

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

4 (a) The purchase of one of the following:

5 1. A manufactured home or real property on which a manufactured home is to
6 be situated, but only if the eligible person has available and applies on the total cost
7 of the property, an amount equivalent to at least 15 percent of the total cost. This
8 15 percent requirement does not apply to a disabled veteran.

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

10 (b) The construction of a home, including housing accommodation and garage,
11 and the acquisition of land therefor.

12 (c) A loan of not more than \$25,000 to improve a home, including the
13 construction of a garage or the removal or other alteration of existing improvements
14 that were made to improve the accessibility of a home for a permanently and totally
15 disabled individual.

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

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

4 **(2) CONDITIONS.** (a) No loan may be made under this subchapter if the
5 department or authorized lender determines that the total cost of the property
6 exceeds its market value unless the amount by which the cost of the property exceeds
7 its market value is paid by the borrower in addition to the contribution required by
8 s. 45.35. This paragraph does not apply to a permanently and totally disabled
9 veteran.

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

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

15 2. Unless other acceleration provisions are permitted under s. 45.36 (2), the
16 loan made under this subchapter will be repaid in full upon sale of the residence or
17 any of the person's interest in it. A divorce judgment divesting the person's interest
18 in the residence or a quit claim deed executed under the judgment does not constitute
19 a sale.

20 **45.35 Contribution.** No loan may be made under this subchapter unless, in
21 addition to the closing costs that the person may be required to pay, the person has
22 available, and applies on the total cost of the property for which the loan is made, an
23 amount equivalent to at least 5% of the total cost. The amount may consist of money
24 or other assets, including equity in real property. This section does not apply to a
25 permanently and totally disabled veteran.

1 **45.36 Manner of repayment. (1) MONTHLY PAYMENTS; RIGHT TO PREPAY.** Each
2 loan made under this subchapter shall be repaid in monthly installments with the
3 option to pay additional sums. Any additional payments must be paid on the regular
4 installment payment date.

5 **(2) ACCELERATION PROVISIONS.** All loans made under this subchapter shall be
6 repaid in full upon sale of the residence securing the loan or any interest in such
7 residence, unless one of the following applies:

8 (a) The sale is to another eligible person.

9 (b) The department or authorized lender servicing the loan determines that
10 acceleration will jeopardize collection of the loan balance.

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

13 **45.37 Mortgage loan program. (1) LOANS AUTHORIZED.** An authorized lender
14 or a county veterans service officer may, as agent for and with the approval of the
15 department, make loans to eligible persons for qualified purposes in the manner
16 provided under this section.

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

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

1 **(3) LOANS TO BE SECURED.** (a) Each loan made under this section, except a loan
2 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c), shall be evidenced by
3 a promissory installment note and secured by a mortgage on the real estate in respect
4 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified
5 under s. 45.34 (1) (c) shall be evidenced by a promissory installment note and shall
6 be secured by a guarantor or by a mortgage on the real estate in respect to which the
7 loan is granted. Any loan having as its source funds provided under sub. (6) (a) and
8 secured by a mortgage shall have the mortgage name the department as mortgagee
9 and payee. Any loan having as its source funds provided under sub. (6) (b) and
10 secured by a mortgage shall have the mortgage name the authorized lender involved
11 as mortgagee and payee, and such mortgage and note shall be assigned by the
12 authorized lender to the authority immediately upon execution. A mortgage
13 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have
14 priority over all liens against the mortgaged premises and the buildings and
15 improvements to the buildings, except tax and special assessment liens filed after
16 the recording of the mortgage. A mortgage securing a loan made for a purpose
17 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum
18 equity in the property, as established by the department by rule.

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

22 **(4) INTEREST RATE DETERMINED.** (a) The board shall determine the interest rate
23 on loans made under this section. Except as provided in sub. (11), the interest rate
24 determined may not be increased during the term of the loan. Except as provided
25 in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully

1 pay all expenses and to provide reserves that are reasonably expected to be required
2 in the judgment of the board in accordance with par. (b) and sub. (7) (a) 3.

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

7 2. The board shall charge or cause to be charged to borrowers all costs necessary
8 to insure against losses under subd. 1.

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

11 (c) Loans made pursuant to this section shall not be subject to s. 138.05,
12 138.051, or 138.052, except that a loan originated under this section after May 3,
13 1996, is subject to s. 138.052 (5).

