

HOUSE BILL NO. 96

INTRODUCED BY FEBA

BY REQUEST OF
THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

IN THE HOUSE

January 7, 1981	Introduced and referred to Committee on Public Health.
January 22, 1981	Committee recommend bill do pass. Report adopted.
February 2, 1981	Bill printed and placed on members' desks.
February 3, 1981	Second reading, do pass.
February 4, 1981	Considered correctly engrossed.
February 6, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Judiciary.
March 16, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 18, 1981	Second reading, concurred in.
March 20, 1981	Third reading, concurred in as amended. Ayes, 47; Noes, 0.

IN THE HOUSE

March 21, 1981	Returned from Senate with amendments.
April 7, 1981	Second reading, amendments concurred in.

April 7, 1981

On motion, rules suspended
and bill placed on third
reading this day.

Third reading, amendments
concurred in. Ayes, 93;
Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 96
2 INTRODUCED BY *Fisher*

3 BY REQUEST OF
4 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
7 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO DRAFT
8 RULES TO SPECIFY WHEN PUBLIC ASSISTANCE MAY BE DENIED TO A
9 PERSON WHO HAS TRANSFERRED PROPERTY FRAUDULENTLY; AMENDING
10 SECTION 53-2-601, MCA."

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

13 Section 1. Section 53-2-601, MCA, is amended to read:

14 "53-2-601. ~~Ineligibility~~ ~~for~~ ~~assistance~~ ~~upon~~
15 ~~Eligibility determination -- rules on~~ fraudulent transfer of
16 ~~real~~ property. ~~Public~~ ~~The department may deny public~~
17 ~~assistance shall not be granted under this title~~ to any
18 person who has ~~deprived~~ ~~divested~~ himself directly or
19 indirectly of any property for the purpose of qualifying for
20 ~~public~~ assistance ~~under this title. Any person who shall~~
21 ~~have transferred or shall~~ ~~The department shall make rules~~
22 ~~that raise a rebuttable presumption that any~~ transfer ~~real~~
23 ~~of~~ property ~~or interests in real property~~ within 5 2 years
24 of the date of application for public assistance ~~without~~
25 ~~receiving adequate consideration therefor in money or~~

1 ~~money's worth shall be presumed to have made such transfer~~
2 ~~was~~ for the purpose of qualifying for public assistance
3 ~~under this title."~~

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 96

3 House Human Services Committee

4

5 Under present law, SRS has express rulemaking authority
6 to adopt rules to cover eligibility requirements for various
7 services. Federal regulations concerning eligibility allow
8 the state various options, when considering transfer of
9 property. The department needs to have the authority to
10 redetermine from time to time which option offers the most
11 efficient and least costly system of determining eligibility
12 to the state.

Approved by Comm. on
Public Health, Safety and Welfare

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18 person who has ~~deprived~~ divested himself directly or
19 indirectly of any property for the purpose of qualifying for
20 public ~~assistance under--this--title. Any-person-who-shall~~
21 have-transferred-or-shall ~~The department shall make rules~~
22 that raise a rebuttable presumption that any transfer ~~real~~
23 of property ~~or-interests-in-real-property~~ within 5 2 years
24 of the date of application for public assistance ~~without~~
25 ~~receiving--adequate--consideration--therefor--in--money--or~~

1 ~~money's--worth--shall-be-presumed-to-have-made-such-transfer~~
2 ~~was~~ for the purpose of qualifying for public assistance
3 ~~under-this-title."~~

-End-

SECOND READING

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 18 person who has ~~deprived~~ divested himself directly or
 19 indirectly of any property for the purpose of qualifying for
 20 public assistance ~~under--this--title. Any person who shall~~
 21 ~~have--transferred--or--shall~~ The department shall make rules
 22 that raise a rebuttable presumption that any transfer real
 23 of property FOR LESS THAN FAIR MARKET VALUE or interests--in
 24 ~~real--property~~ within 5 2 years of the date of application
 25 for public assistance ~~without-----receiving-----adequate~~

1 ~~consideration--therefor--in--money--or--money's--worth--shall--be~~
 2 ~~presumed--to--have--made--such--transfer~~ was for the purpose of
 3 qualifying for public assistance ~~under--this--title."~~

-End-

March 16, 1981

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 96 be amended as follows:

1. Page 1, line 23.

Following: "property"

Insert: "for less than fair market value"