

HOUSE BILL NO. 659
INTRODUCED BY C. KAUFMANN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM PENALIZING RECIPIENTS OF PUBLIC ASSISTANCE FOR DEPARTMENT ERRORS; AMENDING SECTION 53-2-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 53-2-108, MCA, is amended to read:

"53-2-108. Overpayment of assistance -- civil penalty when fraud. (1) If, ~~due to department or because of~~ recipient error, a recipient receives public assistance for which the recipient is not eligible, the portion of payment that the recipient is not entitled to receive may be returned at the discretion of the department.

(2) A recipient of public assistance may not be penalized in the amount of assistance received for an error made by the department in the processing of or in administering a recipient's case in the public assistance program, except as required by federal law.

~~(2)~~(3) If a person obtains any part of an assistance payment through fraudulent means as specified in 53-2-107, 125% of the amount of assistance to which the person was not entitled must be repaid and, until fully paid, is a debt due the state."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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