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

16 1. Enter into contracts with authorized lenders throughout this state
17 authorizing such lenders to process applications and close and service loans made
18 under this section. The contracts shall include the responsibilities of the authorized
19 lender with respect to credit evaluations, financial eligibility determinations,
20 valuation of the home for which the loan is to be made, collection procedures in the
21 event of delinquent loan repayments, and other functions that the department may
22 require. The contracts shall authorize the lender to retain an amount from the
23 monthly payments for servicing loans made under this section. The rate of the
24 service fee shall not exceed a maximum rate established by the department with the
25 lender in accordance with current practices under similar programs, and shall be

1 stated in the contracts. The department shall specify in the contracts a maximum
2 length of time between receipt of monthly mortgage payments by the lender and
3 transmittal of such payments to the state or the authority.

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

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

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

14 5. Designate and maintain a current list of lenders authorized to make or
15 service loans under this section. The department shall promulgate rules
16 establishing standards for and governing the performance of authorized lenders in
17 making and servicing loans under this section and shall periodically monitor such
18 performance. The department shall promulgate rules to provide for the removal
19 from its list of authorized lenders of any lender that makes an excessive number of
20 errors on loan applications processed under subd. 1. The department may
21 summarily remove from its list of authorized lenders any lender that indicates it does
22 not wish to participate in the program and after hearing on notice remove from its
23 list of authorized lenders any lender that fails to conform with the rules of the
24 department governing that performance, and may refuse to permit a lender so

1 removed to make or service any loan under this section until the department is
2 satisfied that the lender will conform with its rules.

3 6. Require borrowers to make monthly escrow payments to be held by the
4 authorized lender or the department for real estate taxes and casualty insurance
5 premiums. The authorized lender or the department shall pay all of the amounts due
6 for real estate taxes and casualty insurance premiums, even if the amount held in
7 escrow is insufficient to cover the amounts due. If the amount held in escrow is
8 insufficient to cover the amounts due, the authorized lender or the department shall
9 recover from the borrower, after paying the amounts due under this subdivision, an
10 amount equal to the difference between the amounts paid and the amount held in
11 escrow. If the amount held in escrow is more than the amounts due, the authorized
12 lender or the department shall refund to the borrower, after paying the amounts due
13 under this subdivision, an amount equal to the difference between the amount held
14 in escrow and the amounts paid by the authorized lender or the department.

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

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

22 9. With prior approval of the building commission, retire all 1981 veterans
23 home loan revenue bonds and transfer any assets remaining in the bond fund after
24 retirement into the veterans trust fund. The department may sell the assets

1 transferred to the veterans trust fund under this subdivision and deposit the
2 proceeds of any sale into the veterans trust fund.

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

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

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

9 (b) At the time of closing, persons receiving loans under this section shall pay
10 an origination fee to the authorized lender participating in the loan, except that the
11 department shall pay, on behalf of a veteran who receives a loan under this section
12 and who has at least a 30 percent service-connected disability rating for purposes
13 of 38 USC 1114 or 1134, the origination fee to the authorized lender. The origination
14 fee charged under this paragraph shall be negotiated between the department and
15 the authorized lender but may not exceed that which the authorized lender would
16 charge other borrowers in the ordinary course of business under the same or similar
17 circumstances.

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

21 (a) The secretary, with the approval of the governor and subject to the limits
22 of s. 20.866 (2) (zn), may request that state debt be contracted in accordance with ch.

23 18. Debt requested shall meet all of the following additional requirements:

24 1. State debt may be contracted when it reasonably appears to the building
25 commission that all state obligations so incurred under this paragraph and s. 20.866

1 (2) (zo) can be fully paid from moneys received from veterans repayments of loans on
2 mortgages and mortgage notes funded under this paragraph and other available
3 revenues of the veterans mortgage loan repayment fund. In making this
4 determination, the building commission may take into account the effect of its
5 planned future actions to refinance existing state debt, to create reserve funds, and
6 to modify the structure of the total debt outstanding so as to ensure that projected
7 repayments of loans on mortgages and mortgage notes, together with other available
8 moneys, will be sufficient as received to fund debt service payments as due. It is the
9 intent of the legislature that the program authorized under this section be fully
10 self-supporting and that it be administered so that all debt service and all related
11 costs of the program under this section will require no supplemental support from
12 the general fund.

