

HB 490 INTRODUCED BY MILES
PROHIBITING RESTRICTION OF TRUST FUNDS TO QUALIFY
BENEFICIARY FOR ASSISTANCE
BY REQUEST OF DEPARTMENT OF SOCIAL &
REHABILITATION SERVICES

1/27 INTRODUCED
1/27 REFERRED TO HUMAN SERVICES & AGING
2/05 HEARING
2/09 COMMITTEE REPORT--BILL NOT PASSED
2/10 ADVERSE COMMITTEE REPORT ADOPTED

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1 House BILL NO. 490
 2 INTRODUCED BY Mills
 3 BY REQUEST OF THE DEPARTMENT OF SOCIAL
 4 AND REHABILITATION SERVICES

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A
 7 RESTRICTION OF TRUST FUNDS OR OTHER RESOURCES IN SUCH A
 8 MANNER AS TO QUALIFY THE BENEFICIARY FOR PUBLIC ASSISTANCE
 9 PROGRAMS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Trust funds not to be restricted in order
 13 to qualify beneficiary for public assistance. (1) Any fund
 14 held in trust or otherwise by a trustee for a beneficiary or
 15 by a guardian or conservator for the benefit of a ward must
 16 be expended for the benefit of the beneficiary or ward
 17 before he can become eligible for any public assistance
 18 program under this title where eligibility is based on
 19 income and resources. Funds are considered available to a
 20 beneficiary or ward if the trustee, guardian, or conservator
 21 is given discretionary authority under the terms of the
 22 trust.

23 (2) Any funds of a trust made available to a
 24 beneficiary who is or has been a recipient of public
 25 assistance provided by the state under this title, to the

1 extent of the value of the public assistance, are owed to
 2 the state if the trust was made before or at the time the
 3 public assistance was received.

4 (3) No trust that prohibits or limits the expenditure
 5 of trust funds for services provided by the state under this
 6 title may be made after [the effective date of this act].

7 Section 2. Codification instruction. Section 1 is
 8 intended to be codified as an integral part of Title 53,
 9 chapter 2, and the provisions of Title 53, chapter 2, apply
 10 to section 1.

11 Section 3. Extension of authority. Any existing
 12 authority of the department of social and rehabilitation
 13 services to make rules on the subject of the provisions of
 14 this act is extended to the provisions of this act.

15 Section 4. Effective date. This act is effective on
 16 passage and approval.

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