

No. 695, S.]

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CHAPTER 667

AN ACT to repeal 49.22 (introductory paragraph) (as repealed and recreated by chapter 337, laws of 1953), (3) (as amended by chapter 31, laws of 1953) and (4) and (5) (as created by chapter 337, laws of 1953); and to repeal and recreate 49.22 (1) and (2) of the statutes relating to eligibility for old age assistance.

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

SECTION 1. 49.22 (introductory paragraph) of the statutes (as repealed and recreated by chapter 337, laws of 1953) is repealed.

SECTION 2. 49.22 (1) and (2) of the statutes are repealed and recreated to read:
49.22 PERSONS ELIGIBLE. (1) Any needy person who complies with the provisions of ss. 49.20 to 49.38 shall be entitled to financial assistance in old age. The amount granted shall be determined by a budget in which all income and resources, except as provided by section 49.18 (1) (a), as well as expenses shall be considered and the aid per month shall not exceed \$75. Old-age assistance may be granted to a person only if:

(a) He is dependent;

(b) He has attained the age of 65 years. This minimum age shall be reduced to 60 years whenever the federal government makes aid available to the states for old-age assistance to persons between 60 and 65 years of age;

(c) He has resided in the state continuously during the year immediately preceding the date of application. An applicant who has resided less than one year in Wisconsin may be granted old-age assistance if the state from which he removed his residence to Wisconsin grants assistance to any resident of Wisconsin who has moved to such state and lived there less than one year; provided that an applicant who has removed his residence to Wisconsin from a state which requires that an applicant who has removed his residence from Wisconsin to such state, reside in such state more than one year before he is eligible for old-age assistance be required to reside in this state for a like period before becoming eligible for old-age assistance in this state; and provided that old-age assistance may be continued when a recipient removes his residence to another state until he satisfies the residence requirements for eligibility for old-age assistance in such state;

(d) He has no person responsible for his support and able to support him as provided in s. 52.01;

(e) He has not conveyed or transferred any property in contemplation of such assistance or to avoid the provisions of ch. 49. Any transfer of property made after old-age assistance has been granted or within 2 years prior to application for assistance and without an adequate and full consideration in money or money's worth shall, unless shown to the contrary, be presumed to have been made in contemplation of such assistance, or to avoid the provisions of ch. 49.

(2) A person shall be considered dependent within the meaning of this section even though he or his spouse owns property if the property owned either by him or his spouse is not in excess of the following:

(a) A home and the lands used or operated in connection therewith or, in lieu thereof, a house trailer, if such home or house trailer is used as the person's abode. Ownership of a life estate in a home by the dependent person or his spouse does not disqualify such person for old-age assistance even though the home is not used by him as his place of abode.

(b) Tangible personal property of reasonable value and in actual use.

(c) \$500 in liquid assets of which:

1. The first \$300 shall be transferred to the county agency for the sole purpose of providing a fund for the payment of the recipient's funeral expenses. All such moneys shall be immediately deposited by the county agency with the county treasurer, who shall hold such funds in trust to be disbursed in the manner provided by s. 66.042 upon order of the county agency.

2. The amount remaining, not to exceed \$200, may be retained by the recipient, free of control of the county agency, for emergency use, provided that regular withdrawal and replacement in this fund shall be regarded as income for the purpose of determining eligibility for old-age assistance.

3. The cash or loan value of a life insurance policy at the date the recipient first received old-age assistance shall be considered a liquid asset subject to the provisions of this paragraph; however, if the recipient owns a policy of insurance on his life within the limitations of this paragraph the county agency may authorize him to retain it and provide for the payment of premiums thereon in his budget, provided that he designates the county as assignee under the policy to the extent of the amount of old-age assistance granted him during his lifetime. Where the county as such assignee receives proceeds from such policy and where less than \$300 had been transferred to it by the recipient for funeral expenses, the county shall allocate from such available proceeds a sum sufficient to provide a fund for funeral expenses not exceeding \$300.

SECTION 3. 49.22 (3) of the statutes (as amended by chapter 31, laws of 1953) is repealed.

SECTION 4. 49.22 (4) and (5) of the statutes (as created by chapter 337, laws of 1953) are repealed.

Approved November 20, 1953.