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

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

24 (c) The secretary, with the approval of the governor and subject to the limits
25 of sub. (10), may request that revenue obligations be contracted in accordance with

1 subch. II of ch. 18. Revenue obligations requested shall meet all of the following
2 additional requirements:

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

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

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

- 1 1. Transfer to the bond security and redemption fund.
- 2 2. Acquisition or redemption of public debt in accordance with resolutions of
3 the building commission.
- 4 3. Payment of losses arising from delinquency or default in the repayment of
5 loans funded under sub. (6) (a), including loss of principal and interest accrued to the
6 point of final disposition of the defaulted loan and the expenses of management and
7 sale of the property taken upon default of loan repayment.
- 8 4. Payment of all costs incurred by the department in processing and servicing
9 loans, purchasing servicing rights for loans under this section, and accounting for
10 and administering the program under this section, including a portion of grants
11 made to county veterans service officers under s. 45.80 (8).
- 12 5. Payment of all costs incurred in contracting public debt for the purposes
13 under s. 18.04 (5) and under s. 18.04 (2) for the purpose of funding veterans housing
14 loans.
- 15 6. Payment of costs of issuance of obligations to fund loans under sub. (6) (c)
16 if not paid from the proceeds of the obligations.
- 17 7. Payment of obligations arising from loans funded under sub. (6) (b).
- 18 8. Payment of any other costs of program operation and management
19 authorized under this section.
- 20 9. Loan money to the veterans trust fund, upon prior approval of the building
21 commission for each loan, for the purposes under s. 45.42.
- 22 10. Payment of origination fees, on behalf of veterans who have at least a 30
23 percent service-connected disability rating for purposes of 38 USC 1114 or 1134, to
24 authorized lenders under sub. (5) (b).
- 25 11. Payment required of the department under sub. (5) (a) 6.

1 12. Payment of obligations arising from the acquisition of a headquarters and
2 museum building for the department under s. 45.03 (5) (b).

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

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

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

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

18 **(9) LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN.** Not more
19 than 50 percent of the proceeds of a loan granted under this section for a purpose
20 under s. 45.34 (1) (a) may be used for remodeling or alteration of the housing
21 accommodation after purchase to meet the special needs of a permanently and totally
22 disabled veteran. That portion of the proceeds used for this purpose shall be reserved
23 and distributed by the authorized lender.

24 **(10) REPAYMENT OF REVENUE OBLIGATIONS.** (a) All moneys received from any
25 source for repayment of loans, mortgages, or mortgage loan notes funded with

1 proceeds of revenue obligations issued under sub. (6) (c) shall be deposited into one
2 or more separate nonlapsible trust funds in the state treasury or with a trustee
3 appointed for that purpose by the authorizing resolution for the revenue obligations.
4 The board may pledge revenues received by the funds to secure revenue obligations
5 issued under sub. (6) (c) and shall have all other powers necessary and convenient
6 to distribute the proceeds of the revenue obligations and loan repayments in
7 accordance with subch. II of ch. 18. Unrestricted balances in the funds may be used
8 to fund additional loans issued under sub. (6) (c) and pay the balances owing on loans
9 after the assumptions of the loans or the closings of the sales of residences under sub.
10 (11) (c).

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

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

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

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

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

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

10 (c) After the assumption of a guaranteed loan funded under sub. (6) (c), if the
11 loan is assumed, or the closing of the sale of a residence on which a balance is owing
12 on a guaranteed loan funded under sub. (6) (c), the balance owing on the loan on the
13 date of the assumption of the loan, if the loan is assumed, or the closing of the sale
14 may be paid to the funds created under sub. (10) from available surpluses, if any, in
15 the veterans mortgage loan repayment fund under sub. (7) (d). The loan and the
16 mortgage and mortgage note pertaining to the loan may be purchased by the
17 veterans mortgage loan repayment fund under sub. (7).

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

1 committee on finance may, from the appropriation under s. 20.865 (4) (u),
2 supplement the appropriation under s. 20.485 (2) (vm) in an amount equal to the
3 amount that the department expects to expend under this subsection.
4 Notwithstanding s. 13.101 (3) (a), the committee is not required to find that an
5 emergency exists. If the cochairpersons of the committee do not notify the secretary
6 within 14 working days after the date of the department's submittal that the
7 committee intends to schedule a meeting to review the request, the appropriation
8 account shall be supplemented as provided in the request. If, within 14 working days
9 after the date of the department's submittal, the cochairpersons of the committee
10 notify the secretary that the committee intends to schedule a meeting to review the
11 request, the appropriation account shall be supplemented only as approved by the
12 committee.

