



House of Representatives

General Assembly

File No. 93

February Session, 2004

House Bill No. 5163

House of Representatives, March 17, 2004

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING FUNERAL AND BURIAL PLOT ALLOWANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-91 of the general statutes is amended by
2 adding subsection (f) as follows (*Effective October 1, 2004*):

3 (NEW) (f) The exclusion for the burial fund amount in subsection (a)
4 of this section, the exclusion for the burial plot value in subsection (b)
5 of this section and the exclusion for the irrevocable funeral contract
6 value in subsection (c) of this section shall be applied by the
7 commissioner uniformly throughout the state. For purposes of this
8 section, "burial plot" means a purchase of a grave site, opening and
9 closing of a grave site, cremation urn, casket, outer burial container
10 and a headstone or marker.

This act shall take effect as follows:

Section 1	<i>October 1, 2004</i>
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GL *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Department of Social Services	GF - See Below

Municipal Impact: None

Explanation

This bill requires that all offices of the Department of Social Services be consistent in the treatment of burial space items when determining eligibility for Temporary Family Assistance (TFA) and Supplemental Assistance. It should be noted that the section adjusted within this bill appears to relate only to eligibility for TFA and Supplemental Assistance, and not to the full Medicaid program. As relatively few individuals applying for these programs have assets related to burial space items, the changes in this bill are not expected to result in any fiscal impact.

OLR Bill Analysis

HB 5163

AN ACT CONCERNING FUNERAL AND BURIAL PLOT ALLOWANCES**SUMMARY:**

This bill requires the Department of Social Services (DSS) commissioner to apply certain asset exclusions uniformly throughout the state when determining eligibility for the State Supplement and Temporary Family Assistance (TFA) programs. These are the exclusion for a burial fund amount (\$1, 200), the value of a burial plot, and the value of an irrevocable funeral contract (by law, limited to \$5,400). By statute, the \$1,200 burial fund amount is reduced by the value of a revocable or irrevocable funeral contract and the face value of a life insurance policy that the client may own.

The bill defines "burial plot" as the purchase of a gravesite, opening and closing of a gravesite, cremation urn, casket, outer burial container, and headstone or marker.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***Definition of Burial Plot***

Current DSS regulations define "burial plot" as "a gravesite, crypt, mausoleum, urn, or any other repository traditionally used for the remains of a deceased person" (DSS Uniform Policy Manual Sec. 4000.01).

Local DSS offices were interpreting the regulations inconsistently and some were including caskets and containers in the burial plot contracts. A June 1, 2003, DSS Program Informational Bulletin No. UP-03-06 stated that under the regulation, "the burial plot does not include personal property, funeral services and funeral merchandise such as the casket and container." The bulletin says the cost of the casket and

container should be included in the irrevocable funeral services contract to be treated as an excluded asset when people apply for public assistance. Otherwise, they are considered revocable contracts, which DSS could claim as benefits it has paid to the deceased. The bill would supersede the DSS interpretation by clearly including the casket and container in the burial plot definition.

Related Bill

HB 5364, which the Aging Committee reported favorably to the Human Services Committee on March 2, makes the same changes as this bill but applies them not only to TFA and the State Supplement programs, but also to Medicaid eligibility.

COMMITTEE ACTION

General Law Committee

Joint Favorable Report

Yea 19 Nay 0