

1993 Assembly Bill 619

Date of enactment: April 9, 1994
Date of publication*: April 22, 1994

1993 WISCONSIN ACT 254

AN ACT to renumber and amend 25.36; to amend 20.485 (2) (ym), 45.35 (5) (intro.), 45.37 (1a), 45.42 (1) and (2), 45.43 (1) (a), 45.43 (6) (b), 45.74 (1) (intro.), 45.745 (1) and 230.03 (14) (c); and to create 20.485 (2) (tf), 25.36 (2), 45.25, 45.35 (5) (h), 45.71 (16) (a) 10 and 45.79 (5) (a) 9 of the statutes, relating to: eligibility for veterans benefits for Persian Gulf veterans, the definition of a veteran, administration of veterans programs, the veterans museum, tuition and fee reimbursement for veterans, veterans housing loans, granting rule-making authority and making appropriations.

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

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

1993-94 1994-95

**20.485 Veterans affairs,
department of**

(2) LOANS AND AIDS TO
VETERANS

(tf) Veterans' tuition and fee
reimbursement program SEG A -0-

SECTION 2. 20.485 (2) (tf) of the statutes is created to read:

20.485 (2) (tf) *Veterans' tuition and fee reimbursement program.* The amounts in the schedule for the veterans' tuition and fee reimbursement program under s. 45.25.

SECTION 3. 20.485 (2) (ym) of the statutes, as created by 1993 Wisconsin Act 16, is amended to read:

20.485 (2) (ym) *Veterans trust fund stabilization loans.* ~~As a continuing appropriation, the amounts in the schedule for~~ All moneys transferred under s. 45.79 (5) (a) 9. for the purpose of providing loans under the veterans trust fund stabilization loan program under s. 45.356.

SECTION 4. 25.36 of the statutes, as affected by 1993 Wisconsin Act 16, is renumbered 25.36 (1) and amended to read:

-0- 25.36 (1) ~~All~~ Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used exclusively for the veterans programs under ss. 20.485 (2) (m), (tm), (u), (v), (vo), (w) and (z), 45.01, 45.25, 45.351 (1) and (2), 45.352, 45.353, 45.356, 45.357, 45.396, 45.397 and 45.43 (7) and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for interest on and repayment of veterans trust fund stabilization loans; and all gifts of money

received by the board of veterans affairs for the purposes of this fund.

SECTION 5. 25.36 (2) of the statutes is created to read:

25.36 (2) Any moneys appropriated or transferred by law for programs other than those listed under sub. (1) after the effective date of this subsection [revisor inserts date], shall be repaid from the state general fund with interest at a rate of 5% per year computed from the date of the appropriation or transfer to the date of repayment.

SECTION 6. 45.25 of the statutes is created to read:

45.25 Veterans' tuition and fee reimbursement program. (1) **ADMINISTRATION.** The department of veterans affairs shall administer a tuition and fee reimbursement program for eligible veterans enrolling as undergraduates in any institution or center within the university of Wisconsin system or enrolling in any technical college under ch. 38.

(2) **ELIGIBILITY.** An individual is eligible for the tuition and fee reimbursement program if he or she meets all of the following criteria:

(a) The annual income of the individual and his or her spouse does not exceed the amount under s. 45.396 (7) (a).

(b) The individual served on active duty under conditions other than dishonorable in the U.S. armed forces for 2 years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

(c) The individual applies for the tuition and fee reimbursement program for courses completed within 6 years after separation from the service.

(d) The individual was a Wisconsin resident at the time of entry or reentry into service or for the 5-year period immediately preceding application for the tuition and fee reimbursement program.

(3) **PROGRAM BENEFITS.** (a) An individual who meets the requirements under sub. (2), upon satisfactory completion of an undergraduate semester in any institution or center within the university of Wisconsin system or a semester at any technical college district school under ch. 38, may be reimbursed for up to 25% of the individual's tuition and fees, other than textbooks and other costs, charged by the institution, center or school, or the difference between the individual's tuition and fees and the grants or scholarships, including those made under s. 21.49, that the individual receives specifically for the payment of the tuition or fees, whichever is less. Reimbursement is available only for tuition and fees that are part of a curriculum that is relevant to a degree in a particular course of study at the institution, center or school.

(b) An application for reimbursement of tuition and fees under par. (a) shall meet all of the following requirements:

1. Be completed and received by the department no later than 60 days after the completion of the semester. The department may accept an application received more than 60 days after the completion of the semester if the applicant shows good cause for the delayed receipt.

