of eligibility for any type of general
16 relief assistance terminates at any time the county welfare
17 board or the department determines that the household:

18 (a) no longer meets the applicable eligibility
19 requirements; or

20 (b) received general relief assistance by means of
21 fraud or mistake."

22 **Section 10.** Section 53-3-211, MCA, is amended to read:

23 "53-3-211. Ineligibility due to voluntary termination
24 of employment. (1) A person is not eligible to receive
25 general relief assistance for a period of 3 months if he has

1 voluntarily left employment without good cause connected to
 2 such employment. The period of ineligibility begins on the
 3 first day of the next month in which the person would
 4 otherwise be eligible for general relief.

5 (2) For purposes of subsection (1), a person has
 6 voluntarily left employment with good cause if he has left
 7 work because of:

8 (a) a compelling reason directly related to the job
 9 under circumstances that would cause a reasonably prudent
 10 person to leave his employment;

11 (b) work conditions that pose an undue risk of personal
 12 injury, illness, or harm;

13 (c) unlawful discrimination, harassment, or other
 14 mistreatment by the employer; or

15 (d) personal illness or injury and, after recovering
 16 from such illness or injury, he returns to his employer and
 17 finds no suitable work available."

18 **Section 11.** Section 53-3-212, MCA, is amended to read:

19 "53-3-212. Ineligibility because of discharge due to
 20 misconduct. (1) A person is ineligible to receive general
 21 relief assistance for a period of 3 months if he has been
 22 discharged or suspended from employment for misconduct
 23 related to the individual's work or affecting his
 24 employment. The period of ineligibility begins on the first
 25 day of the next month in which the person would otherwise be

1 eligible for general relief.

2 (2) For purposes of subsection (1), "misconduct" means:

3 (a) intentional, willful, or wanton disregard of the
 4 employer's interest or of the employee's duties and
 5 obligations to his employer;

6 (b) material breach of the employee's duty to his
 7 employer as found in:

8 (i) the employee's deliberate violation or disregard of
 9 standards of behavior that the employer has a right to
 10 expect of his employee; or

11 (ii) carelessness or negligence of such degree or
 12 recurrence as to manifest culpability, wrongful intent, or
 13 evil design or to show an intentional or substantial
 14 disregard of the employer's interest;

15 (c) dishonesty toward the employer, including acts such
 16 as deliberate falsification of company records, theft,
 17 deliberate deception, lying, and other statements or acts
 18 that demonstrate a willful or wanton disregard of the
 19 employer's interest;

20 (d) excessive, unexcused absences from work or
 21 repeated, unexcused tardiness by the employee;

22 (e) insubordination; or

23 (f) assault, threats of violence, provoking a fight, or
 24 stealing from a fellow employee if committed on the premises
 25 of the employer.

1 (3) The following do not constitute misconduct within
2 the meaning of subsection (1):

3 (a) mere inefficiency or unsatisfactory conduct of the
4 employee;

5 (b) inadvertence or ordinary negligence in isolated
6 instances; or

7 (c) good faith errors in judgment or discretion."

8 **Section 12.** Section 53-3-215, MCA, is amended to read:

9 *53-3-215. Eligibility classifications -- duration of
10 assistance. (1) For purposes of eligibility, a recipient of
11 general relief must be classified as either employable,
12 temporarily unemployable, or unemployable.

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

15 (3) Except as provided in subsection (4), employable
16 persons who are otherwise eligible may receive general
17 relief for--~~basic--necessities~~ for a period not to exceed 4
18 months in any ~~12-month~~ 18-month period.

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

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

25 (b) suffers from drug or alcohol dependency and,

1 subject to available funding, is undergoing active treatment
2 in an approved program; or

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

7 (5) A temporarily unemployable person complying with
8 53-3-303 may receive general relief for a maximum of 6
9 months in any 18-month period.

10 ~~(5)(6)~~ Assistance granted prior to January September 1,
11 1990 1991, may not be considered in determining
12 eligibility."

13 **Section 13.** Section 53-3-303, MCA, is amended to read:

14 *53-3-303. Conditions of eligibility. (1) As a
15 condition of eligibility for general relief ~~assistance~~, an
16 employable or temporarily unemployable recipient must:

17 (a) register for employment with the department of
18 labor and industry;

19 (b) maintain an active job registration file; and

20 (c) comply with and actively participate in any job
21 search, training, workfare, or self-sufficiency program
22 required by the department; and

23 ~~(e)(d)~~ actively pursue and accept available employment
24 within his or her capability.

25 (2) Refusal without good cause to comply with the

1 requirements of subsection (1) will render the individual
 2 recipient, but not the rest of that recipient's household,
 3 ineligible for general relief assistance for 3 months
 4 following the first refusal and for 6 months following any
 5 subsequent refusal. The period of ineligibility begins on
 6 the first day of the next month in which the person would
 7 otherwise be eligible for general relief."

8 **Section 14.** Section 53-3-304, MCA, is amended to read:

9 "53-3-304. Power to require employable and temporarily
 10 unemployable recipients to participate in job search,
 11 training, and workfare, and self-sufficiency programs. (1)
 12 The department shall initiate, promote, and develop job
 13 search, training, and workfare, and self-sufficiency
 14 programs that will provide any combination of employment,
 15 training, and work experience, or self-sufficiency for
 16 persons receiving general relief assistance under the
 17 provisions of this chapter. These programs must be designed
 18 to:

19 (a) preserve and improve the work habits and skills of
 20 recipients for whom jobs are not otherwise immediately
 21 available; and

22 (b) provide training and work experience that will
 23 enable recipients to find regular, sustainable employment;
 24 and

25 (c) provide necessary supportive services and training

1 in order to overcome any condition of temporary
 2 unemployability.

3 (2) For each county with state-assumed welfare
 4 services, the department shall institute job search,
 5 training, and workfare, and self-sufficiency programs as
 6 provided for in subsection (1).

7 (3) Except as otherwise provided in this chapter, in a
 8 county with state-assumed welfare services, an employable or
 9 temporarily unemployable recipient of general relief
 10 assistance shall enroll in a structured job search, and
 11 training, or self-sufficiency program, as required, at an
 12 employment office or other site designated by the
 13 department. The program programs may include the following
 14 elements:

15 (a) assessment and testing;

16 (b) an employability plan;

17 (c) a requirement that recipients participate for a
 18 minimum of 40 hours a week in a combination of activities,
 19 including workfare as provided in subsection (4), unless
 20 they are prevented with good cause from participating in
 21 such activities;

22 (d) remedial education or job skills training, if it is
 23 called for in the employability plan and if it provides for
 24 immediate referral to an appropriate Job Training
 25 Partnership Act program;

1 (e) a job readiness and job search program that may
 2 include:

3 (i) self-assessment and occupational testing;

4 (ii) instruction in completing applications, writing
 5 resumes, and preparing for interviews;

6 (iii) identification of and contact with potential
 7 employers;

8 (iv) participation in simulated job interviews; and

9 (v) intensive job search activity and prompt placements
 10 for recipients who are ready to enter the work force;

11 (f) a supervised effort to find employment;

12 (g) efforts to address barriers to employment;

13 (h) an expectation that recipients must be employed at
 14 the end of the program; and

15 (i) followup and monitoring of program performance;

16 (j) supportive services necessary to overcome temporary
 17 unemployability;

18 (k) a self-sufficiency plan; and

19 (l) concentrated rehabilitation activities.

20 (4) In addition to the training required in subsection
 21 (3), the county department of public welfare or the
 22 department of social and rehabilitation services may require
 23 a recipient to participate in a workfare program. The
 24 purpose of the workfare program is to provide work
 25 experience and training for general relief recipients in

1 specifically created work projects operated by a public
 2 agency or a private, nonprofit agency. A workfare program
 3 established under this section must provide that:

4 (a) a currently employed worker may not be displaced by
 5 any recipient (including partial displacement such as a
 6 reduction in the hours of nonovertime work, wages, or
 7 employment benefits);

8 (b) a recipient may not be given a work experience or
 9 training assignment if:

10 (i) the assignment would fill an established, unfilled
 11 vacancy that exists because an employee has been laid off;
 12 or

13 (ii) the employer has terminated the employment of any
 14 regular employee or otherwise reduced its work force with
 15 the intention of filling the vacancy with a general relief
 16 recipient;

17 (c) a recipient may not be required to participate in a
 18 workfare program if participation is determined to interfere
 19 with:

20 (i) participation in a job search or job, training, or
 21 self-sufficiency program; or

22 (ii) attendance in a secondary education program;

23 (d) the maximum number of hours that a recipient may be
 24 required to participate in a workfare program and job
 25 search, and training, and self-sufficiency programs may not

1 exceed 40 hours in a week.

2 (5) The county department of public welfare or the
3 department of social and rehabilitation services, as the
4 case may be, shall provide coverage under the Workers'
5 Compensation Act for those recipients of general relief
6 participating in the workfare program and may enter into
7 such agreements with the department of labor and industry as
8 may be necessary to carry out the provisions of this
9 section.

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

16 (7) A workfare program may not impair existing
17 contracts for services or collective bargaining agreements,
18 and a workfare program that would be inconsistent with the
19 terms of a collective bargaining agreement may not be
20 undertaken without the written concurrence of the labor
21 organization and employer concerned.

22 (8) No program established under this section may
23 include any political, partisan, or lobbying activities. The
24 department shall deny funds to any program involved in such
25 activities."

1 **Section 15.** Section 53-3-305, MCA, is amended to read:

2 "53-3-305. **Effect of refusal to participate in**
3 **mandatory programs.** Any recipient of general relief who is
4 subject to the provisions of 53-3-304 and 53-3-321 and who
5 without good cause refuses to participate in a required
6 program or to perform work assigned to him as therein
7 provided shall lose eligibility for general relief for 3
8 months following the first refusal and for 6 months
9 following any subsequent refusal. The period of
10 ineligibility begins on the first day of the next month in
11 which the person would otherwise be eligible for general
12 relief."

13 **Section 16.** Section 53-3-311, MCA, is amended to read:

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

19 (2) In a county with state-assumed welfare services,
20 the amount of general relief for basic necessities available
21 to an eligible household is the amount determined for the
22 same size household pursuant to 53-3-205(2) and (3), less
23 countable income and resources not excluded in
24 53-3-205~~(3)~~(4) and ~~(7)~~(8).

25 (a) Countable income during the first 2 months of

1 continuous eligibility is the income the household is likely
2 to receive during the benefit month, less the amounts
3 excluded in 53-3-205(2).

4 (b) Countable income in the third and all consecutive
5 continuous months of eligibility is the income the household
6 received in the second calendar month immediately preceding
7 the benefit month less the amounts excluded in 53-3-205(2)."

8 **Section 17.** Section 53-3-314, MCA, is amended to read:

9 **"53-3-314. County of financial responsibility.** (1) The
10 county responsible for benefits provided under this chapter
11 is the county of residence of the person making application
12 for assistance.

13 ~~(2) Medical costs covered by general relief medical~~
14 ~~assistance are the financial responsibility of the treated~~
15 ~~person's county of residence. Institutionalization for~~
16 ~~medical services does not change such residency.~~

17 ~~(3) General relief medical assistance for a transient~~
18 ~~is the responsibility of the county in which the~~
19 ~~nonresident's illness or injury requiring medical attention~~
20 ~~initially occurred."~~

21 **Section 18.** Section 53-3-321, MCA, is amended to read:

22 **"53-3-321. Services for recipients in need of special**
23 **assistance.** (1) Unless otherwise exempted, in a county with
24 state-assumed welfare services, a person who has a serious
25 barrier to employment, who is temporarily unemployable, or

1 who suffers from drug or alcohol dependency shall report to
2 any combination of a job search, training, and workfare, or
3 self-sufficiency program, as required by the department, for
4 the purpose of receiving an assessment to determine whether
5 the person is likely to benefit from counseling, therapy, or
6 rehabilitation. The agency shall require that the person be
7 enrolled in either any combination of:

8 (a) a job search, training, and workfare, or
9 self-sufficiency program established under 53-3-304, except
10 that he the person need not participate in the job search
11 program under 53-3-304(3)(e) until the agency determines
12 that he the person is ready to participate in the work
13 force; or

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

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

18 (a) assessment and testing;

19 (b) an employability or self-sufficiency plan;

20 (c) remedial education or job skills training, if
21 required by the employability or self-sufficiency plan; and

22 (d) a chemical dependency assessment; and

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

(3) In order to encourage rehabilitation, the department may restrict services to persons suffering from drug or alcohol dependency to one intervention through the provision of services described in subsections (2)(a) through (2)(d)(e). ~~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 53-3-215.~~"

Section 19. Section 53-3-322, MCA, is amended to read:

"53-3-322. **Payment after performance.** (1) The department may by rule withhold general relief assistance or limit payments to shelter or personal needs until all employable or temporarily unemployable members of the household have completed 2 4 full weeks in a structured job search, training, or workfare, or self-sufficiency program as required in 53-3-304.

(2) A person is ineligible for assistance under subsection (1) if:

(a) the person fails to cooperate with the department in its investigation of eligibility; or

(b) the department's investigation during the 2-week 4-week period described in subsection (1) discloses that the person is ineligible to receive assistance."

Section 20. Section 53-3-323, MCA, is amended to read:

"53-3-323. **Limitation of services.** (1) The department may limit the scope and availability of programs and services under 53-3-304 as may be necessary because of:

(a) the actual needs of an individual, as determined in accordance with an employability or self-sufficiency plan;

(b) funding limitations;

(c) service limitations;

(d) limitations caused by the lack of available employment in the area; and

(e) an insufficient number of recipients in an area to justify establishment of any combination of a job search, training, and workfare, or self-sufficiency programs program.

(2) Recipients residing in areas where programs and services are restricted because of subsection (1) are exempt from mandatory participation in a job search, training, and workfare, or self-sufficiency program."

Section 21. Section 53-3-324, MCA, is amended to read:

"53-3-324. **Employability and self-sufficiency plan plans.** (1) The department shall develop or contract for the development of an employability or self-sufficiency plan, as appropriate, for each participant enrolled in a job search, training, and workfare, or self-sufficiency programs program provided for in 53-3-304.

(2) The department may contract for assessment and

1 testing if:

2 (a) it determines there is a need for assessment and
3 testing in order to develop an-employability a plan; and

4 (b) funds are available for such services."

5 **Section 22.** Section 53-3-325, MCA, is amended to read:

6 "53-3-325. Transition-to-work allowance. (1) As an
7 alternative to the programs and services provided for in
8 53-3-304, the department may pay recipients a
9 transition-to-work allowance. This allowance may be used
10 only for relocation expenses for recipients who have
11 obtained employment in another county or state.

