

1969 Assembly Bill 553

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CHAPTER 443, LAWS OF 1969

AN ACT to amend 20.485 (1) (h) and (m) and (2) (u) and (um), 20.923 (1) (a) 20, 45.10, 45.35 (5a) (intro.), (7a) and (14) (d), 45.351 (2), 45.353 (2) and (3), 45.36 (2), 45.37 (2) (a) and (f), (3) (b), (9), (10) (a) and (15) (b), 45.396, 45.51 (1) and 45.53 (1) (a); and to repeal and recreate 45.351 (3) of the statutes, relating to altering qualifications for veterans benefits, changing requirements for loans and making improvements at the veterans home, and making appropriations.

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

SECTION 1. 20.485 (1) (h) and (m) and (2) (u) and (um) of the statutes are amended to read:

20.485 (1) (h) All moneys received under 45.37 (2) (f), (10) and (11), or any moneys received by gifts or bequests, to carry out the purposes of s. 45.365.

(m) All moneys received from the federal government for care of veterans of any war or military expedition of the United States who have

been admitted to and cared for at the Grand Army home for veterans, to be used by the department exclusively for constructing and equipping buildings inclusive of such other lands as are necessary therefor, and to replace inadequate and dangerous housing accommodations *and to replace and improve the existing sewer and water systems at the Grand Army home for veterans.* The net revenues accruing under this paragraph shall be transferred to the state building trust fund annually until such time as the moneys advanced by the state building trust fund have been completely reimbursed.

(2) (u) The amounts in the schedule for the administration of loans and aids to veterans, *and for payment of legal services under s. 45.35 (14) (d).*

(um) A sum sufficient ~~but not to exceed \$1,500,000 each year~~ for payment of benefits to veterans and their dependents under ss. 45.351 and 45.396.

SECTION 2. 20.923 (1) (a) 20 of the statutes is amended to read:

20.923 (1) (a) 20. 20.485 Veterans' affairs department, superintendent of memorial hall	NE	4,800	7,020
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SECTION 5. 45.10 of the statutes is amended to read:

45.10 Every county board shall annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section, such tax to be levied and collected as other county taxes for the purpose of providing aid to needy veterans, the needy wives, widows, minor and dependent children of such veterans and the needy parents of such veterans entitled to aid under ss. 45.10 to 45.15, and to carry out the purposes of ss. 45.16 to 45.185. ~~Needy veterans must reside in this state for a period of one year immediately prior to application in order to qualify for such aid.~~ Aid may not be denied solely on the basis that a person otherwise eligible therefor owns a homestead which he occupies as such.

SECTION 6. 45.35 (5a) (intro.) of the statutes is amended to read:

45.35 (5a) (intro.) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U. S. armed forces which service entitled him to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for 90 days or more during a war period as enumerated below or under section 1 of executive order 10957, dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected or died in service, who has been a resident of this state for at least 10 years next preceding his application or his death or who was a resident of this state at the time of his enlistment or induction into service and is either a resident of and living in this state ~~qualifying~~ at the time of making application or is deceased. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge. *Veterans who are otherwise eligible and who are serving on active duty in the U. S. armed forces need not be living in this state on date of application to qualify for benefits from the department.* The benefits available to veterans shall also be made available to the unremarried widows, widowers and minor or dependent children of deceased veterans if such widows, widowers or minor or dependent children are residents of and living in this state at the time of making application.

SECTION 7. 45.35 (7a) of the statutes is amended to read:

45.35 (7a) The department upon request shall assist all persons residing in the state having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of service in the ~~wars of the country~~ *U. S. armed forces*. To this end it shall cooperate with their agents or attorneys, advise as to the legality of claims, furnish all necessary certificates and certified abstracts from and copies of records and documents in its office, and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may hereafter be filed. It shall also, in cases where it may be expedient, act as agent or attorney of record in prosecuting claims for such persons requesting it to do so; ~~provided that~~. For any such services rendered no person in the employ of the department shall make any charge or demand or receive from the said claimants or any of them, directly or indirectly, any pay or commission whatever. It shall provide for registration with the register of deeds of each county the names of all persons from such county who died in the services of the United States during the Spanish-American War, Philippine insurrection, Boxer rebellion, Mexican border service, World Wars I and II ~~or~~, the Korean conflict or *Viet Nam service*.