2. Contain the information necessary to establish eligibility as determined by the department.

3. Be on the application form established by the department.

4. Contain the signatures of both the applicant and a representative of the institution, center or school certifying that the applicant has satisfactorily completed the semester.

(c) Reimbursement provided under this section shall be paid from the appropriation under s. 20.485 (2) (tf). If the amount of funds applied for exceeds the amount available under s. 20.485 (2) (tf), the department may deny applications for reimbursement that would otherwise qualify under this section. In those cases, the department shall determine eligibility on the basis of the dates on which applications for reimbursement were received.

(4) **LIMITATIONS.** (a) An individual is not eligible for reimbursement under sub. (2) for more than 120 credits of part-time study or 8 full semesters of full-time study at any institution or center within the university of Wisconsin system or 60 credits of part-time study or 4 full semesters of full-time study at a technical college under ch. 38.

(b) The department may not provide reimbursement under sub. (2) to an individual who is delinquent in child support or maintenance payments, as established by the receipt by the department of a certification under s. 46.255.

(c) An individual may not receive reimbursement under sub. (2) for any semester in which he or she received a grant under s. 45.396.

SECTION 7. 45.35 (5) (intro.) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

45.35 (5) **VETERAN DEFINED; BENEFIT.** (intro.) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 or whose service entitled the veteran 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or any person who served for 90 days or more dur-

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ing a war period as enumerated under pars. (a) to ~~(g)~~ (h) or under section 1 of executive order 10957 dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service, who is either a resident of and living in this state at the time of making application or is deceased, and whose selective service local board, if any, and home of record at time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state or who was either a resident of this state at the time of entry or reentry into active duty or has been a resident of this state for at least 10 years next preceding the veteran's application or death. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a). Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for benefits from the department. The benefits available to veterans are also available to the unremarried surviving spouses and minor or dependent children of deceased veterans if the unremarried surviving spouses or minor or dependent children are residents of and living in this state at the time of making application. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes the person eligible for general U.S. department of veterans affairs benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a). The following are designated as war periods:

SECTION 8. 45.35 (5) (h) of the statutes is created to read:

45.35 (5) (h) Persian Gulf war: Between August 1, 1990 and the ending date of Operation Desert Shield or the ending date of Operation Desert Storm as established by the department of veterans affairs by rule.

SECTION 9. 45.37 (1a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

45.37 (1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces who was entitled 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal or who served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to ~~(g)~~ (h) or under section

1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

SECTION 10. 45.42 (1) and (2) of the statutes, as affected by 1993 Wisconsin Act 16, are amended to read:

45.42 (1) The department may compile a record of the burial places within the state of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to ~~(g)~~ (h) or in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34, or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal. The record, so far as practicable, may indicate the name of each person; the service in which engaged; the appropriate designation of armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which the body is interred; the location of the grave in the cemetery or other place; and the character of headstone or other marker, if any, at the grave.

(2) The department may have blank forms prepared whereby the information required for the record may be transmitted to it and may distribute the forms to county veterans' service officers. The county veterans' service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to ~~(g)~~ (h) or in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal shall submit the facts required for such record to the department on the forms provided by it, if so requested by the department.

SECTION 11. 45.43 (1) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

45.43 (1) (a) Except as provided under par. (b), the county board shall elect a county veterans' service officer who shall be a Wisconsin resident who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, for 90

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days or more in time of war as set forth in s. 45.35 (5) (a) to ~~(g)~~ (h) or, if having served less than 90 days, was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected; who served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34; who served under section 1 of executive order 10957 dated August 10, 1961; or whose service entitled the veteran 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal.

SECTION 12. 45.43 (6) (b) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

45.43 **(6)** (b) Except as provided under par. (c), the county board may appoint assistant county veterans' service officers who shall be Wisconsin residents who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, for 90 days or more in time of war as set forth in s. 45.35 (5) (a) to ~~(g)~~ (h) or, if having served less than 90 days, was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected; who served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34; who served under section 1 of executive order 10957 dated August 10, 1961; or whose service entitled the veteran 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 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal.

SECTION 13. 45.71 (16) (a) 10. of the statutes is created to read:

45.71 **(16)** (a) 10. Persian Gulf war: Between August 1, 1990 and the ending date of Operation Desert Shield or Operation Desert Storm as established by the department by rule.

