

1991 Assembly Bill 530

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1991 WISCONSIN ACT 165

AN ACT to amend 15.49, 20.485 (2) (q), 28.035 (3) (a), 45.04 (2), 45.16, 45.28 (title), 45.28 (1) (a), 45.35 (3) (b), 45.35 (5) (g), 45.71 (16) (a) 9, 45.73 (2), 45.85 (1) and 72.15 (6) of the statutes, relating to: the designation of the period of military service in Vietnam.

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

SECTION 1. 15.49 of the statutes is amended to read:

15.49 Department of veterans affairs; creation.

There is created a department of veterans affairs under the direction and supervision of the board of veterans affairs. The board shall consist of 7 members who shall be veterans, including at least 2 who shall be Vietnam era war veterans, appointed for staggered 6-year terms.

SECTION 2. 20.485 (2) (q) of the statutes is amended to read:

20.485 (2) (q) *Vietnam veteran educational grants.* The amounts in the schedule for the payment of educational grants to Vietnam era war veterans under s. 45.28.

SECTION 3. 28.035 (3) (a) of the statutes, as affected by 1991 Wisconsin Act 2, is amended to read:

28.035 (3) (a) The written lease entered into between the Wisconsin state department of the American Legion and the department of natural resources dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force for an additional 10 years, and may be renewed for additional 10-year periods thereafter, notwithstanding the expiration of the term expressed therein, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 maintains on such property structures which were constructed prior to May 31, 1956, at the expense of the Wisconsin state department of the American Legion or any such post, for the purpose of the rehabi-

litation, restoration or recreation of veterans and their dependents of the Spanish-American war, the Philippine insurrection, the Mexican border service, World Wars I and II, the Korean conflict, the Vietnam era war and Grenada, Lebanon, Panama or a Middle East crisis under s. 45.34.

SECTION 4. 45.04 (2) of the statutes is amended to read:

45.04 (2) GRANT PROGRAM. From the appropriation under s. 20.485 (2) (s), the secretary shall award to eligible applicants grants to support the acquisition of land and construction of not more than 2 memorials in this state to honor state veterans who served in the U.S. armed forces. One memorial may be constructed to honor state veterans who served during the Korean conflict, June 27, 1950, to January 31, 1955, and one to honor state veterans who served during the Vietnam era war, August 5, 1964, to June 30, 1975.

SECTION 5. 45.16 of the statutes, as affected by 1991 Wisconsin Act 2, is amended to read:

45.16 Burial allowance. Each county veterans' service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who served in any war of the United States, in the Korean conflict, in the Vietnam era war, under section 1 of executive order 10957, dated August 10, 1961, or had service that entitled the person to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231

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on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or who served in Grenada, Lebanon, Panama or a Middle East crisis under s. 45.34 and who was discharged under honorable conditions after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for disability incurred in line of duty and who was living in the county at the time of death, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances that would distress the person's family to pay the expenses of the burial, and the body of a spouse or surviving spouse of the person who dies not leaving such means or under the same financial circumstances and who was living in the county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws administered by the U.S. department of veterans affairs.

SECTION 6. 45.28 (title) of the statutes is amended to read:

45.28 (title) Vietnam and post-Vietnam veterans educational grant program.

SECTION 7. 45.28 (1) (a) of the statutes is amended to read:

45.28 (1) (a) There is established, to be administered by the department, a grant program for Vietnam and post-Vietnam ~~era~~ war veterans enrolling as full-time undergraduates in institutions of higher education in this state. This program shall be administered exclusively for the benefit of eligible veterans.

SECTION 8. 45.35 (3) (b) of the statutes is amended to read:

45.35 (3) (b) The board shall establish guidelines for the department's rules under s. 45.28 (1) (e) relating to procedures for uniform need determination for Vietnam ~~era~~ war veterans educational grants.

SECTION 9. 45.35 (5) (g) of the statutes is amended to read:

45.35 (5) (g) Vietnam ~~era~~ war: Between August 5, 1964, and July 1, 1975, excepting service on active duty for training purposes only.

SECTION 10. 45.71 (16) (a) 9. of the statutes is amended to read:

45.71 (16) (a) 9. Vietnam ~~era~~ war: Between August 5, 1964, and a date of termination to be established by the legislature, excepting service on active duty for training purposes only.

SECTION 11. 45.73 (2) of the statutes is amended to read:

45.73 (2) ALLOCATION OF LIMITED LOAN RESOURCES. If the department estimates that applications for loans under this subchapter will exceed the moneys available for such loans, the department shall give priority to the most necessitous cases and take all action necessary to spread the available moneys among the maximum possible number of veterans. The board on veterans affairs shall establish procedures whereby veterans of the Vietnam ~~era~~ war, as defined in s. 45.71 (16) (a) 9., receive first priority.

SECTION 12. 45.85 (1) of the statutes is amended to read:

45.85 (1) Vietnam and post-Vietnam ~~era~~ war veterans educational grants under s. 45.28.

SECTION 13. 72.15 (6) of the statutes is amended to read:

72.15 (6) No tax is imposed on the transfer of property from a decedent who was missing in action during the Vietnam ~~era~~ war and declared dead by the federal government. Persons who have paid inheritance taxes on a transfer from such a person may within 6 years of July 20, 1985, file with the claims board a claim for a refund. That claim shall set forth specifically the basis of the claim and shall include a document or documents showing that the person from whom the property is transferred fulfills the requirements under this subsection. This claim, if valid, shall be paid under s. 16.007 (6) (b) 2.