

SENATE BILL NO. 87

INTRODUCED BY T. MCGILLVRAY

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PUBLIC ASSISTANCE; REVISING THE PROCEDURES FOR APPEALS RELATED TO PUBLIC ASSISTANCE; AMENDING SECTION 53-2-606, MCA; REPEALING SECTION 2-15-2203, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

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

Section 1. Section 53-2-606, MCA, is amended to read:

"53-2-606. Right of appeal. (1) If an application for assistance for food stamps, cash assistance or nonfinancial assistance, as defined in 53-2-902, or medicaid is not acted upon promptly or if a decision is made by which the applicant or recipient is aggrieved, the applicant or recipient may appeal to the ~~board of public assistance~~ department for a fair hearing by addressing a request for a hearing to the department. The ~~board of public assistance~~ department shall, upon receipt of a request for a hearing, give the applicant or recipient prompt notice and opportunity for a fair hearing.

(2) The department may upon its own motion review any decision of a local office of public assistance and may consider any application upon which a decision has not been made within a reasonable time from the filing of the decision. The department may have an additional eligibility determination made and shall determine whether and in what amount assistance is to be granted under the provisions of this title.

(3) If the department reviews a decision on its own motion, applicants or recipients affected by the decisions of the department must upon request be given reasonable notice and an opportunity for a fair hearing ~~by the board of public assistance.~~

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 Repealer.** The following section of the Montana Code Annotated is repealed:

1 2-15-2203. Board of public assistance -- allocation -- quasi-judicial.

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3 NEW SECTION. Section 3. Transition. The board of public assistance shall remain intact until all
4 appeals that were filed with the board on or before [the effective date provided in section (5)(1)] are resolved by
5 the board. If a vacancy occurs on the board before that time, the vacancy must be filled as provided in 2-15-
6 2203.

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8 NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured,
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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11 NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is
12 effective on passage and approval.

13 (2) [Section 2] is effective October 1, 2023.

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15 NEW SECTION. Section 6. Applicability. [Section 1] applies to appeals filed on or after [the
16 effective date of this act].

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