SECTION 14. 45.74 (1) (intro.) of the statutes is amended to read:

45.74 **(1)** ANNUAL INCOME LIMITATION. (intro.) ~~The For persons identified under s. 45.79 (7) (c) 1. and 2., the~~ annual income of the person or both the person and the person's spouse exceeds whichever of the following applies:

SECTION 15. 45.745 (1) of the statutes is amended to read:

45.745 **(1)** ANNUAL INCOME LIMITATION. ~~The For persons identified under s. 45.79 (7) (c) 1. and 2., the~~ annual income of the person or both the person and the person's spouse does not exceed 140% of the amount specified under s. 45.74 (1).

SECTION 16. 45.79 (5) (a) 9. of the statutes is created to read:

45.79 **(5)** (a) 9. With prior approval of the building commission, retire all veterans mortgage revenue bonds, 1980 series A or all 1981 veterans home loan revenue bonds and transfer any assets remaining in the bond funds after retirement into the veterans trust fund. The department may sell the assets transferred to the veterans trust fund under this subdivision and deposit the proceeds of any sale into the veterans trust fund. The proceeds of any sale of assets transferred to the veterans trust fund under this subdivision shall be used to provide loans under s. 45.356.

SECTION 17. 230.03 (14) (c) of the statutes is amended to read:

230.03 **(14)** (c) A person who served on active duty under honorable conditions in the U.S. armed forces for at least one day during a war period, as defined in s. 45.35 (5) (a) to ~~(g)~~ (h) or under section 1 of executive order 10957 dated August 10, 1961.

SECTION 18. Nonstatutory provisions; veterans affairs. (1) STUDY OF VETERANS PROGRAMS AND THE USE OF THE FEDERAL DEFINITION OF VETERAN. (a) The department of veterans affairs shall conduct a study of the current state programs for veterans and of the use of the federal definition of "veteran" for determining eligibility for all veterans programs under chapter 45 of the statutes. The study shall include:

1. The eligibility criteria, income limits, usage and purposes of each program and whether each program should be continued, with or without program modifications.

2. A review of both of those categories of persons who would be made eligible for Wisconsin veterans programs through the adoption of the federal definition of "veteran" and those who are currently eligible, but may become ineligible if the federal definition is adopted.

3. The desirability of using the federal definition for "veteran" as it applies to each program.

4. The fiscal effects on each program of any changes recommended under this paragraph and of the adoption of the federal definition of "veteran".

(b) By January 31, 1995, the department of veterans affairs shall report its findings, conclusions and recommendations to the governor and to the legislature in the manner provided in section 13.172 (3) of the statutes.

(2) STUDY ON HEALTH CARE AID PROGRAM. (a) The department of veterans affairs shall conduct a study of the health care aid program under section 45.351 of the statutes. The study shall include a review of, and development of recommendations for, improving coverage and delivery of health care aid under the program.

(b) By January 31, 1995, the department shall report its findings, conclusions and recommendations to the

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governor and to the legislature in the manner provided in section 13.172 (3) of the statutes.

(3) **SALE OF VETERANS HOUSING LOANS.** The appropriation authorized by section 20.485 (3) (u) of the statutes and the obligation of the department of veterans affairs relative to coverage of deficiencies in veterans housing loans shall survive retirement of the bonds sold under subchapter II of chapter 18 of the statutes and any sale of the veterans housing loans by the department of veterans affairs after the retirement of the bonds.

SECTION 19. Appropriation changes. (1) **VETERANS AID AND TREATMENT.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section 20.485 (2) (vm) of the statutes, as affected by the acts of 1993, the dollar amount is decreased by \$11,300 for fiscal year 1993–94 and the dollar amount is increased by \$63,600 for fiscal year 1994–95 for the purpose for which the appropriation is made.

(2) **VETERANS LOANS AND EXPENSE.** In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of veterans affairs under section

20.485 (2) (y) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$11,300 for fiscal year 1993–94 and the dollar amount is increased by \$2,477,300 for fiscal year 1994–95 for the purpose for which the appropriation is made.

SECTION 20. Initial applicability. (1) The treatment of section 45.25 of the statutes first applies to the tuition and fees applicable to eligible veterans who apply for admission or readmission to or continued enrollment at an institution, center or school in the university of Wisconsin system or the technical college system under chapter 38 of the statutes for the first semester that begins after the department of veterans affairs deposits the sale proceeds under section 45.79 (5) (a) 9. of the statutes, but not for any semester that begins before January 1, 1995.

(2) The treatment of sections 45.35 (5) (intro.) and (h), 45.37 (1a), 45.42 (1) and (2), 45.43 (1) (a) and (6) (b) and 45.71 (16) (a) 10. of the statutes first applies to applications for benefits received by the department of veterans affairs after the department of veterans affairs deposits the sale proceeds under section 45.79 (5) (a) 9 of the statutes.