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Senate of Pennsylvania

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FEB 18 2011

TO: All Senators
FROM: Senator Kim Ward
SUBJECT: Co-Sponsorship of Legislation – Repayment from Probate Estates - REVISED --Memo #17

I plan to introduce legislation that would amend Title 62 (Public Welfare Code) Section 1412 “Repayment from probate estates” to repeal the governor’s power to expand estate recovery without any legislative oversight.

Under the current law, a governor can unilaterally and without any legislative oversight expand estate recovery to reach property held as joint tenants or tenants by the entireties, life insurance, life estates, trusts, annuities and any other assets in which the deceased individual had any legal title or interest at the time of death. This could result in significant financial harm for the surviving spouses of nursing home residents. In addition it could create problems in titling and conveyances for real and personal property and negatively impact the traditional use of life insurance by survivors.

If you would like to co-sponsor this legislation, please contact Tiffany Price in my office at 717-787-6063 or by email at tprice@pasen.gov.

KLW/vjw