

2023 SENATE HUMAN SERVICES

SB 2139

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
1/17/2023

Relating to final disposition of individuals who are indigent.

10:16 AM **Madam Chair Lee** called the hearing to order.
Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan were present.

Discussion Topics:

- Indigent burial
- Next of kin
- Religious requirements
- Humans service zones

10:16 AM **Senator Dean Rummel, District #37** introduced SB 2139 and testified in favor.
#13715

10:22 AM **Mike Krumwiede, Lobbyist for North Dakota Funeral Directors Association,** testified in favor verbally.

10:23 AM **Kimberly Jacobson, Director of Agassiz Valley Human Service Zone; President North Dakota Human Service Director Association,** provided online testimony in favor. #13638, 13831, 13832, 13833

10:31 AM **Mike Krumwiede** introduced **Nic Stevenson.**

10:31 AM **Nic Stevenson, Funeral Director; Board Member of North Dakota Funeral Directors Association,** testified in favor. #13824

10:38 AM **Terry Traynor, North Dakota Association of Counties,** testified in favor verbally.

10:44 AM **Jonathon Alm, Attorney, North Dakota Department of Health and Human Services,** testified neutral verbally.

10:47 AM **Christopher Dodson, Executive Director and General Counsel North Dakota Catholic Conference** testified in opposition verbally.

10:52 AM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
1/24/2023

Relating to final disposition of individuals who are indigent.

2:36 PM **Madam Chair Lee** called the committee to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Cremation and burial services
- Final disposition

2:37 PM **Representative Mike Nathe District 30** provided information verbally.

2:50 PM **Mark Krumwiede North Dakota Funeral Directors Association** provided information verbally.

Additional Testimony:

Terry Traynor, North Dakota Association of Counties additional information #16486

2:53 PM Madam Chair Lee closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
1/30/2023

Relating to final disposition of individuals who are indigent.

4:07 PM **Madam Chair Lee** called the committee to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan are present.**

Discussion Topics:

- Non burial expensive
- Eligibility assets
- Nominal fee
- Option burial or cremation
- Funeral directors
- Religion beliefs

4:09 PM **Johnathon Alm, Attorney, North Dakota Health and Human Services** provided information and proposed an amendment. #17968

4:20 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
1/31/2023

Relating to final disposition of individuals who are indigent.

10:34 AM **Madam Chair Lee** called the committee to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Nominal fee, burial zones cap
- Standard cremation
- Religion
- 2-tiered payment system

10:35 AM **Mark Krumwiede, Staiger Consulting Group**, spoke on amendment changes on page 1 and page 3.

10:52 AM **Christopher Dodson, Executive Director and General Counsel, ND Catholic Conference**, testified in favor verbally.

10: 53 AM **Courtney Koeble, Executive Director ND Medical Association**, introduced medical staff touring the Capital (doctors' day).

10:53 AM **Jonathon Alm, Attorney ND Department of Health and Human Services**, provided additional policy changes verbally.

11:02 AM **Mark Krumwiede**, provided additional information verbally.

11:26 AM **Senator Cleary** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
1/31/2023

Relating to final disposition of individuals who are indigent.

3:29 PM **Madam Chair Lee** called the committee to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Final disposition
- Religious

3:32 PM **Rhonda Allery, Director Mountain Lakes Human Services Zone**, verbally provided additional information.

Senator K. Roers made motion **DO PASS** on **Amendment**. (LC 23.0505.01001)
Senator Weston seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion Passes 6-0-0

Senator K. Roers made motion **DO PASS** as **Amended** and **RERFER TO APPROPRIATIONS**. **Senator Weston** seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion Passes 6-0-0.

Senator Cleary will carry SB 2139

3:53 PM **Senator Lee call** closed the meeting.

Patricia Lahr, Committee Clerk

January 31, 2023

AG
1-31-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2139

Page 1, line 19, replace "individuals" with "residents"

Page 3, line 19, after "director" insert "after the coroner notifies the appropriate public or court authority in writing that no individuals identified in subdivisions a through k have accepted the duty of final disposition. A person identified under this subdivision who exercises the duty of final disposition of the body of a deceased individual is immune from civil liability for any act or omission arising out of the duty of final disposition"

Page 5, line 14, remove the overstrike over "casket-or"

Page 5, line 17, remove the overstrike over "casket" and insert immediately thereafter "or"

Page 5, line 19, replace "final disposition" with "cremation or burial"

Page 5, line 20, after "section" insert ". The presumption of final disposition of an individual who is indigent is by cremation. The human service zone shall create a process to review and accommodate a request for burial due to religious beliefs"

Page 5, line 22, overstrike "defray the" and insert immediately thereafter "contribute to non-burial or non-cremation"

Page 5, line 22, overstrike "of"

Page 5, line 23, remove "final disposition"

Page 5, line 23, overstrike "Funds adequate to allow for burial instead of"

Page 5, overstrike line 24

Page 5, line 25, remove "Except for burial conducted under subdivision d, final disposition must be"

Page 5, remove line 26

Page 5, line 27, remove "f."

Page 5, line 27, after "services" insert "and human service zones"

Page 5, line 27, replace "develop" with "maintain"

Page 5, line 28, replace "authorization method" with "eligibility policy"

Page 5, line 28, replace "that must" with "to"

Page 5, line 28, remove "final disposition"

Page 5, line 29, replace "under this subsection" with "the purposes of indigent burial application"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2139: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 19, replace "individuals" with "residents"

Page 3, line 19, after "director" insert "after the coroner notifies the appropriate public or court authority in writing that no individuals identified in subdivisions a through k have accepted the duty of final disposition. A person identified under this subdivision who exercises the duty of final disposition of the body of a deceased individual is immune from civil liability for any act or omission arising out of the duty of final disposition"

Page 5, line 14, remove the overstrike over "~~easket or~~"

Page 5, line 17, remove the overstrike over "~~easket~~" and insert immediately thereafter "or"

Page 5, line 19, replace "final disposition" with "cremation or burial"

Page 5, line 20, after "section" insert ". The presumption of final disposition of an individual who is indigent is by cremation. The human service zone shall create a process to review and accommodate a request for burial due to religious beliefs"

Page 5, line 22, overstrike "~~defray the~~" and insert immediately thereafter "contribute to non-burial or non-cremation"

Page 5, line 22, overstrike "of"

Page 5, line 23, remove "final disposition"

Page 5, line 23, overstrike "~~Funds adequate to allow for burial instead of~~"

Page 5, overstrike line 24

Page 5, line 25, remove "Except for burial conducted under subdivision d, final disposition must be"

Page 5, remove line 26

Page 5, line 27, remove "f."

Page 5, line 27, after "services" insert "and human service zones"

Page 5, line 27, replace "develop" with "maintain"

Page 5, line 28, replace "authorization method" with "eligibility policy"

Page 5, line 28, replace "that must" with "to"

Page 5, line 28, remove "final disposition"

Page 5, line 29, replace "under this subsection" with "the purposes of indigent burial application"

Renumber accordingly

2023 SENATE APPROPRIATIONS

SB 2139

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2139
2/16/2023

Relating to final disposition of individuals who are indigent.

4:18 PM **Chairman Bekkedahl** opened the meeting. **Senators** Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, Mathern were present.

Discussion Topics:

- Full burial
- Religious beliefs

4:19 PM **Senator Rummel** verbally introduced SB 2139.

Senator Mathern moved DO Pass.

Senator Sorvaag seconded.

Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	N
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	N
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed 14-2-0.

Senator Cleary will carry SB 2139.

4:27 PM **Senator Bekkedahl** closed the meeting.

Patricia Lahr on behalf of Kathleen Hall, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE HUMAN SERVICES

SB 2139

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2139
3/13/2023

Relating to final disposition of individuals who are indigent.

Chairman Weisz called the meeting to order at 3:15 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Standardized Indigent Burial Authorization Method/Rate
- Number of Indigent Dispositions per Year
- Indigent Dispositions defined
- Cremations vs. Burial Costs
- Appropriation for Burial Cost
- Funeral Home Compensation
- Standard Fees
- Human Service Zones
- Religious and Moral Freedom of Choice
- Income Guidelines for Qualification
- Funeral Directors Association

Senator Rummel introduced SB 2139 and amendment #27107

Kim Jacobson, Agassiz Valley Human Service Zone Director, supportive testimony #23959, #23960.

