

CHAPTER 45

VETERANS' AFFAIRS, BENEFITS AND MEMORIALS

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SUBCHAPTER II

VETERAN'S HOUSING LOAN PROGRAM

Cross Reference: See also VA, Wis. adm. code.

SUBCHAPTER I

GENERAL PROVISIONS

45.001 Definitions. In this chapter, unless the context otherwise requires:

- (1) "Board" means the board of veterans affairs.
- (2) "Department" means the department of veterans affairs.
- (3) "Secretary" means the secretary of veterans affairs.
- (4) (a) Except as used in s. 45.358 or 45.37 or subch. II or unless otherwise modified, and except as provided in par. (b), "veteran" means any person who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, and who meets all of the following conditions:
 1. Except as provided in par. (c), is a resident of and living in this state at the time of making application, or is deceased, and meets one of the following conditions:
 - a. Has served in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East crisis under s. 45.34.
 - b. Was entitled to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal, or the marine corps expeditionary medal.
 - c. Has served for 90 days or more during a war period 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.

d. Has served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

2. Except as provided in par. (c), is a resident of and living in this state at the time of making application or is deceased, and meets one of the following conditions:

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

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

c. Has been a resident of this state for any consecutive 12-month period after entry or reentry into service and before the date of his or her application or death. If a person applying for a benefit under this subchapter meets that residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter that requires that residency.

(b) If the person had more than one qualifying term of service under par. (a) 1., at least one term of service must have been under honorable conditions or have been terminated by an honorable

discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a).

(c) 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.

(5) “War period” means any of the following:

(a) Indian war: Between 1860 and 1898.

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

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

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

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

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

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

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

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

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

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

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

History: 2001 a. 103 ss. 69, 70, 95 to 97, 99 to 102; 2003 a. 83.

45.014 Wisconsin Veterans Museum. The department of administration shall provide suitable space for the purpose of a memorial hall, designated as the Wisconsin Veterans Museum, dedicated to the men and women of Wisconsin who served in the armed forces of the United States in the civil war of 1861 to 1865 or who meet one of the conditions listed in s. 45.001 (4) (a) 1. a. to d., and the department of veterans affairs shall operate and conduct the Wisconsin Veterans Museum. The mission of the Wisconsin Veterans Museum is to acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United States of America’s military past by means of instructive exhibits and other educational programs.

History: 1983 a. 430; 1987 a. 399; 1989 a. 31; 1991 a. 2, 39; 1993 a. 16; 1995 a. 255; 1997 a. 27; 1999 a. 63; 2001 a. 16 s. 1441; stats. 2001 s. 45.014; 2001 a. 103.

Cross Reference: See also ch. VA 5, Wis. adm. code.

45.015 Eligibility for benefits. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes that person eligible for general U.S. department of veterans affairs benefits shall be considered to have served under honorable conditions for purposes of this chapter.

History: 1995 a. 255.

45.02 Memorial collection. The battle flags of Wisconsin units serving in the nation’s wars and all relics and mementos of the nation’s wars donated to or otherwise acquired by the state for display in the Wisconsin Veterans Museum shall constitute the memorial collection. The department shall do all of the following:

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

(2) Restore, preserve, and safeguard the relics and mementos of the memorial collection.

(3) Procure additions to the memorial collection.

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

History: 1989 a. 31; 1991 a. 39; 2001 a. 103.

45.03 Veterans memorials at The Highground. (1) In this section “Persian Gulf war” means the period of conflict designated by the president of the United States as Operation Desert Shield and Operation Desert Storm and any operation that is a successor to Operation Desert Shield or Operation Desert Storm.

(2) From the appropriation under s. 20.485 (2) (d), the department shall provide funding to the Wisconsin Vietnam Veterans Memorial Project, Inc., for the construction of 3 memorials, as defined in s. 45.04 (1) (c), one memorial for the veterans of World War I, one memorial for the veterans of World War II, and one memorial for the veterans of the Persian Gulf war. The memorials shall be constructed at the veterans memorial site located at The Highground in Clark County. The department may expend up to \$45,000 for the memorial for the veterans of World War I, up to \$85,000 for the memorial for the veterans of World War II, and up to \$60,000 for the memorial for the veterans of the Persian Gulf war. If the moneys available under this section to construct one of these memorials are in excess of the moneys needed to construct that memorial, and if the moneys available under this section to construct another one of these memorials are insufficient to construct that memorial, the department, with the approval of the joint committee on finance, may allocate the excess moneys to construct the memorial that is insufficiently funded.

(3) From the appropriation under s. 20.485 (2) (em), the department shall pay all debts that remain unpaid on February 15, 1992, for expenses incurred in operating the veterans memorial at The Highground in Clark County and shall contract for improvements related to the memorial. The improvements shall include the paving of the parking lot at the memorial.

History: 1991 a. 44, 269; 1997 a. 27; 2001 a. 103.

45.04 Veterans memorial grants. (1) **DEFINITIONS.** In this section:

(b) “In-kind contributions” includes but is not limited to donations of appliances, buildings, creations, equipment, fixtures, furniture, materials, real property, structures, supplies and utilities, and work performed in the acquisition of land and construction of a memorial.

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

(2) **GRANT PROGRAM.** From the appropriation under s. 20.485 (2) (e), the secretary shall award to eligible applicants grants to support the acquisition of land and construction of not more than 2 memorials in this state to honor state veterans who served in the U.S. armed forces. One memorial may be constructed to honor state veterans who served during the Korean conflict, June 27, 1950, to January 31, 1955, and one to honor state veterans who served during the Vietnam war, August 5, 1964, to January 1, 1977.

(3) **NOTICE; APPLICATION PROCESS.** The secretary shall publicize the grant program under this section and the availability of grants. Eligible persons may apply for grants in accordance with the rules promulgated under sub. (6). The secretary shall develop and make available grant application forms.

(4) **COUNCIL OF COMMANDERS REVIEW.** The department shall provide the council of commanders with a copy of each application for a grant. The council may review the applications and submit its recommendations to the department.

(5) GRANTS. A grant may not exceed \$300,000 per memorial. No person may receive a grant under this section unless the person is able to provide at least \$1 for land acquisition and construction of the memorial for each \$2 granted by the state. An initial payment of part of the grant, not to exceed \$50,000, may be provided to an eligible person before the person obtains the required matching funds if the department is satisfied that the person is able to obtain those matching funds within a reasonable time. The eligible person's share of the cost of acquiring the land and constructing the memorial may be in the form of money or in-kind contributions of equivalent value, or both. If the funds granted by the state plus the matching funds obtained by the grantee exceed the cost of land acquisition and construction of the memorial, any excess state grant shall be returned by the grantee to the department. The department shall return any excess state grant to the transportation fund. No grant may be provided unless the person provides evidence of the ability to provide continuing care and maintenance of the memorial. No funds may be granted for administrative expenses of the grantee.

(6) RULES. The department shall promulgate rules specifying all of the following:

- (a) The persons eligible for grants.
- (b) The application process.
- (c) The council of commanders review process.
- (d) The costs related to memorial land acquisition and construction that may be covered under a grant.
- (e) The amount of matching funds required of eligible persons.
- (f) The type of in-kind contributions that may be considered as part of the eligible person's matching funds.
- (g) The grantee's responsibilities for the care and maintenance of the memorial after construction is completed.
- (h) The type of evidence required to prove the person's ability to adequately care for and maintain the memorial.
- (i) Any other information deemed necessary by the department.

History: 1987 a. 399; 1989 a. 55; 1991 a. 165; 1997 a. 27; 1999 a. 59; 2001 a. 103.
Cross Reference: See also ch. VA 10, Wis. adm. code.

45.05 County and municipal memorials. (1) Any city council, village, town or county board may by gift, purchase, contract or condemnation acquire property, real or personal, for the purpose of providing, furnishing, constructing, erecting, repairing, maintaining, or conducting a suitable memorial to the memory of former residents thereof who lost their lives in the military or naval service of the state or of the United States, or to commemorate and honor the deeds of persons, residents thereof, or of the state or United States, who served the nation in any war, or other persons who rendered great state or national service, or to the memory of any president of the United States, or for a combination of any of such purposes, which are hereby declared to be public purposes.

(2) Such memorial shall be of such character as shall be determined by the governing body of such city, village, town or county, and without limitation because of enumeration, may comprise a public building, hospital, sanatorium, home for the aged or indigent, park, recreation facility, community forest or other suitable object having a public purpose.

(3) Any city council, town, village or county board may appropriate money and may levy a tax in order to acquire, pay for, construct, erect, furnish, equip, operate, repair, maintain or reconstruct a suitable memorial for the purpose or purposes provided in this section.

