



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 490

**Assembly
Amendment 1**

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2013 Assembly Bill 490 contains changes to the estate recovery and divestment provisions of the state's Medical Assistance program, including modification of the amount and types of assets that are subject to estate recovery by the Department of Health services by allowing hardship waivers to apply to the estate of a surviving spouse and by altering the definition of "property of a decedent."

Assembly Amendment 1

Assembly Amendment 1 makes an additional modification to the definition of "property of a decedent." Under the current definition, living trusts are included in the definition. The amendment deletes the reference to living trusts and instead refers to *revocable* trusts. The amendment also specifies that property in an *irrevocable* trust is not included in the definition of property of a decedent.

Bill History

Assembly Amendment 1 was offered by Representative Sanfelippo. On November 7, 2013, the Assembly Committee on Financial Institutions adopted Assembly Amendment 1, and recommended passage of Assembly Bill 490, as amended, on successive votes of Ayes, 13; Noes, 0.

SG:jal