

SENATE BILL NO. 376

INTRODUCED BY McCALLUM, TURNAGE

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on Judiciary.
February 15, 1979	Committee recommend bill do pass as amended. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 19, 1979	Second reading, do pass.
February 20, 1979	Considered correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Human Services.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading concurred in. Segregated from Committee of the Whole report.
March 7, 1979	Second reading, concurred in as amended.
March 9, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 10, 1979	Returned from second house. Concurred in as amended.
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March 12, 1979

Second reading, pass consideration.

March 13, 1979

Second reading, amendments adopted.

March 14, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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2 INTRODUCED BY SENATE BILL NO. 376
Mr. Sullivan-Turnage

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECIPIENTS OF
5 PUBLIC ASSISTANCE TO REPORT INCOME NOT PREVIOUSLY DECLARED;
6 REQUIRING RECIPIENTS TO REPAY THE STATE FOR ASSISTANCE
7 OVERPAYMENTS; PROVIDING A CIVIL PENALTY WHEN FRAUDULENT
8 MEANS ARE USED TO OBTAIN ASSISTANCE; CLARIFYING FRAUD;
9 AMENDING SECTION 53-2-107, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 53-2-107, MCA, is amended to read:
13 "53-2-107. Fraudulent obtaining of public assistance
14 treated as theft. Whoever knowingly obtains, by means of a
15 willfully false statement, purposeful failure to reveal
16 resources or income, representation, or impersonation or
17 other fraudulent device, public assistance to which he is
18 not entitled is guilty of theft as provided in 45-6-301."

19 NEW SECTION. Section 2. Recipients to report income
20 not previously declared. Recipients of public assistance
21 shall notify the department of social and rehabilitation
22 services within 10 days of the receipt of any income or
23 resources not previously declared to the department. Failure
24 to report such income or resources is prima facie evidence
25 of the violation of [section 3] and 53-2-107. Failure of the

1 department to verify information provided by the recipient
2 does not absolve the recipient from his obligation to
3 provide accurate information to the department.

4 NEW SECTION. Section 3. Overpayment of assistance --
5 civil penalty when fraud. (1) If, due to department error, a
6 recipient receives public assistance for which he is not
7 eligible, the portion of payment that he is not entitled to
8 receive shall be returned to the department and is a debt
9 due the state.

10 (2) If a person obtains any part of an assistance
11 payment through fraudulent means as specified in 53-2-107,
12 125% of the amount of assistance to which the person was not
13 entitled shall be repaid and is a debt due the state.

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 376

INTRODUCED BY McCALLUM, TURNAGE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECIPIENTS OF PUBLIC ASSISTANCE TO REPORT INCOME NOT PREVIOUSLY DECLARED; REQUIRING RECIPIENTS TO REPAY THE STATE FOR ASSISTANCE OVERPAYMENTS; PROVIDING A CIVIL PENALTY WHEN FRAUDULENT MEANS ARE USED TO OBTAIN ASSISTANCE; ~~ELABORATING FRAUD~~ AMENDING SECTION 53-2-107, MCA."

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

~~Section 1. Section 53-2-107, MCA, is amended to read: "53-2-107. Fraudulent obtaining of public assistance treated as theft. Whoever knowingly obtains, by means of -- a willfully false statement, purposeful failure to reveal resources or income, representation, or impersonation or other fraudulent device, public assistance to which he is not entitled is guilty of theft as provided in 45-6-301."~~

NEW SECTION. Section 1. Recipients to report income not previously declared. Recipients of public assistance shall notify the department of social and rehabilitation services within 10 days of the receipt of any income or resources not previously declared to the department. ~~Failure to report such income or resources is prima facie evidence of the violation of [section 3] and 53-2-107.~~ Failure of the

department to verify information provided by the recipient does not absolve the recipient from his obligation to provide accurate information to the department.