(4) Any city council or village, town or county board may authorize the use of any public property respectively of such city, village, town or county as a site for a memorial, and any county may authorize its public property to be so used by any city, village or town therein.

(5) Any city council, village, town or county board may by ordinance or contract provide for the management, control or operation of any memorial, and it may enter into a written lease, for a term not exceeding 25 years, with any duly chartered and incorporated veterans' organization established in said town, city or village, such lease to include provisions for the amount of rental and such conditions of public use as it may determine.

(6) Any county, city, village or town that has previously taken action toward the establishment of a monument or memorial under the statutes of 1943 or prior statutes may continue under such previously existing statutes or may proceed under this section.

45.051 Sites for veterans' memorial halls. Any city, town or village may donate to any organization specified in s. 70.11 (9) land upon which is to be erected a memorial hall to contain the memorial tablet specified in said section.

History: 1999 a. 150 s. 603; Stats. 1999 s. 45.051.

45.052 Memorial corporations organized under 1919 act. (1) ADDITIONAL POWERS OF GOVERNING BODY. Any commission or board of trustees which governs a corporation organized to construct a memorial under s. 45.057 (5), statutes of 1919 to 1943 (created by chapter 598, laws of 1919, and repealed by chapter 301, laws of 1945), shall have the following powers in addition to those it now has:

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

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

(c) It may convey any property under its control to any municipality and lease it back under terms agreed upon by the commission or board of trustees and the municipality.

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

(e) It may dissolve the corporation and dispose of the real and personal property of the corporation in a manner which it deems will best serve the purposes for which it was organized and the interests of the community.

(2) CONFIRMING EXISTENCE AND OPERATION. Notwithstanding the repeal of s. 45.057, 1943 stats., by chapter 301, laws of 1945, the continuing existence of all commissions, boards and corporations organized under s. 45.057 (5), statutes of 1919 to 1943, is affirmed, and the continuing operation of such commissions, boards and corporations is ratified as to the past and authorized in the future.

History: 1977 c. 449 s. 497; 1979 c. 138; 1981 c. 314; 1997 a. 79; 2001 a. 103.

45.055 Joint memorials. Any city council or village, town or county board may contract with or make an appropriation, or both, to any other unit of government or to any nonprofit corporation without capital stock organized expressly for any of the purposes of s. 45.05 or to any duly chartered and incorporated veterans' organization established in any such city, village, town or county, and for the purpose of raising funds for such memorial purposes or contributions, may levy taxes upon the taxable property located in the county or municipality, or borrow money and issue the bonds of the respective municipalities therefor in the manner and under the regulations provided by ch. 67; provided

that the facilities of such memorial are made available to the residents of the governmental unit making such appropriation to the extent that the governing body of the governmental unit may require.

History: 1985 a. 29.

45.058 Memorials in populous counties. (1) Any county having a population of 500,000 or more may establish and maintain a memorial or memorials under ss. 45.05 and 45.055 by agreement between the county board of such county and any non-profit private corporation without capital stock organized under the laws of this state (except as in this section provided) expressly for any of the purposes of s. 45.05 located in such county.

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

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

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

(a) Four members from the county board, and

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

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

(a) For special members:

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

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

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

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

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

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

(8) Any such war memorial may be constructed in any public park and the use of such park lands as a location for a war memorial shall not be deemed to be inconsistent with the use of the same for park purposes. However, no war memorial shall be constructed in a public park until the park commission, general manager appointed under s. 27.03 (2) or park board having jurisdiction of such park shall approve the same. The county board of any county may authorize the construction of a war memorial at different intervals of time if the proposed memorial consists of more than one building or structure and any county board subsequently

elected shall carry into effect any contract authorized by s. 45.055 entered into on behalf of such county for the construction or maintenance of such a war memorial. The construction, maintenance and operation of a war memorial in a county park shall be subject to the jurisdiction of the county board and no part of the cost thereof shall be charged against the funds of the park commission, park system or park board of such county.

History: 1985 a. 29.

45.059 Catalog of memorials. The department shall prepare a catalog of memorials, describing each memorial and giving its location and condition. The department shall update that catalog.

History: 1989 a. 336; 2001 a. 103.

45.06 Rooms furnished by county or municipality. The action of any county board or municipality, or department thereof, in granting veterans organizations or any other civic, patriotic, educational or historical society, rooms and space within public buildings for the establishment of memorial halls and museums, and occupancy thereof by its members, is authorized and confirmed. Such county board or municipality may permit the use and occupancy of such rooms and space for such term and subject to conditions and provisions as may be imposed by them. Any contract, lien or agreement between said county board, municipality or department thereof and any such organization now in force shall continue in force according to the terms thereof.

45.066 Memorial trees along highways. No person shall cut or trim any tree planted along any federal or state trunk highway as a memorial to the men and women who served in the armed forces of the United States in time of war, without the written permission of the department of transportation. Violations of this section shall be punishable by a fine of not less than \$10 nor more than \$200 or by imprisonment for not more than 30 days or both. Nothing in this section shall interfere with the rights of abutting property owners in such trees.

History: 1977 c. 29 s. 1654 (8) (c).

45.10 County tax for needy veterans. 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 spouses, surviving spouses, 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. Aid may not be denied solely on the basis that a person otherwise eligible therefor owns a home-stead which the person occupies as such.

History: 1975 c. 94 s. 91 (4), (6); 1975 c. 199.

45.11 Estimate of amount needed. (1) Except as provided under sub. (2), the county veterans’ service commission shall estimate the probable amount required under s. 45.10 and shall file such estimate with the county board.

(2) A county veterans’ service officer appointed under s. 45.43 (1) (b) shall have the powers and duties prescribed for the county veterans’ service commission under sub. (1).

History: 1985 a. 29.

45.12 County veterans’ service commission. (1) There is created in each county a county veterans’ service commission consisting of 3 residents of the county who are veterans appointed for staggered 3-year terms by the county executive or county board chairperson in a county that does not have a county executive.

(2) The commission shall be organized by the election of one of their number as chairperson. The county executive or county board chairperson in a county which does not have a county executive after the expiration of the terms of those first appointed shall annually on or before the 2nd Monday in December appoint one person as a member of the commission for the term of 3 years.

The county executive or county board chairperson shall require each member of the commission and the county veterans' service officer to execute to the county an individual surety bond, with sufficient sureties to be approved by the county executive or county board chairperson, each bond to be in an amount equal to the tax levied in the current year for expenditure by the commission. Each bond shall be filed with the county clerk.

History: 1977 c. 449; 1983 a. 192 s. 303 (1); 1987 a. 403 s. 255; 2001 a. 103.
Cross Reference: See also ch. VA 8, Wis. adm. code.

45.13 Records of meetings and investigations kept by service officer. The county veterans' service officer shall serve as executive secretary of the county veterans' service commission and shall make or direct all necessary investigations to determine eligibility for aid under s. 45.10 when so requested by the commission. The county service officer, in making such investigation, may use the facilities for investigating that are made available by the county board of the county.

History: 1989 a. 56.

45.14 Administration of aid. (1) In this section, "commission" means the county veterans' service commission.

(1m) The commission shall meet, at the courthouse or at any other place that the county board designates, on or before the first Monday of January in each year and at any other times that may be necessary.

(2) (a) Except as provided under sub. (3), the commission may furnish aid to any person within s. 45.10 if the right of that person to aid is established to the commission's satisfaction.

(b) The secretary of the commission shall make and deposit with the county clerk a list containing the name, place of residence, and amount to be paid to each person furnished with aid under par. (a), which shall be signed by the chairperson and secretary of the commission.

(c) The total disbursements made by the commission under this subsection shall not exceed the amount collected from the tax levied. When a list under par. (b) is filed, the county clerk shall issue an order upon the county treasurer for the sum designated in the list in each case and deliver that sum to the person entitled to that sum.

(d) The commission may furnish aid in a different manner than by supplying money. The commission may request the county clerk to issue an order upon the county treasurer to a purveyor of services or commodities for the purchase of services or commodities, or the commission may furnish supplies, as it considers best.

(e) The commission shall make a detailed report to the county board at each annual session of the county board showing the amount expended under this subsection.

(3) A county veterans' service officer appointed under s. 45.43 (1) (b) or (4) shall have the administrative powers and duties prescribed for the county veterans' service commission under sub. (2).

History: 1985 a. 29; 1993 a. 184; 2001 a. 103.

45.15 Commission, compensation. The county board shall allow the members of the commission a reasonable rate of compensation for services and actual expenses incurred in the performance of their duties to be determined pursuant to s. 59.22. The county board may provide for the employment of clerical assistance to the commission.

