

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/20/01

A Bill

HOUSE BILL 2248

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

13 TO AMEND ARKANSAS CODE 20-76-436 TO
14 CLARIFY WHICH ESTATE ASSETS ARE SUBJECT
15 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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(D) The estate asset subject to recovery is a home with a value of ~~twenty five thousand dollars (\$25,000) or less as determined by the most recent county assessment~~ fifty percent (50%) or less of the average price of homes in the county where the homestead is located, as of the date of the beneficiary's death; or

(E) There are other compelling circumstances.

/s/ King