

1 (4) The department may execute necessary instruments, collect interest and
2 principal, compromise indebtedness, sue and be sued, post bonds, and write off
3 indebtedness that it considers uncollectible. If a loan under this section is secured
4 by a real estate mortgage, the department may exercise the rights of owners and
5 mortgagees generally and the rights and powers set forth in s. 45.32. The
6 department shall pay all interest and principal repaid on the loan into the veterans
7 trust fund.

8 (5) The department may charge loan expenses incurred under this section to
9 the loan applicant. The department shall pay all expenses received under this
10 subsection into the veterans trust fund.

11 (6) The department may provide a loan under this section to an applicant
12 whose name appears on the statewide support lien docket under s. 49.854 (2) (b) only
13 if the applicant does one of the following:

14 (a) Provides to the department a repayment agreement that the applicant has
15 entered into, that has been accepted by the county child support agency under s.
16 59.53 (5), and that has been kept current for the 6-month period immediately
17 preceding the date of the application.

18 (b) Provides to the department a statement that the applicant is not delinquent
19 in child support or maintenance payments and does not owe past support, medical
20 expenses, or birth expenses, signed by the department of workforce development or
21 its designee within 7 working days before the date of the application.

22 (c) Agrees to use the loan proceeds to pay any delinquent child support or
23 maintenance payments and to pay any past support, medical expenses, or birth
24 expenses if the applicant fails to meet the requirements under par. (a) or (b).

1 (7) No person may receive a loan under this section in an amount that, when
2 added to the balance outstanding on the person's existing loans under s. 45.351 (2),
3 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the
4 department of more than \$25,000.

5 (8) (a) The department may borrow from the veterans mortgage loan
6 repayment fund under s. 45.37 (7) (a) to obtain money to make loans under this
7 section.

8 (b) The department may enter into transactions with the state investment
9 board to obtain money to make loans under this section. Transactions authorized
10 under this paragraph may include the sale of loans.

11 (9) Subject to the limits established in subs. (2) and (3), the department may
12 periodically adjust the maximum loan amount based upon financial market
13 conditions, funds available, needs of the veterans trust funds, or other factors that
14 the department considers relevant.

15 (10) The department may periodically adjust the interest rates for loans made
16 under this section, which may vary based upon the term of the loan, the type of
17 security offered, the method of payment, or other factors that the department
18 considers relevant.

19 (11) If an applicant's total indebtedness for loans made under this section is
20 more than \$5,000, the loan shall be evidenced by a promissory note and secured by
21 a mortgage on real estate located in this state. A loan of \$5,000 or less made to an
22 applicant whose total indebtedness for loans made under this section is \$5,000 or less
23 shall be evidenced by a promissory note and secured by a guarantor or by a mortgage
24 on real estate located in this state. A mortgage securing a loan made under this
25 section is acceptable if the applicant has equity in the property subject to the

1 mortgage equal to or exceeding a minimum amount that the department establishes
2 by rule.

3 **45.43 Veterans assistance program.** (1) The department shall administer
4 a program to provide assistance to persons who served in the U.S. armed forces or
5 in forces incorporated as part of the U.S. armed forces and who were discharged
6 under conditions other than dishonorable. The department shall provide assistance
7 to persons whose need for services is based upon homelessness, incarceration, or
8 other circumstances designated by the department by rule. The department shall
9 designate the assistance available under this section, which may include assistance
10 in receiving medical care, dental care, education, employment, and transitional
11 housing. The department may provide payments to facilitate the provision of
12 services under this section.

13 (2) The department may charge fees for transitional housing and for other
14 assistance provided under this section that the department designates. The
15 department shall promulgate rules establishing the fee schedule and the manner of
16 implementation of that schedule.

17 SUBCHAPTER V

18 VETERANS HOMES

19 **45.50 Veterans homes; management.** (1) (a) The department shall operate
20 the Wisconsin Veterans Home at King and employ a commandant for the home. The
21 department ^{shall} ~~may~~ employ a commandant for the Wisconsin Veterans Home at Union
22 Grove ^{and may employ a commandant for} ~~of~~ the Wisconsin Veterans Home at Chippewa Falls. The department may
23 employ any personnel that are necessary for the proper management and operation
24 of veterans homes. In compliance with the compensation plan established pursuant
25 to s. 230.12 (3), a commandant may recommend to the director of personnel charges

insert 101-5[✓]

1 for meals, living quarters, laundry, and other services furnished to employees and
2 members of the employees' family maintained at veterans homes. The department
3 shall provide complete personal maintenance and medical care, including programs
4 and facilities that promote comfort, recreation, well-being, or rehabilitation, to all
5 members of veterans homes.

X
****NOTE: Under current law, DVA is required to employ a commandant at the
Veterans Home at King and is ~~authorized to employ one at the Veterans Home at Union
Grove. This bill permits DVA ~~also~~ to employ a commandant at the Veterans Home at
Chippewa Falls.~~

6 (b) All moneys received as reimbursement for services to veterans homes
7 employees or as payment for meals served to guests at veterans homes shall be
8 accumulated in an account named "employee maintenance credits" and shall be paid
9 into the general fund within one week after receipt and credited to the appropriation
10 under s. 20.485 (1) (gk).

11 (c) Veterans homes with a skilled nursing facility shall include a geriatric
12 evaluation, research, and education program. The program staff shall be funded
13 from the appropriations under s. 20.485 (1) (hm), (j), and (mj).

14 (2) (a) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the
15 department may construct or renovate and operate residential, treatment, and
16 nursing care facilities, including a community-based residential facility, to be known
17 as the Wisconsin Veterans Home at Union Grove.

18 (b) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department
19 may develop, construct or renovate, and operate residential, treatment, and nursing
20 care facilities and programs for veterans in northwestern Wisconsin, on the property
21 of the Northern Wisconsin Center for the Developmentally Disabled in Chippewa
22 Falls to be known as the Wisconsin Veterans Home at Chippewa Falls. The programs
23 and facilities may include an assisted living facility, a skilled nursing facility, a

1 medical clinic, an adult day health care center, an activities center, and a veterans
2 assistance program.

