

HOUSE RESEARCH

Bill Summary

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Subject: Life Estates and Joint Tenancies

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Overview

This bill modifies the effective date for laws enacted in 2003 that continue a recipient's life estate or joint tenancy interests in real property after the death of the recipient for purposes of medical assistance recoveries. As enacted, these provisions applied to the estates of persons who died on or after August 1, 2003. This bill changes this effective date to apply only to life estates and joint tenancies established on or after August 1, 2003. The bill requires the commissioner of human services and county agencies to return any money recovered under the 2003 law and provides immunity for the commissioner and other entities. Provisions of the bill are effective retroactive to August 1, 2003.

Section

- 1 Policy, applicability, purpose, and construction; definition.** Amends § 256B.15, subd. 1. States that all provisions in section 256B.15, subdivisions 1, 1d, 1f, 1g, 1h, 1i, and 1j that relate to the continuation of a recipient's life estate or joint tenancy interests in real property after death of the recipient, for purposes of recovering medical assistance, are effective only for life estates and joint tenancies established on or after August 1, 2003.
- 2 Effective date.** Provides a retroactive effective date of August 1, 2003.
Time limits; claim limits; liens on life estates and joint tenancies. Amends § 514.981, subd. 6. Amends a section dealing with MA liens, to provide that all provisions related to the continuation of a recipient's life estate or joint tenancy interests in real property after death of the recipient, for purposes of recovering medical assistance, are effective only for life estates

Section

and joint tenancies established on or after August 1, 2003.

Effective date. Provides a retroactive effective date of August 1, 2003.

3 General provisions governing the change in effective date for life estate and joint tenancy interest provisions.

Subd. 1. Establishment of a life estate or joint tenancy interest. Specifies when a life estate or joint tenancy interest is established, for purposes of sections 1 and 2.

Subd. 2. Medical assistance. Defines "medical assistance" as the medical assistance, general assistance medical care, and alternative care programs.

Subd. 3. Lien notices. States that lien notices against life estate or joint tenancy interests in existence prior to August 1, 2003 have no effect beyond the death of the life tenant or joint tenant and shall be disregarded by examiners of title.

Effective date. Provides a retroactive effective date of August 1, 2003.

4 Commissioner's duties related to the change in effective date for life estate and joint tenancy interest provisions. Requires the Commissioner of Human Services and county agencies to refund any amounts collected due to the continuation of life estate or joint tenancy interests.

Effective date. Provides a retroactive effective date of August 1, 2003.

5 Immunity. Provides the Commissioner of Human Services, county agencies, elected officials and their employees with immunity from liability for actions taken pursuant to the 2003 act that continued life estate and joint tenancy interests.

Effective date. Provides a retroactive effective date of August 1, 2003.