

1 HOUSE BILL NO. 77

2 INTRODUCED BY P. INGRAHAM

3 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING OBSOLETE STATUTORY LANGUAGE REGARDING
6 COUNTY GOVERNMENT DUTIES FOR LOCAL OFFICES OF PUBLIC ASSISTANCE; AMENDING SECTIONS
7 53-2-301, 53-2-304, AND 53-2-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8

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

10
11 **Section 1.** Section 53-2-301, MCA, is amended to read:

12 **"53-2-301. Local offices of public assistance to be established by department.** ~~There must be~~
13 ~~established in each county of the state~~ The department shall establish one or more local offices of public
14 assistance in each county of the state. If conditions warrant, two or more counties may be combined into one
15 administrative unit and the department may use the same local office of public assistance and staff to administer
16 public assistance in the combined counties."
17

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

19 **"53-2-304. Staff of public assistance program.** ~~(1)(a)~~ The staff in each local office of public assistance
20 must consist of at least one qualified staff worker. The department of public health and human services shall hire
21 and supervise all public assistance staff. ~~A fully qualified person must be employed by the department pursuant~~
22 ~~to subsections (1)(b) and (1)(c) to supervise the staff.~~

23 ~~(b) In accordance with subsection (1)(a), the department shall establish a hiring committee for the~~
24 ~~purpose of choosing a qualified applicant to serve as primary supervisor of the public assistance staff. The hiring~~
25 ~~committee must consist of two county commissioners from the county where the vacancy exists and two~~
26 ~~representatives or designees of the department. If the primary supervisor is to supervise staff in more than one~~
27 ~~county, then the county commissioners from each of the counties shall designate two county commissioners to~~
28 ~~represent the county as members of the hiring committee.~~

29 ~~(c) The department shall screen the applicants who apply for the position of primary supervisor and shall~~
30 ~~compile a list of the most qualified applicants on the basis of merit. The department shall present the list to the~~

1 hiring committee. The committee shall rank the applicants in the order it considers most appropriate, and the
 2 department shall offer the primary supervisor position to the applicants in the order determined by the hiring
 3 committee unless the department is unable to contact a particular applicant after having made a good faith effort.
 4 An offer of employment may not be made to a lower-ranking applicant until all available higher-ranking applicants
 5 have been offered the primary supervisor position and have either refused the offer or withdrawn their
 6 applications.

7 (2) ~~Public assistance staff must be paid from state public assistance funds both their salaries and their
 8 travel expenses, as provided for in 2-18-501 through 2-18-503, when traveling in the performance of their duties.
 9 However, the county shall reimburse the department from county funds for the full amount of the salaries and
 10 travel expenses that are not reimbursed to the department by the federal government and for the full amount of
 11 the department's administrative costs that are allocated by the department to the county for the administration
 12 of public assistance programs and that are not reimbursed to the department by the federal government. Under
 13 circumstances prescribed by the department, the reimbursement by the county may be less than the county share
 14 as prescribed in this subsection. All other administrative costs of the local office of public assistance must be paid
 15 from county funds.~~

16 (3) ~~On or before the 20th day of the month following the month for which the payments to the public
 17 assistance staff were made, the department shall present to the county a claim for the required reimbursements.
 18 The county shall make reimbursements within 20 days after the presentation of the claim, and the department
 19 shall credit all reimbursements to its account for administrative costs."~~

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21 **Section 3.** Section 53-2-305, MCA, is amended to read:

22 **"53-2-305. Local offices of public assistance under supervision of department.** (4) Local offices
 23 of public assistance are offices of the department under the supervision of the department ~~and are subject to audit~~
 24 by the department. However, the department shall enter into agreements with the counties regarding minimum
 25 standards of operation, including but not limited to office hours, staffing, significant program changes,
 26 administration of county public assistance programs, and office facilities. If the board of county commissioners
 27 in a county disagrees with a specific method used, approach taken, or decision made that has a broad impact
 28 on the provision of public assistance in the county, the board of county commissioners may present their
 29 objections to the department in accordance with subsection (2). Prior to and during the development of an
 30 agreement, the department shall ensure the participation of the tribal government in the development of a plan

1 for any county that serves an Indian reservation.

2 ~~(2) All objections made by the board of county commissioners pursuant to subsection (1) must be~~
3 ~~presented to the department in writing. Within 45 days of receiving a written objection, the department shall~~
4 ~~convene a resolution committee. The committee must be composed of two county commissioners to be appointed~~
5 ~~for 2-year terms by the Montana association of counties, two representatives or designees of the department,~~
6 ~~and a fifth member selected by the other members. If the other members cannot agree on the fifth member, the~~
7 ~~attorney general shall appoint the fifth member. The resolution committee shall review the objections made by~~
8 ~~the county and shall attempt, in good faith, to develop an alternative method, approach, or resolution that is~~
9 ~~satisfactory to both the department and the county. The resolution committee shall present the results of its~~
10 ~~deliberations to the director of the department to carry out the alternative method, approach, or resolution."~~

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12 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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