

1; 1856 c. 79 s. 1, 2; R. S. 1858 c. 81 s. 1; 1860 c. 327 s. 3; 1870 c. 73 s. 1; 1876 c. 149; R. S. 1878 s. 376; 1879 c. 194 s. 2; Ann. Stats. 1889 s. 376; 1897 c. 263; Stats. 1898 s. 376; 1899 c. 296 s. 3; 1901 c. 155 s. 1, 2; 1903 c. 61 s. 1; Supl. 1906 s. 376; 1907 c. 533; 1909 c. 422; 1911 c. 634; 1913 c. 772 s. 65; 1915 c. 485; 1917 c. 453 s. 6; 1917 c. 671 s. 15; Stats. 1917 s. 44.02; 1919 c. 509; 1945 c. 60; 1947 c. 56, 131, 317, 601; Stats. 1947 s. 44.02, 44.10; 1951 c. 457 s. 5 to 6, 9b; Stats. 1951 s. 44.02; 1953 c. 61, 357; 1957 c. 410; 1967 c. 29 ss. 1, 5; 1969 c. 276 ss. 295, 574, 588 (1), 596, 603 (1); 1969 c. 353, 424.

The state historical society is required to deposit with the state treasurer all funds received by grant, bequest or otherwise. While said society may not sell its personal property generally and other than as permitted by 44.01, Stats. 1945, it may sell waste paper, worn out equipment and the like in the interests of sound administration and deposit the proceeds with the state treasurer. 36 Atty. Gen. 285.

44.03 History: 1897 c. 118; Stats. 1898 s. 376a to 376e; 1917 c. 453 s. 6, 8; Stats. 1917 s. 44.03 to 44.07; 1947 c. 47, 48, 57; 1949 c. 52 s. 5, 15 to 17; Stats. 1949 s. 44.03; 1951 c. 457 s. 7; 1953 c. 61; 1965 c. 31, 77; 1969 c. 276 ss. 296, 596.

County or local historical societies incorporated as auxiliaries of the state historical society under 44.03 (1), Stats. 1951, do not enjoy the state's sovereign immunity from suit in tort actions. 41 Atty. Gen. 303.

44.04 History: 1951 c. 465; Stats. 1951 s. 44.04; 1967 c. 29 s. 4; 1967 c. 92 s. 22; 1969 c. 276 s. 596.

44.05 History: 1951 c. 457 s. 7a; Stats. 1951 s. 44.05; 1967 c. 29 s. 4; 1969 c. 276 s. 596.

44.06 History: 1949 c. 52; Stats. 1949 s. 44.11; 1951 c. 457 s. 9c; Stats. 1951 s. 44.06; 1959 c. 228 s. 64; 1959 c. 516; 1959 c. 659 s. 57, 77; 1967 c. 29 s. 4; 1969 c. 276 s. 596.

44.07 History: 1949 c. 476; Stats. 1949 s. 44.12; 1951 c. 457 s. 9d; Stats. 1951 s. 44.07; 1953 c. 61; 1967 c. 291 s. 14; 1969 c. 276 s. 596.

44.09 History: 1949 c. 52; Stats. 1949 s. 44.02 (9) (part); 1951 c. 457 s. 5m; Stats. 1951 s. 44.09; 1969 c. 276.

44.10 History: 1949 c. 52; Stats. 1949 s. 44.02 (9) (part); 1951 c. 457 s. 5t; Stats. 1951 s. 44.10; 1953 c. 61; 1957 c. 410; 1969 c. 276 ss. 596, 602 (1).

44.11 History: 1949 c. 476; Stats. 1949 s. 44.13; 1951 c. 457 s. 9e; Stats. 1951 s. 44.11; 1969 c. 276 ss. 596, 603 (3).

44.12 History: 1953 c. 290; Stats. 1953 s. 44.12; 1967 c. 29 ss. 4, 5; 1969 c. 276 s. 588 (1).

44.13 History: 1963 c. 174; Stats. 1963 s. 44.13; 1967 c. 29 s. 4; 1969 c. 276 s. 588 (1).

44.14 History: 1953 c. 161; Stats. 1953 s. 44.14; 1967 c. 29 s. 4; 1969 c. 276 ss. 602 (1), 603 (1).

44.15 History: 1953 c. 192; Stats. 1953 s. 44.15; 1959 c. 641 s. 11; 1969 c. 276; 1969 c. 500 s. 30 (2) (b).

44.20 History: 1967 c. 344; Stats. 1967 s. 44.20.

CHAPTER 45.