Chairman Weisz adjourned the meeting at 3:39 PM.

Phillip Jacobs, Committee Clerk, by Donna Lynn Knutson

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2139
3/21/2023

Relating to final disposition of individuals who are indigent.

Chairman Weisz called the meeting to order at 9:30 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Burial Procedures for Indigent
- Funeral Homes Reimbursement
- Human Service Zones
- Cremation & Burial Cost
- Religious Exemption
- Medicaid Burial Allowance
- No Discrimination
- Cremation Preference
- Disallow Additional Funds

Mike Krumweide, North Dakota Funeral Home Association, introduced amendments #27175 and (#27107 referenced from 3-13-23 hearing).

Nick Stevenson, Funeral Director of North Dakota, spoke in support of SB 2139 #27176.

Jonathan Alms, Attorney with the Department of Health and Human Services, spoke in favor of SB 2139.

Christopher Dodson, Executive Director for the North Dakota Catholic Conference, spoke in favor of SB 2139 with amendment of religious commendations.

Kim Jacobson, Agassiz Valley Human Service Zone Director, and President of North Dakota Human Service Zone Association, spoke in favor of SB 2139.

Chairman Weisz adjourned the meeting at 10:33 AM.

Phillip Jacobs, Committee Clerk, by Donna Lynn Knutson

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2139
3/28/2023

Relating to final disposition of individuals who are indigent.

Chairman Weisz called the meeting to order at 9:14 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Committee Work

Chairman Weisz called for a discussion on SB 2139.

Vice Chairman Ruby proposed amendment to SB 2139, testimony #26850.

Vice Chairman Ruby moved to adopt the amendment # 23.0505.02003 to SB 2139

Seconded by Rep. Porter.

Voice vote, motion carries.

Rep. Anderson moved a do pass as amended and rereferred to appropriations.

Seconded by Vice Chairman Ruby.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	AB
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y

Representative Karen M. Rohr	Y
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Motion carries 12-0-2.

Carried by Vice Chairman Ruby.

Chairman Weisz adjourned the meeting at 9:34 AM.

Phillip Jacobs, Committee Clerk, by Donna Lynn Knutson

March 28, 2023

AG
3-28-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

Page 5, line 19, overstrike "casket or"

Page 5, line 22, overstrike "casket"

Page 5, line 22, remove "or"

Page 5, line 24, replace "cremation or burial" with "final disposition"

Page 5, line 25, remove "The presumption of final"

Page 5, line 26, remove "disposition of an individual who is indigent is by cremation."

Page 5, line 28, overstrike "The" and insert immediately thereafter "If the deceased is eligible for indigent final disposition, the"

Page 5, line 30, overstrike "kin" and insert immediately thereafter "a spouse, parent, adult children,"

Page 5, line 30, remove the overstrike over "defray"

Page 5, line 30, remove the overstrike over "the"

Page 5, line 30, remove "contribute to non-burial or"

Page 6, line 1, remove "non-cremation"

Page 6, line 1, remove the overstrike over "of"

Page 6, line 1, after "eremation" insert "final disposition"

Page 6, line 1, remove the overstrike over "Funds adequate to allow for"

Page 6, remove the overstrike over line 2

Page 6, line 3, after "e." insert "Except for burial conducted under subdivision d, final disposition must be conducted by cremation."

f."

Page 6, line 5, replace "burial" with "final disposition"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Sixth order on the calendar.

Page 5, line 19, overstrike "casket or"

Page 5, line 22, overstrike "casket"

Page 5, line 22, remove "or"

Page 5, line 24, replace "cremation or burial" with "final disposition"

Page 5, line 25, remove "The presumption of final"

Page 5, line 26, remove "disposition of an individual who is indigent is by cremation."

Page 5, line 28, overstrike "The" and insert immediately thereafter "If the deceased is eligible for indigent final disposition, the"

Page 5, line 30, overstrike "kin" and insert immediately thereafter "a spouse, parent, adult children,"

Page 5, line 30, remove the overstrike over "defray"

Page 5, line 30, remove the overstrike over "the"

Page 5, line 30, remove "contribute to non-burial or"

Page 6, line 1, remove "non-cremation"

Page 6, line 1, remove the overstrike over "of"

Page 6, line 1, after "cremation" insert "final disposition"

Page 6, line 1, remove the overstrike over "Funds adequate to allow for"

Page 6, remove the overstrike over line 2

Page 6, line 3, after "e." insert "Except for burial conducted under subdivision d, final disposition must be conducted by cremation."

f."

Page 6, line 5, replace "burial" with "final disposition"

Renumber accordingly

2023 HOUSE APPROPRIATIONS

SB 2139

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2139
4/3/2023

Relating to final disposition of individuals who are indigent.

10:31 AM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Member not Present- Representative Mitskog

Discussion Topics:

- Funding Per Funeral
- Cremation
- Religious Exceptions

Committee Discussion

Representative Weisz- Introduces the bill and its purpose.

Representative Kempenich- Move for a Do Pass

Representative Nathe- Seconds the motion.

Roll call vote;

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	A
Representative Corey Mock	Y
Representative David Monson	Y

Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 22-0-1 Representative M. Ruby will carry the bill.

10:49 AM Chairman Vigesaa Closed the meeting for SB 2139

Risa Berube, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed and amended: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2139, as amended, was placed on the Fourteenth order on the calendar.

2023 CONFERENCE COMMITTEE

SB 2139

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2139
4/12/2023
Conference Committee

Relating to final disposition of individuals who are indigent.
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3:32 PM **Chair Lee** opened the conference committee meeting. **Senators Lee, Cleary, Hogan and Representatives Frelich, M. Ruby, Holle** were present.

Discussion Topics:

- Conference committee decision

Senator Lee calls for discussion.

Committee discussion SB 2139.

3:36 PM **Jonathan Alm, Attorney, North Dakota Department of Health and Human Services**, provided information verbally.

Senator Cleary moved Senate accede to House Amendments.

Representative M. Ruby seconded the motion.

Roll call vote-motion carried 5-1-0.

Representative Frelich is the House bill carrier.

Senator Cleary is the Senate bill carrier.

3:48 PM **Chair Lee** closed the conference committee meeting.

Patricia Lahr, Committee Clerk

Date April 12, 2023

Roll Call Vote #: 1

**2023 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2139 as engrossed

Senate Human Services Committee

- Action Taken** **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Cleary Seconded by: Representative M. Ruby

Senators		4/12		Yes	No	Representatives		4/12		Yes	No
Lee, Chair		X		Y		Frelich		X		Y	
Cleary		X		Y		M. Ruby		X		Y	
Hogan		X			N	Holle		X		Y	
Total Senate Vote				2	1	Total Rep. Vote				3	0

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Senator Cleary House Carrier Representative Frelich

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2139, as engrossed: Your conference committee (Sens. Lee, Cleary, Hogan and Reps. Frelich, M. Ruby, Holle) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1390-1391 and place SB 2139 on the Seventh order.

Engrossed SB 2139 was placed on the Seventh order of business on the calendar.

TESTIMONY

SB 2139

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.

Testimony on SB 2139

Thank you Madame Chairman Lee and members of the Senate Human Services Committee.

My name is Senator Dean Rummel, from District 37

This bill deals with the final disposition of individuals within the state who are indigent. It will provide for a standardized indigent burial authorization method and application across all zones of the Department of Human Services. It requires final disposition to take place within 7 days. The reimbursement for an indigent final disposition will be \$3,500, which is slightly below the statewide average of cremation without services.

Previously the reimbursement for an indigent disposition varied across the state because it was negotiated by each Department of Human Services zone with interested funeral directors. I have been informed that the number of indigent dispositions was 305 this past year.

In the absence of next of kin, authorization for an indigent final disposition needs to be provided to the funeral director from the Department of Human Service Zone Director and the County Coroner.

Throughout the bill FINAL DISPOSITION replaces BURIAL. This change is needed because the rate of cremation in

North Dakota has increased from 8% in 1995 to nearly 60% in 2022. So, in this bill, those eligible for indigent final disposition assistance will be cremated.

Madame Chairman and members of the committee I would ask for your support on Senate Bill 2139 and I stand for any questions.

Senate Bill 2139

Chair Lee and members of Senate Human Services Committee, my name is Nic Stevenson. I have had the privilege of serving as a Funeral Director in the state of North Dakota for nearly 20 years and am currently serving on the North Dakota Funeral Directors Association board. Please consider my testimony in support of Senate Bill 2139.

