

HOUSE BILL 623

Introduced by Grimes, et al.

2/13	Introduced
2/13	Referred to Human Services & Aging
2/13	Fiscal Note Requested
2/13	First Reading
2/17	Hearing
2/19	Fiscal Note Received
2/19	Tabled in Committee
2/19	Motion Failed to Take From Committee and Place on 2nd Reading

BILL NO. 623

INTRODUCED BY

DRR

Mason

LARRY HAL GRIMME

BENEDICT

Dandy

Wagner

BE A RESIDENT OF MONTANA TO QUALIFY FOR RECEIPT OF FULL

GENERAL RELIEF BENEFITS; DEFINING A RESIDENT AS A PERSON WHO  
HAS LIVED IN MONTANA FOR AT LEAST 3 MONTHS; GRANTING REDUCED  
GENERAL RELIEF BENEFITS TO PERSONS NEW TO MONTANA; PROVIDING  
RULES FOR DETERMINING RESIDENCY; AND AMENDING SECTIONS  
53-3-109, 53-3-201, AND 53-3-205, MCA."

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

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

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

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

(a) demands urgent medical attention; and

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

(2) "Basic necessities" means food, shelter, utilities,  
and personal needs.

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

(4) "Chronic illness" or "chronically ill" means the

condition of a person who is diagnosed as having an illness,  
injury, or physical or mental impairment that:

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

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

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

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

(7) "General relief" means a program of assistance for  
basic necessities and medical needs for those persons  
determined to be eligible for such assistance.

(8) "Household" means:

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

(b) all other persons who by choice or necessity are  
mutually dependent upon each other for basic necessities and

1 who reside in the same residence.

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

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

13 (11) "New to Montana" means a person who has been a  
14 present in Montana resident for 1--month--or less than 3  
15 months at the time of application, but is not a resident for  
16 the purposes of receipt of the full amount of general relief  
17 benefits that the person is entitled to as a resident.

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

25 (13) "Resource" means all real and personal property

1 retained after the calendar month of its receipt and which  
2 the household or a member of the household has a legal right  
3 to sell or liquidate.

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

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

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

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

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

19 (c) illiteracy.

20 (17) "Serious medical condition" means a mental or  
21 physical condition that causes a serious health risk to a  
22 person and for which treatment is medically necessary.  
23 Diagnosis and determination of necessary treatment must be  
24 made by a licensed medical practitioner, and the department  
25 may confirm the diagnosis through an expert medical review.

Necessary treatment includes essential medical care and other services that the department determines, by rule, to be medically necessary. A serious medical condition is limited to chronic illness, an acute medical need, or a medical condition that requires services in order for a person to obtain or retain employment.

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

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

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

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

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

(ii) suffers from a permanent 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.

(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 53-3-201, MCA, is amended to read:

"53-3-201. **Residency requirements.** (1) Any person otherwise qualified who ~~makes-his-home-in~~ has satisfied the requirements of [section 4] is a resident of Montana with the-intent-to-become-a-resident-shall-be for the purposes of general relief and is eligible for the full amount of general relief benefits to which the person is otherwise entitled.

(2) Persons new to Montana are eligible for general relief reduced benefits, as provided in 53-3-205, for the first 2 months of their presence in Montana residency.

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

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

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

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

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

10 (2) A person is eligible for general relief if his the  
11 person's total household income, including presumptive  
12 income but exclusive of the earned income disregard provided  
13 in subsection (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 amount of  
18 benefits to be granted must be based on a percentage of the  
19 federal poverty index. The percentage is established in the  
20 state general appropriations act.

21 (3) The maximum benefit amount to be granted to a  
22 person new to Montana must be reduced by \$100 for the first  
23 month of the person's presence in Montana and must be  
24 reduced by \$50 per month for each-of the first-2-months next  
25 month of the person's residency presence in Montana.

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

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

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

24 (6) All applicants for and recipients of general relief  
25 who reside in the same residence are considered as one

household.