Veterans' Affairs, Benefits and Memorials.

45.01 History: 1901 c. 125 s. 1; Supl. 1906 s. 376—1; 1909 c. 47; 1917 c. 453 s. 7; Stats. 1917 s. 45.01; 1931 c. 45 s. 1; 1947 c. 359; 1959 c. 228 s. 68; 1965 c. 295; 1969 c. 276 s. 611.

45.02 History: 1965 c. 295; Stats. 1965 s. 45.02.

45.03 History: 1965 c. 295; Stats. 1965 s. 45.03.

45.04 History: 1965 c. 295; Stats. 1965 s. 45.04; 1969 c. 276.

45.05 History: 1866 c. 5 s. 1 to 3; R. S. 1878 s. 937; 1895 c. 230; Stats. 1898 s. 937; 1917 c. 453 s. 7; Stats. 1917 s. 45.05; 1919 c. 544; 1945 c. 301; 1949 c. 12.

See note to 45.058, citing Schumm v. Milwaukee County, 258 W 256, 45 NW (2d) 673.

45.052 History: 1955 c. 141; Stats. 1955 s. 45.052; 1961 c. 64.

45.055 History: 1919 c. 598; 1919 c. 702 s. 53; Stats. 1919 s. 45.055; 1921 c. 576 s. 9; 1929 c. 106; 1945 c. 301; 1949 c. 12.

See note to 45.058, citing Schumm v. Milwaukee County, 258 W 256, 45 NW (2d) 673.

For discussion of a bonding resolution see 37 Atty. Gen. 170.

Under 45.055, Stats. 1947, a county board may contract with, and make an appropriation to, a nonprofit hospital corporation without capital stock organized pursuant to 45.05 and may levy a tax therefor provided the facilities of the hospital are available to the residents of the county without discrimination. 37 Atty. Gen. 591.

A county board may appropriate money to a nonprofit corporation to maintain a memorial hospital where the conditions of 45.055 are met. 49.16 and 49.17, Stats. 1957, would not apply. 46 Atty. Gen. 226.

45.058 History: 1949 c. 441; Stats. 1949 s. 45.058; 1953 c. 436; 1955 c. 661.

Condemnation of private property is not justified under an agreement between Milwaukee County and a corporation organized for the purposes specified in 45.05 where the project was subject to abandonment in various contingencies, since development of the site for public use was too uncertain. The authority to enter into such agreement under 45.055 does not give to municipalities condemnation authority which the municipality, acting alone, would not have. Schumm v. Milwaukee County, 258 W 256, 45 NW (2d) 673.

45.06 History: 1913 c. 718 s. 1; 1917 c. 453 s. 7; Stats. 1917 s. 45.06; 1925 c. 111; 1931 c. 323; 1945 c. 301; 1965 c. 295.

45.066 History: 1931 c. 246; Stats. 1931 s. 45.066; 1965 c. 295.

45.10 History: 1887 c. 304 s. 1; 1889 c. 339 s. 1; Ann. Stats. 1889 s. 1529b; 1891 c. 421; 1895 c. 351; Stats. 1898 s. 1529b; 1903 c. 333

s. 1; 1905 c. 441 s. 1; Supl. 1906 s. 1529b; 1911 c. 116; 1917 c. 453 s. 7; Stats. 1917 s. 45.10; 1919 c. 542 s. 1; Spl. S. 1919 c. 7 s. 1; 1921 c. 325; 1945 c. 550, 587; 1955 c. 92; 1955 c. 202; 1963 c. 326; 1965 c. 183; 1969 c. 443.

The soldiers' relief commission can grant aid to the widow of an ex-soldier as soon as she resides in a municipality of the county. She is not required to have a legal settlement therein. 13 Atty. Gen. 477.

A county contingent fund having been created by tax levy to meet an emergency deficiency in other items of the budget, a deficiency in the soldiers' relief fund may be met from the contingent fund, and the administrative function of determining such emergency may be delegated to the finance committee. 21 Atty. Gen. 960.

A tax levy of \$1 is not a compliance with the soldiers' relief law; the plain legal duty of the county board is to estimate, reasonably and not arbitrarily, the amount that will be required and to levy a tax for that amount. 21 Atty. Gen. 1035.

One who during war time was a member of S.A.T.C. of the university of Wisconsin is entitled to aid from soldiers' relief commission pursuant to the provisions of 45.10 to 45.19, Stats. 1931. 22 Atty. Gen. 232.

