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## **1997 SENATE BILL 325**

October 15, 1997 – Introduced by Senator Moen, cosponsored by Representatives Underheim, Hasenohrl, Kelso, Plouff, Seratti, Lorge and Albers. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

AN ACT to amend 49.30 (1) (b) and 445.125 (1) (a) 2. of the statutes; relating to:
the amount of assistance for funeral or burial expenses of recipients under
certain benefits and assistance programs and the value of an irrevocable burial
trust that is excluded from the resource determination under the medical
assistance program.

## Analysis by the Legislative Reference Bureau

Under current law, counties, tribal governing bodies and certain organizations are required to pay up to \$1,000 of the funeral or burial expenses that are not paid by the estate of a recipient of any of the following: Wisconsin works benefits, medical assistance, state supplemental payments or federal supplemental security income. This bill increases the payment requirement to up to \$2,000.

Under current law, a person who is 65 years of age or older, blind or disabled is eligible for medical assistance if his or her income and resources are below certain limits. In determining a person's resources, certain assets are excluded. Among the excluded assets is an irrevocable trust used to fund a burial agreement (irrevocable burial trust) with a value of up to \$2,000. Under this bill, an irrevocable burial trust with a value of up to \$3,000 is excluded from the resource determination.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1.	49.30 (1) (b)	of the statutes is	amended to read:
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- 49.30 (1) (b) The lesser of \$1,000 \$2,000 or the funeral and burial expenses not paid by the estate of the deceased and other persons.
- SECTION 2. 445.125 (1) (a) 2. of the statutes, as affected by 1995 Wisconsin Act 295, is amended to read:
  - 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made irrevocable as to the first \$2,000 \$3,000 of the funds paid under the agreement by each depositor.

## SECTION 3. Initial applicability.

- (1) The treatment of section 445.125 (1) (a) 2. of the statutes first applies to agreements made on the effective date of this subsection.
- (2) The treatment of section 49.30 (1) (b) of the statutes first applies to expenses incurred on the effective date of this subsection.

14 (END)