As a funeral director we are committed, some would say dedicated, to serve our community. We are there to serve whenever a death occurs, weather anticipated or unexpected, young or old, we are there to serve the families of our community in some of their greatest times of need. Part of this commitment is serving all families, even if they do not have the means of paying for their loved one's services. When this occurs, we have worked with our counties under the indigent burial policies to seek financial assistance. This assistance is very limited and sometime nominal compared to the services that we can be asked to render to these families and yet we understand that and know that it is our duty to care for all members of our communities.

With the Department of Health & Human Services restructuring into human service zones it has removed the obligation from the counties to take care of these indigent burials and in turn placed it on each zone. The North Dakota Funeral Directors along with the Department of Health & Human Services has worked to update the process of indigent burials so that it can be standardized throughout the state. We support Senate bill 2139 and recommend the committee's approval.

This bill simplifies the wording taking care of the state required means of disposition, rather than burial. It also requires that all eligible families, must choose cremation. Cremation is the most popular means of disposition in our state at 59% and this rate is projected to grow each year. Cremation is approved by over 95 percent of the religions in North Dakota and would not create a hardship to the majority of our residence.

Several years ago, legislation was passed to allow funeral homes to move forward with the means of disposition when no next of kin could be contacted within 7 days. This bill will allow Funeral homes along with the county coroner and Human Service Zone director to be legally authorized to fulfill the intent of that law and take care of final disposition for individuals that do not have any next of kin. This also removes the potential liability from the funeral home, county coroner and Human service Zone director for fulfilling the requirement of this bill.

To update the reimbursement amount for indigent services we surveyed the current reimbursements agreed upon from the counties across the state. The recommended \$3,500.00 falls in the middle of what those counties provided. We also surveyed 34 funeral homes across the state and found that the average cost of direct cremation with no service is \$3868.00. Because of these two factors we support the recommended \$3,500.00 listed in this bill.

Because of these reasons the North Dakota Funeral Directors Association recommends that the committee approve Senate Bill 2139.

Respectfully,

Nic Stevenson

North Dakota Funeral Directors Association

General Assistance Manual

*Agassiz Valley Human Service Zone Board
Last Revised July 1, 2022*

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GENERAL ASSISTANCE MANUAL

CHAPTER 100 INTRODUCTION

- 101 Section 50-01-01 of the North Dakota Century Code provides “Within the limits of the Human Service Zone appropriation, each Human Service Zone in this State is obligated, upon receipt of a written application, to provide General Assistance to persons who are residents of the Human Service Zone and who are eligible.”
- 102 The Agassiz Valley Human Services Zone defines General Assistance as monetary payment made on behalf of an applicant and their family to provide the minimum amount of assistance to meet the basic needs of the household or provide for payment of burial costs.
- 103 Based on the above quoted section and other sections of Chapter 50-01 of the North Dakota Century Code, the Agassiz Valley Human Service Zone has adopted the following policies to meet its responsibility to the legal residents of Agassiz Valley Human Service Zone, North Dakota, and in certain cases, to transient individuals.

The purpose of this manual is to provide guidelines to staff of the Agassiz Valley Human Service Zone in determining which applications meet the definition, as established by the Agassiz Valley Human Service Zone, of which individuals are in need of General Assistance.

CHAPTER 200 POLICIES

- 201 The Agassiz Valley Human Service Zone has the responsibility to adopt policies necessary for the fair and equal administration of General Assistance. The term “Board” shall mean the members of the Agassiz Valley Human Service Zone Board. The employees of the Agassiz Valley Human Service Zone are charged with the responsibility of carrying out the adopted policies for the administration of General Assistance. The term “Staff” or “Agency” shall mean the employees of the Agassiz Valley Human Service Zone.
- 201.1 An applicant for the purpose of General Assistance must be a United States citizen or a qualified alien.
- 202 Application Process: All individuals shall have the opportunity to apply for General Assistance. Any individual may apply either in person by coming to any office within the Human Service Zone, by writing or phoning the office and requesting an application, or by applying electronically if available.
- 202.1 Consideration of other resources and referrals: All General Assistance applicants

are required to explore all other potential resources and referrals as a part of the application process. General Assistance funds will only be disbursed after all other resources and referrals have been exhausted. The following resources and referrals to be explored may include Red Cross, Salvation Army, Community Action, SSA, Job Insurance, Workforce Safety, Ministerial Association, Food Pantry, Housing Assistance, Legal Aid, relative contributions, public assistance benefits, Indian Health, etc. Failure to do so will result in denial of the application. Consideration will only be given after applicant has attempted to negotiate with provider and failed to come to any resolution. In addition, applicant's ineligible for federal or state resources because of fraud or program disqualifications will result in denial of the application. Based on the availability of local resources, each Human Service Zone will determine what needs are met with General Assistance, as per their addendum and noted in Section 300 of this policy. Counties within Human Service Zones may handle requests differently as local resources vary.

203 Decision: The Human Service Zone, once having received the information from the applicant necessary to determine all eligibility conditions, has ten calendar days to make a decision upon the completed application. Upon making a decision, the Human Service Zone shall issue a written notice of decision specifying the date of the application, the reason for the request, the action taken, the reasons for the determination, the date of the decision and an explanation of the applicant's right to appeal to the Board if aggrieved by the decision. The written notice of decision will be mailed or handed to the applicant within three working days of the date of decision. The Zone Director or designee will review all notices of decision prior to notifying the applicant.

203 Appeal Process: The notice of decision shall inform the applicant of their right to appeal decisions if the applicant is aggrieved by the decision, including: the eligibility determination, the amount of assistance, or the payee.

The right to appeal shall be a two-step process on a form prescribed by the agency (see Chapter 1100). The appeal must be in writing and the applicant shall state the reason for disagreeing with the Human Service Zone decision. The appeal must be received by the Human Service Zone within ten calendar days from the date of the notice of decision. The applicant shall have the opportunity for an Administrative Review prior to an appeal before the Board. An Administrative Review is a review of the decision made by the Human Service Zone.

204.1 The Administrative Review consists of a review of the applicant's circumstances. Should the applicant wish to pursue the appeal, the Zone Director will review the action taken, (a) uphold the decision and schedule a hearing before the Board, or (b) take action to resolve the issue being appealed. A written withdrawal of the appeal by the applicant shall be required.

- 204.2 The applicant shall be entitled to a hearing before the Board within 30 calendar days of the notice of decision. The hearing will be held in executive session of the Board. The Board Chair should delegate a member of the board to serve as the chair at the appeal hearing. The chair shall have available necessary information from staff concerning the appeal and shall permit the appealing applicant sufficient time to present any additional information pertinent to the Issue under appeal. The issue being appealed shall be considered by the Board in total and a written notification of the Board's decision shall be made available to the applicant concerning the action taken by the Board on the appeal within 15 working days. The applicant shall also be notified in writing of the right to judicial review according to North Dakota Century Code Chapter 28-32.
- 205 Payment Process: Benefits for General Assistance for those applicants who have been determined eligible for benefits shall be made as soon as the appropriate payment can be processed through the County Auditor's/finance Office. All payments of General Assistance will be made by Human Service Zone voucher to a vendor unless approval is granted by the Zone Director or appropriate staff designee.
- 206 General Assistance Budget: Funding for the General Assistance is a line item in the annual calendar year Human Service Zone budget approved by the Department of Human Services and adopted by the respective Boards of County Commissioners, to be effective January 1 of each year. North Dakota Century Code § 50-01-01.
- 206.1 Repayment of County General Assistance: Families wishing to repay any General Assistance expended on their behalf, or on the behalf of a member for whom Burial Assistance was received from a Human Service Zone may do so at any time, not to exceed the amount expended.
- 207 Every Human Service Zone who administers General Assistance shall maintain reasonable records. North Dakota Century Code § 50-01-04
- 208 Preferred Claim against Estate: Preferred claims against the estate of a recipient of General Assistance or Burial Assistance shall follow the process established under North Dakota Century Code § 50-01-21.

CHAPTER 300 NEED

General Assistance is emergency assistance intended to provide the minimum amount of assistance necessary to maintain the basic needs and health of the applicant and their dependents, and for payment of burial costs. Assistance for needs is limited to the maximum line-item appropriation of Agassiz Valley Human Service Zone.