12 (2) Notwithstanding any other provision of this
13 chapter, a person who elects to receive the allowance
14 provided for in subsection (1) is ineligible for general
15 relief assistance for a period of 16 months."

16 **Section 23.** Section 53-3-326, MCA, is amended to read:

17 "53-3-326. Transportation assistance. The department
18 may provide necessary transportation or reimbursement of
19 transportation costs for persons enrolled in job search,
20 training, and workfare, or self-sufficiency programs
21 provided for in 53-3-304."

22 **Section 24.** Section 53-3-327, MCA, is amended to read:

23 "53-3-327. Performance standards -- monitoring and
24 evaluation of program. (1) The department shall provide
25 standards to measure the performance and effectiveness of

1 the general relief job search, training, and workfare, and
2 self-sufficiency program programs provided for in 53-3-304.
3 The standards must consist of an objective, quantifiable
4 measure of the extent to which participation in the program
5 increases the employment and earnings of participants and
6 decreases their dependency on public assistance.

7 (2) In order to determine whether performance standards
8 are met, the department shall monitor and evaluate the
9 program on the basis of appropriate factors that must
10 include the following:

11 (a) the placement of participants in unsubsidized
12 employment;

13 (b) the retention of participants in unsubsidized
14 employment;

15 (c) the increase in earnings, including hourly wages,
16 of participants due to placement in unsubsidized employment;

17 (d) the reduction in the number of individuals and
18 families receiving general relief; and

19 (e) the amount of reductions in payments for general
20 relief.

21 (3) In monitoring and evaluating the performance of the
22 program, the department shall determine the reasons for high
23 and low levels of performance, administrative efficiencies,
24 and program coordination."

25 **Section 25.** Section 53-3-328, MCA, is amended to read:

1 *53-3-328. **Employability determination -- reassessment**
2 **of additional eligibility.** During the final month of
3 eligibility, a vocational specialist shall conduct a
4 reassessment of each applicant for ~~nonmedical~~ general relief
5 to determine whether the applicant should be reclassified as
6 employable, temporarily unemployable, or unemployable or
7 should remain classified as having serious barriers to
8 employment ~~and-benefits-extended-according--to--53-3-321(3)~~.
9 The reassessment must include an evaluation of the
10 applicant's education, training, experience, and ability to
11 work in substantial, gainful employment."

12 NEW SECTION. **Section 26. Repealer.** Sections 53-3-206,
13 53-3-307, 53-3-310, 53-3-313, and 53-3-318, MCA, are
14 repealed.

15 NEW SECTION. **Section 27. Effective date.** [This act] is
16 effective September 1, 1992.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0010, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the laws relating to general relief; reducing benefits for the first 2 months of residency; eliminating state payments for general relief medical assistance; reducing from 12 mills to 8.7 mills the number of mills levied in counties opting for state assumption of county assistance programs; authorizing local boards of health to provide medical assistance; revising the periods of ineligibility; redefining the classes of persons eligible for general relief; revising the conditions of eligibility; revising the duration of assistance permitted; creating a self-sufficiency program for certain unemployed persons; expanding the time period for job search, training, workfare, or self-sufficiency programs prior to receipt of benefits; and providing an effective date.

ASSUMPTIONS:

1. The state general fund will pay state medical expenses through September 30, 1992.
2. The effective date is October 1, 1992.
3. There will be a major technical amendment.

FISCAL IMPACT:

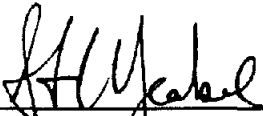
The net savings to the general fund in FY93 will be \$890,000 based on the bill as written. With an amendment being drafted to reduce the amount of reimbursements retained by counties, the net impact would be \$1,290,000 in FY93 (see technical note # 2).

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:


Medical expenses for indigent will be at the discretion of each county.

TECHNICAL NOTES:

1. The effective date should be October 1, 1992.
2. There will be a major amendment for county reimbursement to equal \$1.5 million in FY93 only, not 3.3 mills. With this amendment, the net savings to the general fund would be \$1.290 million.



STEVE YEAKEL, BUDGET DIRECTOR 7/11/92 DATE
Office of Budget and Program Planning



THOMAS F. KEATING, PRIMARY SPONSOR DATE
Fiscal Note for SB0010, as introduced

SB 10

APPROVED BY COMM. ON
FINANCE AND CLAIMS

SENATE BILL NO. 10
INTRODUCED BY KEATING
BY REQUEST OF THE DEPARTMENT
OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO GENERAL RELIEF; REDUCING BENEFITS FOR THE FIRST 2 MONTHS OF RESIDENCY; ~~ELIMINATING STATE PAYMENTS FOR GENERAL RELIEF MEDICAL ASSISTANCE; REDUCING FROM 12 MILLS TO 8.7 MILLS THE NUMBER OF MILLS LEVIED IN COUNTIES OPTING FOR STATE ASSUMPTION OF COUNTY ASSISTANCE PROGRAMS; AUTHORIZING LOCAL BOARDS OF HEALTH TO PROVIDE MEDICAL ASSISTANCE; REVISING THE PERIODS OF INELIGIBILITY; LIMITING ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE; REDEFINING THE CLASSES OF PERSONS ELIGIBLE FOR GENERAL RELIEF; REVISING THE CONDITIONS OF ELIGIBILITY; REVISING THE DURATION OF ASSISTANCE PERMITTED; CREATING A SELF-SUFFICIENCY PROGRAM FOR CERTAIN UNEMPLOYED PERSONS; EXPANDING THE TIME PERIOD FOR JOB SEARCH, TRAINING, WORKFARE, OR SELF-SUFFICIENCY PROGRAMS PRIOR TO RECEIPT OF BENEFITS; AMENDING SECTIONS 50-2-116, 53-2-323, 53-2-813, 53-3-109, 53-3-121, 53-3-122, 53-3-201, 53-3-205, 53-3-209, 53-3-211, 53-3-212, 53-3-215, 53-3-303, 53-3-304, 53-3-305, 53-3-307, 53-3-310, 53-3-311, 53-3-314, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-325, 53-3-326, 53-3-327, AND 53-3-328, MCA; AND REPEALING~~

~~SECTIONS SECTION 53-3-206, MCA. 53-3-307, 53-3-310, 53-3-313, AND 53-3-318, MCA; AND PROVIDING AN EFFECTIVE DATE.~~

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

~~Section 1. Section 50-2-116, MCA, is amended to read:--~~

~~"50-2-116. Powers and duties of local boards. (1) Local boards shall:~~

~~(a) appoint a local health officer who is a physician or a person with a master's degree in public health or the equivalent and with appropriate experience, as determined by the department, and shall fix his salary;~~

~~(b) elect a chairman and other necessary officers;~~

~~(c) employ necessary qualified staff;~~

~~(d) adopt bylaws to govern meetings;~~

~~(e) hold regular meetings quarterly and hold special meetings as necessary;~~

~~(f) supervise destruction and removal of all sources of filth that cause disease;~~

~~(g) guard against the introduction of communicable disease;~~

~~(h) supervise inspections of public establishments for sanitary conditions;~~

~~(i) adopt necessary regulations that are no less stringent than state standards for the control and disposal~~

1 of--sewage--from--private--and--public--buildings--that--is--not
 2 regulated--by--Title--757--chapter--67--or--Title--767--chapter--47.
 3 The---regulations---must---describe---standards---for---granting
 4 variances--from--the--minimum--requirements--that--are--identical
 5 to---standards--promulgated--by--the--board--of--health--and
 6 environmental--sciences--and--must--provide--for--appeal--of
 7 variance--decisions--to--the--department--as---required---by
 8 75-5-305.

9 (2)--local--boards--may:

10 (a)--quarantine--persons--who--have--communicable--diseases;

11 (b)--require--isolation--of--persons--or--things--that--are
 12 infected--with--communicable--diseases;

13 (c)--furnish--treatment--for--persons--who--have--communicable
 14 diseases;

15 (d)--prohibit--the--use--of--places--that--are--infected--with
 16 communicable--diseases;

17 (e)--require--and--provide--means--for--disinfecting--places
 18 that--are--infected--with--communicable--diseases;

19 (f)--accept--and--spend--funds--received--from--a--federal
 20 agency7--the--state7--a--school--district7--or--other--persons;

21 (g)--contract--with--another--local--board--for--all--or--a--part
 22 of--local--health--services;

23 (h)--reimburse---local--health--officers--for--necessary
 24 expenses--incurred--in--official--duties;

25 (i)--abate--nuisances--affecting--public--health--and--safety

1 or--bring--action--necessary--to--restrain--the--violation--of
 2 public--health--laws--or--rules;

3 (j)--adopt--necessary--fees--to--administer--regulations--for
 4 the--control--and--disposal--of--sewage--from--private--and--public
 5 buildings--(fees--must--be---deposited---with---the---county
 6 treasurer);

7 (k)--provide--medical--assistance7--including--preventive
 8 health--care7--and

9 (l)(1)--adopt--rules--that--do--not--conflict--with--rules
 10 adopted--by--the--department;

11 (i)--for--the--control--of--communicable--diseases;

12 (ii)--for--the--removal--of--filth--that--might--cause--disease
 13 or--adversely--affect--public--health;

14 (iii)--on--sanitation--in--public--buildings--that--affects
 15 public--health;

16 (iv)--for--heating7--ventilation7--water--supply7--and--waste
 17 disposal--in--public--accommodations--that--might--endanger--human
 18 lives7--and

19 (v)--for--the--maintenance--of--sewage--treatment--systems
 20 that--do--not--discharge--an--effluent--directly--into--state--waters
 21 and--that--are--not--required--to--have--an--operating--permit--as
 22 required--by--rules--adopted--under--75-5-4017--and

23 (vi)--for---providing---medical---assistance7---including
 24 preventive--health--care7⁴

25 **Section 2.**--Section 53-2-3237-MCA7-is-amended-to-read:--

1 "53-2-323,--Emergency---grants---from---state--funds--to-
 2 counties--Except-when-a-county-has--transferred--its--public
 3 assistance--and--protective-services-responsibilities-to-the
 4 state-under-part-8-of-this-chapter,--a-county--may--apply--to
 5 the--department-for-an-emergency-grant-in-aid,--and-the-grant
 6 shall-be-made-to-the-county-upon-the-following-conditions:
 7 {1}--The-board-of-county-commissioners-or-a-duty-elected
 8 or-appointed-executive-officer--of--the--county--shall--make
 9 written---application---to---the--department--for--emergency
 10 assistance-and--shall--show--by--written--report--and--sworn
 11 affidavit--of--the-county-clerk-and-recorder-and-chairman-of
 12 the-board-of-county-commissioners-or-other-duty--elected--or
 13 appointed-executive-officer-of-the-county-the-following:
 14 {a)--that--the--county--will--not--be--able--to--meet--its
 15 obligations-under-law-to-provide-assistance-to-the-needy--of
 16 the--county--or--meet--its-proportionate-share-of-any-public
 17 assistance-activity-carried-on-jointly-with-the-department;
 18 {b)--that--all-lawful-sources-of-revenue-and-other-income
 19 to-the-county-poor-fund-will-be-exhausted;
 20 {c)--that--all-expenditures-from--the--county--poor--fund
 21 have-been-lawfully-made,--and
 22 {d)--that--all--expenditures--from--the-county-poor-fund
 23 have-been-reasonable-and-necessary,--according--to--criteria
 24 set-by-the-department-in-rules-adopted-for-that-purpose,--for
 25 the--county--to--meet--its--obligations-under-law-to-provide

1 assistance-to-the-needy;
 2 {2}--Within-10-days-of-receipt-of--the--application--and
 3 affidavit,--the-department-shall-determine-whether-the-county
 4 poor--fund--will--be--depleted--and-shall-give-notice-to-the
 5 county-of-the-department's-intention-to-deny--or--allow--the
 6 grant-in-aid,--Before-a-grant-in-aid-for-any-fiscal-year-may
 7 be-made-to-a-county-under-this-section,--any--money--credited
 8 during--that--fiscal-year-to-the-depletion-allowance-reserve
 9 fund-from-the-sources--provided--by--7-34-2402{2}--shall--be
 10 transferred--to--the--county-poor-fund-to-be-used-for-lawful
 11 poor-fund-expenditures,--The-amount-of-the-grant-in-aid-shall
 12 be-determined-after-all-sources-of-income-available--to--the
 13 poor--fund,--including--the-depletion-allowance-reserve-fund
 14 transfers,--have-been-exhausted;
 15 {3}--Within--10--days--of--receiving--notice--from--the
 16 department--that--a-grant-in-aid-will-be-made-to-the-county,
 17 the-board-of-county-commissioners-or-other-duty--elected--or
 18 appointed--executive--officer--of--the-county-shall-adopt-an
 19 emergency-budget,--There-is--no--requirement--of--notice--and
 20 hearing--for--that--emergency--budget,--The-emergency-budget
 21 shall-state-the-amount-required-to-meet--the--obligation--of
 22 the--county--and--shall-allocate-that-whole-amount-among-the
 23 various-classes-of-expenditures--for--which--the--grant--was
 24 made;
 25 {4}--Upon--receipt--and-approval-of-the-county-emergency

1 budget, the department shall issue a warrant to the county
2 treasurer of the county for the total amount stated in the
3 approved emergency budget:

4 {5} The grant in aid received by the county shall be
5 placed in an emergency fund account to be kept separate and
6 distinct from the poor fund account. All expenditures from
7 the emergency fund account shall be made by a separate
8 series of warrants or checks marked as emergency warrants or
9 checks:

10 {6} The grants in aid from the department may be used
11 only for public assistance activities lawfully conducted by
12 the county, including but not limited to medical aid,
13 hospitalization, and institutional care. No part of a
14 grant in aid may be used, directly or indirectly, to pay for
15 the erection or improvement of any county building or for
16 furniture, fixtures, appliances, or equipment for a county
17 building:

18 {7} In the event the county poor fund is replenished by
19 other lawful sources of revenue, the county shall issue
20 warrants to meet its obligations from the county poor fund
21 until such time as that fund is again so depleted that
22 warrants can no longer lawfully be drawn on that account.
23 Upon depletion of the county poor fund, the county may again
24 make disbursements from the emergency fund account as
25 provided in subsection {5}. At the close of the county

1 fiscal year, the county shall return to the department any
2 amounts remaining in the county poor fund and the emergency
3 fund account, but the remaining amount to be returned may
4 not exceed the total amount of the emergency grant in aid
5 for that fiscal year:

6 {8} Any amount which is unlawfully disbursed or
7 transferred from the emergency fund account or used for a
8 purpose other than that specified in the grant in aid shall
9 be returned by the county to the department."

