

State of Wisconsin



2009 Senate Bill 39

Date of enactment: **July 20, 2009**
Date of publication*: **August 3, 2009**

2009 WISCONSIN ACT 37

AN ACT to amend 45.40 (1) (a), 45.40 (2) (c) and 45.40 (3m) of the statutes; relating to: cash value of life insurance regarding eligibility for the veterans assistance program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 45.40 (1) (a) of the statutes is amended to read:

45.40 (1) (a) The department may provide subsistence payments to a veteran on a month-to-month basis or for a 3-month period. The department may pay subsistence aid for a 3-month period if the veteran will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. The department may provide subsistence payments only to a veteran who has suffered a loss of income due to illness, injury, or natural disaster. The department may grant subsistence aid under this subsection to a veteran whose loss of income is the result of abuse of alcohol or other drugs only if the veteran is participating in an alcohol and other drug abuse treatment program that is approved by the department. No payment may be made under this subsection if the veteran has other assets or income available to meet basic subsistence needs or if the veteran is eligible to receive aid from other sources to meet those needs. When determining the assets available to the veteran, the department may not

include the first \$50,000 of cash surrender value of any life insurance.

SECTION 2. 45.40 (2) (c) of the statutes is amended to read:

45.40 (2) (c) The department may not provide health care aid under this subsection unless the aid recipient's health care provider agrees to accept, as full payment for the health care provided, the amount of the payment, the amount of the recipient's health insurance or other 3rd-party payments, if any, and the amount that the department determines the veteran is capable of paying. The department may not pay health care aid under this subsection if the liquid assets of the veteran are in excess of \$1,000. When determining the liquid assets of the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance.

SECTION 3. 45.40 (3m) of the statutes is amended to read:

45.40 (3m) RULES. The department shall promulgate rules establishing eligibility criteria and household income limits for payments under subs. (1), (2), and (2m). The department may not include in the rules establishing eligibility criteria and household income limits any consideration of the first \$50,000 of cash surrender value of any life insurance that is available to the veteran's household.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].