

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **01/15/1999**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Kathie**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Veterans - miscellaneous**

Extra Copies: **JTK**

Pre Topic:

No specific pre topic given

Topic:

Asking Congress to raise veterans pensions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 03/09/1999	jgeller 03/09/1999	jfrantze 03/10/1999	_____	lrb_docadmin 03/10/1999	lrb_docadmin 09/02/1999	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **01/15/99**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Kathie**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Veterans - miscellaneous**

Extra Copies: **JTK**

Pre Topic:

No specific pre topic given

Topic:

Asking Congress to raise veterans pensions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 03/9/99	ygeller 03/9/99	jfrantze 03/10/99	_____	lrb_docadmin 03/10/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: 01/15/99

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Kathie

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Veterans - miscellaneous

Extra Copies: JTK

Topic:

Asking Congress to raise veterans pensions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	nelsorp1	1 3/4 jlg	3/10	Jh 3/10			

FE Sent For:

<END>

RPN

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>1/13/99</i>	Legislator or agency requesting this draft: <i>Rep. Musser</i>
Name/phone number of person submitting request: <i>266-7461</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Kathie or Marlene 6-7461</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>Please draft resolution - see info attached - Thanks!</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?
 YES NO If yes, please sign your name here:

Sec. 1521. Veterans of a period of war

- (a) The Secretary shall pay to each veteran of a period of war who meets the service requirements of this section (as prescribed in subsection (j) of this section) and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.
- (b) If the veteran is unmarried (or married but not living with or reasonably contributing to the support of such veteran's spouse) and there is no child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, and unless the veteran is entitled to pension at the rate provided by subsection (d)(1) or (e) of this section, pension shall be paid to the veteran at the annual rate of \$3,550, reduced by the amount of the veteran's annual income.
- (c) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or if there is a child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, pension shall be paid to the veteran at the annual rate of \$4,651, unless the veteran is entitled to pension at the rate provided by subsection (d) (2), (e), or (f) of this section. If the veteran has two or more such family members, such annual rate shall be increased by \$600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.
- (d)
 - (1) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (b) of this section shall be \$5,680, reduced by the amount of the veteran's annual income.
 - (2) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (c) of this section shall be \$6,781. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by \$600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.
- (e) If the veteran has a disability rated as permanent and total and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of a disability or disabilities, is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to the veteran under subsection (b) of this section shall be \$4,340 and the annual rate of pension payable to the veteran under subsection (c) of this section shall be \$5,441. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by \$600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the annual income of such family members.
- (f)
 - (1) If two veterans are married to one another and each meets the disability and service requirements prescribed in subsections (a) and (j), respectively, of this section, the annual rate of pension payable to such veterans shall be a combined annual rate of \$4,651.
 - (2) If either such veteran is in need of regular aid and attendance, the annual rate provided by paragraph (1) of this subsection shall be \$6,781. If both such veterans are in

- need of regular aid and attendance, such rate shall be \$8,911.
- (3) If either such veteran would be entitled (if not married to a veteran) to pension at the rate provided by subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be \$5,441. If both such veterans would be entitled (if not married to one another) to such rate, such rate shall be \$6,231.
 - (4) If one such veteran is in need of regular aid and attendance and the other would be entitled (if not married to a veteran) to the rate provided for under subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be \$7,571.
 - (5) The annual rate provided by paragraph (1), (2), (3), or (4) of this subsection, as appropriate, shall (A) be increased by \$600 for each child of such veterans (or of either such veteran) who is in the custody of either or both such veterans or to whose support either such veteran is, or both such veterans are, reasonably contributing, and (B) be reduced by the amount of the annual income of both such veterans and, subject to subsection (h)(1) of this section, the annual income of each such child.
 - (g) The annual rate of pension payable under subsection (b), (c),
 - (d), (e), or (f) of this section to any veteran who is a veteran of a period of war shall be increased by \$800 if veterans of such period of war were not provided educational benefits or home loan benefits similar to those provided to veterans of later periods of war under chapters 34 and 37, respectively, of this title or under prior corresponding provisions of law.
 - (h) For the purposes of this section:
 - (1) In determining the annual income of a veteran, if there is a child of the veteran who is in the custody of the veteran or to whose support the veteran is reasonably contributing, that portion of the annual income of the child that is reasonably available to or for the veteran shall be considered to be income of the veteran, unless in the judgment of the Secretary to do so would work a hardship on the veteran.
 - (2) A veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.
 - (i) If the veteran is entitled under this section to pension on the basis of such veteran's own service and is also entitled to pension on the basis of any other person's service, the Secretary shall pay such veteran only the greater benefit.
 - (j) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service -
 - (1) for ninety days or more during a period of war;
 - (2) during a period of war and was discharged or released from such service for a service-connected disability;
 - (3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or
 - (4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war.