10 **Section 3.** Section 53-2-813, MCA, is amended to read:--

11 "53-2-813. Mill levy for counties transferring public
12 assistance and protective services. (1) For the purpose of
13 this part, 0.7 mills must be levied annually in those
14 counties opting for state assumption:

15 (2) For a county electing state assumption before July
16 1, 1986, the proceeds of the mill levy established in
17 subsection (1) must be deposited in the state special
18 revenue fund in the state treasury for the purpose of paying
19 the expenses of the department of social and rehabilitation
20 services. The mill levy may not exceed 0.7 mills,
21 notwithstanding actual expenditures made by the department:

22 (3) For a county electing state assumption on or after
23 July 1, 1986, the proceeds of the mill levy established in
24 subsection (1) must be deposited in the state special
25 revenue fund in the state treasury to the credit of the

1 department---of---social---and---rehabilitation---services;---The
 2 general-fund-authority---of---the---department---of---social---and
 3 rehabilitation---services---shall---be---reduced---and---the---general
 4 fund-authority---of---the---department---of---family---services---shall---be
 5 increased---by---an---amount---equal---to---the---county's---expenditures
 6 for---child---and---adult---protective---services---in---the---fiscal---year
 7 immediately---preceding---state---assumption;---The---mill---levy---may
 8 not---exceed---12 8.7-mills;---notwithstanding---actual---expenditures
 9 made---by---the---department---of---social---and---rehabilitation---services
 10 and---the---department---of---family---services;

11 {4}---For---a---county---retaining---or---reassuming---operational
 12 responsibility---for---medical---assistance---or---monetary---payments
 13 to---needy---persons---as---provided---in---53-2-812;---the---levy---provided
 14 in---subsection---{1}---must---be---reduced---by---the---mill---levy
 15 equivalent---expended---by---that---county---or---the---department---for
 16 such---purposes---in---the---fiscal---year---immediately---preceding---the
 17 option---to---retain---or---reassume---such---responsibility;"

18 **Section 1.** Section 53-3-109, MCA, is amended to read:
 19 "53-3-109. Definitions. For the purposes of this
 20 chapter, the following definitions apply:

21 {1}---"Acute-medical-need"---means---an---illness;---injury;---or
 22 other-serious-medical-condition-that:

- 23 {a}---demands-urgent-medical-attention;---and
- 24 {b}---is-expected-to-last-less-than-12-months-if-treated;
- 25 (1) "ACUTE MEDICAL NEED" MEANS AN ILLNESS, INJURY, OR

1 OTHER SERIOUS MEDICAL CONDITION THAT:

- 2 {A} DEMANDS URGENT MEDICAL ATTENTION; AND
- 3 {B} IS EXPECTED TO LAST LESS THAN 12 MONTHS IF TREATED.

4 {2}{1}{2} "Basic necessities" means food, shelter,
 5 utilities, and personal needs.

6 {3}{2}{3} "Children" means minor and adult children who
 7 reside in the same household with their parents. The term
 8 includes both adoptive and natural children.

9 {4}{3}{4} "Chronic illness" or "chronically ill" means
 10 the condition of a person who is diagnosed as having an
 11 illness, injury, or physical or mental impairment that:

12 (a) is expected to last for a continuous period of at
 13 least 12 months; and

14 (b) would be considered a disability under 42 U.S.C.
 15 1382(c) if evaluated under criteria used to determine
 16 eligibility for the federal supplemental security income
 17 program.

18 {5}{4}{5} "Department" means the department of social
 19 and rehabilitation services provided for in Title 2, chapter
 20 15, part 22.

21 {6}{5}{6} "Employable" means the condition of a person
 22 who is not unemployable, as determined by a vocational
 23 specialist. A person who is employable is transitionally
 24 needy and is not eligible for general relief for basic
 25 necessities except as provided in 53-3-215.

1 ~~{7}{6}{7}~~ "General relief" or ~~----"general----relief~~
 2 ~~assistance"~~ means a program of public assistance for basic
 3 necessities ~~and-medical-needs~~ AND MEDICAL NEEDS for those
 4 persons determined to be eligible for such assistance.

5 ~~{8}{7}{8}~~ "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; or

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

12 ~~{9}{8}{9}~~ "Income" means the value of all property of
 13 any nature, earned, unearned, or in-kind, including
 14 benefits, that is reasonably certain to be received or is
 15 actually received during the month by members of a
 16 household.

17 ~~{10}{9}{10}~~ "Lump-sum income" means a nonrecurring
 18 source of income received in a single payment by a household
 19 during any eligibility period, including but not limited to
 20 proceeds from a lawsuit, insurance settlement, inheritance,
 21 lump-sum retirement, veterans' or unemployment benefits;
 22 benefits received under the federal Social Security Act;
 23 prizes; and tax refunds.

24 ~~{11}{11}~~ "New to Montana" means a person who has been a
 25 Montana resident for 1 month or less at the time of

1 application.

2 ~~{11}{12}~~ "Presumptive income" means the amount of
 3 financial assistance that a person would have received under
 4 the aid to families with dependent children program, as
 5 provided for in Title 53, chapter 4, part 2, if the person
 6 had not been determined ineligible due to receipt of
 7 lump-sum income, overpayment, fraud, or failure or refusal
 8 to comply with requirements for continued participation in
 9 the program.

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

14 ~~{13}{14}~~ "Secure facility" means any facility in which a
 15 person may be lawfully held against his will by federal,
 16 state, or local authorities.

17 ~~{14}{15}~~ "Self-sufficiency program" means a program
 18 designed to enable temporarily unemployable persons to
 19 achieve self-sufficiency and includes any combination of a
 20 self-sufficiency plan, concentrated rehabilitation
 21 activities, or support services.

22 ~~{14}{15}{16}~~ "Serious barrier to employment" means a
 23 limitation in obtaining employment, as determined by a
 24 vocational specialist, that results from:

25 (a) a lack of work skills, experience, or training

1 necessary to secure employment;

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

4 (c) illiteracy.

5 ~~{15}-"Serious--medical--condition"--means--a--mental--or
6 physical--condition--that--causes--a--serious--health--risk--to--a
7 person--and--for--which--treatment--is--medically--necessary--
8 Diagnosis--and--determination--of--necessary--treatment--must--be
9 made--by--a--licensed--medical--practitioner,--and--the--department
10 may--confirm--the--diagnosis--through--an--expert--medical--review;
11 Necessary--treatment--includes--essential--medical--care--and
12 other--services--that--the--department--determines,--by--rule,--to
13 be--medically--necessary.---A--serious--medical--condition--is
14 limited--to--chronic--illness,--an--acute--medical--need,--or--a
15 medical--condition--that--requires--services--in--order--for--a
16 person--to--obtain--or--retain--employment.~~

17 (17) "SERIOUS MEDICAL CONDITION" MEANS A MENTAL OR
18 PHYSICAL CONDITION THAT CAUSES A SERIOUS HEALTH RISK TO A
19 PERSON AND FOR WHICH TREATMENT IS MEDICALLY NECESSARY.
20 DIAGNOSIS AND DETERMINATION OF NECESSARY TREATMENT MUST BE
21 MADE BY A LICENSED MEDICAL PRACTITIONER, AND THE DEPARTMENT
22 MAY CONFIRM THE DIAGNOSIS THROUGH AN EXPERT MEDICAL REVIEW.
23 NECESSARY TREATMENT INCLUDES ESSENTIAL MEDICAL CARE AND
24 OTHER SERVICES THAT THE DEPARTMENT DETERMINES, BY RULE, TO
25 BE MEDICALLY NECESSARY. A SERIOUS MEDICAL CONDITION IS

1 LIMITED TO CHRONIC ILLNESS, AN ACUTE MEDICAL NEED, OR A
2 MEDICAL CONDITION THAT REQUIRES SERVICES IN ORDER FOR A
3 PERSON TO OBTAIN OR RETAIN EMPLOYMENT.

4 {16}{18} "Temporarily unemployable" means the condition
5 of a person who suffers from a temporary illness, injury, or
6 incapacity that is medically certifiable and that prevents
7 the person from becoming immediately employable in any
8 substantial, gainful employment, as determined by a
9 vocational specialist, and who:

10 (a) is at least 55 years of age and who has a limited
11 ability because of advanced age to obtain or retain suitable
12 employment, as determined by a vocational specialist; or

13 (b) would not be considered disabled under 42 U.S.C.
14 1382(c) if evaluated under criteria used to determine
15 eligibility for the federal supplemental security income
16 program.

17 {16}{17}{19} (a) "Unemployable" means the condition of a
18 person who:

19 {i}--is--at--least--55--years--of--age--and--has--a--limited
20 ability--to--obtain--or--retain--suitable--employment--because--of
21 advanced--age,--as--determined--by--a--vocational--specialist;

22 {ii}{i} has a serious physical, emotional, or mental
23 handicap that is medically certified and that prevents him
24 from being employed in any substantial, gainful employment,
25 as determined by a vocational specialist; or

{iii}{ii} suffers from a permanent or temporary illness, injury, or incapacity that is medically certified and that prevents the person from working in any substantial, gainful employment, as determined by a vocational specialist.

(b) A person who is unemployable is chronically needy and must be provided general relief as provided in 53-3-215.

{i7}{i8}{20} "Vocational specialist" means an employment counselor or other experienced personnel who are qualified to evaluate a recipient's ability to work in substantial, gainful employment."

Section 2. Section 53-3-121, MCA, is amended to read:

"53-3-121. **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;~~

{2} PUBLIC POLICY REQUIRES THAT CERTAIN PERSONS WHO ARE IN NEED SHOULD BE PROVIDED WITH ASSISTANCE THROUGH PROGRAMS OF GENERAL RELIEF;

{3} GENERAL RELIEF, 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}{2}{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}{3}{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~~

1 are transitionally needy; and

2 ~~(6)~~~~(4)~~(6) as the basis for the classification of
3 recipients, it is reasonable to conclude that:

4 (a) some persons are in need of assistance because
5 their ~~age--or~~ physical, emotional, or mental condition
6 renders them incapable of substantial, gainful employment.
7 Such persons are chronically needy and should be entitled to
8 general relief assistance for the duration of their need.

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

20 **Section 3.** Section 53-3-122, MCA, is amended to read:

21 "53-3-122. Legislative policy and intent. Consistent
22 with the findings in 53-3-121, the legislature intends that:

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

25 (2) unemployable persons, because they are chronically

1 in need, should be afforded general relief for as long as
2 they have need for such assistance;

3 (3) temporarily unemployable persons, being
4 transitionally needy, may be granted 6 months of general
5 relief for basic necessities during ~~an 10-month~~ A 12-MONTH
6 period, which relief will be available only if those persons
7 participate in a self-sufficiency program as required by
8 53-3-304;

9 ~~(3)~~(4) employable persons, being transitionally needy,
10 should be granted 4 months of general relief ~~for--basic~~
11 necessities, which relief will be available only if such
12 persons participate in a job search, training, and work
13 program as required by 53-3-304; and

14 ~~(4)~~(5) in recognition that not all employable persons
15 are ready to participate in the work force and that the
16 state has a duty to protect the welfare of children,
17 nonmedical general relief should be provided for 6 months to
18 persons who meet the eligibility criteria provided in
19 53-3-215."

20 **Section 4.** Section 53-3-201, MCA, is amended to read:

21 "53-3-201. Residency requirements. (1) Any person
22 otherwise qualified who makes his home in Montana with the
23 intent to become a resident shall be eligible for general
24 relief.

25 (2) Persons new to Montana are eligible for general

1 relief reduced benefits for the first 2 months of their
2 Montana residency.

3 †2†(3) If a person is absent from the state
4 voluntarily, he is ineligible for general relief in Montana.

5 †3†(4) Aliens found to be illegally within the United
6 States are not eligible for relief from state funds.

7 †4†(5) Nonresidents or interstate transients may
8 receive temporary relief from county funds in cases of
9 extreme necessity and destitution until they are returned at
10 state expense to their state of residence or origin."

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

12 "53-3-205. **Eligibility for general relief.** (1) Except
13 as otherwise provided under this chapter, a person may
14 receive general relief ~~for--basic--necessities~~ if the
15 household is determined to be eligible under the provisions
16 of this section.

17 (2) A person is eligible for general relief **assistance**
18 if his total household income, including presumptive income
19 but exclusive of the earned income disregard provided for in
20 subsection †3†(4), does not exceed the amount established by
21 the department by rule. The department shall establish
22 eligibility and the amount of benefits to be granted, taking
23 into account the size of the household and the estimated
24 number of eligible households. Eligibility and the ~~The~~
25 amount of benefits to be granted must be based on a

1 percentage of the federal poverty index. The percentage is
2 established in the state general appropriations act.

3 (3) The maximum benefit amount to be granted to a
4 person new to Montana must be reduced by \$50 per month for
5 each of the first 2 months of the person's residency.

6 †3†(4) For 4 consecutive months, the first \$30 plus
7 one-third of the remainder of the total income earned each
8 month by each household member who is a current recipient
9 must be disregarded in determining a household's eligibility
10 for general relief **assistance**. If the total household
11 income, exclusive of this amount, exceeds the amount
12 established by the department under subsection (2), the
13 household is not eligible for general relief **assistance**. A
14 current recipient is one who has been receiving general
15 relief **assistance** for at least 1 complete calendar month.

16 †4†(5) (a) If a person's household income exceeds the
17 monthly income standard provided in subsection (2) because
18 of receipt of lump-sum income, he is ineligible for general
19 relief **assistance** for the full number of months, beginning
20 with the month of receipt, derived by dividing the total of
21 the lump-sum income and other income by the monthly income
22 standard. Any income remaining from this calculation will be
23 considered as income in the first month following the period
24 of ineligibility.

25 (b) The period of ineligibility may be recalculated if

1 the household size changes or if a portion of the lump-sum
2 income was used to pay medical bills for a serious medical
3 condition.

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

7 ~~(5)(6)~~ All applicants for and recipients of general
8 relief assistance who reside in the same residence are
9 considered as one household.

10 ~~(6)(7)~~ Eligibility for nonmedical general relief
11 assistance must be determined prospectively, based on
12 household income and other relevant circumstances reasonably
13 certain to exist in the month in which assistance is to be
14 provided. Once eligibility is determined, ~~an individual must~~
15 ~~be paid benefits~~ general relief will be provided in
16 accordance with the method provided for in 53-3-310 AND
17 53-3-311.

