

1 **45.01 Definitions.** In this chapter, unless the context otherwise requires:

2 (1) “Active duty” does not include active duty for training purposes.

3 (2) “Active duty for training purposes” means.....

4 (3) “Board” means the board of veterans affairs.

5 (4) “Child” means any biological child, any adopted child, any stepchild or child
6 if a member of the veteran’s household, or any nonmarital child if the veteran
7 acknowledges paternity or paternity has been otherwise established.

 ****NOTE: From 45.348, and may only apply to 45.35, .351, and .356,
but 45.35 was the general statute.

8 (5) (a) “Dependent” includes any of the following:

9 1. A spouse, a surviving spouse, or a divorced spouse, but only if the divorced
10 spouse is receiving benefits under a court order.

 ****NOTE: Does this refer to benefits under this chapter?

11 2. Any child under 18 years of age, or under the age of 26 if in full attendance
12 at a recognized school of instruction, or of any age if unremarried and incapable of
13 self-support by reason of mental or physical disability.

 ****NOTE: I added “if unremarried” based on the definition of dependent child in
45.358. OK?

14 3. The natural parent or a person to whom the veteran stands in the place of
15 a parent and who has so stood for not less than 12 months prior to the veteran’s
16 entrance into active service.

 ****NOTE: I don’t know what this means. It is in current law, 45.348 (2) (a) 3.

17 4. A minor sibling or a sibling of any age if incapable of self-support by reason
18 of mental or physical disability.

19 (b) For purposes of defining “dependent” under par. (a), “veteran” includes a
20 person who served on active duty under honorable conditions in the U.S. armed
21 forces or in forces incorporated as part of the U.S. armed forces, who was a resident

1 of this state at the time of entry or reentry into active duty and who died while on
2 active duty if the person's death was not the result of the person's willful misconduct.

****NOTE: From 45.348, but only applies to 45.35, .351 and .356--but
45.35 is in the general powers of DVA.

3 (6) "Department" means the department of veterans affairs.

4 (7) "In-kind contributions" includes donations of appliances, buildings,
5 creations, equipment, fixtures, furniture, materials, real property, structures,
6 supplies, and utilities, and work performed in the acquisition of land and
7 construction of property.

8 (8) "Memorial" means a building, structure, statue or creation used to keep
9 alive the remembrance of a veteran, veterans group or an event related to a veteran
10 and may include land upon which the building, structure, statue, or creation is
11 located. "Memorial" does not include a museum.

12 (9) "Secretary" means the secretary of the department of veterans affairs.

13 (10) "Service in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East
14 crisis" means:

15 (a) *Service in Lebanon and Grenada.* A person shall be considered to have
16 served in Lebanon or Grenada if the person was on active duty in Lebanon or its
17 territorial waters under honorable conditions between August 1, 1982, and the date
18 of withdrawal of U.S. armed forces from Lebanon, as established by the department
19 by rule, or in Grenada between October 23, 1983, and November 21, 1983, and:

****NOTE: If the department has established a withdrawal date for Lebanon, we
should put the date in.

20 1. Was entitled to receive the armed forces expeditionary medal established by
21 executive order 10977 on December 4, 1961;

22 2. Was entitled to receive the marine corps or navy expeditionary medal; or

1 3. Was not entitled to receive a medal under par. (a) or (b) but submits other
2 proof of service acceptable to the department.

3 (b) *Middle East crisis*. A person shall be considered to have served in a Middle
4 East crisis if, because of active duty in the U.S. armed forces or forces incorporated
5 as a part of U.S. armed forces, any of the following apply:

6 1. The person was awarded the humanitarian service medal for participating
7 in the attempt to rescue American hostages in Iran.

8 2. The person was awarded the valor ribbon bar by the U.S. state department
9 for having been a hostage in Iran during the Iranian hostage crisis in 1980 and 1981.

10 3. The person participated in the April 14, 1986, military action against Libya.

11 4. The person served on the U.S.S. Stark on May 17, 1987.

12 5. The person served in support of Operation Desert Shield or Operation Desert
13 Storm under all of the following conditions:

14 a. Under an active duty order, a unit assignment order or an involuntary
15 extension of an active duty order or in the Middle East or in territorial or
16 international waters adjacent to the Middle East.

17 b. Under honorable conditions.

18 c. Between August 1, 1990, and the ending date of Operation Desert Shield or
19 Operation Desert Storm, as established by the department by rule.

20 6. The person served for 90 days or more in support of Operation Enduring
21 Freedom or an operation that is a successor to Operation Enduring Freedom or
22 served in the Operation Enduring Freedom theater of operation under all of the
23 following conditions:

24 a. Under an active duty order, a unit assignment order, or an involuntary
25 extension of an active duty order.

1 b. Under honorable conditions.

2 c. Between September 11, 2001, and the ending date of Operation Enduring
3 Freedom or an operation that is a successor to Operation Enduring Freedom, as
4 established by the department by rule.

5 (c) *Service in Panama.* A person shall be considered to have served in Panama
6 if the person was on active duty in the U.S. armed forces in Panama or its territorial
7 waters under honorable conditions between December 20, 1989, and January 31,
8 1990.

9 (d) *Service in Somalia.* A person shall be considered to have served in Somalia
10 if the person was on active duty in the U.S. armed services in Somalia or in territorial
11 waters adjacent to Somalia under honorable conditions between December 9, 1992,
12 and the ending date of Operation Restore Hope, as established by the department by
13 rule.

14 (e) *Service in Bosnia.* A person shall be considered to have served in Bosnia if
15 the person served for 90 days or more in support of Operation Balkan Endeavor or
16 served for 90 days or more in Austria, Bosnia and Herzegovina, Czech Republic,
17 Croatia, Hungary, Macedonia, Montenegro, Serbia including the autonomous
18 provinces of Kosovo and Vojvodina, Slovakia, or Slovenia, or in territorial waters
19 adjacent to any of those countries, under all of the following conditions:

20 1. Under an active duty order, an involuntary extension of an active duty order,
21 or a unit assignment order.

22 2. Under honorable conditions.

23 3. Between December 1, 1995, and the ending date of Operation Balkan
24 Endeavor or a successor operation, as established by the department by rule.

25 (11) “Veteran” means any of the following:

1 (a) A person who has served on active duty for at least one qualifying term of
2 service under pars. (b) to (d) under honorable conditions in, or has been terminated
3 by an honorable discharge from, the U.S. armed forces or in forces incorporated as
4 part of the U.S. armed forces during a war period or in Bosnia, Grenada, Lebanon,
5 Panama, Somalia, or a Middle East crisis.

6 (b) A person who has served on active duty for 90 days or more under honorable
7 conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed
8 forces during a war period or for any period of service under section 1 of executive
9 order 10957 dated August 10, 1961.

10 (c) A person whose term of service in the U.S. armed forces or in forces
11 incorporated as part of the U.S. armed forces under honorable conditions entitled
12 him or her to receive the armed forces expeditionary medal, established by executive
13 order 10977 on December 4, 1961, the Vietnam service medal established by
14 executive order 11231 on July 8, 1965, the navy expeditionary medal, or the marine
15 corps expeditionary medal.

16 (d) A person who has served on active duty in the U.S. armed forces or in forces
17 incorporated as part of the U.S. armed forces under honorable conditions, for 2
18 continuous years or more or for the full period of his or her initial service obligation,
19 whichever is less.

20 (e) A person who was honorably discharged from the U.S. armed forces or from
21 forces incorporated as part of the U.S. armed forces for a service-connected
22 disability, for a disability subsequently adjudicated to have been service connected,
23 or for reasons of hardship.

1 (f) A person who was released under honorable conditions from the U.S. armed
2 forces or from forces incorporated as part of the U.S. armed forces due to a reduction
3 in the U.S. armed forces.

4 (g) A person who, while serving in the U.S. armed forces or from forces
5 incorporated as part of the U.S. armed forces, is missing in action.

6 (h) A person who died as the result of a service-connected disability.

7 (i) A person who died while in service in the U.S. armed forces or in forces
8 incorporated as part of the U.S. armed forces.

9 (j) A person who died in the line of duty while on active duty for training
10 purposes in the U.S. armed forces or in forces incorporated as part of the U.S. armed
11 forces.

****NOTE: (g), (h), and (j) are created as suggested by the subcommittee. OK?

12 (12) "Veterans home" means the Wisconsin Veterans Home at Union Grove, the
13 Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Chippewa
14 Falls.

15 (13) "War period" means any of the following:

16 (a) Indian war: Between 1860 and 1898.

17 (b) Spanish American war: Between April 21, 1898, and April 11, 1899.

18 (c) Philippine insurrection: Between April 12, 1899, and July 4, 1902 (extended
19 to July 15, 1903, if actually engaged in Moro Province hostilities).

20 (d) Boxer rebellion: Between June 16, 1900, and May 12, 1901.

21 (da) Mexican border service: Between June 19, 1916, and April 5, 1917.

22 (e) World War I: Between April 6, 1917, and November 11, 1918 (extended to
23 April 1, 1920, if service was in Russia).

24 (f) World War II: Between August 27, 1940, and July 25, 1947.

1 (fm) Korean conflict: Between June 27, 1950, and January 31, 1955.

2 (g) Vietnam war: Between August 5, 1964, and January 1, 1977, excepting
3 service on active duty for training purposes only.

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

7 (i) Afghanistan War: Between September 11, 2001, and the ending date of
8 Operation Enduring Freedom or an operation that is a successor to Operation
9 Enduring Freedom, as established by the department by rule.

10 (j) Iraq War: Between March 19, 2003, and the ending of Operation Iraqi
11 Freedom or an operation that is a successor to Operation Iraqi Freedom, as
12 established by the department by rule.

13 (k) Any period after the period specified in par. (j) that the department
14 determines and designates by rule, after reviewing the criteria used to establish the
15 war periods under par. (a) to (j) and after consultation with the U.S. department of
16 veterans affairs, to be a period when the United States is in a conflict that places
17 veterans at such a risk that the period should be designated as a war period for
18 purposes of this chapter.

****NOTE: This is a possible solution to the issue of war period creation,
but it may be beyond the charge of the committee.