For the following items listed in {CHAPTER 300 NEED} the Agassiz Valley Human Service Zone has provided an addendum if their zone will consider the specific need.

- 301 RENT: Human Service Zones will look for resources in their communities and refer individuals to DHS Rental Bridge for rental assistance. Page that links to ND Rent Help page: portalapps.nd.gov/dhsps/emergency-rent If help is needed applying or have questions – please contact 701.328.1907 or dhserb@nd.gov

- 302 MEDICAL NEEDS: General Assistance payment of medical expenses is considered only after all other public and private resources have been exhausted. The Agassiz Valley Human Service Zone General Assistance will not provide assistance to any individual eligible for North Dakota Medicaid, Medicaid Expansion, or Children’s Special Health Services. Those not covered during the emergency must make a good faith effort to establish eligibility for Health Care.

- 302.1 PRESCRIPTION MEDICATION: The Human Service Zone will refer to Prescription Discount cards for prescription requests.

- 302.2 MEDICAL SUPPLIES: The Human Service Zone will refer all requests for Medical Supplies to local resources.

- 302.3 EYE EXAM AND GLASSES: All requests for eye examinations and glasses will be referred to the local Lions Club or other available resources.

- 302.4 HOSPITALIZATION COSTS: All hospitalization expenses will be referred to Medicaid/healthcare coverage and to charity care programs through local hospitals.

- 302.5 PHYSICIAN AND CLINIC COSTS: All medical needs related to physician and clinics costs will be referred to Medicaid/healthcare coverage.

- 302.6 DENTAL CARE: All requests for routine and emergency dental care will be referred to agencies providing dental care to low-income individuals.

- 303 TELEPHONE: Costs associated with installation or payment of monthly phone bills are not provided through General Assistance.

- 304 UTILITIES: All applications for payment of utilities will be referred to the LIHEAP, emergency LIHEAP, Community Action programs, and [ND Rent Help · ND Apps Portal](#). Payments will be considered when those resources are exhausted, and the health of the applicant is endangered.

- 305 FOOD: All requests for food are referred to the SNAP program and local food pantry. Exception: Emergent situation when no other reasonable options are available to meet an applicant's immediate food needs. Limitation: A maximum of \$60 in grocery items shall be provided to the applicant, in approved emergent situations.
- 306 CLOTHING: All clothing requests will be referred to local organizations.
- 307 TRANSIENT AID: Applicants will be referred to other resources for transportation needs.
- 308 REPAIRS: General Assistance is not provided for vehicle, household, or other types of repairs.
- 309 HOUSEHOLD/PERSONAL NEED ITEMS: Referrals will be made to local food pantry or ministerial associations. Exception: Emergent situation when no other reasonable options are available to meet an applicant's critical personal care need. Limitation: A maximum of \$30 in personal care items shall be provided to the applicant, in approved emergent situations.
- 310 DEPOSITS: General assistance is not provided for deposits of any kind.
- 311 PAYMENT ON RESOURCES: Payment is not available toward any costs that are considered a resource such as a house, automobile, or mobile home payments.
- 312 LODGING: All requests for lodging will be referred to other resources. Exception: Emergent situations (fire, inclement weather, etc.) when no other reasonable options are available to meet immediate and temporary shelter need. A maximum of two nights lodging shall be provided to the applicant in approved emergent situations.
- 313 CHILD CARE: Referral will be made to the Child Care Assistance Program.
- 314 MISCELLANEOUS: Other requests not mentioned above will be considered on an individual basis. The same criteria of necessity and ability to pay will be used as with all General Assistance requests; not to exceed the maximum of \$400 unit/individual per calendar year.
- 315 BURIAL ASSISTANCE: See Chapter 700.

CHAPTER 400 INCOME

- 401 Income to consider: All income of all members of the applicant's household will be considered for availability prior to approval for General Assistance.
- 401.1 Income is defined as earned, unearned, or a lump sum income payment.
- 401.2 Anticipated income: Income, which can be expected to be received by the applicant within 30 days to meet the requested need.
- 401.3 Pro-rated income: Income from self-employment, IIM accounts, and any other income that is intended to cover a specific amount of time.
- 402 Received of anticipated income must be verified by the applicant household.
- 403 Income eligibility for other than burial assistance, will be computed in the following manner: Income from all sources is considered. If monthly household income, earned and unearned, from all sources exceeds 185% of the federal poverty level based on household size, there is no eligibility for General Assistance.
Attachment: Federal Poverty Guidelines
Note: Income eligibility for burial assistance can be found in Chapter 700.

CHAPTER 500 RESOURCES

- 501 All liquid and non-liquid resources of all members of the applicant's household will be considered for availability prior to approval of General Assistance. Any portion of liquid assets that are a reimbursement for losses or expenses are excluded as an asset.
- 502 Liquid Resources: All liquid resources such as cash, bank accounts, savings, stocks, bonds, CD's, cash value of life insurance policies, retirement funds, loans and grants etc., of all household members will be considered as available to meet the needs of the household. If their resources equal or exceed the amount of assistance requested, the application will be denied. If the resources available are less than the amount requested, the total resources available will be deducted from the total request to be considered for approval.
Note: All loans, including educational loans, and grants are excluded when determining eligibility for Burial Assistance.
- 503 Non-liquid Resources: In accordance with North Dakota Century Code 50-01-01(2), ownership of real or personal property by any member of a household, either jointly or individually, shall not be considered in the granting of assistance if the applicant is without funds or liquid resources to meet his needs. The value of one vehicle per household is disregarded. See Section 703 for Asset Considerations for Burial Assistance.

504 Other Resources: All other resources will also be considered before action will be taken on any application. Examples of other resources include: assistance from family and friends, and assistance from other programs offered by Agassiz Valley Human Service Zone or other public or private agencies.

CHAPTER 600 RESIDENCE

600 Residence status will be determined in accordance with the North Dakota Century Code 50-01.

Human Service Zone of Residence for General Assistance Purposes: A person who has residence in this State, for General Assistance purposes, is a resident of the County in the Human Service Zone in which the person is living on other than a temporary basis. If a person is living in a County in the Human Service Zone on a temporary basis, the person is a resident of the Human Service Zone in which the person most recently lived other than on a temporary basis. North Dakota Century Code § 50-01-26

State of Residence for General Assistance Purposes: A person who is a resident of this State for purposes of Chapter 50-24.5 is a resident of this State for General Assistance purposes. If a person moves from this State for other than a temporary purpose, the person's residency in this State for General Assistance purposes is lost. Residency in this State is presumed lost if:

1. The person plans to be absent or has been absent from this State for one year or longer; or
 2. The person receives any form of public assistance, while in another State, which is available only to residents of that State.
- North Dakota Century Code § 50-01-27

Persons with Uncertain Residence: If the residence of a person is uncertain for General Assistance purposes, the Human Service Zone in which the person lives shall provide General Assistance until that person's residence is determined. North Dakota Century Code § 50-01-29

Persons in public institutions (State Hospital, Life Skills and Transition Center, and State Penitentiaries): If the deceased was a resident or inmate of a public institution, the human service zone in which the deceased was a resident for general assistance purposes immediately before entering the institution shall provide burial assistance.

If a person with no known address, the Human Service Zone in which the person dies shall provide Burial Assistance.

CHAPTER 700 GENERAL ASSISTANCE BURIALS

701 The following is the Agassiz Valley Human Service Zone policy for determining eligibility of applicants requesting General Assistance for payment of a burial upon death, pursuant to North Dakota Century Code 23-06-03.

701.1 If the individual with the duty of final disposition under this section, or the personal representative of the decedent's estate, if any, is aware of the decedent's instructions regarding the disposition of the remains, that person shall honor those instructions, to the extent reasonable and possible, to the extent the instructions do not impose an economic or emotional hardship. A decedent's instructions may be reflected in a variety of methods, including pre-need funeral arrangements a deceased articulated and funded in a pre-need funeral service contract, a health care directive, a durable power of attorney for health care, a power of attorney, a will, a document created under section 23-06-31, or a document of gift for an anatomical gift.

701.2 If the decedent died while serving in any branch of the United States armed forces, the United States reserve forces, or the national guard, as provided by 10 U.S.C. 1481 section (a)(1) through (8) as effective through December 2001, and completed a United States department of defense record of emergency data, DD form 93, or its successor form or its equivalent branch's form, the duty to bury or cremate the decedent or to provide other funeral and disposition arrangements for the decedent devolves on the person authorized by the decedent pursuant to that form.

