

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1477

Introduced by

Representatives Carlson, Boucher

Senators Stenehjem, O'Connell

(At the request of the Governor)

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 the exempt amount of designated pre-need funeral service contracts in
3 considering eligibility for medical assistance.

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