19 **45.02 Eligibility for benefits.** (1) Any person whose service on active duty
20 with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces
21 makes that person eligible for general U.S. department of veterans affairs benefits
22 shall be considered to have served under honorable conditions for purposes of this
23 chapter.

1 (2) Except as provided in sub. (3), to be eligible for benefits under this chapter
2 an applicant shall be a resident of and living in this state at the time of making
3 application or the veteran from from whom the applicant derives eligibility is
4 deceased, and the veteran from whom eligibility is derived meets one of the following
5 conditions:

6 (a) His or her selective service local board, if any, and home of record at the time
7 of entry or reentry into active service as shown on the veteran's report of separation
8 from the U.S. armed forces for a qualifying period were in this state.

9 (b) Was a resident of this state at the time of entry or reentry into active duty.

10 (c) Was a resident of this state for any consecutive 12-month period after entry
11 or reentry into service and before the date of his or her application or death.

12 (3) Veterans who are otherwise eligible and who are serving on active duty in
13 the U.S. armed forces need not be living in this state on date of application to qualify
14 for benefits from the department.

****NOTE: *From 45.001 (4) (c)*

15 (4) If the department determines that a person applying for a benefit under this
16 chapter meets the residency requirement under sub. (2) (c), the department may not
17 require the person to reestablish that he or she meets that residency requirement
18 when he or she later applies for any other benefit under this chapter that requires
19 that residency.

****NOTE: *From 45.001 (4) (a) 2.c.*

20 **45.03 Department of veterans affairs. (1) POLICY.** It is the policy of the
21 state to give health, educational, and economic assistance to veterans and their
22 dependents who are residents of this state to the extent and under the conditions
23 determined by the board within the limitations set forth in this section.

1 (2) BOARD FUNCTIONS. The board may promulgate rules necessary to carry out
2 the purposes of this chapter and the powers and duties conferred upon it. The records
3 and files of the department of military affairs and of any other state department or
4 officer shall, upon request, be made available to the board.

5 (3) COUNCIL ON VETERANS PROGRAMS. (a) The council on veterans programs
6 created under s. 15.497 shall advise the board and the department on solutions and
7 policy alternatives relating to the problems of veterans.

8 (b) The council on veterans programs and the department, jointly or separately,
9 shall submit a report regarding the council on veterans programs to the chief clerk
10 of each house of the legislature for distribution to the legislature under s. 13.172 (2)
11 by September 30 of every odd-numbered year. The report shall include a general
12 summary of the activities and membership over the past 2 years of the council and
13 each organization on the council.

14 (4) DEPARTMENT STAFF. (a) The department shall employ staff necessary to
15 carry out its functions. The secretary shall appoint under the classified service such
16 persons as are necessary to carry out the policy of the board. All persons appointed
17 by the department shall, if possible, be veterans and preference shall be given to
18 disabled veterans.

19 (b) The department upon request shall assist without charge all persons
20 residing in the state having claims against the United States where the claims have
21 arisen out of or by reason of service in the U.S. armed forces. The department may
22 act as agent or power of attorney in pursuing claims for persons requesting it to do
23 so.

24 (c) The department shall employ regional coordinators. The duties of a regional
25 coordinator shall include providing direct claims and benefit application assistance

1 to veterans. The regional coordinators shall coordinate claims and benefit
2 application assistance with the appropriate county veterans service officers under
3 s. 45.80 to maximize the level of assistance and benefits provided to veterans.

4 (d) The department shall employ claims officers. The claims officers shall
5 provide federal claims and benefit assistance to veterans and shall be based in the
6 department's regional office in Milwaukee County.

7 (e) The department shall employ mobile claims officers in each of the
8 department's regions. The mobile claims officers shall provide claim and benefit
9 assistance to veterans. The mobile claims officers shall coordinate that claim and
10 benefit assistance with the appropriate county veterans service officers under s.
11 45.80 to maximize the level of assistance and benefits provided to veterans.

12 (5) DEPARTMENT POWERS TO PROVIDE STRUCTURES, FACILITIES, AND PERMANENT
13 IMPROVEMENTS. (a) In this subsection, unless the context requires otherwise:

14 1. "Existing building" in relation to any conveyance, lease, or sublease made
15 under par. (c) 1. a., b., and c. means all detention, treatment, administrative,
16 recreational, infirmary, hospital, vocational, and academic buildings; all dormitories
17 and cottages; all storage facilities, heating plants, sewage disposal plants, and other
18 buildings, structures, facilities, and permanent improvements that in the judgment
19 of the board are needed or useful for the purposes of the department, and all
20 equipment for them and all improvements and additions to them that were erected,
21 constructed, or installed prior to the making of the conveyance, lease or sublease.

22 2. "New building" in relation to any conveyance, lease or sublease made under
23 par. (c) 1. a., b., and c. means all detention, treatment, administrative, recreational,
24 infirmary, hospital, vocational, and academic buildings; all dormitories and cottages;
25 all storage facilities, heating plants, sewage disposal plants, and other buildings,

1 structures, facilities, and permanent improvements as in the judgment of the board
2 are needed or useful for the purposes of the department, and all equipment for them
3 and all improvements and additions to them that are erected, constructed, or
4 installed after the making of the conveyance, lease or sublease.

5 3. "Nonprofit corporation" means a nonstock corporation that is organized
6 under ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

7 (b) The department may acquire by gift, purchase, or condemnation property
8 for the purposes of providing a headquarters and museum building for the
9 department.

10 (c) 1. In order to provide new buildings and to enable the construction and
11 financing of new buildings, to refinance indebtedness created by a nonprofit
12 corporation for the purpose of providing a new building or buildings or additions or
13 improvements to a new building that is located on land owned by, or owned by the
14 state and held for, the department or on lands of the institutions under the
15 jurisdiction of the department or by the nonprofit corporation, or for any one or more
16 of these purposes, the department has the following powers and duties:

17 a. Without limitation by reason of any other provisions of the statutes, unless
18 otherwise required by law, the power to sell and to convey title in fee simple to a
19 nonprofit corporation any land and any existing buildings owned by the state that
20 are under the jurisdiction of the department for the consideration and upon the
21 terms and conditions as in the judgment of the board are in the public interest.

22 b. Unless otherwise required by law, the power to lease to a nonprofit
23 corporation for a term or terms not exceeding 50 years each any land and any existing
24 buildings owned by the state that are under the jurisdiction of the department upon
25 the terms and conditions as in the judgment of the board are in the public interest.

1 c. The power to lease or sublease from the nonprofit corporation, and to make
2 available for public use, any land, or any land and existing buildings conveyed or
3 leased to such nonprofit corporation under subd. 1. a. and b., and any new buildings
4 erected upon such land or upon any other land owned by the nonprofit corporation,
5 upon the terms, conditions, and rentals, subject to available appropriations, as in the
6 judgment of the board are in the public interest.

7 d. The duty to submit the plans and specifications for all new buildings to the
8 building commission for approval whenever required by law and to submit plans and
9 specifications for all new buildings and all conveyances, leases, and subleases made
10 under this subsection to the department of administration and the governor for
11 written approval before they are finally adopted, executed, and delivered.

12 e. The power to pledge and assign all or any part of the revenues derived from
13 the operation of any land or new buildings as security for the payment of rentals due
14 and to become due under any lease or sublease of new buildings under subd. 1. c.

15 f. The power to covenant and agree in any lease or sublease of any land or new
16 buildings made under subd. 1.c. to impose fees, rentals, or other charges for the use
17 and occupancy or other operation of new buildings in an amount calculated to
18 produce net revenues sufficient to pay the rentals due and to become due under the
19 lease or sublease.

20 g. The power to apply all or any part of the revenues derived from the operation
21 of any land or existing buildings to the payment of rentals due and to become due
22 under any lease or sublease made under subd. 1.c.

23 h. The power to pledge and assign all or any part of the revenues derived from
24 the operation of any land or existing buildings to the payment of rentals due and to
25 become due under any lease or sublease made under subd. 1.c.

1 i. The power to covenant and agree in any lease or sublease made under subd.
2 1. c. to impose fees, rentals, or other charges for the use and occupancy or other
3 operation of any land or existing buildings in an amount calculated to produce net
4 revenues sufficient to pay the rentals due and to become due under the lease or
5 sublease.

6 j. The power and duty, upon receipt of notice of any assignment by any the
7 nonprofit corporation of any lease or sublease made under subd. 1. c., or of any of its
8 rights under any the sublease, to recognize and give effect to the assignment, and to
9 pay to the assignee rentals or other payments then due or which may become due
10 under any the lease or sublease which has been assigned by the nonprofit
11 corporation.

12 2. The state shall be liable for accrued rentals and for any other default under
13 any lease or sublease made under subd. 1. c., and may be sued for the accrued rentals
14 or other default on contract as in other contract actions pursuant to ch. 775, except
15 that the lessor under the lease or sublease or any assignee of the lessor or any person
16 or other legal entity proceeding on behalf the lessor is not required to file any claim
17 with the legislature prior to the commencement of the action.

18 3. Nothing in this subsection empowers the board or the department to incur
19 any state debt.

20 4. All powers and duties conferred upon the board or the department under this
21 subsection shall be exercised and performed by resolution of the board. All
22 conveyances, leases, and subleases made under this subsection, when authorized by
23 resolution of the board, shall be made, executed, and delivered in the name of the
24 department and shall be signed by the director and sealed with the seal of the
25 department.

1 5. All laws, conflicting with any provisions of this subsection, are, insofar as
2 they conflict with this section and no further, superseded by this subsection.

3 (6) COORDINATION DUTIES. The department shall coordinate the activities of all
4 state agencies and the University of Wisconsin Hospitals and Clinics Authority
5 performing functions relating to the medical, hospital, or other remedial care;
6 placement and training; and educational, economic, or vocational rehabilitation of
7 veterans. In particular, the department shall coordinate the activities of the
8 technical college system board, state selective service administration, department
9 of health and family services, department of workforce development, department of
10 public instruction, the University of Wisconsin System and other educational
11 institutions, the University of Wisconsin Hospitals and Clinics Authority, and all
12 other departments or agencies performing any of the functions specified, to the end
13 that the benefits provided in this section may be made available to veterans as
14 promptly and effectively as possible.