The Department of Human Services, through the Human Service Zone may provide for the use of a military casket or urn, if the deceased was a veteran as defined in section 37-01-40, unless the additional cost exceeds the negotiated expenses of this section or a surviving spouse or the nearest of kin of the deceased elects a nonmilitary casket.

701.3 Inasmuch as it is impossible for the Human Service Zone to make regulations known to all potential clients of funeral homes, it is the responsibility and obligation of the funeral director to determine the need for financial assistance and to make referrals to the Human Service Zone when appropriate. The General Assistance Burial Policy ensures that all bodies of deceased indigent individuals are disposed of according to state health statutes. This policy does not pay for nor prohibit the provision of a family service.

702 Upon receipt of a request for burial assistance, an Application for Burial Assistance form must be completed on behalf of the decedent. In addition, the Responsible Relative affidavit must be completed by the following responsible relatives: decedent's spouse, or in the absence of the decedent's spouse the decedent's adult children and parents. This information is used to determine the responsible

relative's ability to be responsible for the burial costs. According to North Dakota Century Code, they are responsible for those expenses, unless otherwise stated in this manual, and will be required to participate in those costs if they are able.

The Responsible Relative Affidavit form asks questions about income and assets from the family members of the deceased. Information on the Burial Application and Responsible Relative Affidavit will be verified at the Human Service Zone.

If the Application for Burial Assistance is not completed and submitted on behalf of the decedent, eligibility cannot be determined and the request will be denied.

If the Responsible Relative Affidavit is required and not completed and submitted by the decedent's surviving spouse, or in the absence of the decedent's spouse the decedent's adult children and parents; eligibility cannot be determined and the request will be denied. Required relatives will have no more than 5 days to submit a complete affidavit; though the Human Service Zone may allow additional time at their discretion.

Note: If a required family member is estranged and refusing or is unable to complete the Responsible Relative Affidavit, the zone shall waive the requirement of completion for the family member. For purposes of this subsection, "**estranged**" means having a relationship characterized by mutual enmity, hostility, or indifference.

Purchase agreements signed with a Funeral Home prior to eligibility determination for burial assistance does not automatically result in ineligibility. In this situation communication with the funeral home regarding the purchase agreement is required. Funeral Homes must be made aware that if Burial Assistance is approved, amounts in excess of the Burial Assistance approval cannot be collected from the family with the exception of the amount of any other assistance that was deemed available to pay the cost of burial or any nominal amount left by the deceased or contributed by kin or any other party to defray the expenses of burial or cremation (See Section 705).

- 703 In determining eligibility for burial assistance, all available assets of the decedent and decedent's spouse, or in the absence of the decedent's spouse the decedent's parents and adult children, including liquid assets and real property, any assistance available from the Social Security Administration, Civil Service, Railroad Retirement, Veteran's Administration, pre-need funeral contracts, and life insurance- regardless of the named beneficiary, will be considered.

Any payment of burial costs will be reduced by any other assistance deemed available to pay the cost of burial, to include charity contributions, GoFundMe accounts, and other monetary assistance after allowing the disregard for the nominal amount described in section 705.

When determining asset eligibility for burial assistance, the surviving spouse, decedent's parents and adult children will be allowed to disregard \$10,000 **per household** plus \$5000 for each household member 60 years of age or older, based on the asset limits as established by the LIHEAP Program on October 10, 2017. **Note:** The asset disregard does not apply to the decedent's assets (except those jointly owned with a surviving spouse).

The decedent's assets (except those jointly owned with a surviving spouse) would be considered first. Should the available assets of the decedent equal or exceed the amount approved for an indigent interment will result in denial of the burial application.

Should eligibility exist after consideration of the decedent's assets, the assets owned solely or jointly by the decedent's spouse, or in the absence of the decedent's spouse the decedent's parents and adult children must be considered. Asset eligibility is determined by applying the asset disregard limits listed above.

The following assets are excluded when determining eligibility:

- One motor vehicle,
- The Primary residence of the decedent's spouse or in the absence of the decedent's spouse the decedent's parents and adult children.
- Personal Property of the decedent's spouse or in the absence of the decedent's spouse the decedent's parents and adult children.
- Any portion of liquid assets that are a reimbursement for losses or expenses are excluded as an asset.
- All loans, including educational loans, and grants are excluded when determining eligibility for Burial Assistance.

703.1 The information on the Application for Burial Assistance for the surviving spouse, if there is one, is used to determine if the surviving spouse has income (and resources) that results in his/her ability to pay for the burial costs utilizing the policies set forth in the Low-Income Home Energy Assistance (LIHEAP) Program, with the exception listed in 703.2. If there is a surviving spouse, the Human Service Zone shall not consider the income and resources of any adult children or surviving parents in determining eligibility for indigent burial.

703.2 If there is no surviving spouse, the information on the Responsible Relative Affidavit(s) is used to determine if the income of the household for the adult children and parents is such that they have the ability to pay for the burial costs utilizing the policies set forth in the Low Income Home Energy Assistance (LIHEAP) Program, with the exception that a 'household' is defined as all members residing in the household who are related to the decedent (including those related as step parents and step children but not step-siblings). Individual who are NOT related to the deceased are not included in the household size and their income is not considered.

703.3 When determining the surviving spouses, or if no surviving spouse, the responsible relative's ability to pay for the cost of the burial expenses, a determination of eligibility is made for each household's utilizing the Human Service Zone Burial Eligibility Determination Budget Spreadsheet. The current income levels for the LIHEAP Program are based on 60% of the state's median income, which is approximately 246% of the Federal Poverty Level. Eligibility will be based on the income level on the Federal Poverty Level versus the state's median income as almost all of the Economic Assistance and Medicaid programs utilize the Federal Poverty Level to create their income levels. Therefore, to align as closely as possible with the LIHEAP income levels (based on 60% of the state's median income) but base it on the Federal Poverty Level, the income levels has been set at 250% of the Federal Poverty Level.

704 Any Burial Applications received after the cremation or burial has been completed will be denied unless the decedent's family is unable to contact Agassiz Valley Human Service Zone because of a weekend/holiday or other emergency.

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.

705 The Human Service Zone shall pay the charge for funeral expenses as negotiated by the Department of Human Services. The Human Service Zone may not decrease the Human Service Zone payment due to a nominal amount left by the deceased or contributed by kin, who are considered a responsible relative, as defined in Section 702. Funds adequate to allow for an indigent burial instead of an indigent cremation are considered nominal under this section. If funds are contributed by one kin of the deceased for expenses other than allowing for an indigent burial instead of an indigent cremation, they can contribute up to 10% of the designated burial rate and have that contribution be considered a nominal amount. If more than one kin contributes, the maximum contribution considered to be a nominal amount will be 20% of the burial rate.

Funds applied towards the costs of burial from other kin, who are not considered a responsible relative as defined in Section 702, or any other party will not be considered when determining eligibility.

The Department of Human Services may negotiate with the interested funeral directors or funeral homes regarding cremation expenses and burial expenses but the total charges for burial services, including transportation of the deceased to the place of burial, the grave box or vault, grave space, and grave opening and closing expenses, may not be less than one thousand five hundred dollars.

When the Human Service Zone becomes involved with any portion of payment of

burial costs, the Human Service Zone shall inform the funeral home of payment.

- 706 Agassiz Valley Human Service Zone will not participate in any arrangements where the deceased, or surviving family member, has entered into a signed agreement with the University of North Dakota's Deeded Body Program as funding is available to funeral homes through that program.
- 707 It is the policy of the Agassiz Valley Human Service Zone that cremation will be the method of caring for the body of the deceased. Consideration will be given to strongly expressed religious convictions or moral convictions of the decedent or the decedent's family. Costs of cremation will be reimbursed at the current rate as established by the Department of Human Services.
- 708 This policy will be reviewed each biennium or at the formal request of the Department of Human Services or at the request of the North Dakota Funeral Directors Association or the North Dakota Board of Funeral Service.

CHAPTER 800 NON-DISCRIMINATION

- 801 General Assistance is administered to all persons on a fair and equal basis without regard to race, color religion, national origin, age sex, disability, political beliefs, or status with respect to marriage or public assistance, in accordance with Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Americans with Disabilities Act, and the North Dakota Human Rights Act.