Upon inadequate appropriation being made to carry out provisions of 45.10 to 45.19, Stats. 1939, the soldiers' relief commission would necessarily cease to function. 29 Atty. Gen. 240.

County aid for needy veterans, administered by the veterans' service commission under this section, is available to all veterans living in the county, and the county is not entitled to reimbursement under ch. 49. 38 Atty. Gen. 145.

See note to 49.02, citing 39 Atty. Gen. 26.

In case of need aid may be extended to the family of an honorably discharged soldier who has returned to and presently is in the service of the U. S. Army. 40 Atty. Gen. 40.

45.11 History: 1887 c. 304 s. 2; 1889 c. 339 s. 2; Ann. Stats. 1889 s. 1529c; Stats. 1898 s. 1529c; 1899 c. 231 s. 1; Supl. 1906 s. 1529c; 1917 c. 453 s. 7; Stats. 1917 s. 45.11; 1919 c. 542 s. 2, 3; 1919 c. 702 s. 31; Spl. S. 1919 c. 7 s. 2, 3, 4; 1945 c. 550.

An appropriation for soldiers' relief may be made only at the November session of the county board in connection with the levy of a special tax therefor. 21 Atty. Gen. 816.

45.12 History: 1887 c. 304 s. 3, 4; 1889 c. 339 s. 3, 4; Ann. Stats. 1889 s. 1529d, 1529e; Stats. 1898 s. 1529d; 1903 c. 34 s. 1; Supl. 1906 s. 1529d; 1909 c. 193; 1917 c. 453 s. 7; Stats. 1917 s. 45.12; 1919 c. 109; 1919 c. 362 s. 34; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4; 1945 c. 550; 1955 c. 312; 1963 c. 326, 408.

The chairman of the soldiers' relief commission may be a beneficiary of the soldiers' relief fund. 5 Atty. Gen. 145.

A member of the soldiers' relief commission may not hold the office of assistant secretary of the commission. 21 Atty. Gen. 437.

The offices of veterans' service commissioner and veterans' service officer are incompatible by reason of 45.13, the latter office being subordinate to the former. 35 Atty. Gen. 148.

45.13 History: 1945 c. 550; Stats. 1945 s. 45.13.

The county veterans' service officer is the statutory executive secretary of the county veterans' service commission and is not entitled to additional pay for performing such duty. 38 Atty. Gen. 80.

45.14 History: 1887 c. 304 s. 4; 1889 c. 339 s. 4; Ann. Stats. 1889 s. 1529e; Stats. 1898 s. 1529e; 1917 c. 453 s. 7, 8; 1917 c. 671 s. 34; Stats. 1917 s. 45.14; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4; 1945 c. 550; 1955 c. 92, 202.

The soldiers' relief commission of each county is charged with the administration of the soldiers' relief fund therein, and the granting of relief to those applying therefor is within its discretion. If it sees fit to deny relief in a given case, there is no way of compelling it to do so. 1 Atty. Gen. 308.

Relief from the soldiers' relief fund under 45.14, Stats. 1931, is to be given to needy soldiers, etc., who are residents of the county, as distinguished from legal settlement. Such relief is not subject to reimbursement provisions of ch. 49, nor is the soldier subject to removal to the county of settlement. 21 Atty. Gen. 522.

The soldiers' relief commission under 45.14, Stats. 1931, may not be provided with funds from the general fund to take care of an impending shortage in soldiers' relief fund. 21 Atty. Gen. 719.

See note to 45.10, citing 21 Atty. Gen. 960.

45.15 History: 1889 c. 339 s. 5; Ann. Stats. 1889 s. 1529f; 1895 c. 297; Stats. 1898 s. 1529f; 1899 c. 135 s. 1; Supl. 1906 s. 1529f; 1917 c. 116; 1917 c. 453 s. 7; Stats. 1917 s. 45.15; 1919 c. 542 s. 2; Spl. S. 1919 c. 7 s. 3, 4; 1921 c. 281; 1925 c. 350; 1931 c. 69; 1945 c. 550, 559.

A member of the soldiers' relief commission may be compensated for services rendered in investigating needs of applicants for aid, but he is entitled to compensation for only the days actually and necessarily spent in proper performance of his official duties. 27 Atty. Gen. 276.

Compensation of members of the county veterans' service commission is fixed at the discretion of the county board. 40 Atty. Gen. 496.

