

Testimony Prepared for the
House Human Services Committee

March 13, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: Senate Bill 2139 – Final Disposition of Indigent Individuals

Chair Weisz and members of the House Human Service Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in support of SB 2139.

For many years, human service zones (formally county social service agencies) and counties have held an important role in caring for the indigent individuals upon death. This included developing local policies, negotiating rates with local funeral providers, meeting with families, determining eligibility, and levying funds for this expense. This role was county-driven and financed for many years. We recognize this brought great variation in indigent burial policy, application procedures, and payment rates. However, in recent years, we have undergone social service redesign which has included forming human service zones. This has provided flexibility to collaborate and has provided property tax relief. I am proud to report that many positive developments have occurred during the past several years under our human service zone model and yielded improved systems and services.

Indigent burials are a strong example of how human service zones have joined together to work as one and to improve services to citizens. In 2021, Human Service Zone Directors and team members along with the support of Department officials developed and adopted uniform indigent burial eligibility policy and forms. Our joint policy was adopted by all 19 human service zone boards in 2021 and revised in early 2022. During policy development, feedback

was received from the North Dakota Funeral Directors Association. This was done to ensure that our business practices and policy supported government, service providers, and most importantly families who are experiencing difficult and sensitive times.

The responsibility of making final disposition decisions for an individual who passes away and has no other family has historically fallen upon the human service zone director. This is a highly sensitive, final decision and action. SB 2139, page 3, lines 17-24 would provide for liability immunity for the human service zone and the human service zone director, should any next of kin come forth after final disposition. This is a necessary addition to protect officials, who act in good faith and are responsible for this important responsibility.

I support the language on page 5, lines 1, 4, and 7 that would allow up to seven calendar days for issuing determination of burial assistance. This would not pose a hardship for human service zones. It should be noted, current, agreed upon unified indigent burial policy states:

“Upon receipt of the Burial Application, the funeral home may proceed with disposition of the body prior to the eligibility determination being made. This allows the funeral home to abide to the statutory guidelines but does not guarantee eligibility under Burial Assistance.”

The proposed rate \$3500, detailed on page 5, line 16, is above the current average negotiated rates for cremation and standard burial. For the committee’s reference, please see the supplement document that summarizes current rates negotiated by each county. The average rate of general assistance burials in 2022 equaled \$2,328.42. I also point out to the committee that burial assistance costs are funded out of SB 2012 – the human service zone budget which is subject to fund limitations established for the SIIF (457 fund).

Human Service Zone Directors have met and overwhelming support the change to have cremation serve as the default form of final disposition and to allow for a religious/moral exemption request that, if approved, would result in standard burial. For example, in the Muslim and Jewish faiths, cremation violates religious requirements. This flexibility is needed to support religious/moral freedoms and choice. In 2022, there were 268 general assistance burials statewide with 88% of those approved for cremation and 12% through standard burial.

In closing, I also support page 5, line 30 and page 6, line 1 that would allow family members to contribute to non-burial or non-cremation costs. Such examples could be flowers, clergy fees, luncheon fees, etc. It is important to know that not only must the deceased qualify financially for burial assistance, so must the next of kin. Each surviving next of kin are required to submit their income information as part of the application process. Therefore, both the deceased and his/her close family members meet income guidelines. Expecting family members to contribute for items beyond non-burial/non-cremation expenses would not be appropriate as they have already proven to be income eligible for final disposition.

Thank you for consideration of my testimony. I stand for questions from the committee.