

No. 363, A.]

[Published July 6, 1949.]

**CHAPTER 398.**

AN ACT to repeal chapter 347, laws of 1931, section 3; to renumber 20.036 (10) of the statutes to be 20.036 (7) (g) and to amend the same; and to repeal and recreate 45.37; relating to the Grand Army Home for Veterans and making an appropriation.

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

SECTION 1. Chapter 347, laws of 1931, section 3, is repealed.

SECTION 2. 20.036 (10) of the statutes is renumbered 20.036 (7) (g) and is amended to read:

20.036 (7) (g) Any moneys received by the state under the provisions of section 45.37 \* \* \* (3), or any moneys received by gifts or bequest \* \* \*, shall be paid \* \* \* into the general fund, and are appropriated therefrom to carry out the purposes of section 45.37.

SECTION 3. 45.37 of the statutes is repealed and recreated to read:

45.37 GRAND ARMY HOME FOR VETERANS; MANAGEMENT; WHO ENTITLED TO MEMBERSHIP AND BURIAL. (1) The Wisconsin department of veterans' affairs (hereafter in this section referred to as the department) shall operate and conduct the Grand Army Home for Veterans at King (hereafter in this section referred to as the home) and employ a commandant and such officers, nurses, attendants and other personnel as may be necessary for the proper conduct of the home. Complete personal maintenance and medical care shall be furnished all members under the policy of the department.

(2) Within the limitations of the facilities of the home, the department may admit to membership the following:

(a) Those men and women of Wisconsin who served at least 90 days of active duty in the armed forces of the United States during a war period or under conditions comparable thereto as may be determined by department, and who meet the following requirements:

1. Who were discharged from such service under conditions considered honorable by the department;

2. Who are found by the department to lack adequate means of support for themselves and dependents, and are temporarily or permanently incapacitated, due to physical disability or age, from following any substantially gainful occupation;

3. Who are eligible to similar care in a facility controlled by the United States veterans' administration;

4. Who are 50 years of age or over;

5. Who were bona fide residents of Wisconsin at the time of entering service with the armed forces and who have resided in Wisconsin continuously for the 10 years next preceding the date of application for membership;

6. Veterans with less than 90 days service, if otherwise qualified as specified herein, shall be considered eligible if such service was terminated as a result of service connected disability. Disabled veterans under 50 years of age, if otherwise qualified, may be admitted if unable to secure adequate care from the federal government. Veterans whose services are not credited to Wisconsin but who are otherwise qualified for membership may be admitted if they have resided continuously in Wisconsin, for the 15 years next preceding the date of application. Residence in Wisconsin for the purpose of this subsection may not be initiated by residence in a United States veterans administration facility.

(b) The wives of those veterans who are eligible to membership under the provisions of paragraph (a) who have lived continuously with their veteran husbands not less than 10 years before making application, and whose husbands are members of the home or are institutionalized because of physical or mental disability. Wives who become members after the effective date (1949) of this section and who become widowed while they are

members of the home must qualify for membership as widows under the provisions of subsection (2) (c) if their membership is to be continued.

(c) The widows of those veterans who, if living, would be qualified under paragraph (a) who were married to and living with their veteran husbands not less than 10 years immediately prior to death; who have not remarried; who are physically disabled; who are unable adequately to care for themselves and lack adequate means of support. Widows who were married to and living with the veteran at the time he entered service with the armed forces, if otherwise eligible, shall be considered eligible if such marriage was terminated before 10 years by the death of the veteran while in service or as the result of physical disabilities incurred during such service.

(d) The widowed mothers of veterans whether living or dead, qualified for membership under paragraph (a), when such widowed mothers have reached the age of 60 years, and are physically disabled, are unable adequately to care for themselves, and lack adequate means of support.

(e) No persons shall be admitted to the home who have been convicted of a felony, or of a crime involving moral turpitude, without producing sufficient evidence of subsequent good conduct and reformation of character as to be satisfactory to the department, nor shall any chronic alcoholics, drug addicts, psychotics, or active tuberculous cases be admitted.