15 (7) CONTACT DUTIES. The department shall maintain contacts with county
16 veterans service officers and local agencies, the American Red Cross and veterans
17 organizations concerned with the welfare of veterans and shall contact and cooperate
18 with federal agencies in securing for veterans all benefits to which they may be
19 entitled.

20 (8) MINORS' EXECUTION OF DOCUMENTS; BENEFITS EXEMPT FROM EXECUTION. (a) Any
21 minor who is a veteran and any minor who is the spouse, surviving spouse, or child
22 of a veteran may execute notes, mortgages, and other contracts and conveyances to
23 the department and the notes, mortgages, contracts, and conveyances are not subject
24 to the defense of infancy.

1 (b) The benefits and aid provided under any of the following are not assignable
2 and are exempt from garnishment and execution:

3 1. Section 45.40.

4 2. Subchapter III, except as provided under s. 45.33 (2) (b) 1.

 ****NOTE: This exception language does make any sense.

5 3. Section 45.20 (3).

6 **(9) VOCATIONAL TRAINING.** The department in cooperation with the department
7 of workforce development shall make available to disabled veterans the benefits of
8 vocational training and guidance, including veterans who have filed claims for
9 federal rehabilitation benefits and during the pendency of the claims. If the claims
10 are allowed and federal reimbursement is made to the state, the money shall be paid
11 into and become a part of the veterans trust fund.

12 **(10) TRAINING AND EMPLOYMENT VETERANS.** The department in cooperation with
13 the department of workforce development and state selective service administration
14 or any other federal, state, or local agency shall formulate and carry out plans for the
15 training and employment of veterans.

16 **(11) APPROVAL AGENCY FOR VETERAN'S TRAINING.** (a) Except as provided in par.
17 (b), the department shall be the state approval agency for the education and training
18 of veterans and war orphans. The department shall approve and supervise schools
19 and courses of instruction for the training of veterans and war orphans under Title
20 38, USC, and may enter into and receive money under contracts with the U.S.
21 department of veterans affairs or other appropriate federal agencies.

22 (b) The governor may designate the following agencies for approval and
23 supervision of special phases of the program of veterans education:

1 1. On the job and apprenticeship training program, the department of
2 workforce development.

3 2. On the farm training program, the technical college system board.

4 3. Funeral directors apprentices, the funeral directors examining board.

5 **(12) GIFTS AND BEQUESTS.** (a) The department may receive gifts and bequests
6 in its name for the benefit of Wisconsin veterans and their dependents in accordance
7 with policies adopted by the board. Money received shall be deposited in the state
8 treasury and credited to the veterans trust fund and is appropriated by s. 20.485 (2)
9 (z) to the department.

10 (b) The department may receive moneys or other gifts and bequests in its name
11 for the benefit of the Wisconsin Veterans Museum. Money received shall be deposited
12 in the state treasury and credited to the veterans trust fund and appropriated by s.
13 20.485 (2) (zm) to the department to be used, as far as practicable in accordance with
14 the wishes of the donors, and in accordance with the board's policies.

15 **(13) POWERS, DUTIES, FUNCTIONS.** The department shall have the following
16 additional powers, duties and functions:

17 (a) To assist in the coordination of the state, county, municipal, and private
18 activities relating to veterans housing.

19 (b) To cooperate with any federal departments, agencies, and independent
20 establishments relating to veterans housing, benefits, priorities, and finances.

21 (c) To assist any housing authority, municipality, or private enterprise engaged
22 in supplying veterans housing in the acquisition of materials, finances, legal aid, and
23 compliance with federal regulations.

1 (d) To utilize the services and facilities of state agencies and county veterans
2 service officers. Charges for legal services furnished the department by the
3 department of justice shall be paid from the appropriation in s. 20.485 (2) (u).

4 (e) To provide county veterans service officers with the information provided
5 to the department by the adjutant general under s. 21.19 (14) and may provide
6 county veterans service officers with information on all necessary military points of
7 contact and general deployment information for reserve units of the U.S. armed
8 forces.

9 **(14) LIBERAL CONSTRUCTION INTENDED.** This chapter shall be construed as
10 liberally as the language permits in favor of applicants.

11 **(15) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS.** When a veteran or a
12 member of the veteran's family makes application for deferment of payment of
13 monthly installments and waiver of interest charges on veterans loans made under
14 this chapter, showing that the ability of the veteran to make payment is materially
15 and adversely affected by reason of military service, the department may, with the
16 approval of the board, defer payment of monthly installments and waive interest
17 charges on veterans loans made under this chapter for the duration of any period of
18 service in the armed forces of the United States during a national emergency or in
19 time of war or under P.L. 87-117 and 6 months from date of discharge or separation
20 and the time for payment may be extended for the same period. However, when funds
21 estimated to be received in the veterans mortgage loan repayment fund to pay debt
22 service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the
23 funds estimated to be required for the payment of the debt service, the board may
24 grant deferral of payments and interest on loans provided under s. 45.37 only when
25 so required by federal law.

1 **(16) APPLICATION REQUIREMENTS AND PENALTIES.** (a) If the department finds that
2 an applicant for benefits from the department has willfully made or caused to be
3 made, or conspired, assisted in, agreed to, arranged for, or in any way procured the
4 making of a false or fraudulent affidavit, declaration, certificate, statement, or other
5 writing, it may suspend all benefits available to the applicant from the department
6 under this chapter.

7 (b) Any person who, with the intent to secure any benefits under this chapter
8 for personal benefit or for others, willfully makes or causes to be made, or conspires,
9 assists in, agrees to, arranges for, or in any way procures the making or presentation
10 of a false or fraudulent affidavit, declaration, certificate, statement, or other writing,
11 may be fined not more than \$500 or be imprisoned for not more than 6 months, or
12 both. The fine or imprisonment may be imposed in addition to the penalty provided
13 in par. (a).

14 (c) 1. As used in this paragraph, “fair consideration” means the exchange of
15 property, assets, or obligations for a fair equivalent, in an amount not
16 disproportionately small or large compared to the value of the property, assets or
17 obligations, as reflected in similar market transactions.

18 2. The department shall declare immediately due and payable any loan made
19 after July 29, 1979 under a program administered by the department under s. 45.40
20 or subch. III, if it finds that the loan was granted to an ineligible person due to any
21 of the following circumstances:

22 a. The applicant did not report income amounts as required on the loan
23 application.

24 b. The applicant did not make the disclosures required under subd. 3. a., b. or
25 c. on the loan application.

1 c. The applicant transferred assets or liabilities or incurred liabilities for less
2 than fair consideration with the intent to qualify for and secure the loan.

3 3. Loan application forms processed by the department for programs
4 administered under s. 45.40 or subch. III shall do all of the following:

5 a. Require disclosure of any asset with a value over \$500 transferred by the
6 applicant for less than fair consideration, within one year immediately prior to the
7 loan application date. In determining the applicant's need for a loan, the department
8 shall consider the assets to be assets of the applicant.

9 b. Require disclosure of any liability of more than \$500 incurred by the
10 applicant for less than fair consideration, within one year immediately prior to the
11 loan application date. In determining the applicant's need for a loan, the department
12 shall not consider the liabilities to be liabilities of the applicant.

13 c. Require disclosure of all liabilities transferred by the applicant within one
14 year immediately prior to the loan application date. The liabilities transferred for
15 less than fair consideration shall be considered by the department to be liabilities of
16 the applicant to the extent he or she is liable for their payment or for reimbursement
17 of the transferee.

18 d. Contain notification of the penalties provided for in this paragraph.

19 4. The department shall incorporate the payment acceleration requirements
20 of subd. 2. in all loan documents for programs administered by the department under
21 s. 45.40 or subch. III.

22 **(17) LOAN REPAYMENTS.** The department shall deposit all repayments of loans
23 and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.356,
24 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

1 (18) COLLECTIONS. The department may enter into contracts to collect
2 delinquent loan payments owed to the department. The department may allocate a
3 portion of the amounts collected under the contracts to pay contract costs.
4 Notwithstanding the provisions of s. 45.04, the department may release information
5 contained in its files pertaining to applications for benefits to contractors providing
6 collection services to the department.

7 (19) LOAN GUARANTEE. The department may provide a loan guarantee for
8 multifamily transitional housing for homeless veterans.

9 **45.04 Release of information and records.** (1) DEFINITIONS. In this section:

10 (a) “Duly authorized representative” means any person authorized in writing
11 by the veteran to act for the veteran, the veteran’s guardian if the veteran is
12 adjudicated incompetent, or a legal representative if the veteran is deceased. Where
13 for proper reason no representative has been or will be appointed, the veteran’s
14 spouse, an adult child, or, if the veteran is unmarried, either parent shall be
15 recognized as the duly authorized representative.

16 (b) “Service office” means a county veterans service office.

17 (2) SEPARATION DOCUMENTS. Separation documents and copies of separation
18 documents evidencing service in the armed forces of the U.S. are confidential and
19 privileged. Examination of these records in the possession of the department or
20 service office is limited to authorized employees of the department or service office
21 and information entered in these records may be disclosed only to veterans and their
22 duly authorized representatives or to interested governmental agencies for the
23 purpose of assisting veterans and their dependents to obtain the rights and benefits
24 to which they may be entitled.

1 **(3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS.** Records and papers in the
2 possession of the department or service office that are released to the department or
3 service office by the U.S. department of veterans affairs or that contain information
4 provided by the U.S. department of veterans affairs are confidential. Release of
5 information from these records or papers may be made only under regulations of the
6 U.S. department of veterans affairs.

7 **(4) INVESTIGATION.** All reports of investigation made by employees of the
8 department or at the direction of the department for official departmental purposes
9 are only for the use of the secretary and staff. Materials and information that
10 disclose the investigative techniques of the department or the identity of confidential
11 informants and material received in confidence by representatives of the department
12 may not be released.

13 **(5) VITAL RECORDS.** The service office may obtain a copy of a vital record under
14 s. 69.30 (2) and may transmit the copy to the department or to the U.S. department
15 of veterans affairs to assist a veteran or his or her dependent in obtaining a benefit.

16 **(6) DISCLOSURE OF MONETARY BENEFITS.** The department shall disclose, to any
17 person who requests, the amount of any grant or loan made by the department to any
18 applicant. A person seeking this information shall be required to sign a statement
19 setting forth the person's name and address and the reason for making the request
20 and certifying that the person will not use the information obtained for commercial
21 or political purposes.