45.16 History: 1887 c. 385 s. 1; Ann. Stats. 1889 s. 1529g; Stats. 1898 s. 1529g; 1901 c. 240 s. 1; Supl. 1906 s. 1529g; 1909 c. 252; 1917 c. 453 s. 7; Stats. 1917 s. 45.16; 1925 c. 112; 1957 c. 247; 1959 c. 93; 1963 c. 326; 1965 c. 648; 1969 c. 302.

A soldier who is entitled to receive a bonus of the U. S. government and of the state government is also entitled to be buried at public expense, if he otherwise comes within the purview of the statute. 17 Atty. Gen. 353.

The expense of burial of an honorably discharged sailor of the U.S. Navy who died in California and whose body was shipped to Beaver Dam, where he had residence at time of enlistment, should be borne by Dodge county although burial was in another county. 24 Atty. Gen. 238.

45.17 History: 1887 c. 385 s. 2; Ann. Stats. 1889 s. 1529h; Stats. 1898 s. 1529h; 1917 c. 453 s. 7; Stats. 1917 s. 45.17; 1967 c. 29 s. 1.

45.18 History: 1887 c. 385 s. 3; Ann. Stats.

1889 s. 1529i; Stats. 1898 s. 1529i; 1917 c. 453 s. 7; Stats. 1917 s. 45.18; 1957 c. 247; 1963 c. 326; 1967 c. 29 s. 1.

45.185 History: 1919 c. 366; 1919 c. 671 s. 13; Stats. 1919 s. 45.185; 1943 c. 17; 1963 c. 326; 1967 c. 29 s. 1.

This section includes graves of persons who served for any period, regardless of whether they were honorably discharged. 30 Atty. Gen. 169.

45.21 History: 1919 c. 465; Stats. 1919 s. 45.21; 1923 c. 53; 1943 c. 12; 1945 c. 141; 1955 c. 248; 1963 c. 326; 1969 c. 276 s. 591(1).

Notice of separation from the U. S. Naval Service is an instrument entitled to record under 45.21, Stats. 1945. 34 Atty. Gen. 323; 35 Atty. Gen. 317.

There is an apparent conflict between 45.21 and 59.57(1)(b), Stats. 1957, as to filing fees, and the latter section must prevail. 46 Atty. Gen. 295.

45.27 History: 1965 c. 295; Stats. 1965 s. 45.27.

45.30 History: 1939 c. 331; Stats. 1931 s. 45.30; 1945 c. 238, 587; 1951 c. 701; 1953 c. 409; 1955 c. 506; 1963 c. 326; 1969 c. 276 s. 591(1); 1969 c. 366 s. 117(2)(b).

45.30 does not apply to veterans committed to the central state hospital or other hospital designated by the department of public welfare under 357.11 and 357.13, Stats. 1945. 35 Atty. Gen. 322.

51.07, Stats. 1949, relating to costs and expenses of proceedings to determine mental condition under ch. 51, does not apply to proceedings instituted and held under 45.30, relating to commitments of insane veterans to U. S. veterans' facilities by courts of this state, since proceedings under ch. 51 are held before a county or district judge, not before any court. 38 Atty. Gen. 292.

45.35 History: 1943 c. 443; 1943 c. 553 s. 5; Stats. 1943 s. 45.35; 1945 c. 33, 409, 580, 587; 1947 c. 9, 261, 332, 604, 614; 1949 c. 68, 69, 75, 405, 627, 639, 643; 1951 c. 97 s. 31; 1951 c. 281; 1951 c. 319 s. 231; 1951 c. 421, 609, 684; Stats. 1951 s. 45.35, 45.45; 1953 c. 40, 42, 317, 449; 1955 c. 20, 184; 1957 c. 296 s. 15; 1957 c. 327, 365, 532, 667; 1959 c. 659 s. 79, 82; 1959 c. 660 s. 40; 1961 c. 34; 1961 c. 513 ss. 13, 15; 1961 c. 660 s. 5; 1963 c. 326, 459, 468; 1965 c. 292 s. 11(3); 1965 c. 295 ss. 12 to 17, 30; 1965 c. 433 s. 121; 1965 c. 610, 648; Stats. 1965 s. 45.35; 1967 c. 66, 226; 1967 c. 291 s. 14; 1969 c. 276 ss. 300 to 304, 584(1)(b), 589(1)(a), 591(1), (6), 602 (1), 604(2); 1969 c. 366 s. 117(2)(b), (f); 1969 c. 392, 443.

