

HOUSE BILL 75

Introduced by Molnar

|       |                            |
|-------|----------------------------|
| 12/08 | Introduced                 |
| 12/08 | Referred to Appropriations |
| 12/08 | First Reading              |
| 12/08 | Fiscal Note Requested      |
| 12/13 | Hearing                    |
| 12/14 | Tabled in Committee        |

1 House BILL NO. 75  
2 INTRODUCED BY Bruce Mahan  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TERMINATING STATE  
5 ASSUMPTION OF COUNTY PUBLIC ASSISTANCE PROGRAMS;  
6 APPROPRIATING MONEY TO THE DEPARTMENT OF SOCIAL AND  
7 REHABILITATION SERVICES FOR THE MEDICALLY NEEDY PROGRAM;  
8 AMENDING SECTIONS 15-24-102, 40-6-301, 53-2-301, 53-2-302,  
9 53-2-304, AND 53-2-306, MCA; REPEALING SECTIONS 53-2-801,  
10 53-2-802, 53-2-803, 53-2-804, 53-2-811, 53-2-812, AND  
11 53-2-813, MCA; AND PROVIDING AN EFFECTIVE DATE."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 15-24-102, MCA, is amended to read:

15 "15-24-102. Valuation of interstate fleets --  
16 determination of aggregate tax due -- exemption from mill  
17 levies. The department of revenue shall assess the taxable  
18 vehicles of any interstate motor vehicle fleet making  
19 application for proportional registration, as follows:

20 (1) The purchase price of the taxable vehicles  
21 depreciated by a schedule as prescribed by the department  
22 determines the depreciated value.

23 (2) The depreciated value multiplied by the percent of  
24 miles traveled in Montana, as prescribed by 61-3-721, is the  
25 market value.

1 (3) The sum of the market value of all taxable vehicles  
2 included in the fleet multiplied by 9% is the taxable value  
3 for the entire fleet as provided in 15-6-138.

4 (4) To determine the amount of tax due, the taxable  
5 value of the entire fleet must be multiplied by the  
6 statewide average county mill levy plus state levies as  
7 provided in 15-24-103.

8 (5) To determine the tax due under this chapter, state  
9 levies applicable to interstate motor vehicle fleets include  
10 but are not limited to levies imposed under 15-10-101,  
11 15-10-106, 20-9-331, 20-9-333, and 20-9-3607-and-53-2-813.

12 (6) All taxes and fees collected on motor vehicle  
13 fleets under this chapter must be deposited and distributed  
14 as provided in 15-24-105."

15 **Section 2.** Section 40-6-301, MCA, is amended to read:

16 "40-6-301. Duty of child to support indigent parents.

17 (1) It is the duty of every adult child, having the  
18 financial ability, to furnish and provide necessary food,  
19 clothing, shelter, medical attendance, and burial,  
20 entombment, or cremation costs for an indigent parent,  
21 unless, in the judgment of the court or jury, the child is  
22 excused by reason of intemperance, indolence, immorality, or  
23 profligacy of the parent.

24 (2) If a county pays for burial, entombment, or  
25 cremation costs under 53-2-804, the county may seek

~~reimbursement-under-this-part, if applicable."~~

**Section 3.** Section 53-2-301, MCA, is amended to read:

"53-2-301. County departments to be established. There ~~shall must~~ be established in each county of the state, ~~except---in---a---county---that---has---transferred---its---public assistance-and-protective-services-responsibilities---to---the state---under---the---provisions---of---part-8-of-this-chapter, a~~ county department of public welfare, which ~~shall must~~ consist of a county board of public welfare and such staff personnel ~~as that~~ may be necessary for the efficient performance of the public assistance activities of the county. If conditions warrant and if two or more county boards enter into an agreement, two or more counties may combine into one administrative unit and use the same staff personnel throughout the administrative unit."

**Section 4.** Section 53-2-302, MCA, is amended to read:

"53-2-302. County commissioners ex officio county welfare board. ~~Except-in-a-county-that-has---transferred---its public--assistance--and-protective-services-responsibilities to-the-state-under-part-8-of-this-chapter, the~~ The board of county commissioners ~~shall--be is~~ the ex officio county welfare board and ~~is-hereby-authorized-to may~~ devote such additional time for public assistance matters as may be found necessary. The members of the county welfare board ~~shall must~~ receive the same compensation for their services

and the same mileage when acting as the county board of public welfare as they receive when acting as the board of county commissioners and ~~shall-be are~~ limited as to meetings as now provided by law, ~~and--the.~~ The compensation and mileage of the members of the board ~~shall must~~ be paid from county funds. They may transact business as a board of county commissioners and as a county welfare board on the same day, and in such cases, they ~~shall must~~ be paid as a board of county commissioners but may not receive compensation for more than 1 day's work for all services performed on the same calendar day."

