

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 749 Session of
2013

INTRODUCED BY DELOZIER, M. K. KELLER, CUTLER, KORTZ, HESS,
V. BROWN, C. HARRIS, MILLER, MURT, DENLINGER, MILNE AND
SAINATO, FEBRUARY 14, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 2013

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in Pennsylvania Uniform
3 Transfers to Minors Act, further providing for court
4 authorization of a transfer and, in trusts, further providing
5 for pooled trusts for persons with disabilities.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 5306(c)(3) and 7799.3 heading and
9 subsections (f) and (h) of Title 20 of the Pennsylvania
10 Consolidated Statutes are amended to read:

11 § 5306. Other transfer by fiduciary.

12 * * *

13 (c) Additional requirements for transfer.--A transfer under
14 subsection (a) or (b) may be made only if:

15 * * *

16 (3) the transfer is authorized by the court if it
17 exceeds [\$25,000] \$50,000 in value.

18 § 7799.3. Pooled trusts for [persons] individuals with
19 disabilities.

1 * * *

2 (f) Notice.--The Office of Attorney General and the
3 Department of Public Welfare shall make available information on
4 the treatment of pooled trusts for the [persons] individuals
5 with disabilities in the medical assistance program.

6 * * *

7 (h) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Beneficiary." An individual with a disability who has the
11 right to receive services and benefits of a pooled trust.

12 "Board." A group of persons vested with the management of
13 the business affairs of a trustee.

14 "Disability." A physical or mental impairment as defined in
15 section 1614 of the Social Security Act (49 Stat. 620, 42 U.S.C.
16 § 1382c).

17 "Pooled trust." A trust which meets all of the following:

18 (1) The trust contains assets of more than one
19 beneficiary.

20 (2) Each beneficiary [has] is an individual with a
21 disability.

22 (3) The trust is managed by a nonprofit corporation.

23 (4) A separate account is maintained for each
24 beneficiary of the trust, but, for purposes of investment and
25 management of funds, the trust pools these accounts. Accounts
26 in the trust may be established by the parent, grandparent or
27 legal guardian of the individual with a disability, by the
28 individual with a disability or by a court.

29 (5) Upon the death of a beneficiary or upon the earlier
30 termination of the trust, amounts remaining in the

beneficiary's account must be distributed in accordance with one of the following:

(i) The trust may retain up to 50% of the remaining balance for the benefit of other beneficiaries or other individuals with disabilities. The remaining 50% of the balance must be reimbursed to the Commonwealth and any other state that provided medical assistance up to an amount equal to the total amount of medical assistance paid on behalf of the beneficiary.

(ii) The amounts must be used to reimburse the Commonwealth and any other state that provided medical assistance up to an amount equal to the total amount of medical assistance paid on behalf of the beneficiary.

"Trustee." A nonprofit organization that manages a pooled trust.

Section 2. The amendment of 20 Pa.C.S. § 5306(c)(3) shall apply to transfers initiated on or after the effective date of this section.

Section 3. This act shall take effect in 60 days.