Sixty-first
Legislative Assembly   **ENGROSSED HOUSE BILL NO. 1477**
of North Dakota

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~~ six thousand dollars or less designated by the applicant or recipient as set-aside to pay for

12 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~~ six thousand dollars.