**Section 5.** Section 53-2-304, MCA, is amended to read:

"53-2-304. Staff personnel of county department. (1) Each county board shall select and appoint from a list of qualified persons furnished by the department of social and rehabilitation services such staff personnel ~~as that~~ are necessary. The staff personnel in each county ~~shall must~~ consist of at least one qualified staff worker (or investigator) and such clerks and stenographers as ~~may-be decided~~ necessary. If conditions warrant, the county board, with the approval of the department of social and rehabilitation services, may appoint some fully qualified person listed by the department as supervisor of its staff personnel. The staff personnel of each county department are directly responsible to the county board, but the department

1 of social and rehabilitation services may supervise ~~such the~~  
 2 county employees in respect to the efficient and proper  
 3 performance of their duties. The county board of public  
 4 welfare may not dismiss any member of the staff personnel  
 5 without the approval of the department of social and  
 6 rehabilitation services. The department may request the  
 7 county board to dismiss any member of the staff personnel  
 8 for inefficiency, incompetence, or similar cause. The final  
 9 authority for dismissal is the county board. ~~In--counties~~  
 10 ~~where--the--department--has--assumed--the--administration-of~~  
 11 ~~welfare-duties, the final authority--for--dismissal--is--the~~  
 12 ~~director-of-the-department-~~

13 (2) Public assistance staff personnel attached to the  
 14 county board ~~shall~~ must be paid from state public assistance  
 15 funds both their salaries and their travel expenses as  
 16 provided for in 2-18-501 through 2-18-503 when away from the  
 17 county seat in the performance of their duties, but the  
 18 county board of public welfare shall reimburse the  
 19 department of social and rehabilitation services from county  
 20 poor funds the full amount of the salaries and travel  
 21 expenses not reimbursed to the department by the federal  
 22 government and the full amount of the department's  
 23 administrative costs ~~which~~ that are allocated by the  
 24 department to the county for the administration of county  
 25 welfare programs and not reimbursed to the department by the

1 federal government. Under circumstances prescribed by the  
 2 department of social and rehabilitation services, the  
 3 reimbursement by the county board of public welfare may be  
 4 less than the county share as prescribed ~~above~~ in this  
 5 subsection. All other administrative costs of the county  
 6 department ~~shall~~ must also be paid from county poor funds.

7 (3) On or before the 20th day of the month following  
 8 the month for which the payments to the public assistance  
 9 staff personnel of the county were made, the department of  
 10 social and rehabilitation services shall present to the  
 11 county department of public welfare a claim for the required  
 12 reimbursements. The county board shall make ~~such the~~  
 13 reimbursements within 20 days after the presentation of the  
 14 claim, and the department of social and rehabilitation  
 15 services shall credit ~~add~~ all ~~such~~ reimbursements to its  
 16 account for administrative costs.

17 ~~(4)--if--a--county--has--transferred--its--public--assistance~~  
 18 ~~and--protective--services--responsibilities--to--the--state--under~~  
 19 ~~part--8--of--this--chapter, the appropriate department--shall~~  
 20 ~~select,--appoint,--and--supervise--all--necessary--public~~  
 21 ~~assistance--and--protective--services--personnel,--including--if~~  
 22 ~~necessary--a--supervisor--of--staff--personnel,--All--such~~  
 23 ~~personnel--are--directly--responsible--to--that--department-~~"

24 **Section 6.** Section 53-2-306, MCA, is amended to read:

25 "53-2-306. County department charged with local

1 administration of public assistance. Except-in-a-county-that  
 2 has---transferred---its---public---assistance---and---protective  
 3 services-responsibilities-to-the-state-under-part-8-of--this  
 4 chapter,--the The county department of public welfare shall  
 5 be is charged with the local administration of all forms of  
 6 public assistance operations in the county. All such local  
 7 administration must conform to federal and state law and the  
 8 rules as established by the department of social and  
 9 rehabilitation services."

10 NEW SECTION. Section 7. Appropriation. (1) The  
 11 following amounts are appropriated to the department of  
 12 social and rehabilitation services for the purposes of the  
 13 medically needy program:

|    |                         |             |
|----|-------------------------|-------------|
| 14 | <u>Fiscal Year 1994</u> |             |
| 15 | General fund            | \$2,340,000 |
| 16 | Federal funds           | 5,709,600   |
| 17 | Total                   | \$8,049,600 |

|    |                         |             |
|----|-------------------------|-------------|
| 18 | <u>Fiscal Year 1995</u> |             |
| 19 | General fund            | \$2,340,000 |
| 20 | Federal funds           | 5,709,600   |
| 21 | Total                   | \$8,049,600 |

22 (2) The department of social and rehabilitation  
 23 services shall adjust the qualification requirements of the  
 24 medically needy program to ensure that all funds available  
 25 as a result of the changes in [this act] are used to fund

1 the medically needy program through the end of fiscal year  
 2 1995.

3 NEW SECTION. Section 8. Repealer. Sections 53-2-801,  
 4 53-2-802, 53-2-803, 53-2-804, 53-2-811, 53-2-812, and  
 5 53-2-813, MCA, are repealed.

6 NEW SECTION. Section 9. Effective date. [This act] is  
 7 effective January 1, 1994.

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