18 ~~(7)(8)~~ (a) Except as provided in subsection
19 ~~(7)(b)(8)(b)~~, the equity value of all household resources
20 must be considered available to meet the needs of the
21 individual applying for general relief.

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

25 (i) the domicile of the household, including necessary

1 appurtenant land not exceeding 10 acres;

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

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

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

10 ~~(8)(9)~~ A person who is committed or sentenced by legal
11 process to a state institution or a secure facility or who
12 is incarcerated in a secure facility pending resolution of
13 legal process is not eligible for general relief.

14 ~~(9)(10)~~ A person who resides for a period of 1 day or
15 more in any state or federally operated institution or
16 residence is not eligible for general relief for the period
17 of that residency.

18 ~~(10)(11)~~ For the purposes of an eligibility
19 determination, an applicant for or recipient of general
20 relief may be requested to produce all financial and other
21 information concerning the household.

22 (12) A household is ineligible to receive general relief
23 if the household is ineligible for EITHER OF THE PUBLIC
24 assistance under the PROGRAMS COMMONLY REFERRED TO AS
25 MEDICAID AND aid to families with dependent children program

1 because of overpayment, fraud, or failure or refusal to
 2 comply with requirements for continued participation in that
 3 EITHER program. The period of ineligibility for the
 4 household or individual household members is the same as the
 5 period of ineligibility for MEDICAID OR the aid to families
 6 with dependent children program OR, IF INELIGIBLE FOR BOTH
 7 PROGRAMS, WHICHEVER PERIOD OF INELIGIBILITY IS LONGER.

8 ~~{11}~~(13) Whenever practical, an eligibility
 9 determination must be made within 30 days of the date of
 10 application and the applicant must be notified in writing of
 11 the eligibility determination and the reasons for the
 12 determination."

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

14 "53-3-209. Period of eligibility. (1) The period of
 15 eligibility for receipt of general relief for--basic
 16 necessities is 1 month. Except as provided in subsection
 17 ~~{3}~~~~{2}~~(3), a person may seek to establish eligibility for
 18 the succeeding month prior to the end of the current month
 19 of eligibility.

20 (2) ~~Eligibility--for--general-relief-medical-assistance~~
 21 ~~is-granted-for-a-period-of-1-month-and-terminates--when--the~~
 22 ~~serious--medical--condition--of-the-person-has-been-treated-~~
 23 ~~Except-as-provided-in-subsection-{3}-continued--eligibility~~
 24 ~~for--general-relief-medical-assistance-may-be-established-in~~
 25 ~~any-subsequent-month-~~ ELIGIBILITY FOR GENERAL RELIEF MEDICAL

1 ASSISTANCE IS GRANTED FOR A PERIOD OF 1 MONTH AND TERMINATES
 2 WHEN THE SERIOUS MEDICAL CONDITION OF THE PERSON HAS BEEN
 3 TREATED. EXCEPT AS PROVIDED IN SUBSECTION (3), CONTINUED
 4 ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE MAY BE
 5 ESTABLISHED IN ANY SUBSEQUENT MONTH.

6 ~~{3}~~(3) The period of eligibility for any type of
 7 general relief assistance terminates at any time the county
 8 welfare board or the department determines that the
 9 household:

10 (a) no longer meets the applicable eligibility
 11 requirements; or

12 (b) received general relief assistance by means of
 13 fraud or mistake."

14 **Section 7.** Section 53-3-211, MCA, is amended to read:

15 "53-3-211. Ineligibility due to voluntary termination
 16 of employment. (1) A person is not eligible to receive
 17 general relief assistance for a period of 3 months if he has
 18 voluntarily left employment without good cause connected to
 19 such employment. The period of ineligibility begins on the
 20 first day of the next month in which the person would
 21 otherwise be eligible for general relief.

22 (2) For purposes of subsection (1), a person has
 23 voluntarily left employment with good cause if he has left
 24 work because of:

25 (a) a compelling reason directly related to the job

1 under circumstances that would cause a reasonably prudent
2 person to leave his employment;

3 (b) work conditions that pose an undue risk of personal
4 injury, illness, or harm;

5 (c) unlawful discrimination, harassment, or other
6 mistreatment by the employer; or

7 (d) personal illness or injury and, after recovering
8 from such illness or injury, he returns to his employer and
9 finds no suitable work available."

10 **Section 8.** Section 53-3-212, MCA, is amended to read:

11 "53-3-212. Ineligibility because of discharge due to
12 misconduct. (1) A person is ineligible to receive general
13 relief assistance for a period of 3 months if he has been
14 discharged or suspended from employment for misconduct
15 related to the individual's work or affecting his
16 employment. The period of ineligibility begins on the first
17 day of the next month in which the person would otherwise be
18 eligible for general relief.

19 (2) For purposes of subsection (1), "misconduct" means:

20 (a) intentional, willful, or wanton disregard of the
21 employer's interest or of the employee's duties and
22 obligations to his employer;

23 (b) material breach of the employee's duty to his
24 employer as found in:

25 (i) the employee's deliberate violation or disregard of

1 standards of behavior that the employer has a right to
2 expect of his employee; or

3 (ii) carelessness or negligence of such degree or
4 recurrence as to manifest culpability, wrongful intent, or
5 evil design or to show an intentional or substantial
6 disregard of the employer's interest;

7 (c) dishonesty toward the employer, including acts such
8 as deliberate falsification of company records, theft,
9 deliberate deception, lying, and other statements or acts
10 that demonstrate a willful or wanton disregard of the
11 employer's interest;

12 (d) excessive, unexcused absences from work or
13 repeated, unexcused tardiness by the employee;

14 (e) insubordination; or

15 (f) assault, threats of violence, provoking a fight, or
16 stealing from a fellow employee if committed on the premises
17 of the employer.

18 (3) The following do not constitute misconduct within
19 the meaning of subsection (1):

20 (a) mere inefficiency or unsatisfactory conduct of the
21 employee;

22 (b) inadvertence or ordinary negligence in isolated
23 instances; or

24 (c) good faith errors in judgment or discretion."

25 **Section 9.** Section 53-3-215, MCA, is amended to read:

1 "53-3-215. Eligibility classifications -- duration of
2 assistance. (1) For purposes of eligibility, a recipient of
3 general relief must be classified as either employable,
4 temporarily unemployable, or unemployable.

5 (2) Unemployable persons may receive general relief for
6 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 ~~12-month~~ 18-month 12-MONTH period.

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

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

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

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

24 (5) A temporarily unemployable person complying with
25 53-3-303 may receive general relief for a maximum of 6

1 months in any 18-month 12-MONTH period.

2 ~~(5)(6)~~ Assistance granted prior to ~~January~~ September
3 JANUARY 1, ~~1990~~ 1991 1990, may not be considered in
4 determining eligibility.

5 (7) SUBSECTIONS (3) AND (4) DO NOT APPLY TO GENERAL
6 RELIEF MEDICAL ASSISTANCE."

7 **Section 10.** Section 53-3-303, MCA, is amended to read:

8 "53-3-303. Conditions of eligibility. (1) As a
9 condition of eligibility for general relief assistance, an
10 employable or temporarily unemployable recipient must:

11 (a) register for employment with the department of
12 labor and industry;

13 (b) maintain an active job registration file; and

14 (c) comply with and actively participate in any job
15 search, training, workfare, or self-sufficiency program
16 required by the department; and

17 ~~(c)(d)~~ actively pursue and accept available employment
18 within his or her capability.

19 (2) Refusal without good cause to comply with the
20 requirements of subsection (1) will render the individual
21 recipient, but not the rest of that recipient's household,
22 ineligible for general relief assistance for 3 months
23 following the first refusal and for 6 months following any
24 subsequent refusal. The period of ineligibility begins on
25 the first day of the next month in which the person would

1 otherwise be eligible for general relief."

2 **Section 11.** Section 53-3-304, MCA, is amended to read:

3 **"53-3-304. Power to require employable and temporarily**
4 **unemployable recipients to participate in job search,**
5 **training, and workfare, and self-sufficiency programs. (1)**
6 **The department shall initiate, promote, and develop job**
7 **search, training, and workfare, and self-sufficiency**
8 **programs that will provide any combination of employment,**
9 **training, and work experience, or self-sufficiency for**
10 **persons receiving general relief assistance under the**
11 **provisions of this chapter. These programs must be designed**
12 **to:**

13 (a) preserve and improve the work habits and skills of
14 recipients for whom jobs are not otherwise immediately
15 available; and

16 (b) provide training and work experience that will
17 enable recipients to find regular, sustainable employment;
18 and

19 (c) provide necessary supportive services and training
20 in order to overcome any condition of temporary
21 unemployability.

22 (2) For each county with state-assumed welfare
23 services, the department shall institute job search,
24 training, and workfare, and self-sufficiency programs as
25 provided for in subsection (1).

1 (3) Except as otherwise provided in this chapter, in a
2 county with state-assumed welfare services, an employable or
3 temporarily unemployable recipient of general relief
4 assistance shall enroll in a structured job search, and
5 training, or self-sufficiency program, as required, at an
6 employment office or other site designated by the
7 department. The program programs may include the following
8 elements:

9 (a) assessment and testing;

10 (b) an employability plan;

11 (c) a requirement that recipients participate for a
12 minimum of 40 hours a week in a combination of activities,
13 including workfare as provided in subsection (4), unless
14 they are prevented with good cause from participating in
15 such activities;

16 (d) remedial education or job skills training, if it is
17 called for in the employability plan and if it provides for
18 immediate referral to an appropriate Job Training
19 Partnership Act program;

20 (e) a job readiness and job search program that may
21 include:

22 (i) self-assessment and occupational testing;

23 (ii) instruction in completing applications, writing
24 resumes, and preparing for interviews;

25 (iii) identification of and contact with potential

1 employers;

- 2 (iv) participation in simulated job interviews; and
 3 (v) intensive job search activity and prompt placements
 4 for recipients who are ready to enter the work force;
 5 (f) a supervised effort to find employment;
 6 (g) efforts to address barriers to employment;
 7 (h) an expectation that recipients must be employed at
 8 the end of the program; and
 9 (i) followup and monitoring of program performance;
 10 (j) supportive services necessary to overcome temporary
 11 unemployability;
 12 (k) a self-sufficiency plan; and
 13 (l) concentrated rehabilitation activities.

14 (4) In addition to the training required in subsection
 15 (3), the county department of public welfare or the
 16 department of social and rehabilitation services may require
 17 a recipient to participate in a workfare program. The
 18 purpose of the workfare program is to provide work
 19 experience and training for general relief recipients in
 20 specifically created work projects operated by a public
 21 agency or a private, nonprofit agency. A workfare program
 22 established under this section must provide that:

23 (a) a currently employed worker may not be displaced by
 24 any recipient (including partial displacement such as a
 25 reduction in the hours of nonovertime work, wages, or

1 employment benefits);

2 (b) a recipient may not be given a work experience or
 3 training assignment if:

4 (i) the assignment would fill an established, unfilled
 5 vacancy that exists because an employee has been laid off;
 6 or

7 (ii) the employer has terminated the employment of any
 8 regular employee or otherwise reduced its work force with
 9 the intention of filling the vacancy with a general relief
 10 recipient;

11 (c) a recipient may not be required to participate in a
 12 workfare program if participation is determined to interfere
 13 with:

14 (i) participation in a job search or-job, training, or
 15 self-sufficiency program; or

16 (ii) attendance in a secondary education program;

17 (d) the maximum number of hours that a recipient may be
 18 required to participate in a workfare program and job
 19 search, and training, and self-sufficiency programs may not
 20 exceed 40 hours in a week.

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 participating in the workfare program and may enter into

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

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

10 (7) A workfare program may not impair existing
11 contracts for services or collective bargaining agreements,
12 and a workfare program that would be inconsistent with the
13 terms of a collective bargaining agreement may not be
14 undertaken without the written concurrence of the labor
15 organization and employer concerned.

16 (8) No program established under this section may
17 include any political, partisan, or lobbying activities. The
18 department shall deny funds to any program involved in such
19 activities."

20 **Section 12.** Section 53-3-305, MCA, is amended to read:

21 "53-3-305. Effect of refusal to participate in
22 mandatory programs. Any recipient of general relief who is
23 subject to the provisions of 53-3-304 and 53-3-321 and who
24 without good cause refuses to participate in a required
25 program or to perform work assigned to him as therein

1 provided shall lose eligibility for general relief for 3
2 months following the first refusal and for 6 months
3 following any subsequent refusal. The period of
4 ineligibility begins on the first day of the next month in
5 which the person would otherwise be eligible for general
6 relief."

7 **SECTION 13.** SECTION 53-3-307, MCA, IS AMENDED TO READ:

8 "53-3-307. County medical assistance not to be paid
9 from state funds -- exception. (1) County general relief
10 medical assistance under-53-3-206 shall not be entitled to
11 be paid from state funds.

12 (2) Medical expenses arising from accidental injury to
13 interstate transients shall be paid from county funds and
14 reimbursed by the state upon submission of a proper claim."

15 **SECTION 14.** SECTION 53-3-310, MCA, IS AMENDED TO READ:

16 "53-3-310. Scope of general relief medical assistance
17 -- limitations. (1) General relief medical assistance is
18 limited to those-services-medically--necessary--to--treat--a
19 person's--serious-medical-condition inpatient and outpatient
20 hospital services, physician services, and prescription
21 drugs. Assistance may not exceed the scope or duration of
22 similar services provided under the Montana medicaid program
23 pursuant to Title 53, chapter 6, part 1, and rules adopted
24 by the department to administer the program.

25 (2) General relief medical assistance in a county

1 without state-assumed welfare services must, within the
2 limitations of subsection (1), be provided in amounts
3 determined by the county welfare board.

4 (3) General relief medical assistance in counties with
5 state-assumed welfare services must, within the limitations
6 of subsection (1), be provided in amounts not to exceed
7 payments under the medicaid program. Services must be
8 limited to the least costly method of alleviating the
9 serious medical condition.

10 (4) General relief medical assistance is limited to
11 covered medical needs not met by other services or benefits
12 available to the person. Available services or benefits
13 include but are not limited to health and accident
14 insurance, veterans' benefits, industrial accident benefits,
15 medicare and medicaid benefits, and other liable third
16 parties.

17 (5) A person who is chronically ill may receive general
18 relief medical assistance for services limited to treatment
19 of a serious medical condition related to chronic illness.

