

CBA LPRC POSITION REQUEST FORM

The CBA Elder Law **position request** is as follows:

- 1) Proposed legislative or regulatory concept:
Non-Taxable Annuity.

- 2) A plain language explanation and rationale for advancing this position:
The Elder Law Section opposes legislation that seeks to include the nontaxable annuity income from the spouse of an institutionalized individual who is a Medicaid recipient to the spouse's income for purposes of determining the amount that the spouse owes as a contribution as a "legally liable relative."

- 3) Is draft regulation, legislation or proposed bill included?
No.

- 4) What is the date of any legislative hearing, if known?
N/A.

- 5) Was this position previously approved by the CBA? If so, when does/did it expire?
Yes. The position expires at the end of the 2021 Legislative session.

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position?
No.

- 7) Potential or actual CBA opposition from another CBA section or committee?
No.

- 8) Strength of section position (including process and results of section vote taken on issue):
The Legislative Committee circulated a survey to the Executive Committee inquiring whether they want the Section to renew its position on this issue. Out of 22 members that participated in the survey, 20 members voted to renew the Section's position regarding Non-taxable annuities, with one abstention.

- 9) Fiscal impact (on the state):
None.