CHAPTER 900 FRAUD AND IMPROPER PAYMENTS

- 901 Upon a determination that improper payments were made based on false or incorrect information provided by the General Assistance recipient, the staff of the Human Service Zone will send a minimum of two letters demanding repayment of the improper payment.
- 902 Upon a determination that fraud may have occurred because of incorrect information provided by the General Assistance recipient, the information gathered will be given to the Human Service Zone's designated State's Attorney for any legal action deemed appropriate.

CHAPTER 1000 BOARD CERTIFICATION

- 1001 The Agassiz Valley Human Service Zone Board has adopted the above policies.

Adopted on November 21, 2021, by motion of the Board.

CHAPTER 1100 FORMS

General Assistance Application
GA Burial Application
Responsible Relative Affidavit
Notice of Decision/Request for Hearing
Eligibility Spreadsheet

RESPONSIBLE RELATIVE AFFIDAVIT

The following information must be provided by each surviving family member of the deceased pursuant to ND Century Code 23-06-03. Family members who must submit this information include individuals with the following relationships to the decedent: spouse (only required when application for burial assistance is NOT completed by spouse); adult child and parents. Each family member must complete a separate affidavit.

Name _____ Soc. Security Number _____
 Street Address _____ Date of Birth _____
 City _____ State _____ Zip Code _____
 Telephone Number _____(Home) _____(Cell)
 Name of Deceased _____ Relationship to Deceased _____

Please list the name, age and relationship of all people living with you:

Name	Age	Relationship

Please complete the following for all employed household members:

Name	Employer	Monthly Gross Pay	Pay Dates

Does anyone in the household receive income from any of the following sources? The income to be listed below is the amount received or expected to receive in the month the individual died.

Income Source	Yes	No	Amount	Income Source	Yes	No	Amount
Social Security			\$	SSI			\$
Unemployment			\$	Self-Employment			\$
Workers Compensation			\$	Retirement/Pension			\$

Alimony/ Child Support			\$	Veterans Benefits			\$
BIA General Assistance			\$	Rental Income			\$
Money from Relatives			\$	Other			\$

Does anyone in the household have any of the following assets?

Asset Type	Yes	No	Amount	Asset Type	Yes	No	Amount
Funds for Burial			\$	Cash on hand			\$
Certificate of Deposit			\$	Checking Account			\$
US Savings Bond			\$	Savings Account			\$
Life Insurance			\$	Stocks or Bonds			\$
IRA			\$	KEOGH accounts			\$
Retirement/Pension Accounts			\$	ESOP – Employee Stock Ownership Plans			\$

I/We are purchasing real property other than a home: Yes No

If yes, Value \$ _____ Amount Owed \$ _____

I/We own an interest in mineral rights: Yes No

If yes, Lease /Royalty Income \$ _____

Vehicles: Car, Truck, Motorcycle, Camper, Boat, Snowmobile, Three/Four Wheeler, Airplane, etc.

Make and Year	Value	\$	Amount Owed	\$
Make and Year	Value	\$	Amount Owed	\$
Make and Year	Value	\$	Amount Owed	\$
Make and Year	Value	\$	Amount Owed	\$

To assist _____ Human Service Zone in determining eligibility for Burial Assistance, I hereby authorize any person, agency or institution having information concerning my circumstances to furnish such information to an authorized representative of _____ Human Service Zone. I certify that the information provided by me on this form is correct and complete to the best of my knowledge, subject to applicable penalties and fines for fraud and perjury under North Dakota law.

Signature _____ Date _____

**Return to: Agassiz Valley Human Service Zone, PO Box 190, Hillsboro, ND 58045
701 636-5220 (telephone); 701 636-5221 (FAX)**

Funeral Home _____

AGASSIZ VALLEY HUMAN SERVICE ZONE BURIAL POLICY

Duty of Burial: the duty of burying or cremating the body of a deceased person becomes a responsibility of the surviving husband or wife if the deceased was married or, if the deceased was not married but left kindred, upon one or more individuals in the same degree, of adult age, nearest of kin to the deceased and possessed of sufficient means to defray the necessary expenses in accordance with subsection 1 of Section 23-06-03 of the North Dakota Century Code, as well as the GA Burial Policy. The duty of the Human Service Zone arises if the resident has no responsible surviving spouse or next of kin. The Human Service Zone shall arrange for and pay for the burial or cremation, less any assets held by the deceased which may be used to defray the expenses. The Human Service Zone may not decrease the payment due to a nominal amount contributed by kin who are considered a responsible relative, as defined in Section 702 of the GA Burial policy.

Submission of this application does not guarantee approval or payment of burial expenses.

APPLICATION FOR BURIAL ASSISTANCE

Person requesting assistance: _____ Relationship to deceased: _____

Current Address: _____

Home Phone: _____ Cell #: _____

Deceased Information

Deceased _____ Birthdate _____ Date of death _____

Address _____ City _____ State _____

Social Security # _____ **Veteran:** Yes No
Surviving Spouse: _____ Yes _____ No

Name of Surviving Spouse _____ Spouse Birthdate _____

Please list the name, age and relationship of all people living with the surviving Spouse:

Name	Age	Relationship

Is the deceased an enrolled member of a federally recognized tribe? _____ If so, please list _____

Do you have a signed contract or have you already made arrangements with a Funeral Home?

Yes _____ No _____

If yes, with which Funeral Home: _____

The financial information below must be completed for the Deceased Individual and their surviving spouse. **Each adult child or parent of the deceased must complete a separate form.** Income and Assets must be verified before you can be eligible for general assistance funds. The income listed must be the amount received in the month the individual died.

Income Source	Yes	No	Amount	Income Source	Yes	No	Amount
Employment			\$	Other			\$
Social Security			\$	SSI			\$
Unemployment			\$	Self-Employment			\$
Workers Compensation			\$	Retirement/Pension			\$
Alimony/ Child Support			\$	Veterans Benefits			\$
BIA General Assistance			\$	Rental/Royalty Income			\$
Money from Relatives			\$	Disability			\$

Name of Bank	Type of Account – Checking or Savings	Amount Available

Life Insurance Company	Beneficiary	Amount

Does anyone in the deceased's household have any of the following assets?

Asset Type	Yes	No	Amount
Funds for Burial			\$
Charitable donations including GoFundMe and other online fundraisers			\$
Certificate of Deposit			\$
US Savings Bond			\$
Stocks or bonds			\$
Cash on Hand			\$
IRA Keogh Retirement/Pension funds			\$
ESOP – Employee Stock Ownership Plans			\$

I/We are purchasing real property other than a home: Yes No
 If yes, Value \$ _____ Amount Owed \$ _____
 I/We own an interest in mineral rights: Yes No
 If yes, Lease /Royalty Income \$ _____

Vehicles: Car, Truck, Motorcycle, Camper, Boat, Snowmobile, Three/Four Wheeler Airplane, etc.

Make and Year		Value	\$	Amount Owed	\$
Make and Year		Value	\$	Amount Owed	\$
Make and Year		Value	\$	Amount Owed	\$
Make and Year		Value	\$	Amount Owed	\$

The duty of burying the deceased is that of the family or next of kin. Please list adult children and parents of the deceased. If there is no surviving spouse, each will need to complete the responsible relative affidavit.

Name	Relationship		Name	Relationship	
Address			Address		
Phone			Phone		

Name	Relationship		Name	Relationship	
Address			Address		
Phone			Phone		

Name	Relationship		Name	Relationship	
Address			Address		
Phone			Phone		

Signature of Applicant _____ Date _____

*****If application is approved direct payment will be made to the designated funeral home. *****

Approved Total Benefit Authorized \$ _____ Denied

Signature of Office Personnel _____ Date _____

From: [Lee, Judy E.](#)
To: [Lahr, Pat](#); [Wolf, Sheldon](#)
Subject: FW: SB2130 Indigent Burial - County Coroners
Date: Wednesday, January 18, 2023 8:59:26 PM

Sheldon –

Please load this in the testimony for 2130. The committee members have received this message, but it would be good to have it all together.