The board of veterans affairs may make loans to veterans as defined in 45.35(5a) to each veteran for the purpose of educating him; to aid or assist him in the purchase of real estate, personal property or a business. The power to grant loans to aid or assist in purchasing real or personal property carries with it power to grant a loan to enable the veteran to acquire real or personal property necessary to rehabilitate himself or to establish himself in business. The board has specific power to make loans to veterans for purposes of their rehabilitation. This includes both physical and economic rehabilitation and the board may grant a loan to enable the vet-

eran to pay unpaid doctor and hospital bills and other miscellaneous obligations if the board finds such loan will aid or promote the economic rehabilitation of the veteran. The question is one of fact to be determined by the board in view of the circumstances surrounding each case. 34 Atty. Gen. 311.

Under the facts stated, the department of veterans affairs has implied power to grant funds from the postwar rehabilitation trust fund to the university to furnish housing for approximately 1,000 World War II veterans who desire to attend the university, provided housing is for the exclusive use of veterans who are bona fide residents of the state and who also meet the tests stated in 45.35(5)(a), Stats. 1945. 35 Atty. Gen. 201.

The term "veteran" as used in describing the class of persons to which the department of veterans affairs may grant loans under 45.35 (8b), Stats. 1945, is limited to individuals, and does not include corporations. 35 Atty. Gen. 366.

This section and 45.38, Stats. 1945, which authorize the director of department of veterans affairs to provide medical and hospital treatment for veterans for service-connected diseases or disabilities, do not authorize him to employ the services of a private agency on a commission or brokerage basis for arranging and paying for such treatment. 36 Atty. Gen. 3.

Any arrangement by the board or department of veterans affairs to provide medical treatment or aid to qualified World War II veterans or their dependents as provided in 45.35, Stats. 1945, must adequately protect the interests of the state and its taxpayers. The duty to guard and protect the public interest is a continuing one which necessarily involves the exercise of judgment and discretion and for that reason cannot be delegated. A public officer or board has no authority to enter into any contract or arrangement which would impair its responsibilities in these respects. 36 Atty. Gen. 149.

A mortgage given by a vendee pledging his equity in a land contract to the department of veterans affairs, where such vendee acquires legal title to premises subsequent to execution and delivery of mortgage, is valid. 37 Atty. Gen. 63.

Under the facts submitted, a veteran is eligible as to residence requirements for a loan authorized by this section. 37 Atty. Gen. 114.

The department of veterans affairs may extend aid to the family of a deceased veteran for emergency aid or relief. 37 Atty. Gen. 118.

The department of veterans affairs has discretion to accept a policy of title insurance in lieu of an opinion upon abstract of title. 38 Atty. Gen. 197.

The department of veterans affairs has no power to pay to Wisconsin general hospital the cost of veteran's care in excess of the sum provided by 142.10. (35 Atty. Gen. 201, qualified.) 39 Atty. Gen. 118.

45.351 History: 1965 c. 295; 1965 c. 433 s. 121; Stats. 1965 s. 45.351; 1967 c. 66; 1967 c. 291 s. 14; 1969 c. 154, 443.

45.352 History: 1949 c. 627, 643; Stats. 1949 s. 45.352; 1951 c. 9, 59, 278, 644; 1955 c. 10; 1957 c. 532, 574, 667; 1961 c. 513; 1963 c. 6, 326;

1965 c. 293, 295; 1965 c. 433 s. 121; 1965 c. 659 s. 24(13); 1967 c. 26, 66; 1967 c. 291 s. 14; 1969 c. 154; 1969 c. 276 ss. 591(1), 611; 1969 c. 285 s. 26; 1969 c. 387.

The board of veterans affairs has power to establish a policy requiring express approval or disapproval of applications for housing loans by veterans who have received a bonus from a foreign state. 40 Atty. Gen. 302.

The department of veterans affairs has no present statutory authority to make loans for the construction of single car garages. 45 Atty. Gen. 22.

Loans may be granted to veterans for bomb and fallout shelters in construction or improvement of their homes. 50 Atty. Gen. 194.