3 (3) The department may acquire, by gift, purchase, or condemnation, lands
4 necessary for the purposes of the Wisconsin Veterans Home at Union Grove and the
5 Wisconsin Veterans Home at King. Title to the lands shall be taken in the name of
6 this state and shall be held by and for the uses and purposes of the homes. No
7 payment may be made out of the state treasury or otherwise for the land until the
8 title has been examined and approved by the attorney general. Every such deed of
9 conveyance shall be immediately recorded in the office of the proper register of deeds
10 and filed with the secretary of state.

***NOTE: Under current law, DVA is authorized to acquire by gift, purchase, or
condemnation lands necessary for the purposes of the veterans homes at King and Union
Grove. Should this bill extend that authorization for purposes of the Veterans Home at
Chippewa Falls?

11 (4) The department may use moneys appropriated under s. 20.485 (1) (h) to
12 purchase, erect, construct, or remodel buildings, to provide additions and
13 improvements, to provide equipment, materials, supplies, and services necessary for
14 the purposes of veterans homes, and for expenses that are necessary and incidental
15 to acquisition of property under s. 45.51 (10) and (11).

16 (5) The department may accept gifts, bequests, grants, or donations of money
17 or of property from private sources to be administered by the department for the
18 purposes of veterans homes. All moneys received shall be paid into the general fund
19 and appropriated as provided in s. 20.485 (1) (h), except that gifts or grants received
20 specifically for the purposes of the geriatric program at veterans homes are
21 appropriated as provided in s. 20.485 (1) (hm). The department may not apply to the
22 gifts and bequests fund interest on certificate of savings deposits for those members
23 who do not receive maximum monthly retained income. The department shall

1 establish for those persons upon their request individual accounts with savings and
2 interest applied as the member requests.

3 (6) (a) The department may enter into agreements for furnishing and charging
4 for water and sewer service from facilities constructed at and for veterans homes to
5 public and private properties lying in the immediate vicinity of veterans homes.

6 (b) Agreements under this section shall be drafted to hold harmless the
7 department, to require all expense to be paid by the applicant, and to be terminable
8 by the department when other water and sewer services become available to the
9 applicant.

10 (7) A commandant and employees designated by the commandant may
11 summarily arrest all persons within or upon the grounds of veterans homes who are
12 guilty of any offense against the laws of this state or the rules governing veterans
13 homes. For this purpose, a commandant and deputies have the power of constables.

14 (8) A fire department at a veterans home in response to emergency fire calls
15 may make runs and render fire fighting service beyond the confines of a veterans
16 home.

17 (9) The department may develop a program to provide stipends to individuals
18 to attend school and receive the necessary credentials to become employed at
19 veterans homes. If the department develops a stipend program under this
20 subsection, the department shall promulgate rules related to the program, including
21 the application process, eligibility criteria, stipend amount, repayment provisions,
22 and other provisions that the department determines are necessary to administer
23 the program.

24 (10) The department may establish a hospital at the veterans homes. All
25 hospitals established under this subsection may not have a total approved bed

1 capacity, as defined in s. 150.01 (4m), greater than 16 beds. The approved bed
2 capacity of a skilled nursing facility operated at a veterans home is reduced by one
3 bed for each approved bed at the hospital established under this subsection at that
4 home.

5 **45.51 Eligibility for membership. (1) GENERAL STATEMENT.** Within the
6 limitations of veterans homes, the department may admit to membership in veterans
7 homes persons who meet the qualifications set forth in this section.

8 **(2) ELIGIBILITY.** (a) The following persons are eligible for benefits under this
9 subchapter if they meet the applicable requirements of this subchapter:

10 1. A veteran.

11 2. A person who has served on active duty under honorable conditions in the
12 U.S. armed forces or in forces incorporated as part of the U.S. armed forces for 90
13 days or more and at least one day during a war period or under section 1 of executive
14 order 10957, dated August 10, 1961.

15 3. A spouse, surviving spouse, or parent of a person under subd. 1. or 2.

16 (b) A person under par. (a) 1. or 2. may be admitted to a veterans home if the
17 person meets all of the following conditions:

18 1. Is a resident of this state on the date of admission to a veterans home.

19 2. Is permanently incapacitated due to physical disability or age from any
20 substantially gainful occupation.

21 3. Has not been convicted of a felony or of a crime involving moral turpitude
22 or, if so, has produced sufficient evidence of subsequent good conduct and
23 reformation of character as to be satisfactory to the department.

24 4. Provides a complete financial statement containing information that the
25 department determines is necessary to evaluate the financial circumstances of the

1 person. The department may require a member of a veterans home to provide the
2 department with information necessary for the department to determine the
3 financial circumstances of the person. If a person fails to provide the additional
4 information, the department may discharge the person from the veterans home.

5 5. Has care needs that the veterans home is able to provide within the resources
6 allocated for the care of members of the veterans home, including chronic alcoholism,
7 drug addition, psychosis, or active tuberculosis.

8 **(3) ADMISSION PRIORITIES.** (a) Except in cases where there is an immediate need
9 for physical care or economic assistance, the department shall act on applications
10 based upon the date of receipt of the application by the veterans home. The
11 department may defer establishment of the priority date of the application to the
12 date that the veterans home is able to verify its ability to provide appropriate care
13 to the applicant or to assure that the appropriate care setting is available within the
14 home.

15 (b) Spouses, surviving spouses, and parents derive their eligibility from the
16 eligibility of the person under sub. (2) (a) 1. or 2. Surviving spouses and parents of
17 eligible persons under sub. (2) (a) 1. or 2. are eligible for admission only to a skilled
18 nursing facility at a veterans home.

19 (c) 1. The order of priority for admission to a veterans home shall be as follows:

20 a. Eligible persons under sub. (2) (a) 1. or 2. have 1st priority.

21 b. Spouses of eligible persons under sub. (2) (a) 1. or 2. have 2nd priority.

22 c. Surviving spouses of eligible persons under sub. (2) (a) 1. or 2. have 3rd
23 priority for admission.

24 d. Parents of eligible persons under sub. (2) (a) 1. or 2. have 4th priority for
25 admission.

1 2. The department may deviate from this sequence upon order of the board to
2 prevent the separation of a husband and wife.