20 (6) A person who has an acute medical need but who is
21 not chronically ill may receive general relief medical
22 assistance but only for services necessary to treat a
23 serious medical condition that requires immediate medical
24 attention to alleviate a serious health risk.

25 (7) A child less than 18 years of age may receive the

1 same scope and duration of services as provided under the
2 Montana medicaid program provided for in Title 53, chapter
3 6.

4 (8) A person who requires medical services in order to
5 obtain or retain employment may receive services similar to
6 those provided under the Montana medicaid program but only
7 for the duration of need.

8 (9) Except as provided in subsection (7), nothing in
9 this chapter may be construed to require the same scope of
10 medical services as provided under the Montana medicaid
11 program."

12 **Section 15.** Section 53-3-311, MCA, is amended to read:

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

18 (2) In a county with state-assumed welfare services,
19 the amount of general relief for-basic-necessities available
20 to an eligible household is the amount determined for the
21 same size household pursuant to 53-3-205(2) and (3), less
22 countable income and resources not excluded in
23 53-3-205(3)(4) and (7)(8).

24 (a) Countable income during the first 2 months of
25 continuous eligibility is the income the household is likely

1 to receive during the benefit month, less the amounts
2 excluded in 53-3-205(2).

3 (b) Countable income in the third and all consecutive
4 continuous months of eligibility is the income the household
5 received in the second calendar month immediately preceding
6 the benefit month less the amounts excluded in 53-3-205(2)."

7 ~~Section 17. Section 53-3-314, MCA, is amended to read:~~

8 ~~"53-3-314. County of financial responsibility: (1) The~~
9 ~~county responsible for benefits provided under this chapter~~
10 ~~is the county of residence of the person making application~~
11 ~~for assistance.~~

12 ~~(2) Medical costs covered by general relief medical~~
13 ~~assistance are the financial responsibility of the treated~~
14 ~~person's county of residence; institutionalization for~~
15 ~~medical services does not change such residency.~~

16 ~~(3) General relief medical assistance for a transient~~
17 ~~is the responsibility of the county in which the~~
18 ~~nonresident's illness or injury requiring medical attention~~
19 ~~initially occurred."~~

20 **Section 16.** Section 53-3-321, MCA, is amended to read:

21 "53-3-321. Services for recipients in need of special
22 assistance. (1) Unless otherwise exempted, in a county with
23 state-assumed welfare services, a person who has a serious
24 barrier to employment, who is temporarily unemployable, or
25 who suffers from drug or alcohol dependency shall report to

1 any combination of a job search, training, and workfare, or
2 self-sufficiency program, as required by the department, for
3 the purpose of receiving an assessment to determine whether
4 the person is likely to benefit from counseling, therapy, or
5 rehabilitation. The agency shall require that the person be
6 enrolled in either any combination of:

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

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

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

17 (a) assessment and testing;

18 (b) an employability or self-sufficiency plan;

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

21 (d) a chemical dependency assessment; and

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

25 (3) In order to encourage rehabilitation, the

1 department may restrict services to persons suffering from
 2 drug or alcohol dependency to one intervention through the
 3 provision of services described in subsections (2)(a)
 4 through ~~(2)(d)~~(2)(e). ~~The department may continue to provide~~
 5 ~~up to 3 months of additional benefits for those persons~~
 6 ~~participating in a drug or alcohol rehabilitation program.~~
 7 ~~This 3-month extension extends those limitations in~~
 8 ~~53-3-215."~~

9 **Section 17.** Section 53-3-322, MCA, is amended to read:

10 "53-3-322. **Payment after performance.** (1) The
 11 department may by rule withhold general relief assistance or
 12 limit payments to shelter or personal needs until all
 13 employable or temporarily unemployable members of the
 14 household have completed 2 4 full weeks in a structured job
 15 search, training, or workfare, or self-sufficiency program
 16 as required in 53-3-304.

17 (2) A person is ineligible for assistance under
 18 subsection (1) if:

19 (a) the person fails to cooperate with the department
 20 in its investigation of eligibility; or

21 (b) the department's investigation during the 2-week
 22 4-week period described in subsection (1) discloses that the
 23 person is ineligible to receive assistance."

24 **Section 18.** Section 53-3-323, MCA, is amended to read:

25 "53-3-323. **Limitation of services.** (1) The department

1 may limit the scope and availability of programs and
 2 services under 53-3-304 as may be necessary because of:

3 (a) the actual needs of an individual, as determined in
 4 accordance with an employability or self-sufficiency plan;

5 (b) funding limitations;

6 (c) service limitations;

7 (d) limitations caused by the lack of available
 8 employment in the area; and

9 (e) an insufficient number of recipients in an area to
 10 justify establishment of any combination of a job search,
 11 training, and workfare, or self-sufficiency programs
 12 program.

13 (2) Recipients residing in areas where programs and
 14 services are restricted because of subsection (1) are exempt
 15 from mandatory participation in a job search, training, and
 16 workfare, or self-sufficiency program."

17 **Section 19.** Section 53-3-324, MCA, is amended to read:

18 "53-3-324. **Employability and self-sufficiency plan**
 19 plans. (1) The department shall develop or contract for the
 20 development of an employability or self-sufficiency plan, as
 21 appropriate, for each participant enrolled in a job search,
 22 training, and workfare, or self-sufficiency programs program
 23 provided for in 53-3-304.

24 (2) The department may contract for assessment and
 25 testing if:

1 (a) it determines there is a need for assessment and
2 testing in order to develop an-employability a plan; and

3 (b) funds are available for such services."

4 **Section 20.** Section 53-3-325, MCA, is amended to read:

5 "53-3-325. Transition-to-work allowance. (1) As an
6 alternative to the programs and services provided for in
7 53-3-304, the department may pay recipients a
8 transition-to-work allowance. This allowance may be used
9 only for relocation expenses for recipients who have
10 obtained employment in another county or state.

11 (2) Notwithstanding any other provision of this
12 chapter, a person who elects to receive the allowance
13 provided for in subsection (1) is ineligible for general
14 relief assistance for a period of 16 months."

15 **Section 21.** Section 53-3-326, MCA, is amended to read:

16 "53-3-326. Transportation assistance. The department
17 may provide necessary transportation or reimbursement of
18 transportation costs for persons enrolled in job search,
19 training, and workfare, or self-sufficiency programs
20 provided for in 53-3-304."

21 **Section 22.** Section 53-3-327, MCA, is amended to read:

22 "53-3-327. Performance standards -- monitoring and
23 evaluation of program. (1) The department shall provide
24 standards to measure the performance and effectiveness of
25 the general relief job search, training, and workfare, and

1 self-sufficiency program programs provided for in 53-3-304.
2 The standards must consist of an objective, quantifiable
3 measure of the extent to which participation in the program
4 increases the employment and earnings of participants and
5 decreases their dependency on public assistance.

6 (2) In order to determine whether performance standards
7 are met, the department shall monitor and evaluate the
8 program on the basis of appropriate factors that must
9 include the following:

10 (a) the placement of participants in unsubsidized
11 employment;

12 (b) the retention of participants in unsubsidized
13 employment;

14 (c) the increase in earnings, including hourly wages,
15 of participants due to placement in unsubsidized employment;

16 (d) the reduction in the number of individuals and
17 families receiving general relief; and

18 (e) the amount of reductions in payments for general
19 relief.

20 (3) In monitoring and evaluating the performance of the
21 program, the department shall determine the reasons for high
22 and low levels of performance, administrative efficiencies,
23 and program coordination."

24 **Section 23.** Section 53-3-328, MCA, is amended to read:

25 "53-3-328. Employability determination -- reassessment

1 of additional eligibility. During the final month of
2 eligibility, a vocational specialist shall conduct a
3 reassessment of each applicant for ~~nonmedical~~ general relief
4 to determine whether the applicant should be reclassified as
5 employable, temporarily unemployable, or unemployable or
6 should remain classified as having serious barriers to
7 employment ~~and--benefits-extended-according-to-53-3-321(3).~~
8 The reassessment must include an evaluation of the
9 applicant's education, training, experience, and ability to
10 work in substantial, gainful employment."

11 NEW SECTION. Section 24. Repealer. ~~Sections SECTION~~
12 ~~53-3-206, 53-3-307,--53-3-310,--53-3-313,--and-53-3-318,--MCA,~~
13 ~~are MCA, IS~~ repealed.

14 ~~NEW SECTION.--Section-27.--Effective-date,--(This-act)--is--~~
15 ~~effective-September-17-1992.~~

-End-

1 SENATE BILL NO. 10

2 INTRODUCED BY KEATING

3 BY REQUEST OF THE DEPARTMENT

4 OF SOCIAL AND REHABILITATION SERVICES

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
7 LAWS RELATING TO GENERAL RELIEF; REDUCING BENEFITS FOR THE
8 FIRST 2 MONTHS OF RESIDENCY; ~~ELIMINATING STATE PAYMENTS FOR~~
9 ~~GENERAL RELIEF MEDICAL ASSISTANCE; REDUCING FROM 12 MILLS TO~~
10 ~~8.7 MILLS THE NUMBER OF MILLS BEVIED IN COUNTIES OPTING FOR~~
11 ~~STATE ASSUMPTION OF COUNTY ASSISTANCE PROGRAMS; AUTHORIZING~~
12 ~~LOCAL BOARDS OF HEALTH TO PROVIDE MEDICAL ASSISTANCE;~~
13 ~~REVISING THE PERIODS OF INELIGIBILITY; LIMITING ELIGIBILITY~~
14 FOR GENERAL RELIEF MEDICAL ASSISTANCE; REDEFINING THE
15 CLASSES OF PERSONS ELIGIBLE FOR GENERAL RELIEF; REVISING THE
16 CONDITIONS OF ELIGIBILITY; ~~REVISING THE DURATION OF~~
17 ~~ASSISTANCE PERMITTED~~; CREATING A SELF-SUFFICIENCY PROGRAM
18 FOR CERTAIN UNEMPLOYED PERSONS; EXPANDING THE TIME PERIOD
19 FOR JOB SEARCH, TRAINING, WORKFARE, OR SELF-SUFFICIENCY
20 PROGRAMS PRIOR TO RECEIPT OF BENEFITS; AMENDING SECTIONS
21 50-2-116, 53-2-323, 53-2-813, 53-3-109, 53-3-121, 53-3-122,
22 53-3-201, 53-3-205, 53-3-209, 53-3-211, 53-3-212, 53-3-215,
23 53-3-303, 53-3-304, 53-3-305, 53-3-307, 53-3-310, 53-3-311
24 53-3-314, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-325,
25 53-3-326, 53-3-327, AND 53-3-328, MCA; AND REPEALING

There are no changes in this bill,
and will not be reprinted. Please
refer to yellow copy for complete
text.

1 SENATE BILL NO. 10
2 INTRODUCED BY KEATING
3 BY REQUEST OF THE DEPARTMENT
4 OF SOCIAL AND REHABILITATION SERVICES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
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22 ~~53-3-201, 53-3-205, 53-3-209, 53-3-211, 53-3-212, 53-3-215,~~
23 ~~53-3-303, 53-3-304, 53-3-305, 53-3-307, 53-3-310, 53-3-311,~~
24 ~~53-3-314, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-325,~~
25 ~~53-3-326, 53-3-327, AND 53-3-328, MCA; AND REPEALING~~

1 ~~SECTIONS SECTION 53-3-206, MCA. 53-3-307, 53-3-310,~~
2 ~~53-3-313, AND 53-3-318, MCA; AND PROVIDING AN EFFECTIVE~~
3 ~~DATE."~~
4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
6 ~~Section 1. Section 50-2-116, MCA, is amended to read:--~~
7 ~~"50-2-116. Powers and duties of local boards:--(1) Local~~
8 ~~boards shall:~~
9 ~~(a) appoint a local health officer who is a physician~~
10 ~~or a person with a master's degree in public health or the~~
11 ~~equivalent and with appropriate experience, as determined by~~
12 ~~the department, and shall fix his salary;~~
13 ~~(b) elect a chairman and other necessary officers;~~
14 ~~(c) employ necessary qualified staff;~~
15 ~~(d) adopt bylaws to govern meetings;~~
16 ~~(e) hold regular meetings quarterly and hold special~~
17 ~~meetings as necessary;~~
18 ~~(f) supervise destruction and removal of all sources of~~
19 ~~filth that cause disease;~~
20 ~~(g) guard against the introduction of communicable~~
21 ~~disease;~~
22 ~~(h) supervise inspections of public establishments for~~
23 ~~sanitary conditions;~~
24 ~~(i) adopt necessary regulations that are no less~~
25 ~~stringent than state standards for the control and disposal~~

1 of--sewage--from--private--and--public--buildings--that--is--not
 2 regulated--by--Title--75,--chapter--6,--or--Title--76,--chapter--4.
 3 The--regulations--must--describe--standards--for--granting
 4 variances--from--the--minimum--requirements--that--are--identical
 5 to--standards--promulgated--by--the--board--of--health--and
 6 environmental--sciences--and--must--provide--for--appeal--of
 7 variance--decisions--to--the--department--as--required--by
 8 75-5-305.

9 (2)--local--boards--may:

10 (a)--quarantine--persons--who--have--communicable--diseases;

11 (b)--require--isolation--of--persons--or--things--that--are
 12 infected--with--communicable--diseases;

13 (c)--furnish--treatment--for--persons--who--have--communicable
 14 diseases;

15 (d)--prohibit--the--use--of--places--that--are--infected--with
 16 communicable--diseases;

17 (e)--require--and--provide--means--for--disinfecting--places
 18 that--are--infected--with--communicable--diseases;

19 (f)--accept--and--spend--funds--received--from--a--federal
 20 agency,--the--state,--a--school--district,--or--other--persons;

21 (g)--contract--with--another--local--board--for--all--or--a--part
 22 of--local--health--services;

23 (h)--reimburse--local--health--officers--for--necessary
 24 expenses--incurred--in--official--duties;

25 (i)--abate--nuisances--affecting--public--health--and--safety

1 or--bring--action--necessary--to--restrain--the--violation--of
 2 public--health--laws--or--rules;

3 (j)--adopt--necessary--fees--to--administer--regulations--for
 4 the--control--and--disposal--of--sewage--from--private--and--public
 5 buildings--(fees--must--be--deposited--with--the--county
 6 treasurer);

7 (k)--provide--medical--assistance,--including--preventive
 8 health--care,--and

9 (k)(1)--adopt--rules--that--do--not--conflict--with--rules
 10 adopted--by--the--department:

11 (i)--for--the--control--of--communicable--diseases;

12 (ii)--for--the--removal--of--filth--that--might--cause--disease
 13 or--adversely--affect--public--health;

14 (iii)--on--sanitation--in--public--buildings--that--affects
 15 public--health;

16 (iv)--for--heating,--ventilation,--water--supply,--and--waste
 17 disposal--in--public--accommodations--that--might--endanger--human
 18 lives,--and

19 (v)--for--the--maintenance--of--sewage--treatment--systems
 20 that--do--not--discharge--an--effluent--directly--into--state--waters
 21 and--that--are--not--required--to--have--an--operating--permit--as
 22 required--by--rules--adopted--under--75-5-401,--and

23 (vi)--for--providing--medical--assistance,--including
 24 preventive--health--care."