History: 1995 a. 201.

45.16 Burial allowance. Each county veterans' service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who was living in the county at the time of death, meets the definition of a "veteran" under s. 45.35 (5) and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances that would distress the person's family to pay the expenses of the burial, and the body of a spouse or surviving

spouse of the person who dies not leaving such means or under the same financial circumstances and who was living in the county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws administered by the U.S. department of veterans affairs.

History: 1971 c. 125, 163; 1975 c. 94 s. 91 (3), (5); 1975 c. 199; 1983 a. 430; 1987 a. 399; 1987 a. 403 s. 255; 1989 a. 31, 56, 359; 1991 a. 2, 165; 1993 a. 16; 1995 a. 255; 1997 a. 27.

45.17 Investigation and report. Before assuming the burial expense, the county veterans' service officer shall make a careful inquiry into and examination of all the circumstances in the case to ascertain the existence of either financial condition required by s. 45.16. The officer shall report to the county clerk that the officer found the required financial condition, the facts supporting the finding, the name and date of death of the deceased, the place where buried and an itemized statement of the burial expenses.

History: 1989 a. 56; 1997 a. 116.

45.18 Order for expenses; headstone. The chairperson of the county board and the clerk of the county on the receipt of the report under s. 45.17 shall draw an order on the county treasurer for the amount of expenses so incurred, payable to the person designated in the report as being entitled thereto. The county veterans' service officer of each county shall, upon the death and burial of any such person living in the county at the time of death, make application to the proper authorities for a suitable headstone as provided for by act of congress, and at the expense of the county cause the same to be placed at the head of his or her grave.

History: 1983 a. 538; 1987 a. 403 s. 255.

45.185 Care of soldiers' graves. (1) Every town board, village board or common council of every city shall at all times see that the graves and tombstones of all members of the armed forces of the United States, including women's auxiliary organizations created by act of congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all such members of the armed forces, receive proper and decent care, and may employ all necessary assistance to carry out this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where the said graves are located, except where suitable care is otherwise provided. The amount of expense so charged the county for such care shall not exceed the charge made for the care of other graves in the same cemetery.

(2) The municipal governing bodies specified in sub. (1) shall report to the county clerk of their respective counties, on or before September 1 of each year, the respective locations of the graves cared for by them under sub. (1), together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

(3) The chairperson of the county board and the county clerk, upon receipt of the report under sub. (2), shall draw an order on the county treasurer for the amount of the expenses incurred in caring for the graves, payable to the person or persons designated in the report as being entitled thereto.

History: 1975 c. 94 s. 91 (4), (6); 1993 a. 184; 1997 a. 116; 2001 a. 103.

45.19 Military honors funerals. (1) The department shall administer a program to coordinate the provision of military honors funerals to deceased veterans by local units of member organizations of the council on veterans programs and by members of the Wisconsin national guard activated under s. 21.11 (3). From the appropriation under s. 20.485 (2) (q), the department shall reimburse a local unit of a member organization of the council on veterans programs for the costs of providing a military honors funeral to a deceased veteran. The reimbursement may not exceed \$50 for each military honors funeral.

(2) The department shall create a tuition voucher form to be used by funeral directors under sub. (3). The department shall distribute copies of the tuition voucher form, plus an explanation of the form's use, to every operator of a funeral establishment. The

department may not charge a fee for the tuition voucher form or for the distribution of the form.

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

History: 1999 a. 136; 2001 a. 103; 2003 a. 42.

Cross Reference: See also ch. VA 17, Wis. adm. code.

45.21 Registration of certificate of discharge. Every person who has served in the U.S. armed forces at any time, and who has been honorably discharged or given a certificate of service or relieved from active service may record with the register of deeds of any county, in a suitable book provided by the county for that purpose, a certificate of discharge or release. The certificate shall be accessible only to the discharged person or that person’s dependents, the county veterans’ service officer, the department, or any person with written authorization from the discharged person or that person’s dependents. The register of deeds may not charge for recording, except that in counties where the register of deeds is under the fee system and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag). The record of any certificate of discharge or release made prior to July 6, 1919, is legalized.

History: 1973 c. 12; 1987 a. 403 s. 255; 1989 a. 56; 1995 a. 201; 2001 a. 103.

45.25 Veterans’ tuition reimbursement program. (1g) **DEFINITION.** In this section, “tuition,” when referring to the University of Wisconsin System, means “academic fees,” as described in s. 36.27 (1), and when referring to the technical colleges, means “program fees,” as described in s. 38.24 (1m) (a) and (b).

(1m) **ADMINISTRATION.** The department shall administer a tuition reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in a proprietary school that is approved under s. 45.54, or receiving a waiver of nonresident tuition under s. 39.47.

(2) **ELIGIBILITY.** A veteran is eligible for the tuition reimbursement program if he or she meets all of the following criteria:

(a) The annual income of the veteran and his or her spouse does not exceed the amount under s. 45.396 (7) (a).

(c) The veteran applies for the tuition reimbursement program for courses begun within 10 years after separation from the service.

(d) The veteran is a resident at the time of application for the tuition reimbursement program and was a Wisconsin resident at the time of entry or reentry into service or was a resident for any consecutive 12-month period after entry or reentry into service and before the date of his or her application. If a person applying for a benefit under this section meets the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter that requires that residency.

(e) The veteran is enrolled for at least 12 credits during the semester for which reimbursement is sought.

(3) **PROGRAM BENEFITS.** (a) Except as provided in par. (am), a veteran who meets the requirements under sub. (2), upon satisfactory completion of a full-time undergraduate semester in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any pro-

prietary school that is approved under s. 45.54, or any institution from which the veteran receives a waiver of nonresident tuition under s. 39.47, may be reimbursed an amount not to exceed the total cost of the veteran’s tuition minus any grants or scholarships that the veteran receives specifically for the payment of the tuition, or the standard cost of tuition for a state resident for an equivalent undergraduate semester at the University of Wisconsin–Madison, whichever is less. Reimbursement is available only for tuition that is part of a curriculum that is relevant to a degree in a particular course of study at the institution.

(am) Any individual who is eligible to receive reimbursement under par. (a) shall be reimbursed an amount not to exceed the amount determined under s. 45.25 (3) (am), 2001 stats.

(b) An application for reimbursement of tuition under par. (a) shall meet all of the following requirements:

1. Be completed and received by the department no later than 60 days after the completion of the semester. The department may accept an application received more than 60 days after the completion of the semester if the applicant shows good cause for the delayed receipt.

2. Contain the information necessary to establish eligibility as determined by the department.

3. Be on the application form established by the department.

4. Contain the signatures of both the applicant and a representative of the institution or school certifying that the applicant has satisfactorily completed the semester.

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

(d) Reimbursement of tuition and fees for a course may be provided at an institution or school under par. (a) other than the one from which the veteran is receiving his or her degree if all of the following apply:

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

2. The course is accepted as transfer credits at the institution or school listed under par. (a) from which the veteran is receiving his or her degree but is not available at that institution or school.

(4) **LIMITATIONS.** (a) A veteran is not eligible for reimbursement under sub. (2) for more than 120 credits or 8 full semesters of full-time study at any institution of higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full semesters of full-time study at any institution of higher education, as defined in s. 45.396 (1) (a), in this state that offers a degree upon completion of 60 credits, or an equivalent amount of credits at a school that is approved under s. 45.35 (9m), at a proprietary school that is approved under s. 45.54, or at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47.

(b) The department may provide reimbursement under sub. (2) to a veteran who is delinquent in child support or maintenance payments or who owes past support, medical expenses or birth expenses, as established by appearance of the veteran’s name on the statewide support lien docket under s. 49.854 (2) (b), only if the veteran provides the department with one of the following:

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

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

(c) A veteran may not receive reimbursement under sub. (2) for any semester in which he or she received a grant under s. 21.49 or 45.396.

History: 1993 a. 254; 1995 a. 27, 255, 404; 1997 a. 27, 115, 121, 237; 1999 a. 9; 2001 a. 16, 103; 2003 a. 33, 83.

45.30 Assignment of mentally ill, alcoholic and drug dependent persons. (1) (a) Whenever it appears that any person, other than a prisoner, is eligible for treatment in a U.S. veterans facility and inpatient admission is necessary for the proper care and treatment of such person, the circuit court in the county in which the person is found may, upon request of such person and upon receipt of a certificate of eligibility from the U.S. department of veterans affairs, after adjudging the person mentally ill, an alcoholic or drug dependent in accordance with law, direct such person's assignment to the U.S. department of veterans affairs for hospitalization in a U.S. veterans facility. Upon admission to any such facility, the person shall be subject to the rules and regulations of the U.S. department of veterans affairs. The chief officer of such facility is vested with the same powers exercised by directors of state institutes within this state with reference to the retention, transfer or discharge of the person assigned.

