

Testimony Prepared for the
Senate Human Services Committee

January 17, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: Senate Bill 2139 – Final Disposition of Indigent Individuals

Chair Lee and members of the Senate 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 with suggested amendment.

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 importantly families who are experiencing difficult and sensitive times.

Today, I stand in support of SB 2139, but do so with recommendations for further clarifications and improvements. This includes:

Section 1, Page 1, line 19. I recommend striking the word “individuals” and insert “residents”. This would ensure consistency with NDCC 50-01-26 which requires residency as a condition of indigent burial eligibility.

Section 2, Page 3, lines 13-19. This area has historically proven challenging for human service zones. If an individual passes away and has no other family, as defined in this section, the human service zone is named as an authority to make dispositional decisions regarding the care of the deceased. This is a highly sensitive and final decision and action. It is requested that language be included requiring the coroner to provide an official statement detailing actions to determine there is no next of kin and provide this statement to the human service zone director. In addition, please consider the additional language to provide liability immunity for the human service zone and the human service zone director, should any next of kin come forth after final disposition.

I support, Section, 2, Page 5, line 2. Specifically, the revision to allow 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 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.”

Section 2, Page 5, lines 25-26. This section appears to require cremations for all indigent burials. Human Service Zone Directors have significant concern with this section. While we support cremation as the default form of disposition, we must advocate for individuals who may

have religious or other moral objections to disposition by cremation. For example, in the Muslim and Jewish faiths, cremation violates religious requirements. We request that this law be sensitive to religious/moral freedoms and choice. Therefore, I request consideration of amendment for cremation to serve as the default form of disposition but to allow for religious/moral exemption request, which, if approved, would result in standard burial disposition. In addition, an amendment could provide for an indigent standard burial that is equal to the legislatively approved cremation rate.

Section 2, Page 5, lines 27-29. I suggest amendment to strike lines 27-29 and insert "Human service zones and the Department shall maintain a standardized eligibility policy and application form to be used for the purposes of indigent burial application."

In addition, I am aware that the Department is bringing forth additional suggested amendments. I support those changes in addition to the items identified in my testimony.

Thank you for consideration of my testimony and recommendations for further enhancement. I stand for questions from the committee.