22 **(7) DISCLOSURE OF LOAN STATUS INFORMATION.** The department may disclose to
23 a consumer reporting agency, as defined in 15 USC 1681a (f), the current repayment
24 status of, the balances due on, and other relevant information pertaining to
25 department loans that is readily accessible on any loans on which balances are due

1 and owing the department. The department may charge consumer reporting
2 agencies an amount sufficient to cover all the costs of preparation and delivery of the
3 information.

4 (8) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (6),
5 all files, records, reports, papers, and documents pertaining to applications for
6 benefits from the department, and information contained in them, may be released
7 by the department or service office only under rules of the department. The rules
8 shall provide for the furnishing of information required under sub. (7) and for official
9 purposes by any agency of the U.S. government, by any agency of this state, by any
10 law enforcement, social services, or human services agency of any Wisconsin county,
11 or by members of the state senate and assembly. The rules shall otherwise provide
12 for release of personal information pertaining to or contained in any application for
13 benefits, whether pending or adjudicated, only when authorized in writing by the
14 applicants or when necessary to assist applicants in securing veterans benefits that
15 the applicants may be entitled to or when necessary for the efficient management of
16 loans made by the department.

17 **45.05 Registration of certificate of discharge.** Every person who has
18 served in the U.S. armed forces at any time, and who has been honorably discharged
19 or given a certificate of service or relieved from active service may record with the
20 register of deeds of any county, in a suitable book provided by the county for that
21 purpose, a certificate of discharge or release. The certificate shall be accessible only
22 to the discharged person or that person's dependents or duly authorized
23 representative as defined in s. 45.04 (1) (a), the county veterans service officer, the
24 department, or any person with written authorization from the discharged person
25 or that person's dependents. The register of deeds may not charge for recording,

1 except that in counties where the register of deeds is under the fee system and not
2 paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag). The
3 record of any certificate of discharge or release made prior to July 6, 1919, is
4 legalized.

5 **45.06 Security.** (1) It shall be unlawful for any person to receive or accept as
6 a security or to withhold from a veteran or a person who was honorably discharged
7 from the U.S. armed forces any discharge paper, citation, warrant, medal, badge, or
8 evidence upon which the veteran is entitled to certain rights, as a veteran under the
9 laws of the United States or of this state, and any transfer of the item during the life
10 of the veteran upon a consideration or otherwise shall be null and void, and the
11 refusal or willful neglect of any person to return or deliver upon demand the
12 discharge paper, citation, warrant, medal, badge, or evidence is punishable as
13 provided in sub. (2).

14 (2) Any person who violates this section shall be fined not more than \$100 or
15 imprisoned not more than 6 months, or both.

16 **45.07 Wisconsin Veterans Museum.** (1) The department of administration
17 shall provide suitable space for the purpose of a memorial hall, designated as the
18 Wisconsin Veterans Museum, dedicated to the veterans of Wisconsin, including the
19 men and women of Wisconsin who served in the armed forces of the United States
20 in the civil war of 1861 to 1865. The department of veterans affairs shall operate the
21 Wisconsin Veterans Museum. The mission of the Wisconsin Veterans Museum is to
22 acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United
23 States of America's military past by means of instructive exhibits and other
24 educational programs.

****NOTE: I changed the first sentence somewhat. Is it OK?

1 (2) The battle flags of Wisconsin units serving in the nation's wars and all relics
2 and mementos of the nation's wars donated to or otherwise acquired by the state for
3 display in the Wisconsin Veterans Museum shall constitute the memorial collection.

4 The department shall do all of the following:

5 (a) Catalog and identify all war relics and mementos of the memorial collection.

6 (b) Restore, preserve, and safeguard the relics and mementos of the memorial
7 collection.

8 (c) Procure additions to the memorial collection.

9 (d) Provide proper display equipment and display the memorial collection to
10 make it instructive and attractive to visitors.

11 **45.08 Memorial day.** (1) The head of every department of the state
12 government and of every court of the state, every superintendent or foreman on the
13 public works of the state, every county officer, and the head of every department or
14 office in any town, village, city, or other political subdivision of the state, shall give
15 a leave of absence with pay for 24 hours on the last Monday in May of each year, which
16 shall be the day of celebration for May 30, to every person in the employ of the state
17 or any county, town, village, or city, who has at any time served in and been honorably
18 discharged from the U.S. armed forces or from forces incorporated as part of the U.S.
19 armed forces. A refusal to give the leave of absence to a person entitled to the leave
20 constitutes neglect of duty.

21 (2) In all cities, if the nature of the duties of the departments of the cities
22 necessitates the employment of members of the departments on Memorial day, the
23 head of the department shall arrange and assign the necessary work in such a
24 manner as to permit the largest possible numbers of employees of the department
25 to be off duty either all or part of Memorial day.

1 SUBCHAPTER II

2 EDUCATION AND TRAINING

3 **45.20 Veterans education programs. (1) GENERAL PROVISIONS. (a)**4 *Definitions.* In this section:

5 1. "Institution of higher education" has the meaning given in 20 USC 1001 (a).

6 2. "Part-time classroom study" means any of the following:

7 a. Enrollment by a graduate student in courses for which no more than 8
8 semester or the equivalent trimester or quarter credits will be given upon
9 satisfactory completion.10 b. Enrollment by a graduate student in courses that upon satisfactory
11 completion will fulfill no more than the minimum semester or equivalent trimester
12 or quarter credit requirements of the program or school in which the student is
13 enrolled.14 c. Enrollment by any other eligible student in courses for which no more than
15 11 semester or the equivalent trimester or quarter credits will be given upon
16 satisfactory completion.

17 d. Study during a summer semester or session.

18 3. "Tuition" means any of the following:

19 a. For the University of Wisconsin System, academic fees, as described in s.
20 36.27 (1), and segregated fees.21 b. For technical colleges, program fees, as described in s. 38.24 (1m) (a) and (b)
22 and additional fees reported and assessed by the college for the course of study.23 c. For a high school, a school that is approved under s. 45.03 (11), or a
24 proprietary school that is approved under s. 39.90, the charge for the courses for
25 which a person is enrolled.

1 d. For an institution from which a person receives a waiver of nonresident
2 tuition under s. 39.47, the amount of the reciprocal fee under s. 39.47 (2) and any fees
3 that are similar to segregated fees for the University of Wisconsin System.

4 (b) *Income limit.* 1. No veteran may receive reimbursement under this section
5 if the department determines that the income of the veteran and his or her spouse
6 exceeds \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

7 2. In determining eligibility under this section, the department shall verify all
8 reported income amounts.

9 (c) *Reimbursement limit.* The amount of the reimbursement under sub. (2) or
10 (3) may not exceed the total cost of the veteran's tuition or the standard cost for a state
11 resident for tuition for an equivalent undergraduate course at the University of
12 Wisconsin-Madison per course, whichever is less, minus any grants or scholarships
13 that the veteran receives specifically for the payment of tuition.

14 (d) *Child support or maintenance delinquency.* The department may provide
15 reimbursement under sub. (2) or (3) to a veteran who is delinquent in child support
16 or maintenance payments or who owes past support, medical expenses, or birth
17 expenses, as established by appearance of the veteran's name on the statewide
18 support lien docket under s. 49.854 (2) (b), only if the veteran provides the
19 department with one of the following:

20 1. A repayment agreement that the veteran has entered into, that has been
21 accepted by the county child support agency under s. 59.53 (5), and that has been
22 kept current for the 6-month period immediately preceding the date of the
23 application.

24 2. A statement that the veteran is not delinquent in child support or
25 maintenance payments and does not owe past support, medical expenses, or birth

1 expenses, signed by the department of workforce development or its designee within
2 7 working days before the date of the application.

3 (2) TUITION REIMBURSEMENT PROGRAM. (a) *Eligibility*. A veteran is eligible for
4 the tuition reimbursement program under this subsection if he or she meets all of the
5 following:

6 1. The veteran applies for the tuition reimbursement program for courses
7 begun within 10 years after separation from the service.

8 2. The veteran is a resident at the time of application for the tuition
9 reimbursement program.

10 3. The veteran is enrolled for at least 12 credits during the semester for which
11 reimbursement is sought.

12 (b) *Program benefits*. 1. A veteran who meets the requirements under par. (a),
13 upon satisfactory completion of a full-time undergraduate semester in any
14 institution of higher education in this state, any school that is approved under s.
15 45.03 (11), any proprietary school that is approved under s. 39.90, or any institution
16 from which the veteran receives a waiver of nonresident tuition under s. 39.47, may
17 be reimbursed an amount not to exceed the total cost of the veteran's tuition minus
18 any grants or scholarships that the veteran receives specifically for the payment of
19 the tuition. Reimbursement is available only for tuition that is part of a curriculum
20 that is relevant to a degree in a particular course of study at the institution.

21 2. An application for reimbursement of tuition under this subsection shall meet
22 all of the following:

23 a. Be completed and received by the department no later than 60 days after the
24 completion of the semester. The department may accept an application received

1 more than 60 days after the completion of the semester if the applicant shows good
2 cause for the delayed receipt.

3 b. Contain the information necessary to establish eligibility as determined by
4 the department.

5 c. Be on the application form established by the department.

6 d. Contain the signatures of both the applicant and a representative of the
7 institution or school certifying that the applicant has satisfactorily completed the
8 semester.

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

15 4. Reimbursement of tuition and fees for a course may be provided at an
16 institution or school under subd. 1. other than one from which the veteran is
17 receiving his or her degree if all of the following apply:

18 a. The curriculum at the institution or school consists only of courses necessary
19 to complete a degree in a particular course of study.

20 b. The course is accepted as transfer credits at the institution or school listed
21 under subd. 1. from which the veteran is receiving his or her degree but is not
22 available at that institution or school.

23 (c) *Limitations.* 1. A veteran is not eligible for reimbursement under this
24 subsection for more than 120 credits or 8 full semesters of full-time study at any
25 institution of higher education in this state, 60 credits or 4 full semesters of full-time

1 study at any institution of higher education in this state that offers a degree upon
2 completion of 60 credits, or an equivalent amount of credits at a school that is
3 approved under s. 45.03 (11), at a proprietary school that is approved under s. 39.90,
4 or at an institution where he or she is receiving a waiver of nonresident tuition under
5 s. 39.47.