(b) Any commitment of a veteran under this section shall be in accordance with s. 51.20. The commitment of a person to a veterans facility within this state by a judge of or a court of record of another state under a similar provision of law has the same force as if such commitment were made by a court of this state. After a person has been legally committed to the department of health and family services or to a county department under s. 51.42 in this state, the department of health and family services, upon request of such person and upon receipt of a certificate of eligibility from the U.S. department of veterans affairs evidencing the right of such person to be admitted to a veterans facility, may transfer such person to such facility and the cost of the person's transportation, together with that of any necessary attendant, shall be a proper charge against such person's care in such institution. After such transfer the powers granted by this section to the chief officer of such veterans facility shall be applicable. Any person transferred as provided in this subsection is deemed committed to the U.S. department of veterans affairs pursuant to the original commitment.

(2) Whenever an application to determine mental illness, alcoholism or drug dependence is made as prescribed by s. 51.20, the court shall make such inquiry as may be necessary and proper to ascertain whether the alleged mentally ill, alcoholic or drug dependent person is eligible for treatment in a U.S. department of veterans affairs facility.

History: 1975 c. 430; 1977 c. 428; 1977 c. 449 s. 497; 1983 a. 27; 1985 a. 29 s. 3200 (56); 1985 a. 176; 1989 a. 56.; 1995 a. 27 s. 9126 (19).

45.34 Lebanon, Grenada, Middle East crisis, Panama, Bosnia and Somalia. (1) SERVICE IN LEBANON AND GRENADA. A person shall be considered to have served in Lebanon or Grenada if the person was on active duty in Lebanon or its territorial waters under honorable conditions between August 1, 1982, and the date of withdrawal of U.S. armed forces from Lebanon, as established by the department by rule, or in Grenada between October 23, 1983, and November 21, 1983, and:

(a) Was entitled to receive the armed forces expeditionary medal established by executive order 10977 on December 4, 1961;

(b) Was entitled to receive the marine corps or navy expeditionary medal; or

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

Cross Reference: See also s. VA 1.14, Wis. adm. code.

(2) MIDDLE EAST CRISIS. A person shall be considered to have served in a Middle East crisis if, because of active duty in the U.S. armed forces or forces incorporated as a part of U.S. armed forces, any of the following apply:

(a) The person was awarded the humanitarian service medal for participating in the attempt to rescue American hostages in Iran.

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

(c) The person participated in the April 14, 1986, military action against Libya.

(d) The person served on the U.S.S. Stark on May 17, 1987.

(e) The person served in support of Operation Desert Shield or Operation Desert Storm under all of the following conditions:

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

2. Under honorable conditions.

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

(f) The person served for 90 days or more in support of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom or served in the Operation Enduring Freedom theater of operation under all of the following conditions:

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

2. Under honorable conditions.

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

(3) SERVICE IN PANAMA. A person shall be considered to have served in Panama if the person was on active duty in the U.S. armed forces in Panama or its territorial waters under honorable conditions between December 20, 1989, and January 31, 1990.

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

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

(a) Under an active duty order, an involuntary extension of an active duty order or a unit assignment order.

(b) Under honorable conditions.

(c) Between December 1, 1995, and the ending date of Operation Balkan Endeavor or a successor operation, as established by the department by rule.

History: 1983 a. 430, 538; 1987 a. 399; 1991 a. 2, 39; 1993 a. 16; 1995 a. 255; 2001 a. 22, 103.

45.348 Dependent and child defined for ss. 45.35, 45.351, and 45.356. (1) In this section and ss. 45.35, 45.351, and 45.356 unless otherwise modified, "child" means any natural child, any legally adopted child, any stepchild or child if a member of the veteran's household, or any nonmarital child if the veteran acknowledges paternity or paternity has been otherwise established.

(2) (a) In ss. 45.35 and 45.351, "dependent" includes any of the following:

1. A spouse, an unremarried widow or widower, or a divorced spouse, but only if the divorced spouse is receiving benefits under a court order.

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

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

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

(b) For purposes of defining "dependent" under par. (a), "veteran" includes a person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, who was a resident of this state at the time of entry or reentry into active duty and who died while on active duty if the person's death was not the result of the person's willful misconduct.

History: 2001 a. 103 ss. 91, 103, 104; 2001 a. 104.

45.35 Department of veterans affairs. (1) POLICY. It is the policy of the state to give health, educational and economic assistance to veterans and their dependents, who are residents of this state to the extent and under the conditions determined by the board within the limitations hereinafter set forth.

(2g) DEFINITION. In this section, "department" means the department of veterans affairs.

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

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

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

(3m) CAMP RANDALL MEMORIAL. (a) The board may approve, recommend and veto any proposed plans, modifications and changes or policies with respect to established state memorials, including the Camp Randall Memorial Park, Madison, Wisconsin, as described in par. (c), and any future veterans state memorials; and recommend the creation and establishment of veterans state memorials.

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

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

(4) DEPARTMENT STAFF. (a) The secretary shall appoint under the classified service such persons as are necessary to carry out the

policy of the board and for the proper conduct of the Wisconsin Veterans Museum. All persons appointed by the department shall, if possible, be veterans as defined in sub. (5) and preference shall be given to disabled veterans.

(b) The department shall employ regional coordinators. The duties of a regional coordinator shall include providing direct claims and benefit application assistance to veterans. The regional coordinators shall coordinate claims and benefit application assistance with the appropriate county veterans' service officers under s. 45.43 to maximize the level of assistance and benefits provided to veterans.

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

(d) The department shall employ mobile claims officers in the department's southeast region and shall employ mobile claims officers in each of the department's other regions. The mobile claims officers shall provide claim and benefit assistance to veterans. The mobile claims officers shall coordinate that claim and benefit assistance with the appropriate county veterans' service officers under s. 45.43 to maximize the level of assistance and benefits provided to veterans.

(5) SPOUSES AND DEPENDENTS ENTITLEMENT TO BENEFITS. The benefits available to veterans are also available to the unremarried surviving spouses and minor or dependent children of deceased veterans if the unremarried surviving spouses or minor or dependent children are residents of and living in this state at the time of making application.

(6) COORDINATION DUTIES. The department shall coordinate the activities of all state agencies and the University of Wisconsin Hospitals and Clinics Authority performing functions relating to the medical, hospital, or other remedial care; placement and training; and educational, economic, or vocational rehabilitation of persons who served in the armed forces of the United States at any time and who were honorably discharged, including such persons with disabilities whether or not service-connected or war-connected. In particular, the department shall coordinate the activities of the technical college system board, state selective service administration, department of health and family services, department of workforce development, department of public instruction, the University of Wisconsin System and other educational institutions, the University of Wisconsin Hospitals and Clinics Authority, and all other departments or agencies performing any of the functions specified, to the end that the benefits provided in this section may be made available to veterans as promptly and effectively as possible.

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

(7a) CLAIMS OF VETERANS, ASSISTANCE. 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 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. 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 compensation 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, the Korean conflict or Vietnam service.

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

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

1. Section 45.352, 1971 stats.
2. Section 45.351.
3. Subchapter II, except as provided under s. 45.74 (6).
4. Section 45.396.

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

(9m) APPROVAL AGENCY FOR VETERAN'S TRAINING. (a) Except as provided in par. (b), the department shall be the state approval agency for the education and training of veterans and war orphans. The department shall approve and supervise schools and courses of instruction for the training of veterans and war orphans under Title 38, USC, and may enter into and receive money under contracts with the U.S. department of veterans affairs or other appropriate federal agencies.

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

1. On the job and apprenticeship training program, the department of workforce development.
2. On the farm training program, the technical college system board.
3. Funeral directors apprentices, the funeral directors examining board.

(10) PLACEMENT OF VETERANS. The department in cooperation with the department of workforce development and state selective service administration or any other federal, state or local agency shall formulate and carry out plans for the training and placement of veterans.

(12) EXPENDITURES. (a) All expenditures for execution of functions under this section shall be made from the veterans trust fund as provided in s. 20.485.

(b) The secretary shall certify to the department of administration for payment all aid to veterans and their dependents authorized under the rules and regulations of the board and shall certify or approve and forward to it payrolls and other vouchers for other expenditures of the board authorized under such rules and regulations.