3 **(4) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SPOUSE OF A VETERAN.** A spouse
4 of an eligible person under sub. (2) (a) 1. or 2. is eligible only if the spouse meets the
5 requirements of sub. (2) (b) 3. to 5. and if all of the following apply:

6 (a) The person under sub. (2) (a) 1. or 2. is a member, or if not a member is
7 institutionalized elsewhere because of physical or mental disability, and the spouse
8 had lived with the person for not less than 6 months immediately before making
9 application for membership.

10 (b) Separation from the spouse necessitated by reason of employment,
11 hospitalization, or because of a physical or mental disability of either spouse shall
12 not be taken to constitute an interruption of the 6-month period.

13 (c) A spouse of an eligible person under sub. (2) (a) 1. or 2. by virtue of a marriage
14 that was void when entered into but validated under s. 765.21 before applying for
15 admission shall, for the purpose of this subsection and sub. (6), be considered
16 married to the eligible person under sub. (2) (a) 1. or 2. from the date the marriage
17 was entered into.

18 **(5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** The surviving
19 spouse of a person under sub. (2) (a) 1. or 2. who was a resident of this state at the
20 time of the veteran's death is eligible if the surviving spouse meets the requirements
21 of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the following
22 conditions:

23 (a) 1. The surviving spouse satisfies any of the following conditions:

24 a. Was married to and living with the deceased person under sub. (2) (a) 1. or
25 2. not less than 6 months immediately prior to the death of the person.

1 b. Was married to the person under sub. (2) (a) 1. or 2. at the time the person
2 entered the service and who became a widow or widower by the death of the person
3 while in the service or as a result of physical disability of the person incurred during
4 the service.

5 c. The period during which the surviving spouse was married to and lived with
6 the deceased person under sub. (2) (a) 1. or 2. plus the period of widowhood or
7 widowerhood is 6 months or more.

8 d. Was married to and living with the person under sub. (2) (a) 1. or 2. less than
9 6 months and a child was born of the marriage.

10 (b) Has not remarried.

11 (c) Is 45 years of age or over on the date of application.

12 (d) Is physically disabled.

13 (e) Is unable adequately to care for himself or herself and lacks adequate means
14 of support.

15 (f) Has been a resident of this state for the 12 months immediately preceding
16 the date of application for membership.

17 **(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS.** The parent of a person
18 under sub. (2) (a) 1. or 2. who was a resident of this state at the time of the person's
19 death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for
20 membership, is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5.
21 and if the parent satisfies all of the following conditions:

22 (a) Has reached 60 years of age.

23 (b) Has been a resident of this state for the 12-months preceding the date of
24 application for membership.

1 (c) Is physically disabled, unable adequately to care for himself or herself, and
2 lacks adequate means of support.

3 (7) MEMBER INCOME RETENTION AND PAYMENT. (a) The board shall establish a pay
4 plan for compensation of members for services rendered to a veterans home under
5 its work therapy program.

6 (b) Members shall pay the amount due the state for care and maintenance of
7 the member within 30 days after the receipt of the veterans home's billing statement
8 by the member or by the member's personal representative. The department may
9 subject any bill not paid within 30 days after receipt of the billing statement to an
10 interest assessment of 1 percent per month or fraction of a month. If payment is not
11 made within 60 days after the receipt of the billing statement, the department may
12 discharge the member from the veterans home.

13 (c) Payment of amounts due the state for care and maintenance of a member
14 shall be made to the fullest extent possible from sources of income other than pension
15 or compensation paid by the U.S. department of veterans affairs.

16 (d) A member is not required to use income received from services rendered to
17 the veterans home under its work therapy program or from the sale of products or
18 services through the hobby shop as payment for the care or maintenance of the
19 member at the veterans home.

20 (e) The department shall supervise the operation of a veterans home exchange,
21 including the operation of the hobby shop for the sale of products made by all
22 members.

23 (8) PERSONAL FUNDS OF MEMBER. A member may, in writing, authorize a
24 veterans home to receive, hold, and account for his or her personal funds. Section
25 49.498 (8) applies to the funds of a member held by the veterans home under this

1 subsection. The department may transfer the personal funds of a member received
2 under this subsection to the Wisconsin veterans facilities members fund under s.
3 25.37. Upon request of the member, the department shall pay the member the
4 amount the member requests from his or her personal account.

5 (9) MEDICAL ASSISTANCE PAYMENTS. All moneys received under medical
6 assistance, as defined in s. 49.43 (8), for the care of members shall be transferred to
7 the appropriation under s. 20.485 (1) (gk).

8 (10) CONVEYANCE OF PROPERTY; DESCENT. (a) Except as otherwise provided in
9 this subsection, the application and admission of any applicant admitted under this
10 section shall constitute a valid and binding contract between a member and the
11 department. If a member dies leaving a relative that is entitled to an interest in the
12 property of the member under the rules of intestate succession or a will the existence
13 of which is made known to the commandant of the veterans home within 60 days of
14 the member's death, the member's property shall constitute a part of the member's
15 estate, except the commandant may distribute personal effects of nominal monetary
16 value of a deceased member who is not survived by a member spouse to surviving
17 relatives of the member who request the personal effects within a reasonable time
18 after the member's death.

19 (b) The department may manage, sell, lease, or transfer property passing to the
20 state pursuant to this section or conveyed to it by members, defend and prosecute all
21 actions concerning it, pay all just claims against it, and do all other things necessary
22 for the protection, preservation, and management of the property. All expenditures
23 necessary for the execution of functions under this paragraph or sub. (14) shall be
24 made from the appropriation in s. 20.485 (1) (h).

1 (c) A person who at the time of death is a member of a veterans home is a
2 resident of the county in which the veterans home is located for the probate of the
3 person's will, issuance of letters testamentary or other letters authorizing the
4 administration of the decedent's estate, and the administration of the estate.