45.353 History: 1965 c. 295; Stats. 1965 s. 45.353; 1969 c. 336 s. 176; 1969 c. 443.

45.355 History: 1955 c. 591; Stats. 1955 s. 45.355; 1961 c. 513, 682.

45.36 History: 1967 c. 66; Stats. 1967 s. 45.36; 1969 c. 276 s. 591(1); 1969 c. 443.

45.365 History: 1913 c. 323; Stats. 1913 s. 1529a, 1529a-1; 1915 c. 555; Stats. 1915 s. 1529a, 1529a-1, 1529a-2; 1917 c. 14 s. 21, 22; 1917 c. 68; 1917 c. 453 s. 7; Stats. 1917 s. 45.07, 45.08, 45.09 (1); 1919 c. 679 s. 37; 1923 c. 163; 1925 c. 37; 1927 c. 151; 1929 c. 514; 1931 c. 347; 1935 c. 422; 1943 c. 72, 546; 1945 c. 113, 213, 411, 507, 580, 587; Stats. 1945 s. 45.09 (1), 45.37; 1947 c. 604; 1949 c. 398; Stats. 1949 s. 45.09 (1), 45.37 (1), (8); 1951 c. 51 s. 2; Stats. 1951 s. 45.37 (1), (8), (9); 1953 c. 508; Stats. 1953 s. 45.37 (1), (8), (9), (10); 1957 c. 303 s. 1, 6; Stats. 1957 s. 45.365; 1959 c. 48, 378; 1959 c. 660 s. 41; 1963 c. 126; 1965 c. 295; 1965 c. 433 ss. 66, 121; 1967 c. 43, 66; 1967 c. 291 s. 14; 1969 c. 276 ss. 582(13), 591(1).

45.37 History: 1913 c. 323; Stats. 1913 s. 1529a, 1529a-1; 1915 c. 555; Stats. 1915 s. 1529a, 1529a-1, 1529a-2; 1917 c. 14 s. 21, 22; 1917 c. 68; 1917 c. 453 s. 7; Stats. 1917 s. 45.07, 45.08, 45.09 (1); 1919 c. 679 s. 37; 1923 c. 163; 1925 c. 37; 1927 c. 151; 1929 c. 514; 1931 c. 347; 1935 c. 422; 1943 c. 72, 546; 1945 c. 113, 213, 411, 507, 580, 587; Stats. 1945 s. 45.09 (1), 45.37; 1947 c. 604; 1949 c. 398; Stats. 1949 s. 45.09 (1), 45.37 (2) to (7); 1951 c. 51 s. 2, 4, 4a, 5; 1951 c. 683, 718; Stats. 1951 s. 45.37 (2) to (7); 1953 c. 251 s. 60; 1955 c. 10, 21, 100, 195, 251, 309, 652; 1957 c. 303, 365, 498, 666, 667, 672; Stats. 1957 s. 45.37; 1959 c. 53, 54, 376, 506; 1961 c. 136, 364, 448, 516, 622; 1963 c. 326; 1965 c. 295; 1965 c. 433 s. 121; 1965 c. 648; 1967 c. 66; 1967 c. 291 s. 14; 1969 c. 154; 1969 c. 276 ss. 305, 591 (4), 611; 1969 c. 331; 1969 c. 339 s. 27; 1969 c. 443.

Under 45.37 (3) (a), Stats. 1953, an incapacitated, incompetent veteran, whose mother was admitted to the Grand Army Home for Veterans as a dependent of his and died a member of the Home, did not qualify as a legal dependent of the mother so as to entitle him to her estate as the sole beneficiary under her will. Estate of Seely, 268 W 498, 67 NW (2d) 836.

Where a veteran had no right to become a member of the Grand Army Home for Veterans other than by virtue of 45.37, and he became a member and accepted the benefits conferred by such statute by applying for

admission to the Home and continuing to reside there until his death, he, and parties claiming through him under his will, were thereby precluded by waiver from questioning the constitutionality of the provisions that if any member of the Home dies without legal dependents, his real property shall descend and his personal property shall be distributed to the state as sole heir for the sole use and benefit of the Home, and that no will making a contrary disposal shall be valid. Will of Bowman, 2 W (2d) 404, 86 NW (2d) 442.

Surgeons at the Wisconsin veterans' home, who are employed on salary, may retain fees that they receive for certificates of vital statistics required by law unless otherwise stipulated in the contract fixing their salaries. 20 Atty. Gen. 770.

Pensions of state employes received by members of the Grand Army Home for Veterans must be calculated as income in determining the support payment. 36 Atty. Gen. 477.

If a veteran died residing in this state, and the period from the commencement of his Wisconsin residence to the date of his widow's application for admission to the home equals the time specified in 45.37 (2)(a) 5 and 6, Stats. 1951, she is eligible for admission if the other requirements of the section are met. 41 Atty. Gen. 274.