25 **Section 2.** Section 53-2-323, MCA, is amended to read:--

1 "53-2-323. Emergency grants from state funds to
2 counties. Except when a county has transferred its public
3 assistance and protective services responsibilities to the
4 state under part 8 of this chapter, a county may apply to
5 the department for an emergency grant in aid, and the grant
6 shall be made to the county upon the following conditions:

7 (1) The board of county commissioners or a duly elected
8 or appointed executive officer of the county shall make
9 written application to the department for emergency
10 assistance and shall show by written report and sworn
11 affidavit of the county clerk and recorder and chairman of
12 the board of county commissioners or other duly elected or
13 appointed executive officer of the county the following:

14 (a) that the county will not be able to meet its
15 obligations under law to provide assistance to the needy of
16 the county or meet its proportionate share of any public
17 assistance activity carried on jointly with the department;

18 (b) that all lawful sources of revenue and other income
19 to the county poor fund will be exhausted;

20 (c) that all expenditures from the county poor fund
21 have been lawfully made; and

22 (d) that all expenditures from the county poor fund
23 have been reasonable and necessary, according to criteria
24 set by the department in rules adopted for that purpose, for
25 the county to meet its obligations under law to provide

1 assistance to the needy;

2 (2) Within 10 days of receipt of the application and
3 affidavit, the department shall determine whether the county
4 poor fund will be depleted and shall give notice to the
5 county of the department's intention to deny or allow the
6 grant in aid. Before a grant in aid for any fiscal year may
7 be made to a county under this section, any money credited
8 during that fiscal year to the depletion allowance reserve
9 fund from the sources provided by 7-34-2402(2) shall be
10 transferred to the county poor fund to be used for lawful
11 poor fund expenditures. The amount of the grant in aid shall
12 be determined after all sources of income available to the
13 poor fund, including the depletion allowance reserve fund
14 transfers, have been exhausted;

15 (3) Within 10 days of receiving notice from the
16 department that a grant in aid will be made to the county,
17 the board of county commissioners or other duly elected or
18 appointed executive officer of the county shall adopt an
19 emergency budget. There is no requirement of notice and
20 hearing for that emergency budget. The emergency budget
21 shall state the amount required to meet the obligation of
22 the county and shall allocate that whole amount among the
23 various classes of expenditures for which the grant was
24 made;

25 (4) Upon receipt and approval of the county emergency

budget, the department shall issue a warrant to the county treasurer of the county for the total amount stated in the approved emergency budget.

{5} The grant in aid received by the county shall be placed in an emergency fund account to be kept separate and distinct from the poor fund account. All expenditures from the emergency fund account shall be made by a separate series of warrants or checks marked as emergency warrants or checks.

{6} The grants in aid from the department may be used only for public assistance activities lawfully conducted by the county, including but not limited to medical aid, hospitalization, and institutional care. No part of a grant in aid may be used, directly or indirectly, to pay for the erection or improvement of any county building or for furniture, fixtures, appliances, or equipment for a county building.

{7} In the event the county poor fund is replenished by other lawful sources of revenue, the county shall issue warrants to meet its obligations from the county poor fund until such time as that fund is again so depleted that warrants can no longer lawfully be drawn on that account. Upon depletion of the county poor fund, the county may again make disbursements from the emergency fund account as provided in subsection {5}. At the close of the county

fiscal year, the county shall return to the department any amounts remaining in the county poor fund and the emergency fund account, but the remaining amount to be returned may not exceed the total amount of the emergency grant in aid for that fiscal year.

{8} Any amount which is unlawfully disbursed or transferred from the emergency fund account or used for a purpose other than that specified in the grant in aid shall be returned by the county to the department.

Section 3. Section 53-2-813, MCA, is amended to read:

"53-2-813. Mill levy for counties transferring public assistance and protective services. (1) For the purpose of this part, 8.7 mills must be levied annually in those counties opting for state assumption.

(2) For a county electing state assumption before July 1, 1986, the proceeds of the mill levy established in subsection (1) must be deposited in the state special revenue fund in the state treasury for the purpose of paying the expenses of the department of social and rehabilitation services. The mill levy may not exceed 8.7 mills, notwithstanding actual expenditures made by the department.

(3) For a county electing state assumption on or after July 1, 1986, the proceeds of the mill levy established in subsection (1) must be deposited in the state special revenue fund in the state treasury to the credit of the

1 department--of--social--and--rehabilitation--services;--The
 2 general--fund--authority--of--the--department--of--social--and
 3 rehabilitation--services--shall--be--reduced--and--the--general
 4 fund--authority--of--the--department--of--family--services--shall--be
 5 increased--by--an--amount--equal--to--the--county's--expenditures
 6 for--child--and--adult--protective--services--in--the--fiscal--year
 7 immediately--preceding--state--assumption;--The--mill--levy--may
 8 not--exceed--12 8-7-mills;--notwithstanding--actual--expenditures
 9 made--by--the--department--of--social--and--rehabilitation--services
 10 and--the--department--of--family--services;

11 {4}--For--a--county--retaining--or--reassuming--operational
 12 responsibility--for--medical--assistance--or--monetary--payments
 13 to--needy--persons--as--provided--in--53-2-812,--the--levy--provided
 14 in--subsection--{1}--must--be--reduced--by--the--mill--levy
 15 equivalent--expended--by--that--county--or--the--department--for
 16 such--purposes--in--the--fiscal--year--immediately--preceding--the
 17 option--to--retain--or--reassume--such--responsibility;#

18 **Section 1.** Section 53-3-109, MCA, is amended to read:

19 "53-3-109. Definitions. For the purposes of this
 20 chapter, the following definitions apply:

21 {1}--"Acute--medical--need"--means--an--illness,--injury,--or
 22 other--serious--medical--condition--that:

23 {a}--demands--urgent--medical--attention;--and

24 {b}--is--expected--to--last--less--than--12--months--if--treated;--

25 {1} "ACUTE MEDICAL NEED" MEANS AN ILLNESS, INJURY, OR

1 OTHER SERIOUS MEDICAL CONDITION THAT:

2 {A} DEMANDS URGENT MEDICAL ATTENTION; AND

3 {B} IS EXPECTED TO LAST LESS THAN 12 MONTHS IF TREATED.

4 {2}{1}(2) "Basic necessities" means food, shelter,
 5 utilities, and personal needs.

6 {3}{2}(3) "Children" means minor and adult children who
 7 reside in the same household with their parents. The term
 8 includes both adoptive and natural children.

9 {4}{3}(4) "Chronic illness" or "chronically ill" means
 10 the condition of a person who is diagnosed as having an
 11 illness, injury, or physical or mental impairment that:

12 (a) is expected to last for a continuous period of at
 13 least 12 months; and

14 (b) would be considered a disability under 42 U.S.C.
 15 1382(c) if evaluated under criteria used to determine
 16 eligibility for the federal supplemental security income
 17 program.

18 {5}{4}(5) "Department" means the department of social
 19 and rehabilitation services provided for in Title 2, chapter
 20 15, part 22.

21 {6}{5}(6) "Employable" means the condition of a person
 22 who is not unemployable, as determined by a vocational
 23 specialist. A person who is employable is transitionally
 24 needy and is not eligible for general relief for basic
 25 necessities except as provided in 53-3-215.

1 ~~(7)~~(6)(7) "General relief" or----"~~general~~----relief
2 assistance" means a program of public assistance for basic
3 necessities ~~and-medical-needs~~ AND MEDICAL NEEDS for those
4 persons determined to be eligible for such assistance.

5 ~~(8)~~(7)(8) "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; or

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

12 ~~(9)~~(8)(9) "Income" means the value of all property of
13 any nature, earned, unearned, or in-kind, including
14 benefits, that is reasonably certain to be received or is
15 actually received during the month by members of a
16 household.

17 ~~(10)~~(9)(10) "Lump-sum income" means a nonrecurring
18 source of income received in a single payment by a household
19 during any eligibility period, including but not limited to
20 proceeds from a lawsuit, insurance settlement, inheritance,
21 lump-sum retirement, veterans' or unemployment benefits;
22 benefits received under the federal Social Security Act;
23 prizes; and tax refunds.

24 ~~(11)~~(11) "New to Montana" means a person who has been a
25 Montana resident for 1 month or less at the time of

1 application.

2 ~~(12)~~(12) "Presumptive income" means the amount of
3 financial assistance that a person would have received under
4 the aid to families with dependent children program, as
5 provided for in Title 53, chapter 4, part 2, if the person
6 had not been determined ineligible due to receipt of
7 lump-sum income, overpayment, fraud, or failure or refusal
8 to comply with requirements for continued participation in
9 the program.

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

14 ~~(14)~~(14) "Secure facility" means any facility in which a
15 person may be lawfully held against his will by federal,
16 state, or local authorities.

17 ~~(15)~~(15) "Self-sufficiency program" means a program
18 designed to enable temporarily unemployable persons to
19 achieve self-sufficiency and includes any combination of a
20 self-sufficiency plan, concentrated rehabilitation
21 activities, or support services.

22 ~~(16)~~(15)(16) "Serious barrier to employment" means a
23 limitation in obtaining employment, as determined by a
24 vocational specialist, that results from:

25 (a) a lack of work skills, experience, or training

1 necessary to secure employment;

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

4 (c) illiteracy.

5 ~~{15}-"Serious--medical--condition"--means--a--mental--or
6 physical--condition--that--causes--a--serious--health--risk--to--a
7 person--and--for--which--treatment--is--medically--necessary.
8 Diagnosis--and--determination--of--necessary--treatment--must--be
9 made--by--a--licensed--medical--practitioner,--and--the--department
10 may--confirm--the--diagnosis--through--an--expert--medical--review.
11 Necessary--treatment--includes--essential--medical--care--and
12 other--services--that--the--department--determines,--by--rule,--to
13 be--medically--necessary;--A--serious--medical--condition--is
14 limited--to--chronic--illness,--an--acute--medical--need,--or--a
15 medical--condition--that--requires--services--in--order--for--a
16 person--to--obtain--or--retain--employment.~~

17 {17} "SERIOUS MEDICAL CONDITION" MEANS A MENTAL OR
18 PHYSICAL CONDITION THAT CAUSES A SERIOUS HEALTH RISK TO A
19 PERSON AND FOR WHICH TREATMENT IS MEDICALLY NECESSARY.
20 DIAGNOSIS AND DETERMINATION OF NECESSARY TREATMENT MUST BE
21 MADE BY A LICENSED MEDICAL PRACTITIONER, AND THE DEPARTMENT
22 MAY CONFIRM THE DIAGNOSIS THROUGH AN EXPERT MEDICAL REVIEW.
23 NECESSARY TREATMENT INCLUDES ESSENTIAL MEDICAL CARE AND
24 OTHER SERVICES THAT THE DEPARTMENT DETERMINES, BY RULE, TO
25 BE MEDICALLY NECESSARY. A SERIOUS MEDICAL CONDITION IS

1 LIMITED TO CHRONIC ILLNESS, AN ACUTE MEDICAL NEED, OR A
2 MEDICAL CONDITION THAT REQUIRES SERVICES IN ORDER FOR A
3 PERSON TO OBTAIN OR RETAIN EMPLOYMENT.

4 {16}{18} "Temporarily unemployable" means the condition
5 of a person who suffers from a temporary illness, injury, or
6 incapacity that is medically certifiable and that prevents
7 the person from becoming immediately employable in any
8 substantial, gainful employment, as determined by a
9 vocational specialist, and who:

10 (a) is at least 55 years of age and who has a limited
11 ability because of advanced age to obtain or retain suitable
12 employment, as determined by a vocational specialist; or

13 (b) would not be considered disabled under 42 U.S.C.
14 1382(c) if evaluated under criteria used to determine
15 eligibility for the federal supplemental security income
16 program.

17 {16}{17}{19} (a) "Unemployable" means the condition of a
18 person who:

19 {1}-is-at-least-55-years--of--age--and--has--a--limited
20 ability--to--obtain--or--retain--suitable--employment--because--of
21 advanced-age,--as--determined--by--a--vocational--specialist;

22 {11}{i} has a serious physical, emotional, or mental
23 handicap that is medically certified and that prevents him
24 from being employed in any substantial, gainful employment,
25 as determined by a vocational specialist; or

1 ~~(iii)~~(ii) suffers from a permanent or temporary illness,
 2 injury, or incapacity that is medically certified and that
 3 prevents the person from working in any substantial, gainful
 4 employment, as determined by a vocational specialist.

5 (b) A person who is unemployable is chronically needy
 6 and must be provided general relief as provided in 53-3-215.

7 ~~(17)~~~~(18)~~(20) "Vocational specialist" means an employment
 8 counselor or other experienced personnel who are qualified
 9 to evaluate a recipient's ability to work in substantial,
 10 gainful employment."

11 **Section 2.** Section 53-3-121, MCA, is amended to read:

12 "53-3-121. Legislative findings. The legislature finds
 13 that:

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

17 ~~(2)--public-policy-requires-that-certain-persons-who-are~~
 18 ~~in-need-should-be-provided-with-assistance-through-programs~~
 19 ~~of-general-relief;~~

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

22 ~~(a)--basic-necessities--that--allow-minimum-subsistence~~
 23 ~~compatible-with-decency-and-health,---and~~

24 ~~(b)--financial-assistance-for-medical-services-necessary~~
 25 ~~for-the-treatment-of-a-person's-serious-medical-condition;~~

1 However,~~---general-relief---medical---assistance-should-not-be~~
 2 ~~available---to---nonindigent---persons---who---have---catastrophic~~
 3 ~~medical-expenses.~~

4 (2) PUBLIC POLICY REQUIRES THAT CERTAIN PERSONS WHO ARE
 5 IN NEED SHOULD BE PROVIDED WITH ASSISTANCE THROUGH PROGRAMS
 6 OF GENERAL RELIEF;

7 (3) GENERAL RELIEF, ALONG WITH OTHER ASSISTANCE
 8 PROGRAMS, SHOULD BE AVAILABLE TO PROVIDE:

9 (A) BASIC NECESSITIES THAT ALLOW MINIMUM SUBSISTENCE
 10 COMPATIBLE WITH DECENCY AND HEALTH; AND

11 (B) FINANCIAL ASSISTANCE FOR MEDICAL SERVICES NECESSARY
 12 FOR THE TREATMENT OF A PERSON'S SERIOUS MEDICAL CONDITION.
 13 HOWEVER, GENERAL RELIEF MEDICAL ASSISTANCE SHOULD NOT BE
 14 AVAILABLE TO NONINDIGENT PERSONS WHO HAVE CATASTROPHIC
 15 MEDICAL EXPENSES.

