

HOUSE BILL NO. 659

INTRODUCED BY KAUFMANN, BECKER, SMALL-EASTMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM ~~PENALIZING~~ REQUIRING REPAYMENT FROM RECIPIENTS OF PUBLIC TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE 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~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A recipient of public assistance TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE ASSISTANCE, OR BOTH, may not be penalized in ~~REQUIRED TO PAY~~ 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 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE ASSISTANCE program, except as PROGRAMS, PROVIDED THAT THE ERROR IN ANY MONTH DOES NOT EXCEED 150% OF THE RECIPIENT'S MONTHLY BENEFIT AMOUNT. IF THE ERROR EXCEEDS 150% OF THE RECIPIENT'S MONTHLY BENEFIT AMOUNT, THE DEPARTMENT MAY ATTEMPT TO RECOVER OR REDUCE FUTURE BENEFITS TO RECOVER THE AMOUNT PAID IN EXCESS OF 150% OF THE MONTHLY BENEFIT AMOUNT. THE DEPARTMENT MAY NOT ATTEMPT TO RECOVER ANY EXCESS PAYMENTS COVERING A PERIOD OF MORE THAN 3 MONTHS. THE DEPARTMENT MAY ATTEMPT TO RECOVER ANY PAYMENTS 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.

- END -