SECTION 8. 45.35 (14) (d) of the statutes is amended to read:

45.35 (14) (d) To utilize the services and facilities of existing state departments and boards and county veterans' service officers. *Charges for legal services furnished the department by the department of justice shall be paid from the appropriation in s. 20.485 (2) (u).*

SECTION 9. 45.351 (2) of the statutes is amended to read:

45.351 (2) The department may lend any veteran not more than \$2,000 to be used for the purchase of a business or business property or the repairing or adding to his home or business property, the construction of a garage, the education of himself or his children or to provide essential economic assistance, where the veteran's need is established to the satisfaction of the department and he is unable to meet that need from his own resources or available credit upon manageable terms. The department may prescribe loan conditions, but the interest rate shall be ~~2%~~ *3%* per annum and the term shall not exceed 15 years. Loan expense may be charged to the veteran. The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness which it deems uncollectible. *Where any loan under this section is secured by a real estate mortgage, the department may exercise the rights of owners and mortgagees generally and the rights and powers set forth in s. 45.352 (6).* Interest and repaid principal shall be paid into the veterans trust fund. The department may lend not more than \$2,000 to any veteran's widow, *whether remarried or not, or to the mother of any deceased veteran's children* for the education of his minor or dependent child or children if such widow or mother is a resident of and living in this state on the date of application.

SECTION 10. 45.351 (3) of the statutes is repealed and recreated to read:

45.351 (3) The department shall satisfy the loan of any veteran who has obtained a loan under s. 45.35 (8b) from July 11, 1945, to October 1, 1965, or under this section or who obtains a loan under this section in the future where such veteran died or dies after July 1, 1963, and before completing repayment thereof and shall issue a satisfaction of any security instruments executed in connection therewith and write off the balance of principal, interest and costs owing on such loan upon the date it received confirmation of the veteran's death. Obligation to repay such a loan shall terminate on the date of the veteran's death and any payments made thereon to the department after such date shall be refunded to the payor or to his heirs, executor or administrator from the appropriation in s.

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20.485 (2) (um) upon receipt by the department of an application for refund. Nothing in this section empowers the department to incur any state debt.

SECTION 11. 45.353 (2) and (3) of the statutes are amended to read:

45.353 (2) Upon application the department shall pay to any state veterans organization, which establishes that it, or its national organization, or both, has maintained a full-time service office at the regional office for at least 5 of the 10 years preceding the date of application, a sum equal to 25% of all salaries and travel expenses paid during the previous fiscal year specified under sub. (3) by such state veterans organization to employes engaged in veterans claims service and stationed at such regional office, except that the sum paid to each such state veterans organization annually shall not be less than either \$2,500, or the amount of salaries and travel expenses paid by such state veterans organization to employes stationed at such regional office, whichever is less, nor more than \$7,500.

(3) Application by any such state veterans organization shall be filed annually with the department for the 12-month period commencing on April 1 and ending on March 31 of the year in which it is filed. An application shall contain a statement of salaries and travel expenses paid to employes engaged in veterans claims service maintained at the regional office by such state veterans organization covering the period for which application for a grant is made, which statement has been certified as correct by an accountant certified under ch. 135 and sworn to as correct by the adjutant or principal officer of the state veterans organization. The application shall also contain the state organization's financial statement for its last completed fiscal year and such evidence of claims service activity as the department requires. Sufficient evidence shall be submitted with an initial application to establish that the state veterans organization, or its national organization, or both, has maintained a full-time service office at the regional office without interruption throughout 5 years out of the ~~5-year~~ 10-year period immediately preceding such application. Subsequent applications must be accompanied by an affidavit by the adjutant or principal officer of such state veterans organization stating that a full-time service office was maintained at the regional office by such state veterans organization, or by such state organization and its national organization, for the entire 12-month period for which application for a grant is made.

SECTION 12. 45.36 (2) of the statutes is amended to read:

45.36 (2) Separation documents and copies thereof evidencing service in the armed forces of the U. S. are confidential and privileged. Examination of such records in the possession of the department or service office will be limited to authorized employes of the department or service office and information entered thereon will be disclosed only to *veterans and their duly authorized representatives* or to interested governmental agencies for the purpose of assisting veterans and their dependents to obtain the rights and benefits to which they may be entitled.

SECTION 13. 45.37 (2) (a) and (f), (3) (b), (9), (10) (a) and (15) (b) of the statutes are amended to read:

45.37 (2) (a) Was a resident of this state at the time of entering service with the armed forces and has been a resident ~~in~~ of this state for 5 years next preceding the date of application for membership. Residence may not be initiated by residence in a U. S. veterans administration facility.

(f) Reports or has total assets under \$1,000, unless the applicant for membership turns over such assets in excess of \$1,000 to the state for the sole use and benefit of the home. Property or any interest therein conveyed or disposed of by the applicant within 5 years immediately prior to application for admission by gift or for less than adequate consideration

shall be considered assets upon admission to the extent of the value of the gift or to the extent consideration therefor was inadequate unless such assets were conveyed to the state or unless it is determined by the department that the conveyance or disposal of such assets had no relation to prospective entrance into the home. Such assets shall be held in escrow by the home for 60 days, any time during which the applicant may decide to leave the home, and demand the ~~fund~~ assets in escrow less the actual cost of his care and maintenance, in addition to payments under sub. (9). *If an applicant without legal dependents dies within the 60-day escrow period, all assets turned over to the state under this section shall become the property of the state as of the date of his admission to membership. If an applicant with legal dependents dies during such escrow period, the assets in escrow less the actual cost of his care and maintenance, shall descend or be distributed to such legal dependents.*

(3) (b) A veteran who was not a resident of this state at the time of his enlistment or induction into service but who is otherwise qualified for membership may be admitted if he has been a resident ~~in~~ of this state for the 10 years next preceding the date of application.

