

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1181

Introduced by

Representatives Keiser, Devlin, Price

Senators Brown, J. Lee

1 A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century
2 Code, relating to funds designated for funeral expenses and eligibility for medical assistance; to
3 provide an appropriation; and to direct the department of human services to seek a waiver.

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

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

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

23 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
24 general fund in the state treasury, not otherwise appropriated, the sum of \$445,915, or so much

1 of the sum as may be necessary, and from special funds derived from federal funds, the sum of
2 \$816,585, or so much of the sum as may be necessary, to the department of human services
3 for the purpose of supplementing other appropriations provided for the medical assistance
4 program to defray the expenses associated with increasing the amount of the burial exclusion
5 for medical assistance recipients, for the biennium beginning July 1, 2005, and ending June 30,
6 2007.

7 **SECTION 3. WAIVER.** During the 2005-07 biennium, the department of human
8 services shall seek approval from the federal government to disregard for medicaid eligibility
9 purposes any pre-need funeral service contract, prepayment, or deposit to a fund, regardless of
10 its value, made by a medicaid applicant or recipient if the pre-need funeral service contract,
11 prepayment, or deposit to a fund was purchased before April 1, 2004.