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
Home phone: 701-282-6512
Email: jlee@ndlegis.gov

From: Terry O. Traynor <terry.traynor@ndaco.org>
Sent: Wednesday, January 18, 2023 6:20 PM
To: Lee, Judy E. <jlee@ndlegis.gov>
Cc: Cleary, Sean <sccleary@ndlegis.gov>; Hogan, Kathy L. <khogan@ndlegis.gov>; Roers, Kristin <kroers@ndlegis.gov>; Clemens, David <dclemens@ndlegis.gov>; Weston, Kent <kweston@ndlegis.gov>
Subject: SB2130 Indigent Burial - County Coroners

Chair Lee and Senators,

At the Senate Human Services Committee hearing on SB2139 regarding indigent burials, information on the county coroners was requested. In researching the NDACo records, I found that we compiled this information during the 2015 Session, so I have included that below with the 2023 update for comparison purposes.

The only trend that seems significant to me is that more coroners now come from the ranks of the nurse, nurse practitioner, physicians assistant and EMT ranks, and fewer that are medical doctors. This certainly makes sense, as many of our more rural clinics see their staffing also trending in this direction.

As one would imagine. those counties leaning on the funeral directors to serve as coroners are generally the smaller ones without resident medical professionals, and those relying on the coroner of last resort – the sheriff – are often those that also lack a resident funeral director.

ND County Coroners

	2015	2023
Sheriff	18	16
Medical Doctor	22	13
Nurse, NP, PA, EMT	3	13
Funeral Director	9	10
Other/Vacant	1	1
	<u>53</u>	<u>53</u>

Page 3 would read as follows:

- I. The appropriate public or court authority, as required by law. For purposes of this subdivision, the appropriate public or court authority includes the human service zone of the county in which the death occurred if the individual dies without apparent financial means to provide for final disposition or the district court in the county in which the death occurred. If the duty of final disposition devolves to this level, the appropriate public or court authority may direct final disposition to a mortician or funeral director after the coroner notifies the appropriate public or court authority in writing that no individuals identified in subdivisions a through k have accepted the duty of final disposition. A person identified under this subdivision who exercises the duty of final disposition of the body of a deceased individual is immune from civil liability for any act or omission arising out of the duty of final disposition.

Page 5 would read as follows:

- c. The department of health and human services may provide for the use of a military casket or urn, if the deceased was a veteran as defined in section 37-01-40, unless the additional cost exceeds the ~~negotiated expenses of reimbursement rate under this section~~subsection or a surviving spouse or the nearest of kin of the deceased elects a nonmilitary casket or urn.
- d. The human service zone shall pay the charge for ~~funeral expenses as negotiated by the department of health and human services~~cremation or burial of the final disposition of an individual who is indigent as provided under this section. The presumption of final disposition of an individual who is indigent is by cremation. The human service zone shall create a process to review a request for burial due to religious beliefs. The human service zone may not decrease the human service zone payment due to a nominal amount left by the deceased or contributed by kin or any other party to ~~defray the~~contribute to non-burial or non-cremation expenses ~~of burial or cremation.~~

- e. The department of health and human services and human service zones shall maintain a standardized eligibility policy and application form to be used for the purposes of indigent burial application.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2139

Page 1, line 19, replace “individuals” with “residents”

Page 3, line 19, after “director” insert “after the coroner notifies the appropriate public or court authority in writing that no individuals identified in subdivisions a through k have accepted the duty of final disposition. A person identified under this subdivision who exercises the duty of final disposition of the body of a deceased individual pursuant is immune from civil liability for any act or omission arising out of the duty of final disposition”

Page 5, line 14, remove the overstrike over “easket or”

Page 5, line 17, remove the overstrike over “easket” and insert immediately thereafter “or”

Page 5, line 19, after the overstrike “services” insert “cremation or burial of the”

Page 5, line 20, after “section” insert “. The presumption of final disposition of an individual who is indigent is by cremation. The human service zone shall create a process to review a request for burial due to religious beliefs”

Page 5, line 22, overstrike “defray the” and insert immediately thereafter “contribute to non-burial or non-cremation”

Page 5, line 22, overstrike “of”

Page 5, line 23, remove “final disposition”

Page 5, line 23, overstrike “Funds adequate to allow for burial instead of”

Page 5, overstrike line 24

Page 5, line 25, remove “Except for burial conducted under subdivision d, final disposition must be”

Page 5, remove line 26

Page 5, line 27, remove “f.”

Page 5, line 27, after “services” insert “and human service zones”

Page 5, line 27, replace “develop” with “maintain”

Page 5, line 28, replace “authorization method” with “eligibility policy”

Page 5, line 28, replace “that must” with “to”

Page 5, line 28, remove “final disposition”

Page 5, line 29, replace "under this subsection" with "the purposes of indigent burial application"

Renumber accordingly

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.

COUNTY BURIAL COSTS COMPARISON

				2020		2021		2022	
COUNTY	Human Service Zone	BURIAL COST	CREMATION & BURIAL COSTS	# of individuals	GA Burial costs	# of individuals	GA Burial costs	# of individuals	GA Burial costs
Griggs		\$3,400.00	\$3,400.00						
Nelson	Eastern Plains	\$3,400.00	\$3,400.00	6	15,470.00	3	5267.47	1	2,961.25
Barnes		\$3,380.00	\$3,380.00						
Williams	North Star	\$3,100.00	\$3,100.00	5	15,550.00	5	13,600.00	9	28,275.00
Billings	RoughRider_North	\$3,000.00	\$3,000.00	11	21,500.00	18	32,200.00	7	14,750.00
GoldenValley		\$3,000.00	\$3,000.00						
Divide		\$2,800.00	\$2,800.00						
Ward	Ward	\$2,800.00	\$2,800.00	35	96,900.00	40	112,000.00	38	103,600.00
Cavalier	Northern Valley	\$2,600.00	\$2,600.00	12	23,989.76	12	27,130.00	8	17,360.00
Benson		\$2,500.00	\$2,500.00						
Bowman		\$2,500.00	\$2,500.00						
Dickey		\$2,500.00	\$2,500.00						
McKenzie	Mountrail_McKenzie	\$3,500.00	\$2,500.00	4	9,900.00	14	15,500.00	9	23,500.00
McLean	Dakota_Central	\$2,500.00	\$2,500.00	5	8,800.00	6	12,329.97	6	15,500.00
Mercer		\$4,500.00	\$2,500.00						
Mountrail		\$3,500.00	\$2,500.00						
Pierce		\$2,500.00	\$2,500.00						
Ramsey	Mountain_Lakes	\$2,500.00	\$2,500.00	17	45,794.28	15	40,961.07	15	37,509.58
Ransom		\$2,500.00	\$2,500.00						
Richland	RSR	\$2,500.00	\$2,500.00	17	34,235.45	5	14,357.68	5	11,052.88
Rolette		\$2,500.00	\$2,500.00						
Sargent		\$2,500.00	\$2,500.00						
Slope	Southwest_Dakota	\$2,500.00	\$2,500.00	3	6,883.68	6	11,050.00	1	1,950.00
Towner		\$2,500.00	\$2,500.00						
Grand Forks	Grand Forks	\$2,300.00	\$2,300.00	63	118,155.00	51	89,296.24	43	102,585.00
Bottineau	Northern Prairie	\$2,250.00	\$2,250.00	4	7,307.00	9	12,000.29	8	18,250.00
Logan		\$2,250.00	\$2,250.00						
Renville		\$2,250.00	\$2,250.00						
Cass	Cass	\$2,775.00	\$2,200.00	76	179,962.00	62	125,043.00	58	136,100.00
Burleigh	Burleigh	\$2,100.00	\$2,100.00	28	44,758.77	25	39,793.11	15	28,749.83
Wells		\$2,400.00	\$2,100.00						
Burke		\$2,000.00	\$2,000.00						
Hettinger		\$2,000.00	\$2,000.00						
LaMoure		\$2,000.00	\$2,000.00						
McHenry		\$2,000.00	\$2,000.00						
McIntosh		\$2,500.00	\$2,000.00						
Pembina		\$2,000.00	\$2,000.00						
Sioux		\$1,995.00	\$1,995.00						
Dunn		\$3,000.00	\$1,950.00						
Stark		\$1,950.00	\$1,950.00						
Morton	Three Rivers	\$1,900.00	\$1,900.00	7	9,600.00	6	5,700.00	12	17,134.75
Oliver		\$1,900.00	\$1,900.00						
Walsh		\$2,500.00	\$1,900.00						
Eddy	Central Prairie	\$2,400.00	\$1,800.00	0	0.00	4	4,110.00	5	10,976.75
Foster		\$2,400.00	\$1,800.00						
Sheridan		\$1,800.00	\$1,800.00						
Trill	Agassiz Valley	\$2,325.00	\$1,800.00	5	9,000.00	6	11,600.00	8	15,455.00
Stutsman	Buffalo_Bridges	\$2,167.00	\$1,700.00	14	30,601.54	15	40,915.75	11	21,767.66
Adams		\$1,950.00	\$1,500.00						
Emmons	South Country	\$2,500.00	\$1,500.00	6	12,207.00	7	16,235.46	9	16,541.11
Grant		\$1,800.00	\$1,500.00						
Kidder		\$1,500.00	\$1,500.00						
Steele		\$1,500.00	\$1,500.00						
				318	690,614.48	309	629,090.04	268	624,018.81
Average Costs of 53 Counties		\$2,479.09	\$2,272.17	Average Payment 2,171.74		Average Payment 2,035.89		Average Payment 2,328.43	

