

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative Nelson

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.

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

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

6 **50-24.1-02.3. When designated pre-need funeral service contracts, prepayments,**  
7 **or deposits not to be considered in eligibility determination.** In determining eligibility for  
8 medical assistance, the department of human services may not consider as an available  
9 resource any pre-need funeral service contracts, prepayments, or deposits to a fund which total  
10 ~~five~~ seven thousand dollars or less designated by the applicant or recipient as set-aside to pay  
11 for the applicant's or recipient's funeral. An applicant or recipient designates a prepayment or  
12 deposit for that applicant's or recipient's burial by providing funds that are to be used for the  
13 funeral or burial expenses of the applicant or recipient. In addition, the applicant or recipient  
14 may designate all or a portion of the three thousand dollar asset limitation for funeral pre-need  
15 contracts, prepayments, or deposits. Interest or earnings retained in a funeral fund also may  
16 not be considered as an available resource. A pre-need funeral service contract, prepayment,  
17 or deposit designated under this section is not a multiple-party account for purposes of chapter  
18 30.1-31. No claim for payment of funeral expenses may be made against the estate of a  
19 deceased medical assistance recipient except to the extent that funds maintained in  
20 accordance with this section total less than ~~five~~ seven thousand dollars.