(f) The members of the home at the time of the effective date (1949) of this section shall not be required to requalify for membership because of changes made in eligibility standards unless they are subsequently discharged and later apply for reentry into the home, or unless the financial or physical status of any member has changed or improved so that he would no longer be eligible for admission under the standards applicable at the time of his admission. After such effective date the department shall refuse admission to persons who have conveyed or disposed of property or any interest therein of a value in excess of \$500 by gift or sale for an inadequate consideration, except in cases where the property is conveyed to the state of Wisconsin. If the department determines that any such conveyance or disposition of property had no relation to prospective entrance into the home, the last above provision shall not be applicable.

(g) Applications, except in cases where there is immediate need for physical care or economic assistance, shall be passed upon in the order of priority in point of time of the commencement of the military service upon which the privilege of membership in the home is based. Wives, widows and mothers shall have the same priority as that of the person from whom their privilege of membership is derived.

(h) All members of the home, regardless of their date of admission, shall pay the following portions of their annual income into the general fund of the state:

INCOME BRACKETS		RATES
1st	\$120	none
2nd	\$120	none
3rd	\$120	40 per cent
4th	\$120	50 per cent
5th	\$120	60 per cent
6th	\$120	70 per cent
7th	\$120	75 per cent
All remaining income		100 per cent

Payments of the amounts indicated above shall be made at such time and in such amounts as the board of the department shall provide by rule or regulation. The department may remit not to exceed \$10 monthly from the payments required of each married veteran for the personal use of his wife while she is a member of the home. The department may remit such sums monthly as it deems necessary for the care of nonmember dependents of a member. "Income" as used in this section, shall include, without limitation by enumeration, all pensions from state, federal or private sources, annuities, social security payments and recurrent insurance payments from state, federal and private sources but shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof.

(3) If any member of the home shall die without legal dependents, his real property shall descend and his personal property shall be distributed to the state of Wisconsin as sole heir for the sole use and benefit of the home, and no will, previously or hereafter drawn, making a contrary disposal shall be valid. A wife or mother residing at the home shall be included among and considered as a legal dependent for the purpose of this subsection.

(4) The provisions of section 142.07 are applicable to veterans of all wars while members of the home, subject to the same restrictions and with the same privileges now enjoyed by the veterans of World War I at the Wisconsin general hospital. Costs incident

to the hospitalization of members of the home shall be paid from the appropriation for the operation of the home, except for those veterans of World War I who are eligible to hospitalization and treatment under the provisions of section 45.38 and except those veterans of World War II who are eligible to treatment under the provisions of section 45.35.

(5) The commandant of the home may receive, disburse and account for personal funds of members of the home, other than state funds, received from any source, under policies adopted by the board of veterans' affairs.

(6) Any veteran who served honorably in any branch of the military forces of the United States, while engaged in any war of the United States and who at the time of his death was a resident of this state, shall be eligible for burial and interment at the home. Cost of preparing grave and erection of marker shall be paid from the appropriation made by section 20.036 (7) (a).

(7) Burial shall be provided in the cemetery of the home for any wife, widow or mother of an honorably discharged veteran of any branch of the military forces of the United States who was engaged in any of its wars, where such wife, widow or mother at the time of her death was a member of the home. All expenses incident to the burial at the home of a person defined in this subsection shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part thereof, shall be paid from the appropriation made by section 20.036 (7) (a) and the amount expended therefor shall not exceed the amount therein specified.

(8) The department shall have power to acquire, by gift, purchase or condemnation, lands necessary for the purposes of the home. Title thereto shall be taken in the name of the state of Wisconsin and shall be held by and for the uses and purposes of said home so long as used for the present objects and purposes thereof. No payment shall be made out of the state treasury or otherwise for any such land until the title has been examined and approved by the attorney-general. Every such deed of conveyance shall be immediately recorded in the office of the proper register of deeds and thereafter filed with the secretary of state.

Approved June 30, 1949.

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