16 ~~(4)~~~~(2)~~(4) general relief assistance should not be
 17 available to those persons who have adequate income or
 18 resources to support themselves, nor should general relief
 19 assistance be provided in duplication of services and
 20 benefits available through other federal or state assistance
 21 programs;

22 ~~(5)~~~~(3)~~(5) the legislature, in order to allocate scarce
 23 welfare resources to those most in need, may establish a
 24 reasonable classification that distinguishes between persons
 25 who are chronically in need of assistance and persons who

1 are transitionally needy; and
 2 ~~†6†4†~~(6) as the basis for the classification of
 3 recipients, it is reasonable to conclude that:

4 (a) some persons are in need of assistance because
 5 their ~~age--or~~ physical, emotional, or mental condition
 6 renders them incapable of substantial, gainful employment.
 7 Such persons are chronically needy and should be entitled to
 8 general relief ~~assistance~~ for the duration of their need.

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

20 **Section 3.** Section 53-3-122, MCA, is amended to read:

21 "53-3-122. Legislative policy and intent. Consistent
 22 with the findings in 53-3-121, the legislature intends that:

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

25 (2) unemployable persons, because they are chronically

1 in need, should be afforded general relief for as long as
 2 they have need for such assistance;

3 (3) temporarily unemployable persons, being
 4 transitionally needy, may be granted 6 months of general
 5 relief for basic necessities during ~~an-18-month~~ A 12-MONTH
 6 period, which relief will be available only if those persons
 7 participate in a self-sufficiency program as required by
 8 53-3-304;

9 ~~†3†~~(4) employable persons, being transitionally needy,
 10 should be granted 4 months of general relief ~~for--basic~~
 11 ~~necessities~~, which relief will be available only if such
 12 persons participate in a job search, training, and work
 13 program as required by 53-3-304; and

14 ~~†4†~~(5) in recognition that not all employable persons
 15 are ready to participate in the work force and that the
 16 state has a duty to protect the welfare of children,
 17 ~~nonmedical~~ general relief should be provided for 6 months to
 18 persons who meet the eligibility criteria provided in
 19 53-3-215."

20 **Section 4.** Section 53-3-201, MCA, is amended to read:

21 "53-3-201. Residency requirements. (1) Any person
 22 otherwise qualified who makes his home in Montana with the
 23 intent to become a resident shall be eligible for general
 24 relief.

25 (2) Persons new to Montana are eligible for general

1 relief reduced benefits for the first 2 months of their
 2 Montana residency.

3 †2†(3) If a person is absent from the state
 4 voluntarily, he is ineligible for general relief in Montana.

5 †3†(4) Aliens found to be illegally within the United
 6 States are not eligible for relief from state funds.

7 †4†(5) Nonresidents or interstate transients may
 8 receive temporary relief from county funds in cases of
 9 extreme necessity and destitution until they are returned at
 10 state expense to their state of residence or origin."

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

12 *53-3-205. Eligibility for general relief. (1) Except
 13 as otherwise provided under this chapter, a person may
 14 receive general relief for--basic--necessities if the
 15 household is determined to be eligible under the provisions
 16 of this section.

17 (2) A person is eligible for general relief assistance
 18 if his total household income, including presumptive income
 19 but exclusive of the earned income disregard provided for in
 20 subsection †3†(4), does not exceed the amount established by
 21 the department by rule. The department shall establish
 22 eligibility and the amount of benefits to be granted, taking
 23 into account the size of the household and the estimated
 24 number of eligible households. Eligibility and the The
 25 amount of benefits to be granted must be based on a

1 percentage of the federal poverty index. The percentage is
 2 established in the state general appropriations act.

3 †3†(3) The maximum benefit amount to be granted to a
 4 person new to Montana must be reduced by \$50 per month for
 5 each of the first 2 months of the person's residency.

6 †3†(4) For 4 consecutive months, the first \$30 plus
 7 one-third of the remainder of the total income earned each
 8 month by each household member who is a current recipient
 9 must be disregarded in determining a household's eligibility
 10 for general relief assistance. If the total household
 11 income, exclusive of this amount, exceeds the amount
 12 established by the department under subsection (2), the
 13 household is not eligible for general relief assistance. A
 14 current recipient is one who has been receiving general
 15 relief assistance for at least 1 complete calendar month.

16 †4†(5) (a) If a person's household income exceeds the
 17 monthly income standard provided in subsection (2) because
 18 of receipt of lump-sum income, he is ineligible for general
 19 relief assistance for the full number of months, beginning
 20 with the month of receipt, derived by dividing the total of
 21 the lump-sum income and other income by the monthly income
 22 standard. Any income remaining from this calculation will be
 23 considered as income in the first month following the period
 24 of ineligibility.

25 (b) The period of ineligibility may be recalculated if

1 the household size changes or if a portion of the lump-sum
 2 income was used to pay medical bills for a serious medical
 3 condition.

4 ~~(c) -- ineligibility due to the receipt of lump-sum income~~
 5 ~~does not preclude eligibility for general relief medical~~
 6 ~~assistance.~~

7 ~~(5)(6)~~ All applicants for and recipients of general
 8 relief assistance who reside in the same residence are
 9 considered as one household.

10 ~~(6)(7)~~ Eligibility for nonmedical general relief
 11 assistance must be determined prospectively, based on
 12 household income and other relevant circumstances reasonably
 13 certain to exist in the month in which assistance is to be
 14 provided. Once eligibility is determined, ~~an individual must~~
 15 ~~be paid benefits~~ general relief will be provided in
 16 accordance with the ~~method provided for in~~ 53-3-310 AND
 17 53-3-311.

18 ~~(7)(8)~~ (a) Except as provided in subsection
 19 ~~(7)(b)(8)(b)~~, the equity value of all household resources
 20 must be considered available to meet the needs of the
 21 individual applying for general relief.

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

25 (i) the domicile of the household, including necessary

1 appurtenant land not exceeding 10 acres;

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

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

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

10 ~~(8)(9)~~ A person who is committed or sentenced by legal
 11 process to a state institution or a secure facility or who
 12 is incarcerated in a secure facility pending resolution of
 13 legal process is not eligible for general relief.

14 ~~(9)(10)~~ A person who resides for a period of 1 day or
 15 more in any state or federally operated institution or
 16 residence is not eligible for general relief for the period
 17 of that residency.

18 ~~(10)(11)~~ For the purposes of an eligibility
 19 determination, an applicant for or recipient of general
 20 relief may be requested to produce all financial and other
 21 information concerning the household.

22 (12) A household is ineligible to receive general relief
 23 if the household is ineligible for EITHER OF THE PUBLIC
 24 assistance under the PROGRAMS COMMONLY REFERRED TO AS
 25 MEDICAID AND aid to families with dependent children program

1 because of overpayment, fraud, or failure or refusal to
 2 comply with requirements for continued participation in that
 3 EITHER program. The period of ineligibility for the
 4 household or individual household members is the same as the
 5 period of ineligibility for MEDICAID OR the aid to families
 6 with dependent children program OR, IF INELIGIBLE FOR BOTH
 7 PROGRAMS, WHICHEVER PERIOD OF INELIGIBILITY IS LONGER.

8 ~~{1}~~(13) Whenever practical, an eligibility
 9 determination must be made within 30 days of the date of
 10 application and the applicant must be notified in writing of
 11 the eligibility determination and the reasons for the
 12 determination."

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

14 "53-3-209. Period of eligibility. (1) The period of
 15 eligibility for receipt of general relief for---basic
 16 necessities is 1 month. Except as provided in subsection
 17 ~~{3}~~~~{2}~~(3), a person may seek to establish eligibility for
 18 the succeeding month prior to the end of the current month
 19 of eligibility.

20 (2) ~~Eligibility for general relief--medical--assistance~~
 21 ~~is--granted--for--a--period--of--1--month--and--terminates--when--the~~
 22 ~~serious--medical--condition--of--the--person--has--been--treated--~~
 23 ~~Except--as--provided--in--subsection--{3},--continued--eligibility~~
 24 ~~for--general--relief--medical--assistance--may--be--established--in~~
 25 ~~any--subsequent--month;~~ ELIGIBILITY FOR GENERAL RELIEF MEDICAL

1 ASSISTANCE IS GRANTED FOR A PERIOD OF 1 MONTH AND TERMINATES
 2 WHEN THE SERIOUS MEDICAL CONDITION OF THE PERSON HAS BEEN
 3 TREATED. EXCEPT AS PROVIDED IN SUBSECTION (3), CONTINUED
 4 ELIGIBILITY FOR GENERAL RELIEF MEDICAL ASSISTANCE MAY BE
 5 ESTABLISHED IN ANY SUBSEQUENT MONTH.

6 ~~{3}~~(3) The period of eligibility for any type of
 7 general relief assistance terminates at any time the county
 8 welfare board or the department determines that the
 9 household:

10 (a) no longer meets the applicable eligibility
 11 requirements; or

12 (b) received general relief assistance by means of
 13 fraud or mistake."

14 **Section 7.** Section 53-3-211, MCA, is amended to read:

15 "53-3-211. Ineligibility due to voluntary termination
 16 of employment. (1) A person is not eligible to receive
 17 general relief assistance for a period of 3 months if he has
 18 voluntarily left employment without good cause connected to
 19 such employment. The period of ineligibility begins on the
 20 first day of the next month in which the person would
 21 otherwise be eligible for general relief.

22 (2) For purposes of subsection (1), a person has
 23 voluntarily left employment with good cause if he has left
 24 work because of:

25 (a) a compelling reason directly related to the job

1 under circumstances that would cause a reasonably prudent
2 person to leave his employment;

3 (b) work conditions that pose an undue risk of personal
4 injury, illness, or harm;

5 (c) unlawful discrimination, harassment, or other
6 mistreatment by the employer; or

7 (d) personal illness or injury and, after recovering
8 from such illness or injury, he returns to his employer and
9 finds no suitable work available."

10 **Section 8.** Section 53-3-212, MCA, is amended to read:

11 "53-3-212. Ineligibility because of discharge due to
12 misconduct. (1) A person is ineligible to receive general
13 relief assistance for a period of 3 months if he has been
14 discharged or suspended from employment for misconduct
15 related to the individual's work or affecting his
16 employment. The period of ineligibility begins on the first
17 day of the next month in which the person would otherwise be
18 eligible for general relief.

19 (2) For purposes of subsection (1), "misconduct" means:

20 (a) intentional, willful, or wanton disregard of the
21 employer's interest or of the employee's duties and
22 obligations to his employer;

23 (b) material breach of the employee's duty to his
24 employer as found in:

25 (i) the employee's deliberate violation or disregard of

1 standards of behavior that the employer has a right to
2 expect of his employee; or

3 (ii) carelessness or negligence of such degree or
4 recurrence as to manifest culpability, wrongful intent, or
5 evil design or to show an intentional or substantial
6 disregard of the employer's interest;

7 (c) dishonesty toward the employer, including acts such
8 as deliberate falsification of company records, theft,
9 deliberate deception, lying, and other statements or acts
10 that demonstrate a willful or wanton disregard of the
11 employer's interest;

12 (d) excessive, unexcused absences from work or
13 repeated, unexcused tardiness by the employee;

14 (e) insubordination; or

15 (f) assault, threats of violence, provoking a fight, or
16 stealing from a fellow employee if committed on the premises
17 of the employer.

18 (3) The following do not constitute misconduct within
19 the meaning of subsection (1):

20 (a) mere inefficiency or unsatisfactory conduct of the
21 employee;

22 (b) inadvertence or ordinary negligence in isolated
23 instances; or

24 (c) good faith errors in judgment or discretion."

25 **Section 9.** Section 53-3-215, MCA, is amended to read:

1 "53-3-215. Eligibility classifications -- duration of
2 assistance. (1) For purposes of eligibility, a recipient of
3 general relief must be classified as either employable,
4 temporarily unemployable, or unemployable.

5 (2) Unemployable persons may receive general relief for
6 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 ~~12-month~~ 18-month 12-MONTH period.

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

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

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

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

24 (5) A temporarily unemployable person complying with
25 53-3-303 may receive general relief for a maximum of 6

1 months in any 18-month 12-MONTH period.

2 ~~(5)~~(6) Assistance granted prior to ~~January~~ September
3 JANUARY 1, ~~1990~~ 1991 1990, may not be considered in
4 determining eligibility.

5 ~~(7)~~ SUBSECTIONS (3) AND (4) DO NOT APPLY TO GENERAL
6 RELIEF MEDICAL ASSISTANCE."

7 **Section 10.** Section 53-3-303, MCA, is amended to read:

8 "53-3-303. Conditions of eligibility. (1) As a
9 condition of eligibility for general relief assistance, an
10 employable or temporarily unemployable recipient must:

11 (a) register for employment with the department of
12 labor and industry;

13 (b) maintain an active job registration file; and

14 (c) comply with and actively participate in any job
15 search, training, workfare, or self-sufficiency program
16 required by the department; and

17 ~~(c)~~(d) actively pursue and accept available employment
18 within his or her capability.

19 (2) Refusal without good cause to comply with the
20 requirements of subsection (1) will render the individual
21 recipient, but not the rest of that recipient's household,
22 ineligible for general relief assistance for 3 months
23 following the first refusal and for 6 months following any
24 subsequent refusal. The period of ineligibility begins on
25 the first day of the next month in which the person would

1 otherwise be eligible for general relief."

2 **Section 11.** Section 53-3-304, MCA, is amended to read:

3 "53-3-304. Power to require employable and temporarily
4 unemployable recipients to participate in job search,
5 training, and workfare, and self-sufficiency programs. (1)
6 The department shall initiate, promote, and develop job
7 search, training, and workfare, and self-sufficiency
8 programs that will provide any combination of employment,
9 training, and work experience, or self-sufficiency for
10 persons receiving general relief assistance under the
11 provisions of this chapter. These programs must be designed
12 to:

13 (a) preserve and improve the work habits and skills of
14 recipients for whom jobs are not otherwise immediately
15 available; and

16 (b) provide training and work experience that will
17 enable recipients to find regular, sustainable employment;
18 and

19 (c) provide necessary supportive services and training
20 in order to overcome any condition of temporary
21 unemployability.