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

13 (2) HEALTH CARE AID. The department may provide to a veteran or the
14 dependent of a veteran temporary health care aid if the department considers it
15 advisable to prevent undue hardship. Health care aid to pay medical or hospital bills
16 under this subsection is limited to a payment of up to \$5,000 per veteran or
17 dependent for a 12-month period beginning on the first day of care for which the
18 person seeks reimbursement under this subsection. The department may issue a
19 certificate of entitlement stating that a veteran or dependent is eligible for health
20 care aid under this subsection if the treatment is received within a time period that
21 the department promulgates by rule. The department may not provide health care
22 aid to pay for care provided to the veteran or dependent before the time period
23 identified in the certificate of entitlement, except for emergency care, as determined
24 by the department, if the application for the health care aid is submitted within 90

1 days after the emergency care ends. Health care aid may be used to provide payment
2 for the treatment of alcoholism or other drug addiction or to provide payment for
3 health care required because of alcoholism or other drug addiction or alcohol or other
4 drug abuse. The department may not provide health care aid under this subsection
5 unless the person's health care provider agrees to accept, as full payment for the
6 medical treatment for which the aid is to be granted, the amount of the aid, the
7 amount of the person's health insurance or other 3rd-party payments, if any, and the
8 amount that the department determines the person is capable of paying. The
9 department may not provide health care aid under this subsection if the combined
10 liquid assets of the veteran and veteran's dependents who are living in the same
11 household are in excess of \$1,000.

NF ~~NOTE~~^g NOTE: Is this actually a reimbursement to a health care provider program? Fix
to read that way?

12 (3) APPROPRIATIONS. The department may provide aid under this section from
13 the appropriation in s. 20.485 (2) (vm). Nothing in this section empowers the
14 department to incur any state debt.

15 **45.41 Payments to veterans organizations.** (1) In this section:

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

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

20 (2) Upon application the department shall make a payment to any state
21 veterans organization that establishes that it, or its national organization, or both,
22 has maintained a full-time service office at the regional office for 5 consecutive years
23 out of the 10-year period immediately preceding the application. The payment shall

1 be calculated based on the total amount of all salaries and travel expenses under sub.
2 (3) paid during the previous fiscal year by the state veterans organization to
3 employees engaged in veterans claims service and stationed at the regional office.

4 The payment shall be as follows:

5 (a) If the total amount paid under sub. (3) is from \$1 to \$2,499, the organization
6 shall receive the amount paid.

7 (b) If the total amount paid under sub. (3) is from \$2,500 to \$9,999, the
8 organization shall receive \$2,500.

9 (c) If the total amount paid under sub. (3) is from \$10,000 to \$119,999, the
10 organization shall receive 25 percent of the amount paid.

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

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

1 of the 10-year period immediately preceding the application. Subsequent
2 applications shall be accompanied by an affidavit by the adjutant or principal officer
3 of the state veterans organization stating that the organization, on its own or with
4 its national organization, maintained a full-time service office at the regional office
5 for the entire 12-month period for which application for a payment is made.

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****NOTE: Under current law, state veterans organizations may apply to DVA to receive payments for services they provide to veterans at the regional U.S. DVA office. To receive reimbursement, the organizations must have maintained a full-time service office at the regional office for 5 of the 10 years preceding application. The bill clarifies here and in s. 45.41 (3) that the service must have been provided for 5 consecutive years within that 10-year period.

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

9 **45.42 Veterans personal loans.** (1) It is determined that the loan program
10 established under this section is a special purpose credit program for an economically
11 disadvantaged class of persons for purposes of 15 USC 1691-1691f.

12 (2) The department may lend a veteran, a veteran's unremarried surviving
13 spouse, or a deceased veteran's child not more than \$25,000, or a lesser amount
14 established by the department under sub. (9). The department may prescribe loan
15 conditions, but the term of the loan may not exceed 10 years. The department shall
16 ensure that the proceeds of any loan made under this section shall first be applied
17 to pay any delinquent child support or maintenance payments owed by the person
18 receiving the loan and then to pay any past support, medical expenses, or birth
19 expenses owed by the person receiving the loan.

20 (3) The department may lend to the remarried surviving spouse of a deceased
21 veteran or to the parent of a deceased veteran's child not more than \$25,000, or a

1 lesser amount established by the department under sub. (9), for the education of the
2 deceased veteran's child.