6 2. A veteran may not receive reimbursement under this subsection for any
7 semester in which he or she received reimbursement under s. 21.49 or sub. (3).

8 **(3) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. (a) *Eligibility***

9 The following persons are eligible for benefits under this section:

10 1. A veteran.

11 2. An unremarried surviving spouse or minor or dependent child of a deceased
12 veteran.

13 (b) *Program benefits.* 1. A person, upon the completion of any correspondence
14 course or part-time classroom study from an institution of higher education located
15 in this state, from a school that is approved under s. 45.03 (11), from a proprietary
16 school that is approved under s. 39.90, or from any public or private high school, may
17 be reimbursed in part for the cost of the course by the department. The person shall
18 present to the department a certificate from the school indicating that the person has
19 completed the course and stating tuition and shall apply for reimbursement on an
20 application that is received by the department no later than 60 days after the
21 termination of the course for which the application for reimbursement is made. The
22 department shall accept and process an application received more than 60 days after
23 the termination of the course if the applicant shows good cause for the delayed
24 receipt.

1 2. A person who is a resident of this state and otherwise qualified to receive
2 benefits under this subsection may receive the benefits under this subsection upon
3 the completion of any correspondence courses or part-time classroom study from an
4 institution of higher education located outside this state, from a school that is
5 approved under s. 45.03 (11), or from a proprietary school that is approved under s.
6 39.90, if any of the following applies:

7 a. The part-time classroom study is not offered within 50 miles of the person's
8 residence by any school or institution under sub. (2) and the educational institution
9 from which the study is offered is located not more than 50 miles from the boundary
10 line of this state.

11 b. The correspondence course is not offered in this state.

12 3. Enrolled part-time classroom study or direct correspondence courses from
13 a qualified educational institution may be authorized and the person reimbursed in
14 part by the department when the courses are related to one's occupational,
15 professional, or employment objectives, and to the extent that payment or
16 reimbursement is not available from any other sources, or, in cases where
17 reimbursement is not specifically for tuition, to the extent that the reimbursement
18 is insufficient to cover all educational costs.

19 (b) *Limitations.* 1. a. No person who has obtained a master's degree or its
20 equivalent is eligible for reimbursement under this subsection.

21 b. No person who has obtained at least a baccalaureate degree or its equivalent
22 but not a master's degree or its equivalent is eligible for reimbursement under this
23 subsection if the person has remaining U.S. department of veterans affairs education
24 benefits.

1 c. For the purpose of this subsection, any person who has received a
2 baccalaureate degree shall be deemed to be a graduate student whether he or she is
3 taking graduate or undergraduate courses.

4 2. The department may not provide reimbursement under this subsection
5 unless the department determines that a course for which an application is made is
6 related to the applicant's occupational, professional, or employment objectives.

7 3. A person may not be reimbursed under this subsection more than 4 times
8 during any consecutive 12-month period.

9 **45.21 Retraining grant program.** (1) GRANT AMOUNT AND APPLICATION. The
10 department may grant a veteran not more than \$3,000 for retraining to enable the
11 veteran to obtain gainful employment. The department shall determine the amount
12 of the grant based on the veteran's financial need. A veteran may apply for a grant
13 to the county veterans service officer of the county in which the veteran is living. The
14 department may, on behalf of a veteran who is engaged in a structured on-the-job
15 training program and who meets the requirements under sub. (2), pay a retraining
16 grant under this subsection to the veteran's employer.

17 (2) ELIGIBILITY. The department may make a grant under this section if all of
18 the following apply:

19 (a) The veteran is enrolled in a training course in a technical college under ch.
20 38 or in a proprietary school in the state approved by the educational approval board
21 under s. 39.90, other than a proprietary school offering a 4-year degree or 4-year
22 program, or is engaged in a structured on-the-job training program that meets
23 program requirements promulgated by the department by rule.

24 (b) The veteran meets the financial assistance criteria established under sub.

25 (3) (c).

1 (c) The veteran is unemployed, underemployed, as defined by rule, or has
2 received a notice of termination of employment.

3 (d) The veteran requesting a grant has not received reimbursement under s.
4 45.20 for courses completed during the same semester for which a grant would be
5 received under this section.

6 (e) The department determines that the veteran's proposed program will
7 provide retraining that could enable the veteran to find gainful employment. In
8 making its determination, the department shall consider whether the proposed
9 program provides adequate employment skills and is in an occupation for which
10 favorable employment opportunities are anticipated.

11 (3) RULES. The department shall promulgate rules for the distribution of grants
12 under this program, including all of the following:

13 (a) Standard budgets for single and married veterans.

14 (b) Selection procedures.

15 (c) Uniform need determination procedures.

16 (d) Application procedures.

17 (e) Coordination with other occupational training programs.

18 (f) Other provisions the department deems necessary to assure uniform
19 administration of this program.

20 (4) REPORT. The department shall include in its biennial report under s. 15.04
21 (1) (d) information relating to the veterans retraining grant program, including the
22 number of veterans obtaining gainful employment after receiving a grant and a
23 description of the veterans receiving grants, including their sex, age, race,
24 educational level, service-connected disability status, and income before and after

1 obtaining gainful employment. This information may be based on a valid statistical
2 sample.

3 SUBCHAPTER III

4 VETERANS HOUSING LOAN PROGRAM

5 **45.30 Purpose.** (1) LEGISLATIVE FINDINGS. It is determined that veterans, who
6 have sacrificed in the service of their country valuable years of their lives and
7 considerable earning potential, constitute a readily identifiable and particularly
8 deserving segment of this state's population. It is further determined that by making
9 additional housing funds available to eligible veterans, limited private home loan
10 funds will be more readily available to all. It is further determined that the loan
11 programs established under this subchapter are special purpose credit programs for
12 an economically disadvantaged class of persons for the purposes of 15 USC
13 1691-1691f.

14 (2) LEGISLATIVE INTENT. This subchapter is created principally to enable the
15 state and the authority to exercise their borrowing power to increase those funds
16 available for loans providing for the purchase or construction of private housing,
17 without requiring downpayments beyond the reach of families of modest means. It
18 is the intent of the legislature that the department in its administration of this
19 subchapter avoid the duplication of those administrative services available through
20 private lending institutions, utilizing the administrative services of such
21 institutions to the maximum extent consistent with the purposes of this subchapter.

22 **45.31 Definitions.** In this subchapter:

23 (1) "Anticipated annual shelter payment" means the total annual payments
24 anticipated for the following, as determined by the department or authorized lender
25 on the basis of the loan applied for under s. 45.37:

1 (a) Real estate taxes on the premises to be mortgaged.

2 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

3 (c) Required payments on principal and interest on all mortgages placed or to
4 be placed against the home of an eligible person.

5 (2) "Authority" means the Wisconsin Housing and Economic Development
6 Authority.

7 (3) "Authorized lender" means any lender or servicer authorized under s. 45.37

8 (5) (a) 5. to make or service loans under s. 45.37.

9 (4) "Closing costs" include:

10 (a) Any origination fee authorized under s. 45.37 (5) (b).

11 (b) Attorneys fees.

12 (c) Recording fees.

13 (d) Other costs authorized by the department.

14 (5) "Dependent" means all of the following:

15 (a) The spouse of a veteran who resides with the veteran.

16 (b) Any person who resides with a veteran and receives more than one-half of
17 his or her support from a veteran.

****NOTE: This is another definition of "dependent."

18 (6) "Disabled veteran" means a person who is receiving 100% disability
19 compensation from the U.S. department of veterans affairs under 38 USC 301 to 315,
20 331 to 337, and 350 to 362, due to a permanent and total service-connected disability.

21 (7) "Eligible person" means any person eligible under s. 45.33 (1) and not
22 disqualified under s. 45.33 (2) to receive a loan under this subchapter.

23 (8) "Federal Home Loan Mortgage Corporation" means the corporation created
24 under 12 USC 1451 to 1459.

1 (9) “Funds” include cash on hand and liquid investments owned by the veteran
2 and his or her spouse, individually or jointly, unless the veteran and spouse are
3 legally separated under s. 767.07.

4 (10) “Guaranteed loan” means a loan guaranteed by the U.S. department of
5 veterans affairs under 38 USC 1801 to 1827.

6 (11) “Home” means a building or portion of a building used as the veteran’s
7 principal place of residence, and includes condominiums and income-producing
8 property, a portion of which is used as a principal place of residence by the veteran,
9 and the land, including existing improvements, appertaining to the building.

10 (12) “Income” means the amount of adjusted gross income a veteran is
11 receiving for regular work together with any income the veteran receives from other
12 sources that may reasonably be expected to be regular and dependable.

13 (13) “Insurer” means any insurer authorized to do business in this state.

14 (14) “Manufactured home” means a structure, as defined by the Federal Home
15 Loan Mortgage Corporation, which meets or exceeds the statutory size under s.
16 348.07 (2).

17 (15) “Monthly payment” means all of the following:

18 (a) Required payments on principal and interest.

19 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

20 (c) One-twelfth of annual real estate taxes on the mortgaged property.

21 (16) “Qualified purpose” means any purpose authorized under s. 45.34 (1).

22 **45.32 Powers of the department.** With respect to loans made by and
23 mortgages and mortgage notes executed or properties mortgaged to the department
24 or to authorized lenders under this subchapter, the department may do any of the
25 following:

- 1 (1) Execute necessary instruments.
- 2 (2) Collect interest and principal.
- 3 (3) Compromise indebtedness due on mortgage notes.
- 4 (4) Sue and be sued.
- 5 (5) Exercise the rights of a mortgagee, generally including the right to do any
- 6 of the following:
- 7 (a) Acquire or take possession of the mortgaged property and in so doing the
- 8 department may accept voluntary surrender and conveyance of title to the property
- 9 in full satisfaction of a mortgage debt or may bid for and purchase the property at
- 10 a sheriff's sale or replevin the property.
- 11 (b) Commit itself to execute and execute subordination agreements, partial
- 12 releases, and other necessary instruments.
- 13 (c) Set up and follow procedures to assure proper disbursement of the proceeds
- 14 of insurance checks, share drafts, or other drafts covering damages sustained on
- 15 mortgaged properties.
- 16 (d) Pay the principal and interest on any obligations incurred in connection
- 17 with the mortgages on the property including real estate taxes, insurance premiums,
- 18 attorney fees, and obligations created as a result of its exercise of powers vested in
- 19 it under this subchapter.
- 20 (e) Exercise the other powers as may be necessary for the efficient
- 21 administration of this subchapter.
- 22 (6) In contracts entered into under s. 45.37 (5) (a) 1., empower authorized
- 23 lenders to exercise any of the powers vested in the department under this subchapter.
- 24 (7) Manage, operate, lease, exchange, sell, and otherwise convey real property.
- 25 (8) Grant easements in any real property acquired by the department.

