

HOUSE BILL 468

Introduced by Lee

1/30	Introduced
1/30	Referred to Human Services & Aging
1/30	First Reading
1/30	Fiscal Note Requested
2/04	Fiscal Note Received
2/05	Fiscal Note Printed
2/06	Hearing
2/06	Tabled in Committee

1 House BILL NO. 468
 2 INTRODUCED BY Lee
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 7 RECEIPT AND ALLOCATION OF REVENUE FROM THE REPAYMENT OF
 8 PUBLIC ASSISTANCE AND THE COLLECTION OF CHILD SUPPORT;
 9 DIRECTING THAT THE STATE'S SHARE OF THE REVENUE BE DEPOSITED
 10 IN A STATE SPECIAL REVENUE ACCOUNT; REQUIRING FUNDS IN THE
 11 ACCOUNT TO BE USED TO SUPPLEMENT GENERAL FUND APPROPRIATIONS
 12 FOR PUBLIC ASSISTANCE AND CHILD SUPPORT ENFORCEMENT
 13 PROGRAMS; AMENDING SECTIONS 53-2-102 AND 53-2-611, MCA; AND
 14 PROVIDING AN EFFECTIVE DATE."

15
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 53-2-102, MCA, is amended to read:

18 "53-2-102. State treasurer to receive funds -- receipt
 19 and allocation of revenue from repayments and collection of
 20 child support. (1) The treasurer of the state of Montana is
 21 hereby designated as the appropriate fiscal officer of the
 22 state to receive federal funds. All money for public
 23 assistance purposes appropriated by the legislature,
 24 received from the United States government, or received from
 25 any other source shall be paid into the state treasury to

1 the credit of the department, except as provided in
 2 subsection (2).

3 (2) All revenue collected by the department from the
 4 repayment of public assistance and the collection of child
 5 support must be deposited in the state treasury. The
 6 nonassumed county share of all collections must be credited
 7 to the county reimbursement account. The state share of net
 8 revenue must be retained by the department and deposited in
 9 an account in the state special revenue fund. Funds in the
 10 account must be used to supplement general fund
 11 appropriations for public assistance and child support
 12 enforcement programs.

13 (3) For purposes of this section, the following
 14 definitions apply:

15 (a) "Net revenue" means all revenue collected by the
 16 department from the repayment of public assistance and the
 17 collection of child support minus all money required to be
 18 paid by law or contract.

19 (b) "Revenue collected by the department from the
 20 repayment of public assistance and the collection of child
 21 support" means all money generated or collected from:

- 22 (i) estate claims pursuant to 53-2-611;
- 23 (ii) medical assistance liens pursuant to 53-2-612;
- 24 (iii) recovery of fraudulently obtained public
 25 assistance funds pursuant to 53-2-108; and



1 (iv) payment of child support obligations pursuant to
2 Title 40, chapter 5, including federal incentive payments to
3 the state.

4 (c) "State share of net revenue" means net revenue
5 minus distribution of federal, county, and local government
6 shares of revenue collections as defined by law, federal
7 regulations, or rules adopted under this chapter."

8 **Section 2.** Section 53-2-611, MCA, is amended to read:

9 **"53-2-611. Recovery from recipient's estate.** (1) Upon
10 the death of any recipient of medical assistance under Title
11 53, chapter 6, part 1, the department shall execute and
12 present a claim against the estate of such person within the
13 time specified in the published notice to creditors in the
14 estate matter for the total amount of assistance paid under
15 this title, separately stating the amount of all assistance
16 paid on or after July 1, 1953. The department's claim is
17 subject to the limitations specified in 53-6-143(3).

18 (2) All money recovered under this section from any
19 source must be distributed to the county and to the ~~general~~
20 special revenue fund of the state of Montana according to
21 the county's or state's interests. If the federal law
22 requires, the federal government is entitled to a share of
23 any amounts collected under this section in proportion to
24 the amounts that it has contributed to the grants recovered.
25 The amount due the United States must be promptly paid by

1 the department to the United States government."

2 NEW SECTION. Section 3. Effective date. [This act] is
3 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0468, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for the receipt and allocation of revenue from the repayment of public assistance and the collection of child support; directing that the state's share of the revenue be deposited in a state special revenue account; requiring funds in the account to be used to supplement general fund appropriations for public assistance and child support enforcement programs; amending sections and providing an effective date.

ASSUMPTIONS:

1. Current level general fund revenue estimate includes the actual FY90 amount under HB0100 for Child Support Enforcement funds which was \$225,341.
2. Language in HB0100 from the 1989 Legislative Session would not be continued because the language relates to reversion to the general fund.
3. Funds placed in the proposed state special revenue account would be appropriated to the agency in lieu of general fund.
4. The passage of the act would require an accounting change from a Child Support Proprietary Account to a state special revenue account in HB0002.

FISCAL IMPACT:

Under the above assumptions, there would be no net effect on the general fund. Any loss in general fund revenue would be offset through reduction of general fund expenditures by a like amount.

 2-4-91

ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-5-91

THOMAS N. LEE, PRIMARY SPONSOR DATE

Fiscal Note for HB0468, as introduced.

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