1	State of Arkansas	*As Engrossed: H3/20/01*
2	83rd General Assembly	**A Bill** **Act 1480 of 2001**
3	Regular Session, 2001	HOUSE BILL 2248

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5 By: Representative King

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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 20-76-436 TO

10 CLARIFY WHICH ESTATE ASSETS ARE SUBJECT TO

11 RECOVERY; AND FOR OTHER PURPOSES.

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Subtitle

14 TO AMEND ARKANSAS CODE 20-76-436 TO

15 CLARIFY WHICH ESTATE ASSETS ARE SUBJECT

16 TO RECOVERY.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 20-76-436(b), concerning estate assets

22 subject to recovery, is amended to read as follows:

23 (b)(1) The department shall not seek recovery against the estate of a

24 deceased recipient for the amount of any benefits distributed or paid or

25 charges levied if the recovery is not cost effective or if the recovery works

26 an undue hardship on the heirs or devisees of the decedent's estate.

27 *(2) In determining the existence of an undue hardship, the*

28 *department shall consider factors including, but not limited to, the*

29 *following:*

30 (A) The estate asset subject to recovery is the sole

31 income-producing asset of the beneficiaries of the estate;

32 (B) Without receipt of the proceeds of the estate, a

33 beneficiary would become eligible for federal or state benefits;

34 (C) Allowing a beneficiary to receive the inheritance from

35 the estate would enable a beneficiary to discontinue eligibility for federal

36 or state benefits;

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1   (D)   The estate asset subject to recovery is a home with a

2   value of ~~twenty-five thousand dollars ($25,000) or less as determined by the~~

3   ~~most recent county assessment~~ <u>fifty percent (50%) or less of the average</u>

4   <u>price of homes in the county where the homestead is located, as of the date</u>

5   <u>of the beneficiary's death</u>; or

6   (E)   There are other compelling circumstances.

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8   /s/ King

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11   **APPROVED: 4/11/2001**

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