II veteran, (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran, or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War;

- (2) for one year or more; or
- (3) for any period of time if a child was born of the marriage, or was born to them before the marriage.
- (g) In determining the annual income of a surviving spouse for the purposes of this section, if there is a child of the veteran in the custody of the surviving spouse, that portion of the annual income of the child that is reasonably available to or for the surviving spouse shall be considered to be income of the surviving spouse, unless in the judgment of the Secretary to do so would work a hardship on the surviving spouse.
- (h) As used in this section and section 1542 of this title, the term "veteran" includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.

Sec. 1541. Surviving spouses of veterans of a period of war

- (a) The Secretary shall pay to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.
- (b) If no child of the veteran is in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of \$2,379, reduced by the amount of the surviving spouse's annual income.
- (c) If there is a child of the veteran in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of \$3,116. If the surviving spouse has custody of two or more such children, the annual pension rate shall be increased by \$600 for each such child in excess of one. In each case, the rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.
- (d)
 - (1) If a surviving spouse who is entitled to pension under subsection (b) of this section is in need of regular aid and attendance, the annual rate of pension payable to such surviving spouse shall be \$3,806, reduced by the amount of the surviving spouse's annual income.
 - (2) If a surviving spouse who is entitled to pension under subsection (c) of this section is in need of regular aid and attendance, the annual rate of pension payable to the surviving spouse shall be \$4,543. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by \$600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.
- (e)
 - (1) If the surviving spouse is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to such surviving spouse under subsection (b) of this section shall be \$2,908 and the annual rate of pension payable to such surviving spouse under subsection (c) of this section shall be \$3,645. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by \$600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the income of any child of the veteran for whom the surviving spouse is receiving increased pension.
 - (2) For purposes of paragraph (1) of this subsection, the requirement of "permanently housebound" shall be met when the surviving spouse is substantially confined to such surviving spouse's house (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities reasonably certain to remain throughout such surviving spouse's lifetime.
- (f) No pension shall be paid under this section to a surviving spouse of a veteran unless the spouse was married to the veteran -
 - (1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period or World War I veteran, (B) January 1, 1957, in the case of a surviving spouse of a World War

TO: Bob Nelson
FROM: Rep. Musser
DATE: January 14, 1999
RE: Notes for drafting resolution

Hi, Bob...

Terry would like a resolution drafted memorializing Congress to raise the amount of veterans pension paid to a surviving spouse.

Attached FYI are 38 USC 1521 and 1541, which I believe are the sections affected.

Other information, as sent to Terry by a CVSO Association:

..... Veterans in service depend upon spouse maintaining the household while veteran is away.

..... Surviving spouses currently may qualify for USDVA pension.

..... The spouse pension is lower than the veteran's would have been, but the spouse's cost of living is not lower than the veteran's would have been. The income limit is below US poverty level.

Therefore,

Congress should raise the income levels so they are the same for a veteran and for a surviving spouse.

Note: rates did go up 12/98 some - still proportional

Kathie K
6-7461



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1810/1

RPN.....

1
JL

1999 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** urging Congress [✓] to raise the amount of a veteran's pension paid to a
2 surviving spouse.

3 Whereas, veterans who meet the eligibility and service requirements are
4 entitled to a pension from the [✓]U.S. government for the service provided to this
5 country; and

6 Whereas, when the veteran was alive he or she provided support for his or her
7 spouse and was dependent on that spouse to maintain the family's household while
8 the veteran was away from the home in the service of this country; and

9 Whereas, the surviving spouse of a veteran who was eligible to receive a pension
10 from the U.S. government for the service provided to this country is eligible to receive
11 a pension from the U.S. government based on his or her spouse's eligibility; and

12 Whereas, the pension the U.S. government provides to a surviving spouse is
13 significantly lower than the pension that the veteran would have received for
14 services provided to this country and is often less than the poverty level; and

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/10/99

To: Representative Musser

Relating to LRB drafting number: LRB-1810

Topic

Asking Congress to raise veterans pensions

Subject(s)

Veterans - miscellaneous

1. **JACKET** the draft for introduction Terry M Mussey
in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney
Telephone: (608) 267-7511