(13) GIFTS. (a) The department may receive money, lands, gifts and bequests in its name for the benefit of Wisconsin veterans and their dependents, or either, in accordance with policies adopted by the board. Such money shall be deposited in the state treasury and credited to the veterans trust fund and is appropriated therefrom by s. 20.485 (2) (z) to the department to be used in accordance with such policies.

(b) The department may also receive moneys or other gifts and bequests in its name for the benefit of the Wisconsin Veterans Museum. All moneys received shall be deposited in the state treasury and credited to the veterans trust fund and appropriated from s. 20.485 (2) (zm) to the department to be used, as far as practica-

ble in accordance with the wishes of the donors, and in accordance with the policies adopted by the board.

(14) POWERS, DUTIES, FUNCTIONS. The department shall, without limitation because of enumeration, also have the following powers, duties and functions:

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

(b) To cooperate with any and all federal departments, agencies and independent establishments relating to veterans' housing, materials, priorities and finances.

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

(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).

(e) To employ such assistants as it deems necessary to carry out its functions.

(f) To receive money from federal agencies for the purpose of providing veterans' housing in localities throughout the state.

(g) To perform such other duties as specifically set forth in other sections of the statutes.

(h) To provide grants to the governing bodies of federally recognized American Indian tribes and bands from the appropriation under s. 20.485 (2) (vz) if that governing body enters into an agreement with the department regarding the creation, goals and objectives of a tribal veterans' service officer, appoints a veteran to act as a tribal veterans' service officer and gives that veteran duties similar to the duties described in s. 45.43 (5), except that the veteran shall report to the governing body of the tribe or band. The department may make annual grants of up to \$2,500 under this paragraph and shall promulgate rules to implement this paragraph.

(i) To provide county veterans' service officers with the information provided to the department by the adjutant general under s. 21.19 (14).

Cross Reference: See also ch. VA 15, Wis. adm. code.

(14m) ADDITIONAL POWERS. The department may provide county veterans' service officers with information on all necessary military points of contact and general deployment information for reserve units of the U.S. armed forces.

(15) LIBERAL CONSTRUCTION INTENDED. This section, ss. 45.25, 45.351, 45.356 and 45.37 and subch. II shall be construed as liberally as the language permits in favor of applicants.

(16) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or a member of the veteran's family makes application for deferment of payment of monthly installments and waiver of interest charges on veterans' loans made under this chapter, showing that the ability of such veteran to make payment is materially and adversely affected by reason of military service, the department may, with the approval of the board, defer payment of monthly installments and waive interest charges on veterans' loans made under this chapter for the duration of any period of service in the armed forces of the United States during a national emergency or in time of war or under P.L. 87–117 and 6 months from date of discharge or separation and the time for payment may be extended for a like period. However, when funds estimated to be received in the veterans mortgage loan repayment fund to pay debt service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the funds estimated to be required for the payment of the debt service, the board may grant deferral of payments and interest on loans provided under s. 45.79 only when so required by federal law.

(17) APPLICATION REQUIREMENTS AND PENALTIES. (a) In any case where the department finds that an applicant for benefits from the department has willfully made or caused to be made, or

conspired, combined, aided or assisted in, agreed to, arranged for, or in any wise procured the making of a false or fraudulent affidavit, declaration, certificate, statement or other writing, it may suspend all benefits available to such applicant from the department under this chapter.

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

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

1m. The department shall declare immediately due and payable any loan made after July 29, 1979 under a program administered by the department under s. 45.351 or subch. II, if it finds that the loan was granted to an ineligible person due to any of the following circumstances:

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

b. The applicant did not make the disclosures required under subd. 2. a., b. or c. on the loan application.

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

2. Loan application forms processed by the department for programs administered under s. 45.351 or subch. II shall:

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

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

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

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

3. The department shall incorporate the payment acceleration requirements of subd. 1m. in all loan documents for programs administered by the department under s. 45.351 or subch. II.

Cross Reference: See also ss. VA 1.03 and 1.08, Wis. adm. code.

(18) LOAN REPAYMENTS. The department shall deposit all repayments of loans and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.356, 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

(19) COLLECTIONS. The department may enter into contracts to collect delinquent loan payments owed to the department. The department may allocate a portion of the amounts collected under the contracts to pay contract costs. Notwithstanding the provisions of s. 45.36, the department may release information contained in its files pertaining to applications for benefits to contractors providing collection services to the department.

(20) DEPARTMENT HEADQUARTERS AND MUSEUM. The department may acquire by gift, purchase, or condemnation property for

the purposes of providing a headquarters and museum building for the department.

(22) FUND TRANSFER. The department may loan money from the veterans trust fund to the veterans mortgage loan repayment fund to fund loans under s. 45.79.

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

History: 1971 c. 125, 163, 198; 1973 c. 90, 208; 1975 c. 26, 39; 1975 c. 94 s. 91 (3), (5); 1975 c. 199; 1977 c. 26, 83; 1979 c. 34; 1979 c. 110 s. 60 (1); 1979 c. 221; 1981 c. 20, 93; 1981 c. 237 ss. 34 to 36, 38; 1983 a. 430, 447; 1985 a. 6, 29, 129; 1985 a. 332 s. 251 (6); 1985 a. 339; 1987 a. 27, 399; 1989 a. 31, 36, 56, 359; 1991 a. 2, 39, 165; 1993 a. 16, 254, 399; 1995 a. 27 ss. 1996 to 1999, 9126 (19), 9130 (4), 9145 (1); 1995 a. 255; 1997 a. 3, 27; 1999 a. 9, 59, 63, 83; 2001 a. 16 ss. 1448 to 1453, 1472; 2001 a. 22, 103, 106; 2003 a. 33, 83, 163.

Cross Reference: See also s. VA 1.11, Wis. adm. code.

Veterans’ Rights; Wisconsin Laws and the Soldiers’ and Sailors’ Civil Relief Act. Stewart. Wis. Law. July 1991.

45.351 Economic assistance. (1) SUBSISTENCE GRANTS.

(a) The department may grant subsistence aid to any incapacitated individual who is a veteran or a dependent of a veteran in an amount that the department determines is advisable to prevent want or distress. The department may grant subsistence aid under this paragraph to an individual whose incapacitation is the result of the individual’s abuse of alcohol or other drugs if the individual is participating in an alcohol and other drug abuse treatment program that is approved by the department. The department may grant subsistence aid on a month-to-month basis or for a 3-month period. The department may grant subsistence aid for a 3-month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. Subsistence aid is limited to a maximum of 3 months in a 12-month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient’s relapse.

(b) The department may submit a request to the joint committee on finance for supplemental funds from the veterans trust fund to be credited to the appropriation account under s. 20.485 (2) (vm) for subsistence grants to veterans. If the cochairpersons of the committee do not notify the secretary within 14 working days after the date of the department’s submittal that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented as provided in the request. If, within 14 working days after the date of the department’s submittal, the cochairpersons of the committee notify the secretary that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented only as approved by the committee.

(1j) HEALTH CARE AID GRANTS. The department may grant to any veteran or dependents such temporary health care aid as the department considers advisable to prevent want or distress. Health care aid to meet medical or hospital bills under this subsection is limited to a payment of up to \$5,000 per veteran or dependent for a 12-month period beginning with the first day of care for which the person seeks reimbursement under this subsection. The department may issue a certificate of entitlement stating that a veteran or dependent is eligible for a health care aid grant under this subsection if the treatment is received within a time period that the department promulgates by rule. The department may not grant health care aid to pay for care provided to the veteran or dependent before the time period identified in the certificate of entitlement, except for emergency care as determined by the department if the application for the health care aid is submitted within 90 days after the emergency care ends. Health care aid may be used to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse. The department may not grant health care aid under this subsection unless the aid recipient’s health care provider agrees to accept, as

full payment for the medical treatment for which the aid is to be granted, the amount of the grant, the amount of the recipient's health insurance or other 3rd-party payments, if any, and the amount that the department determines the aid recipient is capable of paying. The department may not grant health care aid under this subsection if the combined liquid assets of the applicant for aid, and of the veteran and veteran's dependents who are living in the same household with the applicant, are in excess of \$1,000.

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

History: 1971 c. 125 s. 552 (1); 1971 c. 198, 199; 1973 c. 208 s. 17; 1975 c. 39; 1975 c. 94 s. 91 (5), (7); 1975 c. 199, 224, 422; 1979 c. 34 ss. 817vw to 817x, 2102 (56) (a); 1979 c. 110 s. 60 (13); 1983 a. 27, 189; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 241, 269; 1993 a. 16; 1993 a. 213 ss. 42 to 44, 203; 1995 a. 27, 404; 1997 a. 27, 237, 252; 2001 a. 16, 103; 2003 a. 83.

