

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2225
(Senators Dever, Oban)
(Representatives Keiser, Klemin, Kreidt, Longmuir)

AN ACT to amend and reenact section 14-09-10 of the North Dakota Century Code, relating to familial duty to support for health services; to repeal section 50-01-19 of the North Dakota Century Code, relating to familial duty to support for county welfare; to provide for application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-09-10 of the North Dakota Century Code is amended and reenacted as follows:

14-09-10. Reciprocal duty of support for health services - Support of poor.

~~It is the duty of the father, the mother,~~

1. ~~Each parent and every adult child of any person an adult who is unable to support oneself, to shall maintain that person adult to the extent of the ability of each. This liability may be enforced by any person furnishing necessaries to the person. The promise of an adult child to pay for necessaries furnished to the child's parent is binding.~~
2. Except as provided under subsection 3, a creditor may not recover under this duty of support unless the:
 - a. Recovery sought by a creditor is for the furnishing of necessary health services, which may include medical and long-term care services;
 - b. Recovery sought is from a parent or adult child who received a direct benefit from a disqualifying transfer of an asset under section 50-06.2-07 or 50-24.1-02;
 - c. Recovery being sought from this parent or adult child does not exceed the fair market value, including any gain, resulting from the disqualifying transfer; and
 - d. Disqualifying transfer occurred within five years of the receipt of the necessary health services or application for medical assistance.
3. A creditor may recover under this duty to support if the:
 - a. Recovery is sought by a creditor for the furnishing of necessary health services, which may include medical and long-term care services;
 - b. Recovery is sought from a parent or adult child who acted in bad faith by misappropriating, misusing, or diverting income or assets of the other adult to prevent or avoid payment for necessary health services;
 - c. Recovery being sought from the parent or adult child does not exceed the fair market value, including any gain, resulting from the disqualifying transfer; and
 - d. Bad faith action occurred within five years of the receipt of the necessary health services.

SECTION 2. REPEAL. Section 50-01-19 of the North Dakota Century Code is repealed.

SECTION 3. APPLICATION. This Act applies to a collection action to enforce liability for furnishing necessaries which becomes final on and after the effective date of this Act.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2225 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 0 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State