1 (9) Upon application by the mortgagor and agreement in writing executed by
2 the parties:

3 (a) Extend the time in which the obligation under a mortgage note or any part
4 of the obligation must be paid.

5 (b) Reduce the amounts of monthly installments and provide other terms and
6 conditions relative to time and manner of repaying the obligation as it deems
7 necessary or reasonable.

8 **45.33 Eligibility and disqualifying factors.** (1) ELIGIBLE PERSONS. Subject
9 to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

10 (a) A veteran.

11 (b) A person who served on active duty for more than 6 months during the period
12 between February 1, 1955 and August 4, 1964 and was honorably discharged.

13 (c) The unremarried surviving spouse or a minor or dependent child of a
14 deceased veteran or of a deceased person described in par. (b).

15 (2) DISQUALIFYING FACTORS. (a) A person listed in sub. (1) may not receive a loan
16 under this subchapter if the department or authorized lender determines that any
17 of the following applies:

18 1. The person will be incurring an excessive indebtedness in view of the person's
19 income.

20 2. The person has a previous loan outstanding under this subchapter, unless
21 any of the following apply:

22 a. The previous loan has been assumed by an eligible person with the
23 department's approval upon the sale of the residence securing the previous loan.

24 b. The person is applying for a loan under s. 45.37 for a purpose under s. 45.34
25 (1) (c) and the previous loan was made under s. 45.37.

1 (b) A person listed in sub. (1) who is not a disabled veteran may not receive a
2 loan under this subchapter if the department or authorized lender determines that
3 any of the following applies:

4 1. The person is delinquent in child support or maintenance payments or owes
5 past support, medical expenses or birth expenses, as evidenced by the appearance
6 of the person's name on the statewide support lien docket under s. 49.854 (2) (b),
7 unless the person provides the department or authorized lender with one of the
8 following:

9 a. A repayment agreement that the person has entered into, that has been
10 accepted by the county child support agency under s. 59.53 (5) and that has been kept
11 current for the 6-month period immediately preceding the date of the application.

12 b. A statement that the person is not delinquent in child support or
13 maintenance payments and does not owe past support, medical expenses or birth
14 expenses, signed by the department of workforce development or its designee within
15 7 working days before the date of the application.

16 2. The amount of the loan exceeds 2.5 times the median price of a home in this
17 state. The department shall establish the median price of a home in this state for
18 each fiscal year by using the most recent housing price index generated by the
19 Wisconsin Realtors Association before July 1.

20 **45.34 Uses for loan proceeds.** (1) MORTGAGE LOAN PROGRAM. An authorized
21 lender may, with the approval of the department, make loans under s. 45.37 for:

22 (a) Purchase of:

23 1. A manufactured home or real property on which a manufactured home is to
24 be situated, but only if the eligible person has available and applies on the total cost

1 of the property, an amount equivalent to at least 15% of the total cost. This 15%
2 requirement does not apply to a disabled veteran.

3 2. A home and eligible rehabilitation of a home, as defined in s. 234.49 (1) (d).

4 (b) Construction of a home, including housing accommodation and garage, and
5 the acquisition of land therefor.

6 (c) A loan of not more than \$25,000 to improve a home, including the
7 construction of a garage or the removal or other alteration of existing improvements
8 that were made to improve the accessibility of a home for a disabled individual.

9 (d) 1. Refinancing the balance due on an indebtedness which was incurred for
10 a use designated in pars. (a) to (c) if the balance owing on the indebtedness does not
11 exceed the amount requested in a prior loan application from that eligible person and
12 if the indebtedness was incurred by that person after a prior loan application from
13 that person was denied by the department. Refinancing loans may be made under
14 this paragraph only if the board reverses the department's denial after determining
15 that the prior application met requirements in effect on the date of the denial and
16 that the loan application should have been approved.

17 2. Refinancing the balance due on a construction period loan, bridge loan or
18 other financing if the financing was used for a purpose designated in par. (b) and has
19 a term of 24 months or less.

20 (2) CONDITIONS. (a) No loan may be made under this subchapter if the
21 department or authorized lender determines that the total cost of the property
22 exceeds its market value unless the amount by which the cost of the property exceeds
23 its market value is paid by the borrower in addition to the downpayments required
24 by s. 45.35. This paragraph does not apply to a disabled veteran.

1 (b) The department or authorized lender may require any person applying for
2 a loan under this subchapter to certify that:

3 1. The residence to be purchased, constructed, improved, or refinanced with
4 financial assistance under this subchapter will be used as the person's principal
5 residence.

6 2. Unless other prepayment provisions are permitted under s. 45.36 (2), the
7 loan made under this subchapter will be repaid in full upon sale of the residence or
8 any of the person's interest in it. A divorce judgment divesting the person's interest
9 in the residence or a quit claim deed executed under the judgment does not constitute
10 a sale.

11 **45.35 Contribution.** No loan may be made under this subchapter unless, in
12 addition to the closing costs that the person may be required to pay, the person has
13 available, and applies on the total cost of the property for which the loan is made, an
14 amount equivalent to at least 5% of the total cost. The amount may consist of money
15 or other assets, including equity in real property. This section does not apply to a
16 disabled veteran.

17 **45.36 Manner of repayment.** (1) MONTHLY PAYMENTS; RIGHT TO PREPAY. Each
18 loan made under this subchapter shall be repaid in monthly installments with the
19 option to pay additional sums on any installment paying day.

20 (2) ACCELERATION PROVISIONS. All loans made under this subchapter shall be
21 repaid in full upon sale of the residence securing the loan or any interest in such
22 residence, unless:

23 (a) The sale is to another eligible person;

24 (b) The department or authorized lender servicing the loan determines that
25 acceleration will jeopardize collection of the loan balance; or

1 (c) The loan is a guaranteed loan which is assumed or paid in regular monthly
2 installments under s. 45.37 (11) (a).

3 **45.37 Mortgage loan program.** (1) LOANS AUTHORIZED. An authorized lender
4 or a county veterans service officer may, as agent for and with the approval of the
5 department, make loans to eligible persons for qualified purposes in the manner
6 provided under this section.

7 (2) LOAN APPLICATIONS. (a) Applications for loans under this section for a
8 purpose specified in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender
9 and applications for loans under this section for a purpose specified under s. 45.34
10 (1) (c) may be made to the department or to a county veterans service officer on forms
11 approved by the department and signed by the applicant. If the applicant is married
12 and not legally separated under s. 767.02 (1) (d) or in the process of obtaining a
13 divorce, the applicant's spouse also shall sign the application.

14 (b) The applicant may apply directly to the department or through a county
15 veterans service officer for certification of eligibility.

16 (3) LOANS TO BE SECURED. (a) Each loan made under this section, except a loan
17 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c), shall be evidenced by
18 a promissory installment note and secured by a mortgage on the real estate in respect
19 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified
20 under s. 45.34 (1) (c) shall be evidenced by a promissory installment note and shall
21 be secured by a guarantor or by a mortgage on the real estate in respect to which the
22 loan is granted. Any loan having as its source funds provided through sub. (6) (a) and
23 secured by a mortgage shall have the mortgage name the department as mortgagee
24 and payee. Any loan having as its source funds provided through sub. (6) (b) and
25 secured by a mortgage shall have the mortgage name the authorized lender involved

1 as mortgagee and payee, and such mortgage and note shall be assigned by the
2 authorized lender to the authority immediately upon execution. A mortgage
3 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have
4 priority over all liens against the mortgaged premises and the buildings and
5 improvements to the buildings, except tax and special assessment liens filed after
6 the recording of the mortgage. A mortgage securing a loan made for a purpose
7 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum
8 equity in the property, as established by the department by rule.

9 (b) Mortgages given to secure loans under this section shall provide for
10 adequate fire and extended coverage insurance. Policies providing such insurance
11 coverage shall name the authorized lender or the department as an insured.

12 (4) INTEREST RATE DETERMINED. (a) The board shall determine the interest rate
13 on loans made under this section. Except as provided in sub. (11), the interest rate
14 determined may not be increased during the term of the loan. Except as provided
15 in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully
16 pay all expenses and to provide reserves which are reasonably expected to be
17 required in the judgment of the board in accordance with par. (b) and sub. (7) (a) 3.

18 (b) 1. The board shall select and implement the methods of insuring against
19 losses arising from delinquency and default in the repayment of loans under sub. (6)
20 (a) and shall select and implement the methods of managing and selling any property
21 securing loans funded under sub. (6) (a).

22 2. The board shall charge or cause to be charged to borrowers all costs for
23 insuring the program under subd. 1.

24 3. Moneys collected under subd. 2. and that are held by the state shall be
25 deposited, reserved, and expended as provided in sub. (7) (a) 3.

1 (c) Loans made pursuant to this section shall not be subject to s. 138.05,
2 138.051, or 138.052, except that a loan originated under this section after May 3,
3 1996, is subject to s. 138.052 (5).

4 (5) ADMINISTRATIVE PROVISIONS. (a) The department may do any of the
5 following:

6 1. Enter into contracts with authorized lenders throughout this state
7 authorizing such lenders to process applications and close and service loans made
8 under this section. The contracts shall include the responsibilities of the authorized
9 lender with respect to credit evaluations, financial eligibility determinations,
10 valuation of the home for which the loan is to be made, collection procedures in the
11 event of delinquent loan repayments, and other functions which the department may
12 require. The contracts shall authorize the lender to retain an amount from the
13 monthly payments for servicing loans made under this section. The rate of the
14 service fee shall not exceed a maximum rate established by the department with the
15 lender in accordance with current practices under similar programs, and shall be
16 stated in the contracts. The department shall specify in the contracts a maximum
17 length of time between receipt of monthly mortgage payments by the lender and
18 transmittal of such payments to the state or the authority.