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

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

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

16 (a) Provides to the department a repayment agreement that the applicant has
17 entered into, that has been accepted by the county child support agency under s.
18 59.53 (5), and that has been kept current for the 6-month period immediately
19 preceding the date of the application.

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

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

4 (7) No person may receive a loan under this section in an amount that, when
5 added to the balance outstanding on the person's existing loans under s. 45.351 (2),
6 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the
7 department of more than \$25,000.

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

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

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

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

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

1 shall be evidenced by a promissory note and secured by a guarantor or by a mortgage
2 on real estate located in this state. A mortgage securing a loan made under this
3 section is acceptable if the applicant has equity in the property subject to the
4 mortgage equal to or exceeding a minimum amount that the department establishes
5 by rule.

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

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

20 SUBCHAPTER V

21 VETERANS HOMES

22 **45.50 Veterans homes; management.** (1) (a) The department shall operate
23 the Wisconsin Veterans Home at King and employ a commandant for the home. The
24 department may employ a commandant for the Wisconsin Veterans Home at Union
25 Grove or the Wisconsin Veterans Home at Chippewa Falls. The department may

1 employ any personnel that are necessary for the proper management and operation
2 of veterans homes. In compliance with the compensation plan established pursuant
3 to s. 230.12 (3), a commandant may recommend to the director of personnel charges
4 for meals, living quarters, laundry, and other services furnished to employees and
5 members of the employees' family maintained at veterans homes. The department
6 shall provide complete personal maintenance and medical care, including programs
7 and facilities that promote comfort, recreation, well-being, or rehabilitation, to all
8 members of veterans homes.

 ****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.

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

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

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

21 (b) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department
22 may develop, construct or renovate, and operate residential, treatment, and nursing
23 care facilities and programs for veterans in northwestern Wisconsin, on the property

1 of the Northern Wisconsin Center for the Developmentally Disabled in Chippewa
2 Falls to be known as the Wisconsin Veterans Home at Chippewa Falls. The programs
3 and facilities may include an assisted living facility, a skilled nursing facility, a
4 medical clinic, an adult day health care center, an activities center, and a veterans
5 assistance program.

6 (3) The department may acquire, by gift, purchase, or condemnation, lands
7 necessary for the purposes of the Wisconsin Veterans Home at Union Grove and the
8 Wisconsin Veterans Home at King. Title to the lands shall be taken in the name of
9 this state and shall be held by and for the uses and purposes of the homes. No
10 payment may be made out of the state treasury or otherwise for the land until the
11 title has been examined and approved by the attorney general. Every such deed of
12 conveyance shall be immediately recorded in the office of the proper register of deeds
13 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?

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

19 (5) The department may accept gifts, bequests, grants, or donations of money
20 or of property from private sources to be administered by the department for the
21 purposes of veterans homes. All moneys received shall be paid into the general fund
22 and appropriated as provided in s. 20.485 (1) (h), except that gifts or grants received
23 specifically for the purposes of the geriatric program at veterans homes are

1 appropriated as provided in s. 20.485 (1) (hm). The department may not apply to the
2 gifts and bequests fund interest on certificate of savings deposits for those members
3 who do not receive maximum monthly retained income. The department shall
4 establish for those persons upon their request individual accounts with savings and
5 interest applied as the member requests.

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

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

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

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

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

1 and other provisions that the department determines are necessary to administer
2 the program.

3 (10) The department may establish a hospital at the veterans homes. All
4 hospitals established under this subsection may not have a total approved bed
5 capacity, as defined in s. 150.01 (4m), greater than 16 beds. The approved bed
6 capacity of a skilled nursing facility operated at a veterans home is reduced by one
7 bed for each approved bed at the hospital established under this subsection at that
8 home.

9 **45.51 Eligibility for membership.** (1) GENERAL STATEMENT. Within the
10 limitations of veterans homes, the department may admit to membership in veterans
11 homes persons who meet the qualifications set forth in this section.

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

14 1. A veteran.

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

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

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

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

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

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

4 4. Provides a complete financial statement containing information that the
5 department determines is necessary to evaluate the financial circumstances of the
6 person. The department may require a member of a veterans home to provide the
7 department with information necessary for the department to determine the
8 financial circumstances of the person. If a person fails to provide the additional
9 information, the department may discharge the person from the veterans home.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **(5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** The surviving
24 spouse of a person under sub. (2) (a) 1. or 2. who was a resident of this state at the
25 time of the veteran's death is eligible if the surviving spouse meets the requirements

1 of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the following
2 conditions:

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

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

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

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

13 d. Was married to and living with the person under sub. (2) (a) 1. or 2. less than
14 6 months and a child was born of the marriage.