In computing sums due to the state for maintenance of veterans at the Grand Army Home for Veterans, funds which the veterans are allowed to retain should be charged in full against the veterans' federal pensions and not against other income such as social security, other pensions, or other outside income. 45 Atty. Gen. 10.

Under 45.37 (8), Stats. 1957, when a member of the Grand Army Home for Veterans obtains sole title to property in which he formerly had a joint interest, there is a change in his financial status which warrants reconsideration of his eligibility. 46 Atty. Gen. 207.

For discussion of 45.37 (6), Stats. 1961, relative to eligibility requirements for admission of veteran's widow to Grand Army Home for Veterans see 51 Atty. Gen. 31.

The right to dispose of property by will. Scheller, 37 MLR 92.

45.38 History: 1967 c. 43; Stats. 1967 s. 45.38.

45.396 History: 1941 c. 29; Stats. 1941 s. 36.175; 1945 c. 580; 1951 c. 247 s. 11; Stats. 1951 s. 45.396; 1953 c. 41; 1957 c. 667; 1961 c. 513; 1963 c. 326; 1965 c. 293; 1965 c. 433 s. 121; 1965 c. 610, 648; 1967 c. 66; 1967 c. 291 s. 14; 1969 c. 276 ss. 591 (1), 602 (1), 604 (2), 616; 1969 c. 443.

45.40 History: 1925 c. 356; Stats. 1925 s. 45.271; 1945 c. 580; Stats. 1945 s. 45.40; 1947 c. 534; 1949 c. 535; 1953 c. 241; 1963 c. 326; 1965 c. 295; 1969 c. 276 ss. 588 (1), 591 (1).

The board of trustees of Camp American Legion may admit as paying patients sick and disabled veterans from other states. 27 Atty. Gen. 462.

Property comprising Camp American Legion located on state land is owned by the state and therefore to be insured in the state insurance fund. 37 Atty. Gen. 297.

45.42 History: 1925 c. 60; Stats. 1925 s. 45.215; 1929 c. 383; 1945 c. 580; Stats. 1945 s. 45.42; 1963 c. 326; 1965 c. 648; 1967 c. 29 s. 1; 1967 c. 66; 1969 c. 276 ss. 591 (1), 611.

45.43 History: 1945 c. 550, 587; Stats. 1945 s. 45.43; 1959 c. 115; 1963 c. 326; 1965 c. 222; 1967 c. 31; 1969 c. 276 s. 611.

The county board may act at any time to fill a vacancy in the office of county veterans' service officer which results from an original vacancy or a holding over after expiration of a term. 39 Atty. Gen. 7.

Under stated conditions, employment of a non-veteran as "Administrative Secretary" in the office of the county veterans' service officer does not violate 45.43, Stats. 1957. The county board has power to make employment regulations under 59.15 (2). 47 Atty. Gen. 256.

See note to 45.12, citing 35 Atty. Gen. 148.

See note to 66.11, citing 55 Atty. Gen. 260.

45.48 History: 1931 c. 95; Stats. 1931 s. 343.729; 1955 c. 696 s. 145; Stats. 1955 s. 45.48; 1965 c. 295.

45.50 History: 1941 c. 238; Stats. 1941 s. 21.70; 1943 c. 430; 1945 c. 310, 433, 506; 1947 c. 600; 1949 c. 299; 1951 c. 719 s. 3 to 5; Stats. 1951 s. 45.50; 1953 c. 576; 1955 c. 185; 1961 c. 652, 660; 1967 c. 92 s. 22; 1969 c. 158 ss. 82, 106; 1969 c. 276 ss. 582 (13), 584 (1)(b).

45.50, Stats. 1951, relating to reemployment of veterans, applies to an undersheriff. 40 Atty. Gen. 453.

45.51 History: 1941 c. 171; Stats. 1941 s. 66.52; 1943 c. 242; 1951 c. 719 s. 7; Stats. 1951 s. 45.51; 1953 c. 61 s. 13; 1961 c. 660; 1969 c. 443.

45.52 History: 1945 c. 266; Stats. 1945 s. 21.705; 1951 c. 719 s. 6; Stats. 1951 s. 45.52.

45.53 History: 1943 c. 419, 574; Stats. 1943 s. 21.80; 1945 c. 33; 1951 c. 719 s. 6; Stats. 1951 s. 45.53; 1961 c. 660; 1969 c. 443.

45.60 History: 1957 c. 678; Stats. 1957 s. 45.60; 1963 c. 307; 1965 c. 295; 1969 c. 276 ss. 306, 307, 308, 591 (5).

CHAPTER 46.

