

HOUSE BILL NO. 442

INTRODUCED BY A. WITTICH

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIMITS ON RESOURCES FOR ELIGIBILITY FOR PUBLIC ASSISTANCE PROGRAMS; ESTABLISHING A TRANSITION; REPEALING SECTION 53-4-1110, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

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

**Section 1.** Section 53-4-1004, MCA, is amended to read:

**"53-4-1004. (Temporary) Eligibility for program -- rulemaking.** (1) To be considered eligible for the program, a child:

- (a) must be 18 years of age or younger;
- (b) must have a combined family income at or below 250% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);
- (c) may not have family resources in excess of \$20,000;
- ~~(d)~~ may not already be covered by private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c), for 3 months prior to enrollment in the program or since birth, whichever period is less[, except that the break in coverage is waived for a covered dependent whose coverage moves from the purchasing pool provided under Title 33, chapter 22, part 20, to coverage under this part];
- ~~(e)~~(e) may not be eligible for medicaid benefits; and
- ~~(f)~~(f) must be a United States citizen or qualified alien and a Montana resident.

(2) (a) The department of public health and human services shall adopt rules that establish the program's criteria for:

- (i) resources to be excluded from consideration in determining eligibility; and
- (ii) residency.
- (b) The department shall exclude a family's home and one vehicle when considering household resources. The residency criteria must conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria



1 for income ~~and resources, treatment of resources,~~ and nonfinancial criteria.

2 (4) If the department determines that there is insufficient funding for the program, it may lower the  
3 percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons  
4 who may be eligible to participate or may limit the amount, scope, or duration of specific services provided.  
5 (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 14, I.M. No. 155, approved November  
6 4, 2008; bracketed language void on occurrence of contingency--sec. 7, Ch. 87, L. 2009.)"

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8 **NEW SECTION. Section 2. Repealer.** The following section of the Montana Code Annotated is  
9 repealed:

10 53-4-1110. Exemption from resource test.

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12 **NEW SECTION. Section 3. Transition.** At least 3 months before [the effective date of this act], the  
13 department of public health and human services shall notify families whose children may lose coverage under  
14 the healthy Montana kids plan. The notification must include at a minimum the date on which coverage will cease  
15 and a summary of other available insurance options.

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17 **NEW SECTION. Section 4. Effective date.** [This act] is effective October 1, 2019.

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19 **NEW SECTION. Section 5. Termination.** [This act] terminates on the occurrence of the contingency  
20 contained in section 15, Chapter 571, Laws of 1999.

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