(7) Eligibility for general relief must be determined prospectively, based on household income and other relevant circumstances reasonably certain to exist in the month in which assistance is to be provided. Once eligibility is determined, general relief will be provided in accordance with 53-3-310 and 53-3-311.

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

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

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

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

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

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

(9) A person who is committed or sentenced by legal

process to a state institution or a secure facility or who is incarcerated in a secure facility pending resolution of legal process is not eligible for general relief.

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

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

(12) A household is ineligible to receive general relief if the household is ineligible for either of the public assistance programs commonly referred to as medicaid and aid to families with dependent children because of overpayment, fraud, or failure or refusal to comply with requirements for continued participation in either program. The period of ineligibility for the household or individual household members is the same as the period of ineligibility for medicaid or the aid to families with dependent children program or, if ineligible for both programs, whichever period of ineligibility is longer.

(13) Whenever practical, an eligibility determination must be made within ~~30~~ 60 days of the date of application and the applicant must be notified in writing of the

1 eligibility determination and the reasons for the  
2 determination."

3 NEW SECTION. Section 4. Presumptions and rules as to  
4 residency. A person is considered a resident of Montana for  
5 the purposes of 53-3-201 if the person meets the following  
6 criteria:

7 (1) The person has lived in Montana for at least 3  
8 months or has had a fixed intent to return to this state  
9 whenever the person has left the state for the same period  
10 of time.

11 (2) The person files Montana state income tax returns  
12 if required to file as a resident.

13 (3) The person licenses and titles in Montana, as  
14 required by law, any vehicles that the person owns and  
15 operates in Montana.

16 (4) The person has not used resident hunting, fishing,  
17 or trapping privileges in another state or country during  
18 the previous 3 months.

19 (5) The person has not attended any college or  
20 university of another state as a resident of that state  
21 during the previous 3 months.

22 (6) If the person registers to vote, the person  
23 registers only in Montana.

24 NEW SECTION. Section 5. Codification instruction.  
25 [Section 4] is intended to be codified as an integral part

1 of Title 53, chapter 3, part 2, and the provisions of Title  
2 53, chapter 3, part 2, apply to [section 4].

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0623, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring that a person be a resident of Montana to qualify for receipt of full general relief benefits.


ASSUMPTIONS:

1. General assistance (GA) is estimated at 1,229 cases and an average cost of \$210.41 per case for both FY94 and FY95.
2. This proposal will reduce the benefit amount for those GA applicants who are new to the state and receive assistance in the first and second month of their presence.
3. In FY94 it is estimated that 305 applications per month will be from applicants who are new to the state within their first month of residence and 50 applications for those in the second month of residence.
4. Annual savings from this proposal for the first month reduction will be \$50 (\$100-\$50) per case per month for a total of \$183,000 (\$50 \* 305 applicants \* 12 months). The second year reduction is the same as current law. (Please see technical notes.)

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Assistance	\$3,103,127	\$2,920,127	\$(183,000)	\$3,103,127	\$2,920,127	\$(183,000)
<u>Funding:</u>						
General Fund	\$3,103,127	\$2,920,127	\$(183,000)	\$3,103,127	\$2,920,127	\$(183,000)

TECHNICAL NOTES: Section 3, subsection (3) does not appear to be worded to produce the results intended. "New to Montana" was redefined to include people who have resided in Montana less than three months, but have not satisfied residency requirements such as licensing a vehicle or registering to vote. Current law requires that the maximum GA benefit be reduced by \$50 for each of the first two months of receipt for a new person in Montana. This bill provides for a reduction of \$100 (net reduction of \$50 in benefits over current law) during the first month, and \$50 (net reduction of \$0 in benefits over current law) during the second month. No reduction is stated for the third month of being new to Montana.

 2-19-93  
DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2/20/93  
DUANE GRIMES, PRIMARY SPONSOR      DATE

Fiscal Note for HB0623, as introduced

HB 623