

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_  
2 INTRODUCED BY \_\_\_\_\_  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PUBLIC ASSISTANCE;  
5 GENERALLY REVISING PROCEDURES FOR APPEALS RELATED TO PUBLIC ASSISTANCE CLAIMS;  
6 AMENDING SECTION 53-2-606, MCA; REPEALING SECTION 2-15-2203, MCA; AND PROVIDING  
7 EFFECTIVE DATES AND AN APPLICABILITY DATE."  
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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11 **Section 1.** Section 53-2-606, MCA, is amended to read:

12 **"53-2-606. Right of appeal.** (1) If an application for assistance for food stamps, cash assistance or  
13 nonfinancial assistance, as defined in 53-2-902, or medicaid is not acted upon promptly or if a decision is made  
14 by which the applicant or recipient is aggrieved, the applicant or recipient may appeal to the ~~board of public~~  
15 ~~assistance~~department for a fair hearing by addressing a request for a hearing to the department. The ~~board of~~  
16 ~~public assistance~~department shall, upon receipt of a request for a hearing, give the applicant or recipient  
17 prompt notice and opportunity for a fair hearing.

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

22 (3) If the department reviews a decision on its own motion, applicants or recipients affected by the  
23 decisions of the department must upon request be given reasonable notice and an opportunity for a fair hearing  
24 ~~by the board of public assistance."~~  
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26 NEW SECTION. **Section 2. Repealer.** The following section of the Montana Code Annotated is  
27 repealed:

28 2-15-2203. Board of public assistance -- allocation -- quasi-judicial.

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

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7        NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured,  
8 penalties that were incurred, or proceedings that were begun before [the effective date provided in section  
9 5(1)].

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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, 2025.

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15        NEW SECTION. Section 6. Applicability. [Section 1] applies to appeals filed on or after [the  
16 effective date provided in section 5(1)].

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