

**Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015**

SENATE BILL NO. 2050
(Legislative Management)
(Human Services Committee)

AN ACT to create and enact a new section to chapter 50-06.2 of the North Dakota Century Code, relating to eligibility for service payments for elderly and disabled; and to amend and reenact subsection 2 of section 50-24.1-07 of the North Dakota Century Code, relating to claims against an estate.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

Service payments for elderly and disabled program eligibility.

1. The state agency may not require an individual to apply for services under chapter 50-24.1 as a condition of being eligible to apply for services under the service payments for elderly and disabled program:
 - a. If the individual's estimated monthly home and community-based services benefits, excluding the cost of case management, are between the income level established in section 50-24.1-02.6 and the lowest level of the fee schedule for services under this chapter; or
 - b. If the individual is receiving a service that is not available under chapter 50-24.1.
2. The home and community-based services case manager shall notify the state agency upon use of an exception authorized under subsection 1.

SECTION 2. AMENDMENT. Subsection 2 of section 50-24.1-07 of the North Dakota Century Code is amended and reenacted as follows:

2.
 - a. A claim may not be required to be paid nor may interest begin to accrue during the lifetime of the decedent's surviving spouse, if any, nor while there is a surviving child who is under the age of twenty-one years or is blind or permanently and totally disabled, but no timely filed claim may be disallowed because of the provisions of this section.
 - b. The department may not file a claim against an estate to recover payments made on behalf of a recipient who was eligible for medicaid under section 50-24.1-37 and who received coverage through a private carrier.

Dick Deener
President of the Senate

Wesley B. Burt
Speaker of the House

Jane Chamber
Secretary of the Senate

Bruce J. Reich
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2050.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 87 Nays 2 Absent 5

Jane Chamber
Secretary of the Senate

Received by the Governor at 4:12 P. M. on April 13, 2015.

Approved at 11:02 A. M. on April 15, 2015.

Jack Dallyngale
Governor

Filed in this office this 15th day of April, 2015,

at 2:49 o'clock p M.

Alvin Dager
Secretary of State