

Introduced by

Representatives Porter, Price, Weisz

Senators Fischer, J. Lee

1 A BILL for an Act to amend and reenact section 50-29-05 of the North Dakota Century Code,
2 relating to eligibility under the state children's health insurance program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-29-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-29-05. Limitations of chapter - Expansion of chapter.**

7 1. Health assistance provided under this chapter is not an entitlement. A person does
8 not have a property interest in any health assistance sought or provided under this
9 chapter. If the department estimates that available funds are insufficient to allow
10 participation by additional applicants, the department may take any action
11 appropriate to avoid commitment of funds in excess of available funds, including
12 denying applications and establishing waiting lists, ~~that~~ which is not forbidden by
13 title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.] or regulations
14 adopted thereunder. If federal children's health insurance program funding
15 decreases, the department may decrease the income eligibility limit to
16 accommodate the decrease in federal funding, notwithstanding any other
17 provisions of this chapter.

18 2. Notwithstanding any other provision of this chapter, if sufficient additional federal
19 children's health insurance program funding becomes available, the department
20 shall implement an income eligibility limit based on a gross income that does not
21 exceed two hundred percent of the poverty line.