

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2071

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code,
2 relating to the state's preferred claim against the estate of a medical assistance recipient or the
3 estate of the spouse of a medical assistance recipient; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-24.1-07. Recovery from estate of medical assistance recipient.**

- 8 1. On the death of any recipient of medical assistance who was fifty-five years of age
9 or older when the recipient received the assistance, and on the death of the
10 spouse of the ~~deceased~~ recipient, the total amount of medical assistance paid on
11 behalf of the recipient following the recipient's fifty-fifth birthday must be allowed as
12 a preferred ~~claim~~ claims against the ~~decedent's~~ recipient's estate or recipient's
13 spouse's estate after payment, in the following order, of:
- 14 a. Funeral expenses not in excess of three thousand dollars;
 - 15 b. Expenses of last illness;
 - 16 c. Expenses of administering the estate, including attorney's fees approved by
17 the court;
 - 18 d. Claims made under chapter 50-01;
 - 19 e. Claims made under chapter 50-24.5; and
 - 20 f. Claims made under chapter 50-06.3 and on behalf of the state hospital.
- 21 2. No claim must be paid during the lifetime of the decedent's surviving spouse, if
22 any, nor while there is a surviving child who is under the age of twenty-one years
23 or is blind or permanently and totally disabled, but no timely filed claim may be
24 disallowed because of the provisions of this section.

1 3. Every personal representative, upon the granting of letters of administration or
2 testamentary shall forward to the department of human services a copy of the
3 petition or application commencing probate, heirship proceedings, or joint tenancy
4 tax clearance proceedings in the respective district court, together with a list of the
5 names of the legatees, devisees, surviving joint tenants, and heirs at law of the
6 estate and a copy of notice to creditors that complies with the requirements of
7 section 30.1-19-01. Unless a properly filed claim of the department of human
8 services is paid in full, the personal representative shall provide to the department
9 a statement of assets and disbursements in the estate.

10 4. Interest on all claims described in this section accrues at the legal rate beginning
11 one hundred eighty days after the death of the medical assistance recipient.

12 **SECTION 2. EFFECTIVE DATE.** This Act is effective for all informal and formal
13 probate proceedings commenced after August 1, 2003.