45.353 Grants to veterans organizations. (1) In this section:

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

(b) "State veterans organization" means a state organization or department of a national veterans organization, which national organization is incorporated by an act of congress.

(2) Upon application the department shall make a payment to any state veterans organization that 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. The payment shall equal 25% of all salaries and travel expenses under sub. (3) paid during the previous fiscal year by the state veterans organization to employees engaged in veterans claims service and stationed at the regional office, except that the sum paid to a state veterans organization annually shall not be less than either \$2,500, or the amount of salaries and travel expenses paid by the state veterans organization to employees stationed at the regional office, whichever is less, nor more than \$30,000.

(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 employees 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 a certified public accountant licensed or certified under ch. 442 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 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.

(3m) From the appropriation under s. 20.485 (2) (s), the department shall annually provide a grant of \$100,000 to the Wisconsin department of the Disabled American Veterans for the provision of transportation services to veterans.

(4) The board may promulgate such rules as are necessary to administer this section.

History: 1971 c. 42; 1977 c. 29; 1983 a. 189; 1985 a. 332 s. 251 (3); 1989 a. 31, 56; 1997 a. 27; 2001 a. 16.

Cross Reference: See also ch. VA 7, Wis. adm. code.

45.355 Biennial study of fiscal needs for veterans' housing. Biennially the joint committee on finance shall study and review the fiscal requirements for veterans' housing loans and the condition of the veterans trust fund and thereupon shall make report thereon to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), with a view to recommending proper appropriations to adequately provide for such loans. All appropriations made by the legislature for veterans' housing loans pursuant to recommendations so made by the joint committee on finance shall be from the veterans trust fund or the general fund or both, as the needs may require.

History: 1981 c. 20; 1987 a. 186.

45.356 Veterans personal loans. (1) It is determined that the loan program established under this section is a special purpose credit program for an economically disadvantaged class of persons for the purposes of the federal equal credit opportunity act, 15 USC 1691–1691f.

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

(3) The department may lend not more than \$25,000, or a lesser amount established by the department under sub. (10), to a veteran's remarried surviving spouse or to the parent of a deceased veteran's child for the education of a child.

(3m) To be eligible for a loan under this section, an applicant must be a resident of and living in this state on the date of the application.

(4) The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds and write off indebtedness that it considers uncollectible. If a 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. 45.72. The department shall pay all interest and principal repaid on the loan into the veterans trust fund.

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

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

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

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

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

(7) The department shall promulgate rules for the distribution of loans under this section that include all of the following:

(a) Underwriting criteria.

(b) Application procedures.

(c) Other provisions that the department determines are necessary to ensure efficient administration of this section.

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

(9) (a) The department may borrow from the veterans mortgage loan repayment fund under s. 45.79 (7) (a) to obtain money to make loans under this section.

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

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

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

(12) Each loan made under this section, except a loan of \$5,000 or less made to an applicant whose total indebtedness for loans made under this section is \$5,000 or less, shall be evidenced by a promissory note and secured by a mortgage on real estate located in this state. A loan of \$5,000 or less made to an applicant whose total indebtedness for loans made under this section is \$5,000 or less shall be evidenced by a promissory note and secured by a guarantor or by a mortgage on real estate located in this state. A mortgage securing a loan made under this section is acceptable if the applicant has equity in the property subject to the mortgage equal to or exceeding a minimum amount that the department establishes by rule.

History: 1993 a. 16; 1995 a. 404; 1997 a. 27, 115; 1999 a. 9; 2001 a. 103; 2003 a. 83.

Cross Reference: See also ch. VA 12 and s. VA 1.19, Wis. adm. code.

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

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

History: 1993 a. 16; 1995 a. 129; 1997 a. 27; 2001 a. 103.

Cross Reference: See also ch. VA 13, Wis. adm. code.

45.358 Wisconsin veterans cemeteries. (1) DEFINITIONS. In this section:

(a) "Dependent child" means any natural or adoptive child under 18 years of age, or under the age of 26 if in full attendance at a recognized school of instruction, or of any age if the child is unmarried and incapable of self-support by reason of mental or physical disability.

(b) "Veteran" means a person who has served on active duty, except service on active duty for training purposes, in the U.S. armed forces.

(2) CONSTRUCTION AND OPERATION OF CEMETERIES. Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department may construct and operate veterans cemeteries in northwestern and southeastern Wisconsin and may employ any personnel that are necessary for the proper management of the cemeteries. The cemetery in southeastern Wisconsin is the Southern Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern Wisconsin is the Northern Wisconsin Veterans Memorial Cemetery. The department may acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the cemeteries. Title to the properties shall be taken in the name of this state. Every deed of conveyance shall be immediately recorded in the office of the proper register of deeds and thereafter filed with the secretary of state. All cemeteries operated by the department are exempt from the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

(3) ELIGIBILITY. The following persons are eligible for burial at a cemetery constructed and operated under sub. (2) or s. 45.37 (15):

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

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

(c) The spouse or dependent child of a veteran who is serving on active duty at the time of the spouse's or dependent child's death if the veteran was a resident of this state at the time of the veteran's entry or reentry into active service.

(d) The spouse or dependent child of a veteran if the veteran was a resident of this state at the time of his or her entry or reentry into active service and was discharged or released from active duty in the U.S. armed forces under honorable conditions.

(e) The spouse or dependent child of a veteran who was discharged or released from active duty in the U.S. armed forces under honorable conditions if the veteran and spouse or dependent child were residents of this state at the time of the spouse's or dependent child's death.

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

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

(3m) FEES. The department may charge a fee for burials under this section and may promulgate rules for the assessment of the fee.

(4) GIFTS, GRANTS, AND BEQUESTS. The department may accept for the state all gifts, grants, and bequests for the purposes of maintenance, restoration, preservation, and rehabilitation of the veterans cemeteries constructed under sub. (2).

History: 1993 a. 296; 1995 a. 27, 255; 1997 a. 27; 1999 a. 9; 2001 a. 103, 109; 2003 a. 58, 83.

Cross Reference: See also ch. VA 14, Wis. adm. code.

45.36 Release of information and records by the department and by county veterans' service offices.

(1) DEFINITIONS. In this section:

(b) "Duly authorized representative" means any person authorized in writing by the veteran to act for the veteran, or a legally constituted representative if the veteran is incompetent or

deceased. Where for proper reason no representative has been or will be appointed, the veteran's spouse, an adult child, or, if the veteran is unmarried, either parent shall be recognized as the duly authorized representative.

(c) "Service office" means a county veterans' service office.

Cross Reference: See also s. VA 1.10, Wis. adm. code.

(2) SEPARATION DOCUMENTS. 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 employees 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.

(3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS. Records and papers in the possession of the department or service office which are released to the department or service office by or from the U.S. department of veterans affairs or which contain information provided by the U.S. department of veterans affairs are confidential. Release of information from such records or papers may be made only pursuant to regulations of the U.S. department of veterans affairs.

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

(4m) VITAL RECORDS. The service office may obtain a copy of a vital record under s. 69.30 (2) and may transmit the copy to the department or to the U.S. department of veterans affairs to assist a veteran or his or her dependent in obtaining a benefit to which he or she may be entitled.

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

(5m) DISCLOSURE OF LOAN STATUS INFORMATION. The department may disclose to a consumer reporting agency, as defined in 15 USC 1681a (f), the current repayment status of, the balances due on, and other relevant information pertaining to department loans that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department. The department may charge consumer reporting agencies requesting these computer tapes an amount sufficient to cover all the costs of preparation and delivery of the tapes.

(6) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (5), all files, records, reports, papers, and documents pertaining to applications for benefits from the department, and information contained therein, shall be released by the department or service office only pursuant to rules of the department. The rules must provide for the furnishing of information required under sub. (5m) and for official purposes by any agency of the U.S. government, by any agency of this state, by any law enforcement or public welfare agency of any Wisconsin county, or by members of the state senate and assembly. The rules will otherwise provide for release of personal information pertaining to or contained in any application for benefits, whether pending or adjudicated, only when authorized in writing by the applicants or when necessary to assist applicants in securing veterans benefits

that the applicants may be entitled to or when necessary for the efficient management of loans made by the department.

History: 1971 c. 198; 1983 a. 189; 1985 a. 29 s. 3200 (23); 1987 a. 403 s. 255; 1989 a. 31, 56; 1995 a. 27; 2001 a. 103.

45.365 Wisconsin Veterans Home at King and southeastern facility; management. (1) (a) In this section and s. 45.37:

2. "Home" means the Wisconsin Veterans Home at King.