22 (2) For each county with state-assumed welfare
23 services, the department shall institute job search,
24 training, and workfare, and self-sufficiency programs as
25 provided for in subsection (1).

1 (3) Except as otherwise provided in this chapter, in a
2 county with state-assumed welfare services, an employable or
3 temporarily unemployable recipient of general relief
4 assistance shall enroll in a structured job search, and
5 training, or self-sufficiency program, as required, at an
6 employment office or other site designated by the
7 department. The program programs may include the following
8 elements:

9 (a) assessment and testing;

10 (b) an employability plan;

11 (c) a requirement that recipients participate for a
12 minimum of 40 hours a week in a combination of activities,
13 including workfare as provided in subsection (4), unless
14 they are prevented with good cause from participating in
15 such activities;

16 (d) remedial education or job skills training, if it is
17 called for in the employability plan and if it provides for
18 immediate referral to an appropriate Job Training
19 Partnership Act program;

20 (e) a job readiness and job search program that may
21 include:

22 (i) self-assessment and occupational testing;

23 (ii) instruction in completing applications, writing
24 resumes, and preparing for interviews;

25 (iii) identification of and contact with potential

1 employers;

2 (iv) participation in simulated job interviews; and

3 (v) intensive job search activity and prompt placements

4 for recipients who are ready to enter the work force;

5 (f) a supervised effort to find employment;

6 (g) efforts to address barriers to employment;

7 (h) an expectation that recipients must be employed at
8 the end of the program; and

9 (i) followup and monitoring of program performance;

10 (j) supportive services necessary to overcome temporary
11 unemployability;

12 (k) a self-sufficiency plan; and

13 (l) concentrated rehabilitation activities.

14 (4) In addition to the training required in subsection
15 (3), the county department of public welfare or the
16 department of social and rehabilitation services may require
17 a recipient to participate in a workfare program. The
18 purpose of the workfare program is to provide work
19 experience and training for general relief recipients in
20 specifically created work projects operated by a public
21 agency or a private, nonprofit agency. A workfare program
22 established under this section must provide that:

23 (a) a currently employed worker may not be displaced by
24 any recipient (including partial displacement such as a
25 reduction in the hours of nonovertime work, wages, or

1 employment benefits);

2 (b) a recipient may not be given a work experience or
3 training assignment if:

4 (i) the assignment would fill an established, unfilled
5 vacancy that exists because an employee has been laid off;
6 or

7 (ii) the employer has terminated the employment of any
8 regular employee or otherwise reduced its work force with
9 the intention of filling the vacancy with a general relief
10 recipient;

11 (c) a recipient may not be required to participate in a
12 workfare program if participation is determined to interfere
13 with:

14 (i) participation in a job search or-job, training, or
15 self-sufficiency program; or

16 (ii) attendance in a secondary education program;

17 (d) the maximum number of hours that a recipient may be
18 required to participate in a workfare program and job
19 search, and training, and self-sufficiency programs may not
20 exceed 40 hours in a week.

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 participating in the workfare program and may enter into

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

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

10 (7) A workfare program may not impair existing
11 contracts for services or collective bargaining agreements,
12 and a workfare program that would be inconsistent with the
13 terms of a collective bargaining agreement may not be
14 undertaken without the written concurrence of the labor
15 organization and employer concerned.

16 (8) No program established under this section may
17 include any political, partisan, or lobbying activities. The
18 department shall deny funds to any program involved in such
19 activities."

20 **Section 12.** Section 53-3-305, MCA, is amended to read:

21 "53-3-305. Effect of refusal to participate in
22 mandatory programs. Any recipient of general relief who is
23 subject to the provisions of 53-3-304 and 53-3-321 and who
24 without good cause refuses to participate in a required
25 program or to perform work assigned to him as therein

1 provided shall lose eligibility for general relief for 3
2 months following the first refusal and for 6 months
3 following any subsequent refusal. The period of
4 ineligibility begins on the first day of the next month in
5 which the person would otherwise be eligible for general
6 relief."

7 **SECTION 13.** SECTION 53-3-307, MCA, IS AMENDED TO READ:

8 "53-3-307. County medical assistance not to be paid
9 from state funds -- exception. (1) County general relief
10 medical assistance under-53-3-206 shall not be entitled to
11 be paid from state funds.

12 (2) Medical expenses arising from accidental injury to
13 interstate transients shall be paid from county funds and
14 reimbursed by the state upon submission of a proper claim."

15 **SECTION 14.** SECTION 53-3-310, MCA, IS AMENDED TO READ:

16 "53-3-310. Scope of general relief medical assistance
17 -- limitations. (1) General relief medical assistance is
18 limited to ~~those services medically necessary to treat a~~
19 ~~person's serious medical condition~~ inpatient and outpatient
20 hospital services, physician services, and prescription
21 drugs. Assistance may not exceed the scope or duration of
22 similar services provided under the Montana medicaid program
23 pursuant to Title 53, chapter 6, part 1, and rules adopted
24 by the department to administer the program.

25 (2) General relief medical assistance in a county

1 without state-assumed welfare services must, within the
 2 limitations of subsection (1), be provided in amounts
 3 determined by the county welfare board.

4 (3) General relief medical assistance in counties with
 5 state-assumed welfare services must, within the limitations
 6 of subsection (1), be provided in amounts not to exceed
 7 payments under the medicaid program. Services must be
 8 limited to the least costly method of alleviating the
 9 serious medical condition.

10 (4) General relief medical assistance is limited to
 11 covered medical needs not met by other services or benefits
 12 available to the person. Available services or benefits
 13 include but are not limited to health and accident
 14 insurance, veterans' benefits, industrial accident benefits,
 15 medicare and medicaid benefits, and other liable third
 16 parties.

17 (5) A person who is chronically ill may receive general
 18 relief medical assistance for services limited to treatment
 19 of a serious medical condition related to chronic illness.

20 (6) A person who has an acute medical need but who is
 21 not chronically ill may receive general relief medical
 22 assistance but only for services necessary to treat a
 23 serious medical condition that requires immediate medical
 24 attention to alleviate a serious health risk.

25 (7) A child less than 18 years of age may receive the

1 same scope and duration of services as provided under the
 2 Montana medicaid program provided for in Title 53, chapter
 3 6.

4 (8) A person who requires medical services in order to
 5 obtain or retain employment may receive services similar to
 6 those provided under the Montana medicaid program but only
 7 for the duration of need.

8 (9) Except as provided in subsection (7), nothing in
 9 this chapter may be construed to require the same scope of
 10 medical services as provided under the Montana medicaid
 11 program."

12 **Section 15.** Section 53-3-311, MCA, is amended to read:

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

18 (2) In a county with state-assumed welfare services,
 19 the amount of general relief ~~for--basic--necessities~~ available
 20 to an eligible household is the amount determined for the
 21 same size household pursuant to 53-3-205(2) and (3), less
 22 countable income and resources not excluded in
 23 53-3-205~~(3)~~(4) and ~~(7)~~(8).

24 (a) Countable income during the first 2 months of
 25 continuous eligibility is the income the household is likely

1 to receive during the benefit month, less the amounts
2 excluded in 53-3-205(2).

3 (b) Countable income in the third and all consecutive
4 continuous months of eligibility is the income the household
5 received in the second calendar month immediately preceding
6 the benefit month less the amounts excluded in 53-3-205(2)."

7 ~~Section 17. Section 53-3-314, MCA, is amended to read:~~

8 ~~"53-3-314. County of financial responsibility. (1) The~~
9 ~~county responsible for benefits provided under this chapter~~
10 ~~is the county of residence of the person making application~~
11 ~~for assistance.~~

12 ~~(2) Medical costs covered by general relief medical~~
13 ~~assistance are the financial responsibility of the treated~~
14 ~~person's county of residence. Institutionalization for~~
15 ~~medical services does not change such residency.~~

16 ~~(3) General relief medical assistance for a transient~~
17 ~~is the responsibility of the county in which the~~
18 ~~nonresident's illness or injury requiring medical attention~~
19 ~~initially occurred."~~

20 **Section 16.** Section 53-3-321, MCA, is amended to read:

21 "53-3-321. Services for recipients in need of special
22 assistance. (1) Unless otherwise exempted, in a county with
23 state-assumed welfare services, a person who has a serious
24 barrier to employment, who is temporarily unemployable, or
25 who suffers from drug or alcohol dependency shall report to

1 any combination of a job search, training, and workfare, or
2 self-sufficiency program, as required by the department, for
3 the purpose of receiving an assessment to determine whether
4 the person is likely to benefit from counseling, therapy, or
5 rehabilitation. The agency shall require that the person be
6 enrolled in either any combination of:

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

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

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

17 (a) assessment and testing;

18 (b) an employability or self-sufficiency plan;

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

21 (d) a chemical dependency assessment; and

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

25 (3) In order to encourage rehabilitation, the

1 department may restrict services to persons suffering from
 2 drug or alcohol dependency to one intervention through the
 3 provision of services described in subsections (2)(a)
 4 through (2)(d)(2)(e). ~~The department may continue to provide~~
 5 ~~up to 3 months of additional benefits for those persons~~
 6 ~~participating in a drug or alcohol rehabilitation program.~~
 7 ~~This 3-month extension extends those limitations in~~
 8 ~~53-3-215."~~

9 **Section 17.** Section 53-3-322, MCA, is amended to read:

10 *53-3-322. Payment after performance. (1) The
 11 department may by rule withhold general relief assistance or
 12 limit payments to shelter or personal needs until all
 13 employable or temporarily unemployable members of the
 14 household have completed 2 4 full weeks in a structured job
 15 search, training, or workfare, or self-sufficiency program
 16 as required in 53-3-304.

17 (2) A person is ineligible for assistance under
 18 subsection (1) if:

19 (a) the person fails to cooperate with the department
 20 in its investigation of eligibility; or

21 (b) the department's investigation during the 2-week
 22 4-week period described in subsection (1) discloses that the
 23 person is ineligible to receive assistance."

24 **Section 18.** Section 53-3-323, MCA, is amended to read:

25 *53-3-323. Limitation of services. (1) The department

1 may limit the scope and availability of programs and
 2 services under 53-3-304 as may be necessary because of:

3 (a) the actual needs of an individual, as determined in
 4 accordance with an employability or self-sufficiency plan;

5 (b) funding limitations;

6 (c) service limitations;

7 (d) limitations caused by the lack of available
 8 employment in the area; and

9 (e) an insufficient number of recipients in an area to
 10 justify establishment of any combination of a job search,
 11 training, and workfare, or self-sufficiency programs
 12 program.

13 (2) Recipients residing in areas where programs and
 14 services are restricted because of subsection (1) are exempt
 15 from mandatory participation in a job search, training, and
 16 workfare, or self-sufficiency program."

17 **Section 19.** Section 53-3-324, MCA, is amended to read:

18 *53-3-324. Employability and self-sufficiency plan
 19 plans. (1) The department shall develop or contract for the
 20 development of an employability or self-sufficiency plan, as
 21 appropriate, for each participant enrolled in a job search,
 22 training, and workfare, or self-sufficiency programs program
 23 provided for in 53-3-304.

24 (2) The department may contract for assessment and
 25 testing if:

1 (a) it determines there is a need for assessment and
2 testing in order to develop an-employability a plan; and

3 (b) funds are available for such services."

4 **Section 20.** Section 53-3-325, MCA, is amended to read:

5 "53-3-325. Transition-to-work allowance. (1) As an
6 alternative to the programs and services provided for in
7 53-3-304, the department may pay recipients a
8 transition-to-work allowance. This allowance may be used
9 only for relocation expenses for recipients who have
10 obtained employment in another county or state.

11 (2) Notwithstanding any other provision of this
12 chapter, a person who elects to receive the allowance
13 provided for in subsection (1) is ineligible for general
14 relief assistance for a period of 16 months."

15 **Section 21.** Section 53-3-326, MCA, is amended to read:

16 "53-3-326. Transportation assistance. The department
17 may provide necessary transportation or reimbursement of
18 transportation costs for persons enrolled in job search,
19 training, and workfare, or self-sufficiency programs
20 provided for in 53-3-304."

21 **Section 22.** Section 53-3-327, MCA, is amended to read:

22 "53-3-327. Performance standards -- monitoring and
23 evaluation of program. (1) The department shall provide
24 standards to measure the performance and effectiveness of
25 the general relief job search, training, and workfare, and

1 self-sufficiency program programs provided for in 53-3-304.
2 The standards must consist of an objective, quantifiable
3 measure of the extent to which participation in the program
4 increases the employment and earnings of participants and
5 decreases their dependency on public assistance.

6 (2) In order to determine whether performance standards
7 are met, the department shall monitor and evaluate the
8 program on the basis of appropriate factors that must
9 include the following:

10 (a) the placement of participants in unsubsidized
11 employment;

12 (b) the retention of participants in unsubsidized
13 employment;

14 (c) the increase in earnings, including hourly wages,
15 of participants due to placement in unsubsidized employment;

16 (d) the reduction in the number of individuals and
17 families receiving general relief; and

18 (e) the amount of reductions in payments for general
19 relief.

20 (3) In monitoring and evaluating the performance of the
21 program, the department shall determine the reasons for high
22 and low levels of performance, administrative efficiencies,
23 and program coordination."

24 **Section 23.** Section 53-3-328, MCA, is amended to read:

25 "53-3-328. Employability determination -- reassessment

1 of additional eligibility. During the final month of
2 eligibility, a vocational specialist shall conduct a
3 reassessment of each applicant for nonmedical general relief
4 to determine whether the applicant should be reclassified as
5 employable, temporarily unemployable, or unemployable or
6 should remain classified as having serious barriers to
7 employment ~~and benefits extended according to 53-3-321(3)~~.
8 The reassessment must include an evaluation of the
9 applicant's education, training, experience, and ability to
10 work in substantial, gainful employment."

11 NEW SECTION. Section 24. Repealer. ~~Sections SECTION~~
12 ~~53-3-206, 53-3-307, 53-3-310, 53-3-313, and 53-3-318, MCA,~~
13 ~~are MCA, IS repealed.~~

14 ~~NEW SECTION. Section 27. Effective date. (This act) is~~
15 ~~effective September 17, 1992.~~

-End-