15 (b) Has not remarried.

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

17 (d) Is physically disabled.

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

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

22 **(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS.** The parent of a person
23 under sub. (2) (a) 1. or 2. who was a resident of this state at the time of the person's
24 death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for

1 membership, is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5.
2 and if the parent satisfies all of the following conditions:

3 (a) Has reached 60 years of age.

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

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

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

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

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

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

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

4 **(8) PERSONAL FUNDS OF MEMBER.** A member may, in writing, authorize a
5 veterans home to receive, hold, and account for his or her personal funds. Section
6 49.498 (8) applies to the funds of a member held by the veterans home under this
7 subsection. The department may transfer the personal funds of a member received
8 under this subsection to the Wisconsin veterans facilities members fund under s.
9 25.37. Upon request of the member, the department shall pay the member the
10 amount the member requests from his or her personal account.

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

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

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

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

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

1 including any amount allowed by the United States for the member's funeral and
2 burial and the right for burial and interment provided in s. 45.61 (2).

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

5 (13) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES. Any
6 person admitted to a skilled nursing facility at a veterans home shall meet the
7 eligibility requirements under ss. 49.45 and 49.46 and rules promulgated under
8 those sections during residence at the skilled nursing facility except if any of the
9 following apply:

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

14 (b) Persons who meet all the requirements of this section but whose degree of
15 physical disability does not meet the minimum requirements under ss. 49.45 and
16 49.46 and rules promulgated under those sections may be admitted to the skilled
17 nursing facility but shall apply income and resources to costs to the extent required
18 by ss. 49.45 and 49.46 and rules promulgated under those sections.

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

1 FUNERALS, BURIALS, AND CEMETERIES

2 **45.60 Military funeral honors. (1) PROGRAM.** (a) The department shall
3 administer a program to coordinate the provision of military funeral honors to
4 deceased veterans.

5 (b) Military funeral honors may be provided by local units of member
6 organizations of the council on veterans programs, by local units of veterans
7 organizations certified by the department to provide military funeral honors, by
8 members of the Wisconsin national guard activated under s. 21.11 (3), or by staff of
9 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.

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

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

1 (b) A funeral director may issue a tuition voucher in the amount of \$25 to an
2 individual who sounds “Taps” on a bugle, trumpet, or cornet during each funeral for
3 which military honors are held in this state for a deceased veteran and who is a
4 student in grades 6 to 12 or at an institution of higher education, as defined under
5 s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment of
6 tuition and required program activity fees at a University of Wisconsin System
7 institution as provided under s. 36.27 (3r) or a technical college as provided under
8 s. 38.24 (6). The department shall encourage private institutions of higher education
9 to accept the vouchers. The vouchers are not transferable.

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

1 cemeteries operated by the department are exempt from the requirements of ss.
2 157.061 to 157.70 and 440.90 to 440.95.

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

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

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

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

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

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

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

23 (d) A person who was a resident of this state at the time of his or her entry or
24 reentry into service in any national guard or a reserve component of the U.S. armed
25 forces or who was a resident of this state for at least 12 consecutive months

1 immediately preceding his or her death, and the person's spouse, surviving spouse,
2 and dependent children, if the person is eligible for burial in a national cemetery
3 under 38 USC 2402.

4 (e) A person who was discharged or released from active duty in the U.S. armed
5 forces under honorable conditions and who was a resident of this state for at least
6 12 consecutive months after entering or reentering service on active duty.

7 (3) FEES AND COSTS. The department may charge a fee for burials under this
8 section and may promulgate rules for the assessment of any fee. The cost of
9 preparing the grave and the erection of a marker for a person described under sub.
10 (2) (a), (b), (d), or (e) shall be paid from the appropriation under s. 20.485 (1) (gk).

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

17 (5) EXPENSES. Expenses incident to the burial under this section shall be paid
18 from the estate of the decedent, except that if there is no estate or the estate is
19 insufficient, the expense of burial, or necessary part of the burial, shall be paid from
20 the appropriation under s. 20.485 (1) (gk), and the amount expended for those
21 expenses shall not exceed the amount established for funeral and burial expenses
22 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?