NEW SECTION. Section 2. Overpayment of assistance -- civil penalty when fraud. (1) If, due to department error, a recipient receives public assistance for which he is not eligible, the portion of payment that he is not entitled to receive shall be returned to the department and, UNTIL FULLY PAID, is a debt due the state.

(2) 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 shall be repaid and, UNTIL FULLY PAID, is a debt due the state.

-End-

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 2 INTRODUCED BY MCCALLUM, TURNAGE
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RECIPIENTS OF
 5 PUBLIC ASSISTANCE TO REPORT INCOME NOT PREVIOUSLY DECLARED;
 6 REQUIRING RECIPIENTS TO REPAY THE STATE FOR ASSISTANCE
 7 OVERPAYMENTS; PROVIDING A CIVIL PENALTY WHEN FRAUDULENT
 8 MEANS ARE USED TO OBTAIN ASSISTANCE; ~~CLARIFYING FRAUD~~
 9 ~~AMENDING SECTION 53-2-107-MEA."~~

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 ~~Section 1. Section 53-2-107-MEA is amended to read:~~
 13 ~~"53-2-107. Fraudulent obtaining of public assistance~~
 14 ~~treated as theft. Whoever knowingly obtains by means of~~
 15 ~~willfully false statements, purposeful failure to reveal~~
 16 ~~resources or income, representation, or impersonation, or~~
 17 ~~other fraudulent device, public assistance to which he is~~
 18 ~~not entitled is guilty of theft as provided in 45-6-301."~~

19 **NEW SECTION.** Section 1. Recipients to report income
 20 not previously declared. Recipients of public assistance
 21 shall notify the department of social and rehabilitation
 22 services within 10 days of the receipt of any income or
 23 resources not previously declared to the department. Failure
 24 ~~to report such income or resources is prima facie evidence~~
 25 of the violation of ~~[section 3] and 53-2-107.~~ Failure of the

1 department to verify information provided by the recipient
 2 does not absolve the recipient from his obligation to
 3 provide accurate information to the department.

4 **NEW SECTION.** Section 2. Overpayment of assistance --
 5 civil penalty when fraud. (1) If, due to department error, a
 6 recipient receives public assistance for which he is not
 7 eligible, the portion of payment that he is not entitled to
 8 receive shall be returned to the department and UNTIL FULLY
 9 PAID is a debt due the state.

10 (2) If a person obtains any part of an assistance
 11 payment through fraudulent means as specified in 53-2-107,
 12 125% of the amount of assistance to which the person was not
 13 entitled shall be repaid and UNTIL FULLY PAID is a debt
 14 due the state.

-End-

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 12 Section ~~14~~ ~~Section 53-2-107, MCA~~ ~~is amended to read:~~
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 24 to report such income or resources is prima facie evidence
 25 of the violation of ~~[section 3]~~ and 53-2-107. Failure of the

1 department to verify information provided by the recipient
 2 does not absolve the recipient from his obligation to
 3 provide accurate information to the department.

4 NEW SECTION. Section 2. Overpayment of assistance --
 5 civil penalty when fraud. (1) If, due to department error, a
 6 recipient receives public assistance for which he is not
 7 eligible, the portion of payment that he is not entitled to
 8 receive shall be returned to AT THE DISCRETION OF the
 9 department ~~and~~ ~~UNTIL FULLY PAID~~ ~~is a debt due the state.~~

10 (2) If a person obtains any part of an assistance
 11 payment through fraudulent means as specified in 53-2-107,
 12 125% of the amount of assistance to which the person was not
 13 entitled shall be repaid and UNTIL FULLY PAID is a debt
 14 due the state.

-End-

HOUSE OF REPRESENTATIVES
March 7, 1979

Committee of the Whole Amendments to Senate Bill No. 376, third reading copy, as follows:

1. Page 2, lines 8 and 9.

Following: "returned"

Strike: "to"

Insert: "at the discretion of"

Following: "the department"

Strike: "and, UNTIL FULLY PAID, is a debt due the state"

AND AS AMENDED,
BE CONCURRED IN