

HOUSE BILL NO. 309

INTRODUCED BY F. WILMER

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A STATUTORY APPROPRIATION OF FEDERAL FUNDS FOR SUPPLEMENTAL NUTRITION ASSISTANCE BENEFITS; AMENDING SECTIONS 17-7-502, 53-2-901, AND 53-2-902, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-2-901; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603;



1 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

2 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 3 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 4 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 5 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 6 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 7 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 8 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
 9 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.
 10 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
 11 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
 12 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the
 13 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621
 14 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,
 15 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.
 16 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,
 17 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of
 18 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates
 19 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates
 20 June 30, 2017.)"

21

22 **Section 2.** Section 53-2-901, MCA, is amended to read:

23 **"53-2-901. Administration of ~~food stamp~~ supplemental nutrition assistance program or SNAP --**
 24 **rulemaking authority.** (1) The department is authorized to administer the ~~food stamp~~ supplemental nutrition
 25 assistance program or SNAP in compliance with all federal laws and requirements.

26 (2) There is an account in the federal special revenue fund for federal funds received to provide SNAP
 27 benefits. The funds in the account are statutorily appropriated, as provided in 17-7-502, to the department for
 28 payment of SNAP benefits.

29 ~~(2)~~(3) The department shall adopt rules that are necessary and desirable for the administration of the
 30 ~~food stamp~~ supplemental nutrition assistance program.

1 ~~(3)~~(4) The department shall adopt rules that may include but are not limited to rules concerning:
2 (a) eligibility for assistance, including income and resource limitations, income and resource exclusions,
3 and transfers of resources;
4 (b) amounts of assistance and methods for determining benefit amount;
5 (c) periodic redetermination of eligibility;
6 (d) reporting requirements;
7 (e) work registration, employment, and training requirements and exemptions from those requirements;
8 (f) procedures and policies of the employment and training program;
9 (g) disqualification because of intentional program violations, for voluntarily quitting a job without good
10 cause, or for any other violation of program rules; and
11 (h) penalties applicable to recipients of financial assistance who have been sanctioned because of failure
12 to meet any requirement of that program.

13 ~~(4)~~(5) The department may adopt rules that include but are not limited to rules concerning:
14 (a) requirements for recipients to assign the right of support;
15 (b) requirements for recipients to cooperate with the state agency administering the child support
16 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and
17 (c) disqualification for failure to perform actions required by other means-tested programs, for failure to
18 cooperate with the state agency administering the child support enforcement program under Title IV-D of the
19 Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support as provided in sections
20 819, 822, and 823 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 7 U.S.C.
21 2015."

22
23 **Section 3.** Section 53-2-902, MCA, is amended to read:
24 **"53-2-902. Definitions.** As used in this part, the following definitions apply:
25 (1) "Department" means the department of public health and human services provided in Title 2, chapter
26 15, part 22.
27 (2) "Employment and training demonstration project" means the employment and training program for
28 recipients of financial assistance who are participating in the FAIM project.
29 (3) "FAIM project" means the families achieving independence in Montana project, including the financial
30 assistance part, a food stamp part administered pursuant to the Food Stamp Act of 1977, 7 U.S.C. 2026, and a

1 medicaid part administered pursuant to the Social Security Act, 42 U.S.C. 1315.

2 (4) (a) "Financial assistance" means the programs funded, in part, with temporary assistance for needy
3 families, as provided in 45 CFR 260.31(a).

4 (b) The term does not include nonfinancial assistance.

5 (5) "Food stamp program" means the provision of food stamp benefits that can be used to purchase food
6 to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7 U.S.C. 2011, et seq.

7 (6) "Nonfinancial assistance" means the programs funded, in part, with temporary assistance for needy
8 families, as provided in 45 CFR 260.31(b).

9 (7) "Supplemental nutrition assistance program" or "SNAP" means the program to alleviate hunger and
10 malnutrition established pursuant to 7 U.S.C. 2011, et seq.

11 ~~(7)~~ (8) "Temporary assistance for needy families" means the block grant established pursuant to 42
12 U.S.C. 601, et seq."

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14 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2013.

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