3. "Southeastern facility" means any of the residential, treatment or nursing care facilities operated by the department in southeastern Wisconsin under s. 45.385.

(am) The department shall operate the home, and employ a commandant and the officers, nurses, attendants, and other personnel necessary for the proper conduct of the home. The department may employ a commandant for the southeastern facility. In compliance with the compensation plan established pursuant to s. 230.12 (3), a commandant may recommend to the director of personnel charges for meals, living quarters, laundry, and other services furnished to employees and members of the employees' family maintained at the home and the southeastern facility. Complete personal maintenance and medical care to include programs and facilities that promote comfort, recreation, well-being, or rehabilitation shall be furnished to all members of the home under the policy of the department.

(b) All money received in reimbursement for services to home or southeastern facility employees under par. (a) or in payment for meals served to guests at the home or southeastern facility shall be accumulated in an account named "employee maintenance credits" and shall be paid into the general fund within one week after receipt and credited to the appropriation under s. 20.485 (1) (gk).

(d) The home and southeastern facility shall include a geriatric evaluation, research and education program. The program staff shall be funded from the appropriations under s. 20.485 (1) (hm), (j) and (mj).

(2) The department may acquire, by gift, purchase or condemnation, lands necessary for the purposes of the home. Title thereto shall be taken in the name of this state 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.

(2a) The department may use moneys appropriated pursuant to s. 20.485 (1) (h) to purchase, erect, construct or remodel buildings, and to provide additions and improvements thereto, and to provide equipment therefor and to provide materials, supplies and services necessary for the purposes of the home and southeastern facilities, and for such expenses as may be necessary and incidental to acquisition of property pursuant to s. 45.37 (10) and (11).

(2b) The department may accept gifts, bequests, grants or donations of money or of property from private sources to be administered by the department for the purposes of the home and southeastern facility. All moneys so received shall be paid into the general fund and are appropriated therefrom as provided in s. 20.485 (1) (h), except that gifts or grants received specifically for the purposes of the geriatric program at the home and southeastern facility are appropriated as provided in s. 20.485 (1) (hm). The department shall not apply to the gifts and bequests fund interest on certificate of savings deposits for those members who do not receive maximum monthly retained income. The department shall establish for such persons upon their request individual

accounts with savings and interest applied pursuant to such member requests.

(2m) (a) The department may enter into agreements for furnishing and charging for water and sewer service from facilities constructed at and for the home to public and private properties lying in the immediate vicinity of the home.

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

(3) A commandant and employees designated by the commandant may summarily arrest all persons within or upon the grounds of the home or southeastern facility who are guilty of any offense against the laws of this state or the rules and regulations governing the home or southeastern facility. For this purpose, a commandant and deputies have the power of constables.

(5) The fire department at the home or southeastern facility in response to emergency fire calls may make runs and render fire fighting service beyond the confines of the home or southeastern facility.

(6) The home and the nursing care facility within the southeastern facility are subject to ch. 150.

(7) The department may develop a program to provide stipends to individuals to attend school and receive the necessary credentials to become employed at the home or the southeastern facility. If the department does develop a stipend program under this subsection, the department shall promulgate administrative rules related to the program, including the application process, eligibility criteria, stipend amount, repayment provisions, and other provisions that the department determines are necessary to administer the program.

History: 1971 c. 270 s. 104; 1973 c. 113; 1973 c. 333 s. 201m; 1975 c. 39; 1977 c. 29; 1977 c. 196 s. 131; 1981 c. 20; 1985 a. 29; 1989 a. 56; 1991 a. 39, 120; 1999 a. 63, 186; 2001 a. 16, 103; 2003 a. 33.

Cross Reference: See also ch. VA 6, Wis. adm. code.

45.37 Who are eligible to membership. (1) GENERAL STATEMENT. Within the limitations of the home and southeastern facility, the department may admit to membership in the home and southeastern facility persons who meet the qualifications set forth in this section.

(1a) **DEFINITION OF VETERAN.** Except as provided in sub. (15) (a) and (b), in this section “veteran” has the meaning given in s. 45.001 (4) (a) or means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces for at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action or killed in action or who died in service, or who was discharged under honorable conditions after 90 days or more of active service, 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 who died as a result of a service-connected disability.

(2) **BASIC ELIGIBILITY REQUIREMENTS.** A veteran may be admitted to the home or southeastern facility if the veteran:

(a) *Residence.* Was a resident of this state at the time of entering service with the armed forces and is a resident of this state on the date of admission to the home or southeastern facility.

(b) *Disability test.* Is permanently incapacitated due to physical disability or age from following any substantially gainful occupation.

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

(e) *Chronic ailments.* Is not a chronic alcoholic, drug addict, psychotic or active tuberculosis case, unless the department determines that the home is capable of providing satisfactory care for the person.

(f) *Financial information.* Provides a complete financial statement containing information that the department determines is necessary to evaluate the financial circumstances of the veteran and his or her spouse. The department may require a member of the home or southeastern facility to provide the department with information necessary for the department to determine the financial circumstances of the member and his or her spouse. If a member fails to provide the additional information, the department may discharge the member from the home or southeastern facility.

(h) *Care needs.* Has care needs which the home or southeastern facility is able to provide within the resources allocated for the care of members of the home or southeastern facility.

(3) **EXCEPTIONS TO THE BASIC ELIGIBILITY REQUIREMENTS.** A veteran who was not a resident of this state at the time of enlistment or induction into service but who is otherwise qualified for membership may be admitted if the veteran has been a resident of this state for any consecutive 12-month period after enlistment or induction into service and before the date of his or her application. If a person applying for a benefit under this subchapter meets the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter that requires residency.

(4) **ADMISSION PRIORITIES.** (a) *Order of eligibility of veterans.* Applications from veterans except in cases where there is an immediate need for physical care or economic assistance shall be passed upon in order of priority based upon the date of receipt of the application by the home or southeastern facility. Establishment of the priority date of the application may be deferred to the date that the home or southeastern facility is able to verify its ability to provide appropriate care to the applicant or to assure that the appropriate care setting is available within the home or southeastern facility.

(b) *Basis for eligibility of nonveterans.* Spouses, surviving spouses and parents derive their eligibility from the eligibility of the veteran upon whose service it is based. Surviving spouses and parents of eligible veterans shall not be eligible for admission at a southeastern facility. Surviving spouses and parents of eligible veterans shall not be eligible for admission at the home except for those admitted to the home prior to May 5, 1976, or unless the home’s overall occupancy level is below an optimal level as determined by the board.

(c) *Order of priority.* 1m. The order of priority for admission to the home or southeastern facility shall be as follows:

a. Eligible veterans shall have 1st priority.

b. Spouses of eligible veterans shall be given 2nd priority.

c. Surviving spouses of eligible veterans shall be given 3rd priority for admission to the home.

d. Parents of eligible veterans shall be given 4th priority for admission to the home.

5. The department may deviate from this sequence upon order of the board in order to prevent the separation of a family unit of husband and wife.

(5) **ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SPOUSE OF A VETERAN.** A spouse of an eligible veteran is eligible only if the spouse meets the requirements of sub. (2) (d) to (h) and if:

(a) The veteran is a member, or if not a member is institutionalized elsewhere because of physical or mental disability, and the spouse had lived with the veteran for not less than 6 months immediately before making application for membership.

(b) Separation from such spouse necessitated by reason of employment, hospitalization or because of a physical or mental disability of either spouse shall not be taken to constitute an interruption of such one-year period.

(c) A spouse of an eligible veteran by virtue of a bona fide marriage invalidly entered into but validated prior to application for admission shall, for the purpose of this subsection and sub. (6), be considered married to such eligible veteran from the date such invalid marriage was entered into.

(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. The surviving spouse of a veteran who was a resident of this state at the time of the veteran's death, is eligible if the surviving spouse meets the requirements of sub. (2) (d) to (h) and if the surviving spouse:

(a) Was married to and living with the deceased veteran not less than 6 months immediately prior to the death of the veteran, or was married to the veteran at the time the veteran entered the service and was widowed by the death of the veteran in the service or as a result of physical disability incurred during such service, or the period during which the surviving spouse was married to and lived with the deceased veteran plus the period of widowhood is 6 months or more, or if the surviving spouse was married to and living with the veteran less than 6 months and a child was born of the marriage; and

(b) Has not remarried; and

(c) Is 45 years of age or over on the date of application; and

(d) Is physically disabled; and

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

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

(7) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. The parent of a veteran who was a resident of this state at the time of the veteran's death or, the parent of a living veteran who is eligible for membership, is eligible if the parent meets the requirements of sub. (2) (d) to (h) and if the parent:

(a) Has reached 60 years of age; and

(b) Has been a resident of this state for the 12–months preceding the date of application for membership; and

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

(9) MEMBER INCOME RETENTION AND PAYMENT. (c) *Work therapy program compensation.* The board shall establish a pay plan for compensation of members for services rendered to the home or southeastern facility under its work therapy program.

