

**Testimony**  
**House Bill 1318 - Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**

January 16, 2019

Chairman Weisz, and members of the House Human Services Committee, I am Jonathan Alm, an attorney with the Department of Human Services (Department). I appear before you to support House Bill 1318, with amendments to clarify and simplify the intent of this Bill.

**Section 1:**

The Department proposes an amendment to page 2, line 14, to remove “reasonable and necessary” as the Department does not want to be in a position to determine what is “reasonable and necessary” to pay for a funeral. If the Department was required to determine what is “reasonable and necessary”, I foresee the need for the Department to create administrative rules establishing guidelines as to what would be “reasonable and necessary”. This may include a need to establish a specific dollar amount, which would be contrary to the intent of House Bill 1318. This same change will need to occur on page 3, line 13.

The second amendment to Section 1 is to remove “, plus the portion of the three thousand dollar asset limitation the purchaser designates for funeral expenses” from page 2, lines 16 through 18. This proposed amendment would be consistent with the current proposed changes being made to Section 2 on page 3, lines 18 through 20.

**Section 2:**

The Department proposes an amendment to page 3, line 29, to replace “section” with “chapter”. If “section” remains, it will eliminate the deceased Medicaid recipient estate’s ability to pay up to \$3,000, pursuant to section 50-24.1-07 of the North Dakota Century Code, if the pre-need funeral service contract does not cover the funeral expenses. It is the Department’s position that this proposed amendment would be consistent with the intent of this Bill.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.