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.