5 (11) DISPOSITION OF PROPERTY PASSING TO STATE. If a member dies without a
6 relative who is entitled to an interest in the property of the member under the rules
7 of intestate succession and without leaving a will the existence of which is made
8 known to the commandant of the home within 60 days of the member's death, the
9 member's property shall be converted to cash, without administration. The
10 commandant of a veterans home shall submit that converted sum to the secretary
11 of administration to be paid into the appropriation under s. 20.485 (1) (h). The
12 amount paid to the secretary of administration is subject to refund within 6 years to
13 the estate of a member if it is subsequently discovered that the member left a will
14 or a relative that is entitled to an interest in the property of the member under the
15 rules of intestate succession or to any creditor of the member who establishes right
16 to the funds or property or any portion of the funds or property. The department of
17 administration, upon being satisfied that a claim out of the funds or property is legal
18 and valid, shall pay the claim out of the funds or property, except that payment of
19 claims for a member's funeral and burial expenses may not exceed a total of \$1,500
20 including any amount allowed by the United States for the member's funeral and
21 burial and the right for burial and interment provided in s. 45.61 (2).

22 (12) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. A commandant
23 may receive, disburse, and account for funds of members.

24 (13) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES. Any
25 person admitted to a skilled nursing facility at a veterans home shall meet the

1 eligibility requirements under ss. 49.45 and 49.46 and rules promulgated under
2 those sections during residence at the skilled nursing facility except if any of the
3 following apply:

4 (a) Persons with sufficient income and resources to meet the expenses of care
5 for one or more months may be admitted to the skilled nursing facility but shall apply
6 income and resources to costs to the extent required under ss. 49.45 and 49.46 and
7 rules promulgated under those sections.

8 (b) Persons who meet all the requirements of this section but whose degree of
9 physical disability does not meet the minimum requirements under ss. 49.45 and
10 49.46 and rules promulgated under those sections may be admitted to the skilled
11 nursing facility but shall apply income and resources to costs to the extent required
12 by ss. 49.45 and 49.46 and rules promulgated under those sections.

13 (14) **ADDITIONAL ELIGIBILITY REQUIREMENT FOR OTHER CARE FACILITIES AT VETERANS**
14 **HOMES.** An otherwise eligible person may be admitted to or remain in residency at
15 a community-based residential facility, as defined in s. 50.01 (1g) or a residential
16 care apartment complex, as defined in s. 50.01 (1d) at a veterans home only if the
17 person has sufficient income and resources, and applies the income and resources to
18 fully reimburse the department for the cost of providing care to the person.

19 SUBCHAPTER VI

20 FUNERALS, BURIALS, AND CEMETERIES

21 **45.60 Military funeral honors. (1) PROGRAM.** (a) The department shall
22 administer a program to coordinate the provision of military funeral honors to
23 deceased veterans.

24 (b) Military funeral honors may be provided by local units of member
25 organizations of the council on veterans programs, by local units of veterans

1 organizations certified by the department to provide military funeral honors, by
2 members of the Wisconsin national guard activated under s. 21.11 (3), or by staff of
3 the department.

****NOTE: Current law provides that local units of member organizations of the council on veterans programs, as well as members of the national guard, may provide military funeral honors. In practice, on occasion, DVA staff also provides those honors. Further, DVA has certified local units of some veterans organizations that are not members of the council on veterans programs to perform military funeral honors. ~~To conform to current practice, this bill adds DVA staff and local units of certified nonmember organizations to the list of entities that may provide military funeral honors and permits DVA to reimburse those organizations for their service.~~

4 (2) STIPENDS. From the appropriation under s. 20.485 (2) (q), the department
5 shall reimburse a local unit of a member organization of the council on veterans
6 programs or a local unit of a veterans organization certified by the department to
7 provide military funeral honors for the costs of providing military funeral honors to
8 a deceased veteran. The reimbursement may not exceed \$50 for each funeral for
9 which military honors are provided.

10 (3) TUITION VOUCHER. (a) The department shall create a tuition voucher form
11 to be used by funeral directors under par. (b). The department shall distribute copies
12 of the tuition voucher form, plus an explanation of the form's use, to every operator
13 of a funeral establishment. The department may not charge a fee for the tuition
14 voucher form or for the distribution of the form.

15 (b) A funeral director may issue a tuition voucher in the amount of \$25 to an
16 individual who sounds "Taps" on a bugle, trumpet, or cornet during each funeral for
17 which military honors are held in this state for a deceased veteran and who is a
18 student in grades 6 to 12 or at an institution of higher education, as defined under
19 s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment of
20 tuition and required program activity fees at a University of Wisconsin System
21 institution as provided under s. 36.27 (3r) or a technical college as provided under

1 s. 38.24 (6). The department shall encourage private institutions of higher education
2 to accept the vouchers. The vouchers are not transferable.

3 **45.61 Wisconsin veterans cemeteries. (1) CONSTRUCTION AND OPERATION OF**
4 **CEMETERIES.** Subject to authorization under ss. 13.48 (10) and 20.924 (1), the
5 department may construct and operate veterans cemeteries in central,
6 northwestern, and southeastern Wisconsin and may employ any personnel that are
7 necessary for the proper management of the cemeteries. The cemetery in central
8 Wisconsin is the Central Wisconsin Veterans Memorial Cemetery. The cemetery in
9 southeastern Wisconsin is the Southern Wisconsin Veterans Memorial Cemetery.
10 The cemetery in northwestern Wisconsin is the Northern Wisconsin Veterans
11 Memorial Cemetery. The department may acquire, by gift, purchase, or
12 condemnation, lands necessary for the purposes of the cemeteries. Title to the
13 properties shall be taken in the name of this state. Every deed of conveyance shall
14 be immediately recorded in the office of the proper register of deeds and thereafter
15 filed with the secretary of state. The department may accept for the state all gifts,
16 grants, and bequests for the purposes of maintenance, restoration, preservation, and
17 rehabilitation of the veterans cemeteries constructed under this subsection. All
18 cemeteries operated by the department are exempt from the requirements of ss.
19 157.061 to 157.70 and 440.90 to 440.95.

20 **(2) ELIGIBILITY.** The following persons are eligible for burial at a cemetery
21 constructed and operated under sub. (1):

22 (a) A person who died while on active duty or who was discharged or released
23 from active duty in the U.S. armed forces under honorable conditions and who was
24 a resident of this state at the time of his or her entry or reentry into active service
25 and his or her dependent child and surviving spouse.

