

2013 HOUSE HUMAN SERVICES

HB 1232

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1232
January 23, 2013
Job 17587

Conference Committee

Kristin Hetzler

Explanation or reason for introduction of bill/resolution:

Relating to pre-need funeral contracts and medicaid eligibility.

Minutes:

Testimony 1

Chairman Weisz: Opened the hearing on HB 1232.

Rep. Brenda Heller: Introduced and supported the bill. Clean-up bill for ND Funeral Directors Association.

Jack McDonald: Appeared on behalf of ND Funeral Directors Association. (See Testimony #1) Supports HB 1232. We discussed with the Human Services Dept and they have no objection to this language.

Rep. Laning: Can a person designate a portion of \$3000 strictly for funeral or is the entire \$3000 going to funeral?

McDonald: You can designate as much as you want for the funeral. See testimony 50-24. 1-02.3

Mike Lerud: President of ND Funeral Home Association. Lerud-Schuldt Funeral Home in Valley City testified in support of the bill. If a person for whatever reason couldn't pay the insurance premium, this would help in a case like that.

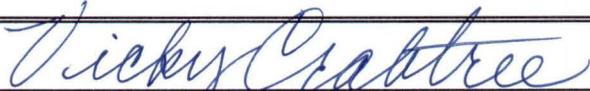
Chairman Weisz: Closes.

2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1232
February 4, 2013
Job #18226

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to pre-need funeral.

Minutes:

You may make reference to "attached testimony."

Chairman Weisz called the meeting to order on HB 1232.

Rep. Hofstad: I move a Do Pass on HB 1232.

Rep. Looyzen: Second.

ROLL CALL VOTE: 12 y 0 n 1 absent

Bill Carrier: Rep. Fehr

MOTION CARRIED

Date: 2-4-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1232**

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Hofstad Seconded By Rep. Looyzen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. MOONEY	✓	
VICE-CHAIRMAN HOFSTAD	✓		REP. MUSCHA	✓	
REP. ANDERSON	✓		REP. OVERSEN	✓	
REP. DAMSCHEN	✓				
REP. FEHR	✓				
REP. KIEFERT	✓				
REP. LANING	✓				
REP. LOOYSEN	✓				
REP. PORTER	A				
REP. SILBERNAGEL	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Fehr

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1232: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1232 was placed on the
Eleventh order on the calendar.

2013 SENATE HUMAN SERVICES

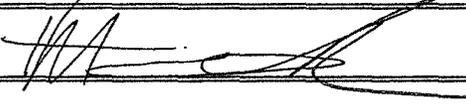
HB 1232

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

1232
3/19/13
20142

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to pre-need funeral contracts and Medicaid eligibility.

Minutes:

"Attached testimony."

Chairwoman J Lee opens the hearing for HB 1232

Jack McDonald appeared today on behalf of the North Dakota Funeral Directors Association, in support of HB 1232. See attached testimony #1. **Senator Anderson** asked about funding.

There is no other testimony

Chairwoman J Lee. Closed the hearing

Senator Axness motions for Do Pass

Senator Larsen Seconds

Do Pass 5-0-0

Senator Larsen will carry.

Date: 3-19-13
 Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1232

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By SEN. AXNESS Seconded By SEN. LARSEN

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	/		Senator Tyler Axness	/	
Vice Chairman Oley Larsen	/				
Senator Dick Dever	/				
Senator Howard Anderson, Jr.	/				

Total (Yes) 5 No 0

Absent _____

Floor Assignment Sen. Larsen

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1232: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1232

Wednesday, January 23, 2013

HOUSE HUMAN SERVICES COMMITTEE
HB 1232

CHAIRMAN WEISZ AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of North Dakota Funeral Directors Association. We strongly support HB 1232 and urge a **do pass**.

This bill does two things. First, on lines 3 – 5, page 3, it puts into law the Department of Human Services' policy that for consideration of Medicaid eligibility, the amount considered in a funeral set-aside funded by insurance will be the lesser of the cost of the policy or its face value.

Second, it adds the language from Section 50-24.1-02.3 (on reverse side) concerning the \$3,000 general exemption that can be applied to the funeral set-aside to Section 43-10.1 – 03.1 to make it clear that the \$3,000 can be applied to the sit-aside referred to in this section.

Under the provisions of §54-05.1-02 (2) (e), North Dakota Century Code, I'm introducing our president, Mike Lerud, Lerud-Schuldt Funeral Home, Valley City, for further testimony supporting HB 1232.

We respectfully request that you give this bill a unanimous DO PASS. If you have any questions, I will be happy to try to answer them.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

(OVER)

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

Tuesday, March 19, 2013

SENATE HUMAN SERVICES COMMITTEE HB 1232
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SENATOR LEE AND COMMITTEE MEMBERS:

My name is Jack McDonald. I appear today on behalf of the North Dakota Funeral Directors Association. We support HB 1232 and ask that you give it a **DO PASS**.

This is really almost a "house keeping" bill but not quite. I don't believe it is controversial. This bill does two things.

First, on lines 3-5, page 3, it puts into law the Department of Human Services' existing policy that for consideration of Medicaid eligibility, the amount considered in a funeral set-aside funded by insurance will be the lesser of the cost of the policy or its face value.

Second, it adds the language already in state law in Section 50-24.1-02.3 (on reverse side) concerning the \$3,000 general exemption that can be applied to the funeral set-aside to Section 43-10.1-03.1 to make it clear that the \$3,000 can be applied to the set-aside referred to in this section.

Representatives of the Funeral Directors Association met with Department of Human Services' officials last summer and went over these changes. There was mutual agreement on them.

We respectfully ask you give this bill a unanimous DO PASS. If you have any questions, I will be happy to try to answer them.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

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