(9) Each member of the home, regardless of the date of his admission, shall pay the following portions of his monthly income into the general fund of the state. If husband and wife are both members their incomes shall be combined before applying the rates.

Income Brackets	Rates
1st \$10	none
2nd \$10	none
3rd \$10	40%
4th \$10	50%
5th \$10	60%
6th \$10	70%
7th \$10	75%
All Remaining income	100%

Payments of the amounts indicated above shall be made at such time and in such amounts as the board of the department provides by rule. Payments of these amounts shall be made first and to the fullest extent possible from sources of income other than pension or compensation paid by the veterans administration. The department may remit not to exceed ~~\$10~~ \$40.50 monthly from the payments required of each married veteran *and wife* for the personal use of ~~his~~ the wife while she is a member of the home. The department may remit *from amounts paid by a member* such sums monthly as it deems necessary for the care of nonmember dependents of ~~a~~ such member. "Income" as used in this section means money, property or anything of monetary value received from any source to which a member may become entitled subsequent to admission, to include, without limitation by reason of enumeration, all pensions from state, federal or private sources, annuities, social security payments, railroad retirement, public or private retirement, compensation, wages, salary, alimony, rents, interest, dividends, profits, return on investment, moneys received for loss, damage or injury, awards, gifts, devises, bequests and hereditaments, *inheritances, discoveries, powers,* and insurance benefits but shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof or income received by a member from the sale of products through the hobby shop. *Any renunciation or transfer of income by a member shall be void.* The operation of the home exchange including the operation of the hobby shop for the sale of products made by all members shall be conducted under the supervision of the department and the members of the home participating in the work of the home exchange may be reimbursed according to the pay plan of the bureau of personnel.

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(10) (a) The application and admission of any applicant heretofore or hereafter admitted hereunder shall constitute a valid and binding contract between such member and the department. If any member of the home dies without legal dependents, his real property shall descend and his personal property shall be distributed to the state 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; except that a member whose member spouse dies shall have the right to use all personal property of the deceased spouse for the rest of the survivor's lifetime and such property shall not be considered income under sub. (9), *and except that personal effects of nominal monetary value of a deceased member who is not survived by a member spouse may be distributed by the commandant to surviving relatives of such member who request such personal effects immediately after such member's death.*

(15) (b) Burial shall be provided in the cemetery of the home for any wife, widow or mother of a veteran where such wife, widow or mother at the time of her death was a member of the home. Burial shall also be provided in the cemetery of the home for the mother or widow of a veteran who is not a member where she within 6 months ~~of~~ *after* the veteran's ~~death~~ *burial in the cemetery of the home* applies to the department for permission to be buried ~~at the home~~ *therein* at her own expense. The widow of the veteran shall have the privilege of selecting a lot next to her husband if available. Permission shall be given by the department for a period of one year from date of granting, but may be extended, on her request, for additional one-year periods.

SECTION 14. 45.396 of the statutes is amended to read:

45.396 Any veteran upon the completion of any correspondence courses or part-time classroom study from the university of Wisconsin, the university of Wisconsin extension division, any state college or its extension division, or from any other institution of higher education located in Wisconsin which was accredited by the north central association of colleges and secondary schools on ~~April 1, 1967~~ *January 1, 1969*, or from any school of vocational, technical and adult education as established under s. 41.15 receiving aids from the state board of vocational, technical and adult education, taken upon authorization of the Wisconsin department of veterans affairs, may be reimbursed *in whole or in part* for the cost of such courses, including necessary textbooks, by the department upon presentation to the department of a certificate from the school indicating that he has completed the courses and stating the cost of such courses and necessary textbooks. Benefits granted under this section shall be paid out of the appropriation under s. 20.485 (2) (um).

SECTION 15. 45.51 (1) of the statutes is amended to read:

45.51 (1) The governing body of any county, town, city, village or school district may grant a leave of absence to any employe or officer who is inducted or who enlists ~~into~~ *in* the U.S. armed forces ~~or the nurses corps of the federal government at a time when the United States is engaged in a war or who is called to active duty under P.L. 87-117 for a period of military service of not more than 4 years unless such employe is involuntarily retained for a longer period.~~ No salary or compensation of such employe or officer shall be paid, nor claim therefor exist during such leave of absence.

SECTION 16. 45.53 (1) (a) of the statutes is amended to read:

45.53 (1) (a) "Persons in military service" means any man or woman who is or was *serving on active duty in the military service of the United States in World War II or by reason of P.L. 117 U.S. armed forces.*

SECTION 17. In s. 25.17 (1) (k), the cross reference to s. 25.36 (1) is changed to s. 25.36.

Approved February 13, 1970.