1 (b) A person who was discharged or released from active duty in the U.S. armed
2 forces under honorable conditions and who was a resident of this state at the time
3 of his or her death and his or her dependent child and surviving spouse.

4 (c) The spouse or dependent child of a person who meets one of the following
5 conditions:

6 1. Is serving on active duty at the time of the spouse's or dependent child's death
7 if the person was a resident of this state at the time of his or her entry or reentry into
8 active service.

9 2. Was a resident of this state at the time of his or her entry or reentry into
10 active service and was discharged or released from active duty in the U.S. armed
11 forces under honorable conditions.

12 3. Was discharged or released from active duty in the U.S. armed forces under
13 honorable conditions if the person and spouse or dependent child were residents of
14 this state at the time of the spouse's or dependent child's death.

15 (d) A person who was a resident of this state at the time of his or her entry or
16 reentry into service in any national guard or a reserve component of the U.S. armed
17 forces or who was a resident of this state for at least 12 consecutive months
18 immediately preceding his or her death, and the person's spouse, surviving spouse,
19 and dependent children, if the person is eligible for burial in a national cemetery
20 under 38 USC 2402.

21 (e) A person who was discharged or released from active duty in the U.S. armed
22 forces under honorable conditions and who was a resident of this state for at least
23 12 consecutive months after entering or reentering service on active duty.

24 (3) FEES AND COSTS. The department may charge a fee for burials under this
25 section and may promulgate rules for the assessment of any fee. The cost of

1 preparing the grave and the erection of a marker for a person described under sub.
2 (2) (a), (b), (d), or (e) shall be paid from the appropriation under s. 20.485 (1) (gk).

3 (4) APPLICATION. Application for burial shall be made to the department. The
4 surviving spouse of the person described under sub. (2) (a), (b), (d), or (e), if that
5 person is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have
6 the privilege of selecting a plot next to that person if available. The department shall
7 hold the plot for the surviving spouse for a period of one year from the date of granting
8 the privilege, but may extend the hold, on request, for additional one-year periods.

9 (5) EXPENSES. Expenses incident to the burial under this section shall be paid
10 from the estate of the decedent, except that if there is no estate or the estate is
11 insufficient, the expense of burial, or necessary part of the burial, shall be paid from
12 the appropriation under s. 20.485 (1) (gk), and the amount expended for those
13 expenses shall not exceed the amount established for funeral and burial expenses
14 under s. 49.785 (1) (b).

****NOTE: This bill specifies that DVA will hold a burial plot for the surviving spouse
of a person eligible for burial at the Central Wisconsin Cemetery for a year, with possible
extensions in one-year periods. Should this language be expanded to include the other
veterans cemeteries?

15 **45.62 Burial places compiled.** (1) The department may compile a record
16 of veteran's burial places located within the state that may, so far as practicable,
17 indicate all of the following information:

- 18 (a) The deceased veteran's name.
- 19 (b) The service in which the deceased veteran was engaged.
- 20 (c) The appropriate designation of the deceased veteran's armed forces unit.
- 21 (d) The deceased veteran's rank and period of service.
- 22 (e) The name and location of the cemetery or other place in which the deceased
23 veteran's body is interred.

1 (f) The location of the deceased veteran's grave in the cemetery or other place
2 of interment.

3 (g) The character of the headstone or other marker, if any, at the deceased
4 veteran's grave.

5 (2) The department may prepare blank forms for the transmission to the
6 department of the information required for the record under sub. (1). The
7 department may distribute the forms to county veterans service officers. A county
8 veterans service officer within whose county any cemetery or other burial place is
9 located in which deceased veteran's bodies are interred shall submit the facts
10 required for the record under sub. (1) to the department on the forms provided by the
11 department, if so requested by the department.

12 SUBCHAPTER VII

13 MEMORIALS

14 **45.70 Veterans memorials.** (1) PERSIAN GULF MEMORIAL. From the
15 appropriation under s. 20.485 (2) (d), the department shall provide funding to the
16 Wisconsin Vietnam Veterans Memorial Project, Inc., for the construction of a
17 memorial for the veterans of the Persian Gulf War. The memorial shall be
18 constructed at the veterans memorial site located at the Highground in Clark
19 County. The department may expend up to \$60,000 for the memorial for the veterans
20 of the Persian Gulf War.

21 (2) CAMP RANDALL MEMORIAL. (a) The board may approve, recommend, and veto
22 any proposed plans, modifications, and changes or policies with respect to
23 established state memorials, including the Camp Randall Memorial Park, Madison,
24 Wisconsin, as described in par. (c), and any future veterans state memorials, and
25 recommend the creation and establishment of veterans state memorials.

1 (b) No structures, other than memorials approved by the board, and no walks,
2 roads, or subterranean footings may be placed or erected upon Camp Randall
3 Memorial Park unless authorized by the legislature; nor shall the park be used for
4 any purpose other than a memorial park.

5 (c) Camp Randall Memorial Park, Madison, Wisconsin, is established and
6 described as follows: beginning on the west line of Randall Avenue 96.6 feet north
7 of the center line of Dayton Street extended; thence west at right angles to Randall
8 Avenue 370 feet; thence south parallel to Randall Avenue 722 feet; thence west at
9 right angles to Randall Avenue 235 feet; thence south parallel to Randall Avenue 205
10 feet to the north line of Monroe Street; thence north 50 degrees 14 minutes east along
11 the north line of Monroe Street approximately 780 feet to the west line of Randall
12 Avenue; thence north along the west line of Randall Avenue 429 feet to the place of
13 beginning.

14 **45.71 Catalog of memorials.** The department shall prepare a catalog of
15 memorials, describing each memorial and giving its location and condition. The
16 department shall periodically update that catalog.

17 **45.72 County and municipal memorials.** (1) In this section and s. 45.73,
18 “local unit of government” means a city, village, town, or county.

19 (2) Any local unit of government may by gift, purchase, contract, or
20 condemnation acquire property, real or personal, for the purpose of providing,
21 furnishing, constructing, erecting, repairing, maintaining, or conducting a suitable
22 memorial to the memory of former residents thereof who lost their lives in the
23 military or naval service of the state or of the United States, or to commemorate and
24 honor the deeds of persons, residents thereof, or of the state or United States, who
25 served the nation in any war, or other persons who rendered great state or national

1 service, or to the memory of any president of the United States, or for a combination
2 of any those purposes, which are declared to be public purposes.