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

Page 5, line 19, overstrike "casket or"

Page 5, line 22, overstrike "casket"

Page 5, line 22, remove "or"

Page 5, line 24, replace "cremation or burial" with "final disposition"

Page 5, line 25, remove ". The presumption of final"

Page 5, line 26, remove "disposition of an individual who is indigent is by cremation"

Page 5, line 28, overstrike "The" and insert immediately thereafter "If the deceased is eligible for indigent final disposition, the"

Page 5, line 30, overstrike "kin" and insert immediately thereafter "a spouse, parent, adult children,"

Page 5, line 30, remove the overstrike over "defray the"

Page 5, line 30, remove "contribute to non-burial or"

Page 6, line 1, remove "non-cremation"

Page 6, line 1, remove the overstrike over "of"

Page 6, line 1, after "~~cremation~~" insert "final disposition"

Page 6, line 1, remove the overstrike over "Funds adequate to allow for"

Page 6, remove the overstrike over line 2

Page 6, line 3, after "e." insert "Except for burial conducted under subdivision d, final disposition must be conducted by cremation,

f."

Page 6, line 5, replace "burial" with "final disposition"

Renumber accordingly

23.0505.02002
Title.

Prepared by the Legislative Council staff for
Senator Rummel

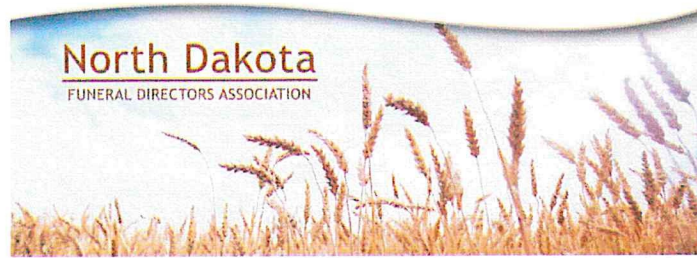
March 13, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

Page 5, line 16, after "subsection" insert "by cremation"

Page 5, line 17, after "dollars" insert "and by burial is eight thousand five hundred dollars"

Renumber accordingly



House Human Services Committee

March, 21st 2023

Support SB 2139

Chair Weisz and members of the House Human Services Committee. For the record my name is Mike Krumwiede and I represent the North Dakota Funeral Directors Association. We are here today in support of SB 2139. Our association currently has just over 100 Funeral Directors who represent 63 of the 75 Funeral Homes in North Dakota. The bill you see before you arose from a situation that came about from the creation of Human Services Zones. In the past Indigent Burial reimbursement rates were negotiated between funeral directors and the county in which they worked. Once the zones were established, we ended up with multiple policies with multiple rates in each zone. This bill as it was introduced looks to correct this issue by having one rate across all zones and to simplify the process to include cremation only. Unfortunately, the bill was amended in the Senate and the original intent was tweaked slightly. The biggest issue is the changes made on pages 5 and 6 where it was added to allow for burial due to a religious exemption while simultaneously changing the language around nominal amounts allowed to help with burial costs. This will now allow for burials but takes away the ability for an amount to be used to help offset the cost of the burial. We brought a couple of amendments that if either one was used would effectively address our concerns. The first proposed amendment, and probably easiest, would add a rate for burials so that at least when a burial is allowed for a religious exemption that the Funeral Director would receive a dollar amount that better meets the actual costs to the funeral home. The other amendment we proposed would restore the language around cremation from the original bill and nominal language for burials.

For these reasons, we respectfully request to amend and when amended would request Do Pass recommendation on SB 2139. It's now my pleasure to ask a member of our Funeral Directors Association to provide some more detailed testimony with real world applications in support of SB 2139. Thank you for your time.

Senate Bill 2139

Chair Weisz and members of House Human Services Committee, my name is Nic Stevenson. I have had the privilege of serving as a Funeral Director in the state of North Dakota for nearly 20 years and I am currently serving on the North Dakota Funeral Directors Association board. Please consider my testimony in support of Senate Bill 2139.

As a funeral director we are committed, some would say dedicated, to serve our community. We are there to help whenever a death occurs, weather anticipated or unexpected, young or old, we are there to serve the families of our community in some of their greatest times of need. Part of this commitment is serving all families, even if they do not have the means of paying for their loved one's services. When this occurs, we work with our counties under the indigent burial policies to seek financial assistance. This assistance is very limited and sometime nominal compared to the services that we are asked to render to these families; and yet we understand that and we know that it is our duty to care for all members of our communities.

With the Department of Health & Human Services restructuring into human service zones it has removed the obligation from the counties to take care of these indigent burials and in turn placed it on each zone. The North Dakota Funeral Directors along with the Department of Health & Human Services has worked to update the process of indigent burials so that it can be standardized throughout the state. We support Senate bill 2139 and recommend the committee's approval of the amendments.

Several years ago, legislation was passed to allow funeral homes to move forward with the means of disposition when no next of kin could be contacted. This bill will allow Funeral homes along with the county coroner and Human Service Zone director to be legally authorized to fulfill the intent of that law and take care of final disposition for individuals that do not have any next of kin. This also removes the potential liability from the funeral home, county coroner and Human service Zone director for fulfilling the requirement of this bill.

Cremation is the most popular means of disposition in our state at 59% and this rate is projected to grow each year. Cremation is approved by over 95% of the religions in North Dakota and would not create a hardship to the majority of our residents. To update the reimbursement amount for indigent services for direct cremation, we surveyed the current reimbursements agreed upon from the counties across the state. The recommended \$3,500.00 falls in the middle of what counties across North Dakota

currently provide. We also surveyed 34 funeral homes across the state and found that the average cost of direct cremation with no service is \$3,868.00. Because of these two factors, we support the recommended \$3,500.00 reimbursement for indigent services for direct cremation.

The original intent of this bill was that all families eligible for indigent funds must choose cremation. We do recognize the Department of Human services' desire to have a religious exemption to the recommendation of cremation as the preferred means of disposition. The state of North Dakota defines means of disposition as cremation or burial. This means that each funeral director is required to be in custody of the deceased until either the deceased is buried in a registered cemetery or the deceased is cremated. Cremation allows the family to then take custody of the cremated remains, where as burial requires the engagement of the funeral home until the burial is completed. For burial to take place there is a need for embalming, cosmetics/dressing, casket, vault, cemetery plot, excavation of grave, transport to the gravesite, equipment for the graveside service, permanent marker as well as the necessity of the licensed funeral director to complete all of the listed requirements. Because of these added items for those families that choose burial for religious exemptions, we recommend that the reimbursement amount be \$8,500.00. We surveyed 34 funeral homes throughout the state and found that the average increase in cost of a traditional burial service with all listed requirements is \$13,115, which is \$9,157.00 more than the direct cremation cost. Because of this we feel that the \$5,000.00 increase for indigent burial services to \$8,500.00 versus the \$3,500.00 for direct cremation is reasonable and warranted.

Averages of 34 North Dakota Funeral Homes	2023 Averages	SB 2139 Proposed Amounts
Direct Cremation with No Services - State Average	\$ 3,868.00	\$ 3,500.00
Traditional Burial Services with minimum requirements to complete – State Average	\$ 13,115.00	\$ 8,500.00
Increase in cost moving from Direct Cremation to Traditional Burial Service – State Average	\$ 9,247.00	\$ 5,000.00

Because of these reasons outlined, the North Dakota Funeral Directors Association recommends that the committee approve Senate Bill 2139 with the proposed amendments.

Respectfully,

Nic Stevenson

North Dakota Funeral Directors Association