19 2. Commit to advance and advance funds in the full amount of any mortgage
20 securing a purchase loan to be made by an authorized lender in accordance with the
21 terms under this section.

22 3. Commit to advance and advance in installments up to the full amount of any
23 mortgage securing a construction loan made by an authorized lender, to provide for
24 the purchase and improvement of a lot and the completion of the construction for
25 which the loan is to be made, under the terms of this section.

1 4. Mail checks, share drafts, or other drafts, or otherwise transfer or arrange
2 for transfer of funds to authorized lenders not sooner than 7 days prior to proposed
3 closing or disbursement dates.

4 5. Designate and maintain a current list of lenders authorized to make or
5 service loans under this section. The department shall promulgate rules
6 establishing standards for and governing the performance of authorized lenders in
7 making and servicing loans under this section and shall periodically monitor such
8 performance. The department shall promulgate rules to provide for the removal
9 from its list of authorized lenders of any lender that makes an excessive number of
10 errors on loan applications processed under subd. 1. The department may
11 summarily remove from its list of authorized lenders any lender that indicates it does
12 not wish to participate in the program and after hearing on notice remove from its
13 list of authorized lenders any lender that fails to conform with the rules of the
14 department governing that performance, and may refuse to permit a lender so
15 removed to make or service any loan under this section until the department is
16 satisfied that the lender will conform with its rules.

17 6. Require borrowers to make monthly escrow payments to be held by the
18 authorized lender or the department for real estate taxes and casualty insurance
19 premiums. The authorized lender or the department shall pay all of the amounts due
20 for real estate taxes and casualty insurance premiums, even if the amount held in
21 escrow is insufficient to cover the amounts due. If the amount held in escrow is
22 insufficient to cover the amounts due, the authorized lender or the department shall
23 recover from the borrower, after paying the amounts due under this subdivision, an
24 amount equal to the difference between the amounts paid and the amount held in
25 escrow. If the amount held in escrow is more than the amounts due, the authorized

1 lender or the department shall refund to the borrower, after paying the amounts due
2 under this subdivision, an amount equal to the difference between the amount held
3 in escrow and the amounts paid by the authorized lender or the department.

4 7. Obtain guarantees for loans under 38 USC 1801 to 1827.

5 8. Exercise all of the powers vested in it under this subchapter with respect to
6 any applications for loans and loans approved under this section and with respect to
7 any mortgages and mortgage notes executed to authorized lenders and assigned to
8 and purchased by the authority under this section and the properties securing those
9 mortgages. The department may exercise or authorize those powers to be exercised
10 in its own name.

11 9. With prior approval of the building commission, retire all 1981 veterans
12 home loan revenue bonds and transfer any assets remaining in the bond fund after
13 retirement into the veterans trust fund. The department may sell the assets
14 transferred to the veterans trust fund under this subdivision and deposit the
15 proceeds of any sale into the veterans trust fund.

16 10. Service loans made under this section and purchase from authorized
17 lenders the servicing rights for loans made by authorized lenders under this section.

18 11. Enter into contracts with persons other than authorized lenders for the
19 servicing of loans made under this section.

20 12. Loan money from the veterans trust fund to the veterans mortgage loan
21 repayment fund to fund loans under this section.

22 (b) At the time of closing, persons receiving loans under this section shall pay
23 an origination fee to the authorized lender participating in the loan, except that the
24 department shall pay, on behalf of a veteran who receives a loan under this section
25 and who has at least a 30% service connected disability rating for purposes of 38 USC

1 1114 or 1134, the origination fee to the authorized lender. The origination fee charged
2 under this paragraph shall be negotiated between the department and the
3 authorized lender but may not exceed that which the authorized lender would charge
4 other borrowers in the ordinary course of business under the same or similar
5 circumstances.

6 (6) SOURCES OF LOAN FUNDS. Funding for loans authorized under this section
7 may, at the discretion of the building commission, be provided by one or a
8 combination of the following:

9 (a) The secretary, with the approval of the governor and subject to the limits
10 of s. 20.866 (2) (zn), may request that state debt be contracted in accordance with ch.
11 18. Debt requested shall meet all of the following additional requirements:

12 1. State debt may be contracted when it reasonably appears to the building
13 commission that all state obligations so incurred under this paragraph and s. 20.866
14 (2) (zo) can be fully paid from moneys received from veterans repayments of loans on
15 mortgages and mortgage notes funded under this paragraph and other available
16 revenues of the veterans mortgage loan repayment fund. In making this
17 determination, the building commission may take into account the effect of its
18 planned future actions to refinance existing state debt, to create reserve funds, and
19 to modify the structure of the total debt outstanding so as to ensure that projected
20 repayments of loans on mortgages and mortgage notes, together with other available
21 moneys, will be sufficient as received to fund debt service payments as due. It is the
22 intent of the legislature that the program authorized under this section be fully
23 self-supporting and that it be administered so that all debt service and all related
24 costs of the program under this section will require no supplemental support from
25 the general fund.

1 2. The chairperson of the board shall certify that the chairperson does not
2 expect proceeds of state debt issued under this paragraph to be used in a manner that
3 would cause the debt to be arbitrage bonds as defined by the Internal Revenue Code,
4 if that debt is a bond that is exempt from federal taxation.

5 (b) Loans made under this section may be purchased by the authority from the
6 veterans housing loan fund under s. 234.41. All receipts of interest, except amounts
7 retained as servicing fees by the authorized lenders servicing the loans purchased
8 by the authority, and principal on the loans, payments of losses by insurers not used
9 for restoration of the property securing the loans, and any other collections, shall be
10 deposited by the authority in the veterans housing bond redemption fund under s.
11 234.43 and shall be disbursed from the fund as provided in s. 234.43 (2).

12 (c) The secretary, with the approval of the governor and subject to the limits
13 of sub. (10), may request that revenue obligations be contracted in accordance with
14 subch. II of ch. 18. Revenue obligations requested shall meet all of the following
15 additional requirements:

16 1. Revenue obligations may be contracted when it reasonably appears to the
17 building commission that all obligations incurred under this paragraph can be fully
18 paid from moneys received from veterans repayments of loans on mortgages and
19 mortgage notes funded under this paragraph.

20 2. The chairperson of the board shall certify that the board and the department
21 do not expect and shall not use proceeds of revenue obligations issued under this
22 paragraph in a manner that would cause the revenue obligations to be arbitrage
23 bonds as defined in the Internal Revenue Code, where that debt is a bond that is
24 exempt from federal taxation.

1 (7) REPAYMENT OF MORTGAGE LOANS. (a) There is created the veterans mortgage
2 loan repayment fund. All moneys received by the department for the repayment of
3 loans funded under sub. (6) (a) except for servicing fees required to be paid to
4 authorized lenders, net proceeds from the sale of mortgaged properties, any
5 repayment to the department of moneys paid to authorized lenders, gifts, grants,
6 other appropriations, and interest earnings accruing, any repayment of moneys
7 borrowed under s. 45.42 (10) (a), all moneys received under sub. (5) (a) 6., and any
8 moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly
9 deposited into the veterans mortgage loan repayment fund. The board shall
10 establish by resolution a system of accounts providing for the maintenance and
11 disbursement of moneys of the veterans mortgage loan repayment fund to fund loans
12 under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5).
13 The system of accounts shall record and provide moneys for all of the following
14 purposes:

15 1. Transfer to the bond security and redemption fund.

16 2. Acquisition or redemption of public debt in accordance with resolutions of
17 the building commission.

18 3. Payment of losses arising from delinquency or default in the repayment of
19 loans funded under sub. (6) (a), including loss of principal and interest accrued to the
20 point of final disposition of the defaulted loan and the expenses of management and
21 sale of the property taken upon default of loan repayment.

22 4. Payment of all costs incurred by the department in processing and servicing
23 loans, purchasing servicing rights for loans under this section, and accounting for
24 and administering the program under this section, including a portion of grants
25 made to county veterans service officers under s. 45.80 (7).

1 5. Payment of all costs incurred in contracting public debt for the purposes
2 under s. 18.04 (5) and under s. 18.04 (2) for the purpose of funding veterans housing
3 loans.

4 6. Payment of costs of issuance of obligations to fund loans under sub. (6) (c)
5 if not paid from the proceeds of the obligations.

6 7. Payment of obligations arising from loans funded under sub. (6) (b).

7 8. Payment of any other costs of program operation and management
8 authorized under this section.

9 9. Loan money to the veterans trust fund, upon prior approval of the building
10 commission for each loan, for the purposes under s. 45.42.

11 10. Payment of origination fees, on behalf of veterans who have at least a 30%
12 service connected disability rating for purposes of 38 USC 1114 or 1134, to authorized
13 lenders under sub. (5) (b).

14 11. Payment required of the department under sub. (5) (a) 6.

15 12. Payment of obligations arising from the acquisition of a headquarters and
16 museum building for the department under s. 45.03 (5) (h).

****NOTE: Is this cross-reference right?

17 (b) The board may amend the system of accounts established under par. (a) only
18 by resolution of the board that is approved by the building commission.

19 (c) If revenues of the veterans mortgage loan repayment fund are insufficient
20 to meet all current expenses, the secretary of administration shall establish a
21 repayment schedule whereby the general fund will be reimbursed in an orderly
22 manner for moneys advanced. Interest rates to be charged on loans subsequently
23 issued shall be adjusted to provide sufficient revenues to meet all of this repayment
24 schedule.

1 (d) After meeting all expenses and providing for reserves under par. (a) 3.,
2 assets in the veterans mortgage loan repayment fund, upon prior approval of the
3 building commission, may be transferred to the veterans trust fund and used to fund
4 loans under s. 45.42.

5 (8) USE OF SURPLUSES. Surpluses may be used under sub. (11) (c) only if there
6 are no unrestricted fund balances available for that purpose in the funds created
7 under sub. (10). Section 20.001 (3) (e) shall not be construed to prohibit this action.