3 (3) The local unit of government shall determine the character of the memorial,
4 and without limitation because of enumeration, the memorial may comprise a public
5 building, hospital, sanatorium, home for the aged or indigent, park, recreation
6 facility, community forest, or other suitable object having a public purpose.

7 (4) Any local unit of government may appropriate money and may levy a tax
8 to acquire, pay for, construct, erect, furnish, equip, operate, repair, maintain, or
9 reconstruct a suitable memorial for the purpose or purposes provided in this section.

10 (5) Any local unit of government may authorize the use of any public property
11 respectively of such city, village, town, or county as a site for a memorial, and any
12 county may authorize its public property to be so used by any city, village, or town
13 in the county.

14 (6) Any local unit of government may by ordinance or contract provide for the
15 management, control, or operation of any memorial. The local unit of government
16 may enter into a written lease, for a term not exceeding 25 years, with any duly
17 chartered and incorporated veterans organization established in the local unit of
18 government. The lease shall include the provisions for the amount of rental and such
19 conditions of public use as the local unit determines.

20 (7) Any local unit of government may contract with or make an appropriation,
21 or both, to any other local unit of government or to any nonprofit corporation without
22 capital stock organized expressly for any of the purposes of this section or to any duly
23 chartered and incorporated veterans organization established in the local unit of
24 government, and for the purpose of raising funds for memorial purposes or
25 contributions. The local unit of government may levy taxes upon the taxable

1 property located in the local unit of government, or borrow money and issue bonds
2 in the manner and under the regulations provided by ch. 67. The facilities of the
3 memorial shall be available to the residents of the local unit of government making
4 the appropriation to the extent that the governing body of the local unit of
5 government may require.

6 **45.73 Sites for veterans memorial halls.** (1) Any local unit of government
7 may donate to any organization specified in s. 70.11 (9) land upon which is to be
8 erected a memorial hall to contain the memorial tablet specified in s. 70.11 (9).

9 (2) The action of any local unit of government in granting veterans
10 organizations or any other civic, patriotic, educational, or historical society rooms
11 and space within public buildings for the establishment of memorial halls and
12 museums, and occupancy thereof by its members, is authorized and confirmed. The
13 local unit of government may permit the use and occupancy of the rooms and space
14 for such terms and subject to such conditions and provisions as the local unit of
15 government may impose. Any contract, lien, or agreement between the local unit of
16 government and any organization now in force shall continue in force according to
17 the terms of the contract, lien, or agreement.

18 **45.74 Memorial corporations organized under 1919 act.** (1) Any
19 commission or board of trustees that governs a corporation organized to construct a
20 memorial under s. 45.057 (5), statutes of 1919 to 1943 (created by chapter 598, laws
21 of 1919, and repealed by chapter 301, laws of 1945), shall have the following powers
22 in addition to those it now has:

23 (a) All powers vested in the members of the corporation by the articles of
24 incorporation or bylaws, including the power to amend the articles of incorporation.

1 (b) The powers set forth in s. 181.0302 and all other applicable provisions of ch.
2 181.

3 (c) The power to convey any property under its control to any municipality and
4 lease it back under terms agreed upon by the commission or board of trustees and
5 the municipality.

6 (d) The power to dissolve the corporation and dispose of the real and personal
7 property of the corporation in a manner that it deems will best serve the purposes
8 for which it was organized and the interests of the community.

9 (2) The commission or board of trustees shall have a membership composed of
10 5 residents of the city, village, or town in which the memorial is located, one
11 appointed by the common council, village board, or town board of the city, village, or
12 town, and 4 by the circuit judge of the county in which the memorial is located. The
13 commission or board may appoint 4 additional members who are residents of this
14 state. The terms of all members shall be 5 years. In order that terms of members
15 may expire at different times, not more than 2 members shall be appointed in any
16 one year in addition to appointments made to fill vacancies occurring by resignation
17 or death. Members shall hold office until their successors are appointed and qualify.

18 (3) Notwithstanding the repeal of s. 45.057, 1943 stats., by chapter 301, laws
19 of 1945, the continuing existence of all commissions, boards, and corporations
20 organized under s. 45.057 (5), statutes of 1919 to 1943, is affirmed, and the
21 continuing operation of such commissions, boards, and corporations is ratified as to
22 the past and authorized in the future.

23 **45.75 Memorials in populous counties.** (1) Any county having a population
24 of 500,000 or more may establish and maintain a memorial or memorials in the
25 county under s. 45.72 by agreement between the county board of the county and any

1 nonprofit private corporation without capital stock organized under the laws of this
2 state, except as provided in this section, expressly for any of the purposes of s. 45.72.

3 (2) The board of directors of the corporation shall be designated as the
4 “memorial board,” and its members shall be called “trustees.” The membership of
5 the memorial board may include special members, who need not be members of the
6 corporation.

7 (3) The memorial board shall consist of 15 members, of whom 8 may be special
8 members to be elected as provided in this section, and the remaining members shall
9 be elected from the membership of the corporation.

10 (4) Special members of the memorial board shall be elected by the county board
11 of such county and consist of the following:

12 (a) Four members from the county board.

13 (b) Four members elected from among the residents of the county.

14 (5) Terms of members of the memorial board shall be as follows:

15 (a) For special members:

16 1. Members elected from the county board shall be elected at the first meeting
17 of the county board following each county board general election and their terms
18 shall commence on that date. They shall hold office during their terms on the county
19 board and until their successors are elected and qualified.

20 2. Members elected from among the residents shall hold office for 4 years and
21 until their successors are elected, except that the first 4 such members shall be
22 chosen for 1, 2, 3, and 4 years, respectively.

23 3. Any vacancy in the special membership shall be filled by the county board
24 for the unexpired term, and until a successor is elected and qualified.

1 (b) For elected members from the corporate membership: the terms of the
2 trustees shall be for such numbers of years that those of an equal number, as nearly
3 as may be, shall expire in 2, 3, and 4 years, and successive terms of 4 years each
4 thereafter and until their successors are elected and qualified.

