



**SENATE AMENDMENT 1,
TO 1995 SENATE BILL 490**

March 5, 1996 – Offered by COMMITTEE ON JUDICIARY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: on lines 3 and 8, after “of” insert: “a revocable living trust
3 created by”.

4 **2.** Page 2, line 20: delete “or trustee of” and substitute: “of or trustee of a
5 revocable living trust created by”.

6 **3.** Page 3, line 2: after that line insert:

7 “**SECTION 5c.** 867.03 (1m) (a) of the statutes, as affected by 1995 Wisconsin Act
8 27, section 7198bm, is amended to read:

9 867.03 (**1m**) (a) Whenever an heir or trustee of a revocable living trust created
10 by the decedent intends to transfer a decedent’s property by affidavit under sub. (1)
11 and the decedent or the decedent’s spouse ever received medical assistance under ss.
12 49.45 to 49.47, long-term community support services funded under s. 46.27 (7) or
13 aid under s. 49.48, 49.483 or 49.485, the heir or trustee shall give notice to the
14 department of health and social services of his or her intent. The notice shall include
15 the information in the affidavit under sub. (1) and the heir or trustee shall give the
16 notice by certified mail, return receipt requested.

1 **SECTION 5g.** 867.03 (1m) (a) of the statutes, as affected by 1995 Wisconsin Act
2 27, section 7198c, and 1995 Wisconsin Act (this act), is repealed and recreated to
3 read:

4 **867.03 (1m)** (a) Whenever an heir or trustee of a revocable living trust created
5 by the decedent intends to transfer a decedent's property by affidavit under sub. (1)
6 and the decedent or the decedent's spouse ever received medical assistance under
7 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
8 or aid under s. 49.68, 49.683 or 49.685, the heir or trustee shall give notice to the
9 department of health and family services of his or her intent. The notice shall include
10 the information in the affidavit under sub. (1) and the heir or trustee shall give the
11 notice by certified mail, return receipt requested.

12 **SECTION 5n.** 867.03 (1m) (b) of the statutes, as affected by 1995 Wisconsin Act
13 27, section 7199bm, is amended to read:

14 **867.03 (1m)** (b) An heir or trustee of a revocable living trust created by the
15 decedent who files an affidavit under sub. (1) that states that the decedent or the
16 decedent's spouse received medical assistance under ss. 49.45 to 49.47, long-term
17 community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483
18 or 49.485 shall attach to the affidavit the proof of mail delivery of the notice required
19 under par. (a) showing a delivery date that is not less than 10 days before the day on
20 which the heir or trustee files the affidavit.

21 **SECTION 5r.** 867.03 (1m) (b) of the statutes, as affected by 1995 Wisconsin Act
22 27, section 7199c, and 1995 Wisconsin Act (this act), is repealed and recreated to
23 read:

24 **867.03 (1m)** (b) An heir or trustee of a revocable living trust created by the
25 decedent who files an affidavit under sub. (1) that states that the decedent or the

1 decedent's spouse received medical assistance under subch. IV of ch. 49, long-term
2 community support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683
3 or 49.685 shall attach to the affidavit the proof of mail delivery of the notice required
4 under par. (a) showing a delivery date that is not less than 10 days before the day on
5 which the heir or trustee files the affidavit.

6 **SECTION 5w.** 867.03 (2) of the statutes is amended to read:

7 867.03 (2) **RELEASE OF LIABILITY OF TRANSFEROR.** Upon the transfer to the heir
8 or trustee furnishing the affidavit with an attached proof of mail delivery if required
9 under sub. (1m) (b), the transferor is released to the same extent as if the transfer
10 had been made to the personal representative of the estate of the decedent.”.

11 **4.** Page 3, line 5: after that line insert:

12 **“SECTION 7. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) The repeal and recreation of section 867.03 (1m) (a) and (b) of the statutes
15 takes effect on July 1, 1996.”.

16 (END)