8 (9) LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN. Not more
9 than 50% of the proceeds of a loan granted under this section for a purpose under s.
10 45.34 (1) (a) may be used for remodeling or alteration of the housing accommodation
11 after purchase to meet the special needs of a disabled veteran. That portion of the
12 proceeds used for this purpose shall be reserved and distributed by the authorized
13 lender.

14 (10) REPAYMENT OF REVENUE OBLIGATIONS. (a) All moneys received from any
15 source for repayment of loans, mortgages, or mortgage loan notes funded with
16 proceeds of revenue obligations issued under sub. (6) (c) shall be deposited into one
17 or more separate nonlapsible trust funds in the state treasury or with a trustee
18 appointed for that purpose by the authorizing resolution for the revenue obligations.
19 The board may pledge revenues received by the funds to secure revenue obligations
20 issued under sub. (6) (c) and shall have all other powers necessary and convenient
21 to distribute the proceeds of the revenue obligations and loan repayments in
22 accordance with subch. II of ch. 18. Unrestricted balances in the funds may be used
23 to fund additional loans issued under sub. (6) (c) and pay the balances owing on loans
24 after the assumptions of the loans or the closings of the sales of residences under sub.
25 (11) (c).

1 (b) Revenue obligations issued under sub. (6) (c) may not exceed \$280,000,000
2 in principal amount, excluding obligations issued to fund or refund outstanding
3 revenue obligation notes or to refund outstanding revenue obligation bonds.

4 (c) Except as may otherwise be expressly provided in resolutions authorizing
5 the issuance of revenue obligations or in other agreements with the holders of
6 revenue obligations, each issue of revenue obligations shall be on a parity with every
7 other revenue obligation issued under sub. (6) (c) and payable in accordance with
8 subch. II of ch. 18.

9 (11) GUARANTEED LOANS. (a) Upon any sale of the residence which secures a
10 guaranteed loan made under this section after April 3, 1980, except for the purchase
11 of the residence at the time the loan is initially made, the guaranteed loan may be
12 assumed or continue to be paid in regular monthly installments if the person who
13 assumes the mortgage loan payments or who will make the regular monthly
14 installments agrees to all of the following:

15 1. To pay interest on the loan from the date of the assumption of the loan, if the
16 loan is assumed, or from the date of the closing of the sale of the residence at the
17 maximum rates of interest being charged on guaranteed loans on the date the loan
18 was initially made.

19 2. To increase the amortization payments on the loan by an amount sufficient
20 to amortize the loan by the date the balance on the loan is payable in full according
21 to the original terms of the loan.

22 (b) The department and authorized lenders shall increase the interest rates
23 and amortization payments on loans assumed under par. (a).

24 (c) After the assumption of a guaranteed loan funded under sub. (6) (c), if the
25 loan is assumed, or the closing of the sale of a residence on which a balance is owing

1 on a guaranteed loan funded under sub. (6) (c), the balance owing on the loan on the
2 date of the assumption of the loan, if the loan is assumed, or the closing of the sale
3 may be paid to the funds created under sub. (10) from available surpluses, if any, in
4 the veterans mortgage loan repayment fund under sub. (7) (d). The loan and the
5 mortgage and mortgage note pertaining to the loan may be purchased by the
6 veterans mortgage loan repayment fund under sub. (7).

7 (12) PRIOR PROGRAM LOANS. Subject to this section and ss. 45.33 to 45.35, neither
8 the department nor an authorized lender may deny a person a loan under this section
9 because of the reason the person sold any property previously mortgaged by the
10 person to the department or an authorized lender, if the person completely paid the
11 balance of any previous loan under this subchapter in accordance with the terms and
12 conditions of the promissory note and the mortgage or other agreement executed in
13 connection with the previous loan.

14 (13) REPAYMENT OF LOAN. Any money appropriated or transferred by law from
15 the veterans mortgage loan repayment fund for purposes other than those listed in
16 sub. (7), other than moneys made temporarily available to other funds under s.
17 20.002 (11), shall be repaid from the general fund with interest at a rate of 5% per
18 year from the the date of the appropriation or transfer to the date of repayment.

19 SUBCHAPTER IV

20 ASSISTANCE PROGRAMS

21 **45.40 Economic assistance.** (1) SUBSISTENCE AID. (a) The department may
22 provide subsistence aid to an incapacitated veteran or a dependent of a veteran in
23 an amount that the department determines advisable to prevent undue hardship.
24 The department may provide subsistence aid under this paragraph to a person
25 whose incapacitation is the result of alcohol or other drug abuse, if the person is

1 participating in an alcohol or other drug abuse treatment program approved by the
2 department. The department may provide subsistence aid on a month-to-month
3 basis or for a 3-month period. The department may provide the aid for a 3-month
4 period if the veteran or dependent whose incapacity is the basis for the aid will be
5 incapacitated for more than 3 months, as determined by a health care provider as
6 defined in s. 146.81 (1), and if earned or unearned income or aid from other sources
7 will not be available in the 3-month period. Subsistence aid shall be limited to a
8 maximum of 3 months in a 12-month period unless the department determines that
9 the need for subsistence aid in excess of this maximum time period is caused by the
10 person's relapse.

****NOTE: DVA is checking whether a dependent may only receive aid if the veteran
is deceased.

11 (b) The department may submit a request to the joint committee on finance for
12 supplemental funds from the veterans trust fund to be credited to the appropriation
13 account under s. 20.485 (2) (vm) to provide payments under this section. The joint
14 committee on finance may, from the appropriation under s. 20.865 (4) (u),
15 supplement the appropriation under s. 20.485 (2) (vm) in an amount equal to the
16 amount that the department expects to expend under this section. Notwithstanding
17 s. 13.101 (3) (a), the committee is not required to find that an emergency exists. If
18 the cochairpersons of the committee do not notify the secretary within 14 working
19 days after the date of the department's submittal that the committee intends to
20 schedule a meeting to review the request, the appropriation account shall be
21 supplemented as provided in the request. If, within 14 working days after the date
22 of the department's submittal, the cochairpersons of the committee notify the

1 secretary that the committee intends to schedule a meeting to review the request, the
2 appropriation account shall be supplemented only as approved by the committee.

****NOTE: DVA should review this language. LRB says it needs to be done this way.

3 (2) HEALTH CARE AID. The department may provide to a veteran or the
4 dependent of a veteran temporary health care aid if the department considers it
5 advisable to prevent undue hardship. Health care aid to pay medical or hospital bills
6 under this subsection is limited to a payment of up to \$5,000 per veteran or
7 dependent for a 12-month period beginning on the first day of care for which the
8 person seeks reimbursement under this subsection. The department may issue a
9 certificate of entitlement stating that a veteran or dependent is eligible for health
10 care aid under this subsection if the treatment is received within a time period that
11 the department promulgates by rule. The department may not provide health care
12 aid to pay for care provided to the veteran or dependent before the time period
13 identified in the certificate of entitlement, except for emergency care, as determined
14 by the department, if the application for the health care aid is submitted within 90
15 days after the emergency care ends. Health care aid may be used to provide payment
16 for the treatment of alcoholism or other drug addiction or to provide payment for
17 health care required because of alcoholism or other drug addiction or alcohol or other
18 drug abuse. The department may not aid health care aid under this subsection
19 unless the person's health care provider agrees to accept, as full payment for the
20 medical treatment for which the aid is to be granted, the amount of the aid, the
21 amount of the person's health insurance or other 3rd-party payments, if any, and the
22 amount that the department determines the person is capable of paying. The
23 department may not provide health care aid under this subsection if the combined

1 liquid assets of the veteran and veteran's dependents who are living in the same
2 household are in excess of \$1,000.

****NOTE: DVA is checking whether a dependent may only receive aid if the veteran
is deceased.

3 (3) APPROPRIATIONS. The department may award aid under this section from
4 the appropriation in s. 20.485 (2) (vm). Nothing in this section empowers the
5 department to incur any state debt.

6 **45.41 Payments to veterans organizations.** (1) In this section:

7 (a) "Regional office" means the U.S. department of veterans affairs regional
8 office in Wisconsin.

9 (b) "State veterans organization" means the state organization or department
10 of a national veterans organization incorporated by an act of congress.

11 (2) Upon application the department shall make a payment to any state
12 veterans organization that establishes that it, or its national organization, or both,
13 has maintained a full-time service office at the regional office for at least 5 of the 10
14 years preceding the date of application. The payment shall be calculated based on
15 the total amount of all salaries and travel expenses under sub. (3) paid during the
16 previous fiscal year by the state veterans organization to employees engaged in
17 veterans claims service and stationed at the regional office. The payment shall be
18 as follows:

19 (a) If the total amount paid under sub. (3) is between \$1 and \$2,499, the
20 organization shall receive the amount paid.

21 (b) If the total amount paid under sub. (3) is between \$2,500 and \$9,999, the
22 organization shall receive \$2,500.

1 (c) If the total amount paid under sub. (3) is between \$10,000 and \$119,999, the
2 organization shall receive 25% of the amount paid.

3 (d) If the total amount paid under sub. (3) is more than \$120,000, the
4 organization shall receive \$30,000.

5 (3) A state veterans organization shall file an application annually with the
6 department for the previous 12-month period ending on March 31 of the year in
7 which it is filed. The application shall contain a statement of salaries and travel
8 expenses paid to employees of the organization engaged in veterans claims service
9 activities at the regional office by the state veterans organization covering the period
10 for which application for a payment is made. The statement shall be certified as
11 correct by a certified public accountant licensed or certified under ch. 442 and sworn
12 to as correct by the adjutant or principal officer of the state veterans organization.
13 The application shall include the state organization's financial statement for its
14 previous fiscal year and evidence of claims service activity that the department
15 requires. The state veterans organization shall submit with its initial application
16 sufficient evidence to establish that it or its national organization, or both, has
17 maintained a full-time service office at the regional office for 5 consecutive years out
18 of the 10-year period immediately preceding the application. Subsequent
19 applications shall be accompanied by an affidavit by the adjutant or principal officer
20 of the state veterans organization stating that the organization, on its own or with
21 its national organization, maintained a full-time service office at the regional office
22 for the entire 12-month period for which application for a payment is made.

23 (4) From the appropriation under s. 20.485 (2) (s), the department shall
24 annually provide a payment of \$100,000 to the Wisconsin department of the Disabled
25 American Veterans for the provision of transportation services to veterans.