5 (6) The articles of incorporation of the corporation shall provide originally or
6 by amendment, in addition to other necessary provisions, and as permitted by this
7 section, for the classification of the members of the corporation, for the election of
8 trustees proportionately from and by those classifications, for the terms of the
9 members of the corporation and for the officers, their duties, and the terms thereof
10 to be elected from the membership.

11 (7) The war memorial may be constructed upon any land ceded before July 15,
12 1953, by this state to any municipality in this state notwithstanding any restrictions,
13 limitations, or conditions as to the nature of the use of any of the land contained in
14 the legislative act, granting the land to the municipality, and notwithstanding the
15 restrictions, limitations, or conditions incorporated in any subsequent conveyance
16 of the lands by the municipality.

17 (8) The war memorial may be constructed in any public park and the use of
18 those park lands as a location for a war memorial shall not be considered inconsistent
19 with the use of the same for park purposes. No war memorial shall be constructed
20 in a public park until the park commission, general manager appointed under s.
21 27.03 (2), or park board having jurisdiction of the park shall approve the
22 construction. The county board of any county may authorize the construction of a
23 war memorial at different intervals of time if the proposed memorial consists of more
24 than one building or structure and any county board subsequently elected shall carry
25 into effect any contract authorized by s. 45.72 entered into on behalf of the county

1 for the construction or maintenance of the war memorial. The construction,
2 maintenance, and operation of a war memorial in a county park shall be subject to
3 the jurisdiction of the county board and no part of those costs shall be charged against
4 the funds of the park commission, park system, or park board of the county.

5 SUBCHAPTER VIII

6 LOCAL RESPONSIBILITIES

7 **45.80 County veterans service officer. (1) ELECTION OR APPOINTMENT. (a)**

8 Except as provided under par. (b), the county board shall elect a county veterans
9 service officer who shall be a Wisconsin resident who served on active duty under
10 honorable conditions in the U.S. armed forces or in forces incorporated as part of the
11 U.S. armed forces and who meets at least one of the conditions listed in s. 45.01 (12)
12 (a) to (d) and at least one of the conditions listed in s. 45.02 (2).

13 (b) Except as provided under par. (c), the county board may appoint assistant
14 county veterans service officers who shall be Wisconsin residents who served on
15 active duty under honorable conditions in the U.S. armed forces or in forces
16 incorporated as part of the U.S. armed forces and who meet at least one of the
17 conditions listed in s. 45.01 (12) (a) to (d) and at least one of the conditions listed in
18 s. 45.02 (2).

19 (c) In counties with a county executive or county administrator, the county
20 executive or county administrator shall appoint and supervise a county veterans
21 service officer who shall have the qualifications prescribed under par. (a). The
22 appointment is subject to confirmation by the county board unless the county board,
23 by ordinance, elects to waive confirmation or unless the appointment is made under
24 a civil service system competitive examination procedure established under s. 59.52
25 (8) or ch. 63.

1 (2) TERM. A county veterans service officer elected under sub. (1) (a) shall serve
2 until the first Monday in January of the 2nd year subsequent to the year of his or her
3 election, and, if reelected, shall continue to serve unless removed under s. 17.10 (2).

4 (3) SALARY. The salary of the county veterans service officer shall be fixed by
5 the county board prior to or at the time of the service officer's election and annually
6 thereafter.

7 (4) MILWAUKEE COUNTY. In counties having a population of 500,000 or more the
8 officer shall be appointed subject to ss. 63.01 to 63.17.

9 (5) DUTIES. The county veterans service officer shall do all of the following:

10 (a) Advise persons living in the service officer's county who served in the U.S.
11 armed forces regarding any benefits to which they may be entitled or any complaint
12 or problem arising out of such service and render to them and their dependents all
13 possible assistance.

14 (b) Make such reports to the county board as the county board requires.

15 (c) Cooperate with federal and state agencies that serve or grant aids or
16 benefits to former military personnel and their dependents.

17 (d) Furnish information about veterans burial places within the county as
18 required by s. 45.62 (2).

19 (e) Perform the duties prescribed by law, including those duties under pars. (a)
20 to (d), separately and distinctly from any other county department.

21 (6) PERMITTED ACTIVITIES. The county veterans service officer may do any of the
22 following:

23 (a) Inform persons living in the service officer's county who are members of the
24 national guard or of a reserve unit of the U.S. armed forces or dependents of those
25 persons regarding potential benefits to which they may be or may become entitled

1 and regarding all necessary military points of contact and general deployment
2 information for activated and deployed members of the national guard or reserve
3 units of the U.S. armed forces.

4 (b) Cooperate with federal and state agencies that serve or grant aids or
5 benefits to members of the national guard or reserve units of the U.S. armed forces
6 and their dependents.

7 **(7) OFFICE SPACE AND ASSISTANTS.** (a) The county board shall provide the county
8 veterans service officer with office space, clerical assistance, and any other needs
9 that will enable the officer to perform the duties under sub. (5).

10 (b) Except as provided under par. (c), the county board may appoint assistant
11 county veterans service officers who shall be Wisconsin residents who served on
12 active duty under honorable conditions in the U.S. armed forces or in forces
13 incorporated as part of the U.S. armed forces for 2 consecutive years. An individual
14 who is discharged for reasons of hardship or a service-connected disability or
15 released due to a reduction in the U.S. armed forces or for the good of the service prior
16 to the completion of the required period of service is eligible for appointment to the
17 office, regardless of the actual time served.

18 (c) In any county with a county executive or county administrator, the county
19 veterans service officer may appoint assistant county veterans service officers who
20 shall have the qualifications prescribed under par. (b).

21 **(8) GRANTS TO COUNTIES AND TRIBES FOR IMPROVEMENT OF SERVICES.** (a) Each
22 county may annually apply to the department for a grant for the improvement of
23 service to former military personnel of the county through the county veterans
24 service office. A county may not allocate any portion of a grant for use by another
25 county department nor may the county reduce funding to a county veterans service

1 office based upon receipt of a grant. The county veterans service officer of any county
2 applying for the grant shall enter into an agreement with the department. The
3 agreement shall state the goals and objectives to be attained by the county veterans
4 service office during the remainder of the year covered by the grant application. The
5 department shall prepare the basic form of this agreement in consultation with the
6 county veterans service officers association and provide a copy and an explanation
7 of that agreement to each county veterans service officer. The department shall
8 develop reasonable budget and operating standards to assure improved services, but
9 full operating control of the county office shall be left to each county.

