

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1272

Introduced by

Representatives Kerzman, Svedjan

Senator Thane

1 A BILL for an Act to amend and reenact section 50-24.1-02.3 and subsection 1 of section
2 50-24.1-07 of the North Dakota Century Code, relating to funeral expenses in claims against
3 the estates of former medicaid recipients.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.3 of the 1995 Supplement to the
6 North Dakota Century Code is amended and reenacted as follows:

7 **50-24.1-02.3. When ~~pre-need~~ designated funeral plan prepayments or deposits**
8 **not to be considered in eligibility determination.** In determining eligibility for medical
9 assistance, the department of human services may not consider as an available resource any
10 prepayments or deposits to a fund which total three thousand dollars or less, ~~and the interest~~
11 ~~accrued thereon, made and maintained by an applicant for or recipient of medical assistance in~~
12 ~~a fund, not commingled with any other funds,~~ designated by the applicant or recipient as set
13 aside to pay for the applicant's or recipient's funeral. In addition, the applicant or recipient may
14 designate all or a portion of the three thousand dollar asset limitation for funeral purposes.
15 Interest or earnings retained in a funeral fund also may not be considered as an available
16 resource. A ~~pre-need funeral service contract~~ prepayment or deposit designated under this
17 section is not a multiple-party account for purposes of chapter 30.1-31. No claim for payment of
18 funeral expenses may be made against the estate of a deceased medical assistance recipient
19 except to the extent that funds maintained in accordance with this section total less than ~~one~~
20 three thousand four hundred dollars.

21 **SECTION 2. AMENDMENT.** Subsection 1 of section 50-24.1-07 of the 1995
22 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23 1. On the death of any recipient of medical assistance who was fifty-five years of age
24 or older when the recipient received the assistance, and on the death of the

- 1 spouse of ~~such a~~ the deceased recipient, the total amount of medical assistance
2 paid on behalf of the recipient following the recipient's fifty-fifth birthday must be
3 allowed as a preferred claim against the decedent's estate after payment, in the
4 following order, of:
- 5 a. Funeral expenses not in excess of ~~fourteen hundred~~ three thousand dollars;
 - 6 b. Expenses of last illness;
 - 7 c. Expenses of administering the estate, including attorney's fees approved by
8 the court;
 - 9 d. Claims made under chapter 50-01;
 - 10 e. Claims made under chapter 50-24.5; and
 - 11 f. Claims made under chapter 50-06.3 and on behalf of the state hospital.