Social Services.

General Comment of Interim Committee, 1947: In recommending this bill to the 1947 legislature for adoption, the Joint Interim Committee on Revision of Public Welfare Laws, appointed pursuant to Jt. Res. No. 72, S., 1945 session, hereby calls special attention to some of the principal features of the bill:

The Committee has combined old Chapter A58, entitled "Public Welfare," and old Chapter 46, entitled "State Board of Control," into a new Chapter 46, entitled "Public Welfare."

There was great need for this change. The State Board of Control was virtually abolished by chapter 9, special session 1937, following which only the skeleton of the board remained; and that disappeared by the enactment of chapter 435, Laws of 1939, creating the State Department of Public Welfare and transferring the functions of the former board

to it. Notwithstanding these changes in the administrative set-up, no changes had been made in the language of Chapter 46, so that much of it no longer has any application. This bill revises the language of Chapter 46 to bring the law up to date and to make such improvements in it as appear advisable.

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The absence of a note to a section indicates that the meaning is not changed by this bill. [Bill 394-S]

46.001 History: 1949 c. 376; Stats. 1949 s. 46.001; 1957 c. 672; 1961 c. 183.

46.011 History: 1939 c. 435; Stats. 1939 s. 58.31; 1947 c. 268 s. 3; Stats. 1947 s. 46.011; 1949 c. 376; 1969 c. 366.

46.013 History: 1939 c. 435; Stats. 1939 s. 58.33 (1) to (3); 1947 c. 268 s. 5; Stats. 1947 s. 46.013; 1949 c. 376; 1951 c. 97 s. 32; 1951 c. 319 s. 231; 1963 c. 225; 1969 c. 366.

46.014 History: Stats. 1945 s. 46.03 (4) to (6), 58.34; 1947 c. 268 s. 6; Stats. 1947 s. 46.014; 1949 c. 376; 1951 c. 319 s. 231; 1951 c. 396; 1953 c. 96; 1955 c. 204 s. 58; 1957 c. 681; 1967 c. 206; 1969 c. 366 ss. 15, 16, 117 (3) (a).

46.016 History: 1939 c. 435; Stats. 1939 s. 58.39; 1947 c. 268 s.8; Stats. 1947 s. 46.016; 1951 c. 245; 1967 c. 43.

Comment of Interim Committee, 1947: 46.016 is from 58.39. Co-operation is made optional. * * * Mention of services for the blind is included to satisfy the federal requirement. [Bill 394-S]

46.017 History: 1939 c. 435; Stats. 1939 s. 58.40; 1947 c. 268 s. 9; Stats. 1947 s. 46.017; 1969 c. 366.

Comment of Interim Committee, 1947: 46.017 is from 58.40. * * * [Bill 394-S]

46.018 History: 1965 c. 555; Stats. 1965 s. 46.018; 1969 c. 366 s. 117 (3)(a).

46.03 History: Stats. 1945 s. 46.03 (1) to (3), (7), (8), (10) to (12), 46.04, 46.28, 58.33 (4), 58.37; 1947 c. 268 s. 11; 1947 c. 540, 546, 560; Stats. 1947 s. 46.03, 54.04; 1949 c. 52, 376, 471, 637; 1951 c. 245, 448, 641; 1953 c. 31; 1953 c. 251 s. 61; 1953 c. 385; 1955 c. 377, 457; 1955 c. 575 s. 12, 13; Stats. 1955 s. 46.03; 1957 c. 672, 696; 1959 c. 113, 628; 1961 c. 185, 637; 1963 c. 226; 1965 c. 433 s. 121; 1965 c. 520; 1967 c. 43, 110; 1967 c. 291 s. 14; 1969 c. 55, 154; 1969 c. 366 ss. 20, 21, 117 (1)(c), 118(1).

Comment of Interim Committee, 1947: The duties of the department are here collected. Old 46.03 (4), (5) and (6) are moved to new 46.014 by this bill, and old (9) to 46.066. Old (7), (8) and (10) are omitted. New 46.03 is intended to cover the rest of 46.03 and all the transfers recited in 58.37. Those parts of 58.37 which relate to the date of transfer, appropriations, transfer of records and supplies, etc., are no longer needed and are omitted. (1) is limited to institutions now under the department's jurisdiction. (4) is new. The text of new (5) and (6) is chiefly from 58.36 and 58.44 as created by ch. 9, Spl. S. 1937. The provision in 58.44 (2), Spl. S. 1937 as to closing jails is omitted. Provision