10 (b) The department shall award a grant annually to a county that meets the
11 standards developed under this subsection and employs a county veterans service
12 officer who, if chosen after August 9, 1989, is chosen from a list of candidates who
13 have taken a civil service examination for the position of county veterans service
14 officer developed and administered by the division of merit recruitment and selection
15 in the office of state employment relations, or is appointed under a civil service
16 competitive examination procedure under s. 59.52 (8) or ch. 63. The grant shall be
17 \$8,500 for a county with a population of less than 20,000, \$10,000 for a county with
18 a population of 20,000 to 45,499, \$11,500 for a county with a population of 45,500 to
19 74,999, and \$13,000 for a county with a population of 75,000 or more. The
20 department shall use the most recent Wisconsin official population estimates
21 prepared by the demographic services center when making grants under this
22 paragraph.

23 (c) Notwithstanding par. (b), an eligible county with a part-time county
24 veterans service officer shall be eligible for an annual grant not exceeding \$500.

1 (d) The department shall provide grants to the governing bodies of federally
2 recognized American Indian tribes and bands from the appropriation under s. 20.485
3 (2) (vz) if that governing body enters into an agreement with the department
4 regarding the creation, goals, and objectives of a tribal veterans service officer,
5 appoints a veteran to act as a tribal veterans service officer, and gives that veteran
6 duties similar to the duties described in sub. (5), except that the veteran shall report
7 to the governing body of the tribe or band. The department may make annual grants
8 of up to \$2,500 under this paragraph and shall promulgate rules to implement this
9 paragraph.

10 (9) TRANSPORTATION SERVICES GRANTS TO COUNTIES. (a) Annually, from the
11 appropriation under s. 20.485 (2) (s), the department shall award grants to counties
12 that are not served by transportation services provided by the Wisconsin department
13 of Disabled American Veterans to develop, maintain, and expand transportation
14 services for veterans. The grants may be used to support multicounty cooperative
15 transportation services.

16 (b) The department shall promulgate rules specifying the application
17 procedures and eligibility criteria for grants under this subsection.

18 (c) A county may not reduce funding to a county veterans service office based
19 upon receipt of a grant.

Insert ✓
129-19

****NOTE: Under current law, this language provides that a county may not allocate any portion of a grant awarded for transportation services "for use by another county department" and "may not reduce funding to a county veterans service office based upon receipt of a grant." The drafting committee considered the first phrase to be vague and eliminated it, concluding that retaining just the 2nd phrase was sufficient.

20 (10) QUALIFICATIONS APPLICABILITY. The qualifications necessary to be a county
21 veterans service officer or assistant county veterans service officer under subs. (1)
22 (a) and (7) (b) apply only to persons elected to serve as county veterans service officers

1 or assistant county veterans service officers on or after June 1, 1996, and who have
2 not served as county veterans service officers or assistant county veterans service
3 officers before June 1, 1996.

4 **45.81 County veterans service commission.** (1) There is created in each
5 county a county veterans service commission consisting of ^{at least} 3 residents of the county
6 who are veterans appointed for staggered 3-year terms by the county executive or
7 county board chairperson in a county that does not have a county executive.

8 (2) The commission shall be organized by the election of one of their number
9 as chairperson. The county executive or county board chairperson in a county that
10 does not have a county executive after the expiration of the terms of those first
11 appointed shall annually on or before the 2nd Monday in December appoint one
12 person as a member of the commission for the term of 3 years. The county executive
13 or county board chairperson shall require each member of the commission and the
14 county veterans service officer to execute to the county an individual surety bond,
15 with sufficient sureties to be approved by the county executive or county board
16 chairperson, each bond to be in an amount equal to the tax levied in the current year
17 for expenditure by the commission. Each bond shall be filed with the county clerk.

18 (3) (a) Except as provided under sub. (4), the commission may furnish aid to
19 any person described in s. 45.85 if the right of that person to aid is established to the
20 commission's satisfaction.

21 (b) The secretary of the commission shall maintain a list containing the name,
22 place of residence, and amount of aid furnished to each person under par. (a), which
23 shall be signed by the chairperson and secretary of the commission.

24 (c) The total disbursements made by the commission under this subsection may
25 not exceed the amount collected from the tax levied, except when specifically

Insert
128-17

1 authorized by the county board. The commission shall provide the county treasurer
2 with sufficient information to deliver the specified aid to the person entitled to that
3 aid.

4 (d) The commission may furnish aid in a different manner than by supplying
5 money. The commission may request the county treasurer to pay a purveyor of
6 services or commodities for the purchase of services or commodities, or the
7 commission may furnish supplies, as it considers appropriate.

8 (e) The commission shall make a detailed report to the county board annually
9 showing the amount expended under this subsection. The report may not include
10 any personal identifying information regarding the persons that received aid under
11 this subsection.

X
****NOTE: Under current law, a county veterans service commission (CVSO) is
authorized to furnish aid to a needy veteran or specified family members. The commission
secretary is required to provide a list of aid recipients and the amount of aid received to
the county clerk, who then passes that information on to the county treasurer for
disbursal of aid. The commission is required to make a detailed report to the county board
showing the amount expended.

X
There seems to be ^{some} reluctance ~~on the part of CVSOs~~ to make that list too widely
available, due to privacy concerns of the needy veterans and their families. Therefore,
this bill provides that the commission's list of aid recipients and amounts is to go directly
to the county treasurer for disbursement of aid and that the report to the county board
may not include any personal identifying information regarding aid recipients.

12 (4) A county veterans service officer appointed under s. 45.80 (1) (b) or (4) shall
13 have the administrative powers and duties prescribed for the county veterans service
14 commission under sub. (2).

15 (5) The county board shall allow the members of the commission a reasonable
16 rate of compensation for services and actual expenses incurred in the performance
17 of their duties to be determined under s. 59.22. The county board may provide for
18 the employment of clerical assistance to the commission.