

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2075

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

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 excess assets in pre-need funeral service contracts, prepayments, or deposits.

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 is
5 amended and reenacted as follows:

6 **50-24.1-02.3. When designated pre-need funeral service contracts, prepayments, or**
7 **deposits not to be considered in eligibility determination.**

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