(d) *Member payments.* Members shall pay the amount due the state for care and maintenance of the member within 30 days after the receipt of the home's or southeastern facility's billing statement by the member or by the member's personal representative. The department may subject any bill not paid within 30 days after receipt of the billing statement to an interest assessment of 1% per month or fraction of a month. If payment is not made within 60 days after the receipt of the billing statement, the department may discharge the member from the home or southeastern facility.

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

(g) *Work therapy or hobby shop income.* A member is not required to use income received from services rendered to the home or southeastern facility under its work therapy program or from the sale of products or services through the hobby shop as payment for the care or maintenance of the member at the home or southeastern facility.

(h) *Home or southeastern facility exchange.* The operation of the home or southeastern facility 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.

(9c) PERSONAL FUNDS OF MEMBER. A member may, in writing, authorize the home or southeastern facility to receive, hold and account for his or her personal funds. Section 49.498 (8) and the rules promulgated under that subsection apply to the funds of a member held by the home or southeastern facility under this subsection. The department may transfer the personal funds of a member received under this subsection to the Wisconsin veterans facilities members fund under s. 25.37. Upon request of the mem-

ber, the department shall pay to the member the amount of the member's personal funds requested by the member.

(9d) MEDICAL ASSISTANCE PAYMENTS. All moneys received under title XIX of the Social Security Act for the care of members shall be transferred to the appropriation under s. 20.485 (1) (gk).

(10) CONVEYANCE OF PROPERTY; DESCENT. (a) Except as otherwise provided in this subsection, the application and admission of any applicant admitted under this section shall constitute a valid and binding contract between a member and the department. If a member dies leaving a relative that is entitled to an interest in the property of the member under the rules of intestate succession or a will the existence of which is made known to the commandant of the home within 60 days of the member's death, the member's property shall constitute a part of the member's estate, 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 of the home or the southeastern facility to surviving relatives of the member who request the personal effects within a reasonable time after the member's death.

(c) The department may manage, sell, lease or transfer property descending to the state pursuant to this section or conveyed to it by members, defend and prosecute all actions concerning it, pay all just claims against it, and do all other things necessary for the protection, preservation and management of such property. All expenditures necessary for the execution of functions under this paragraph or sub. (11) shall be made from the appropriation in s. 20.485 (1) (h).

(d) A person who at the time of death is a member of the home is a resident of Waupaca County for the probate of the person's will, issuance of letters testamentary or other letters authorizing the administration of the decedent's estate, and the administration of the estate.

(11) DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies without a relative that is entitled to an interest in the property of the member under the rules of intestate succession and without leaving a will the existence of which is made known to the commandant of the home within 60 days of the member's death, the member's property shall be converted to cash and turned over by the commandant of the home to the secretary of administration to be paid into the appropriation under s. 20.485 (1) (h), without administration. The amount is subject to refund within 6 years to the estate of a veteran if it is subsequently discovered that the veteran left a will or a relative that is entitled to an interest in the property of the member under the rules of intestate succession or to any creditor of the veteran who establishes right to the fund or property or any portion thereof. The department, upon being satisfied that a claim out of such funds or property is legal and valid, shall pay the same out of such funds or property, except that payment of claims for a member's funeral and burial expenses may not exceed a total of \$1,500 including any amount allowed by the United States for the member's funeral and burial and the right for burial and interment provided in sub. (15) (a).

(12) CERTIFICATES OF LIEN. All certificates of lien filed prior to July 31, 1975 are void and shall be released by the department upon request without consideration.

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

(15) ELIGIBILITY FOR BURIAL AND INTERMENT AT THE HOME. (a) A person who is eligible under s. 45.358 (3) for burial at a veterans cemetery is eligible for burial and interment at the cemetery of the home known as the "Wisconsin Veterans Memorial Cemetery". The cost of preparing the grave and the erection of a marker for a veteran, as defined in s. 45.358 (1) (b), shall be paid from the appropriation made by s. 20.485 (1) (gk).

(b) Application for burial shall be made to the department. The surviving spouse of the veteran, as defined in s. 45.358 (1) (b), shall have the privilege of selecting a lot next to the veteran if available. Permission shall be given by the department for a

period of one year from date of granting, but may be extended, on request, for additional one-year periods.

(c) Expenses incident to the burial at the home of a member 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 under s. 20.485 (1) (gk) and the amount expended therefor shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

(17) ADDITIONAL ELIGIBILITY REQUIREMENTS. Any person admitted to the home or the nursing care facility operated by the department within the southeastern facility shall meet during residence at the home or at the nursing care facility operated by the department within the southeastern facility the eligibility requirements under ss. 49.45 and 49.46 and rules promulgated thereunder except that:

(a) Persons with sufficient income and resources to meet the expenses of care for one or more months may be admitted to or remain in membership at the home or the nursing care facility operated by the department within the southeastern facility but shall apply income and resources to costs to the extent required by ss. 49.45 and 49.46 and rules promulgated thereunder; or

(b) Persons who meet all the requirements of this section but whose degree of physical disability does not meet the minimum requirements in ss. 49.45 and 49.46 and rules promulgated thereunder may be admitted to or remain in membership at the home or the nursing care facility operated by the department within the southeastern facility but shall apply income and resources to costs to the extent required by ss. 49.45 and 49.46 and rules promulgated thereunder.

(18) SOUTHEASTERN FACILITY ADDITIONAL ELIGIBILITY REQUIREMENT. An otherwise eligible person may be admitted to or remain in residency at a residential or treatment facility within the southeastern facility only if the person has sufficient income and resources, and applies the income and resources to fully reimburse the department for the cost of providing care to the person. This income and resource limit on eligibility does not apply to persons admitted to the nursing care facility operated by the department within the southeastern facility.

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103; 2003 a. 33.

Cross Reference: See also s. VA 6.01, Wis. adm. code.

A resident must surrender property only as called for by the statute at the time of application, not as later amended. Estate of Nottingham, 46 Wis. 2d 580, 175 N.W.2d 640 (1970).

45.375 Hospital at Wisconsin Veterans Home. (1) The department may establish a hospital at the Wisconsin Veterans Home at King.

(2) A hospital established under sub. (1) may not have an approved bed capacity, as defined in s. 150.01 (4m), greater than 16 beds. The approved bed capacity of the nursing home licensed under s. 50.03 on July 1, 1995, and operated at the Wisconsin Veterans Home at King is reduced by one bed for each approved bed at the hospital established under sub. (1).

History: 1995 a. 20, 27; 2001 a. 103.

45.38 Department, additional powers to provide structures, facilities and permanent improvements. (1) In this section unless the context requires otherwise:

(a) “Existing building” in relation to any conveyance, lease or sublease made under sub. (2) (a) 1., 2. and 3. means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants and such other buildings, structures, facilities and permanent improvements as in the judgment of the board are needed or useful for the

purposes of the department, and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) “New building” in relation to any conveyance, lease or sublease made under sub. (2) (a) 1., 2. and 3. means all detention, treatment, administrative, recreational, infirmary, hospital, vocational and academic buildings; all dormitories and cottages; all storage facilities, heating plants, sewage disposal plants, and such other buildings, structures, facilities and permanent improvements as in the judgment of the board are needed or useful for the purposes of the department, and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) “Nonprofit corporation” means a nonstock corporation that is organized under ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

(2) The department shall have and may exercise the powers and duties provided in this section.

(a) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a nonprofit corporation for the purpose of providing a new building or buildings or additions or improvements thereto which are located on land owned by, or owned by the state and held for, the department or on lands of the institutions under the jurisdiction of the department or by the nonprofit corporation, or for any one or more of said purposes, but for no other purpose unless authorized by law, the department has the following powers and duties:

1. Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings thereon owned by, or owned by the state and held for, the department or of any of the institutions under the jurisdiction of the department for such consideration and upon such terms and conditions as in the judgment of the board are in the public interest.

2. The power to lease to a nonprofit corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by, or owned by the state and held for, the department or of any of the institutions under the jurisdiction of the department upon such terms and conditions as in the judgment of the board are in the public interest.

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

4. The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

5. The power to pledge and assign all or any part of the revenues derived from the operation of any land or such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under subd. 3.

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

7. The power to apply all or any part of the revenues derived from the operation of any land or existing buildings to the payment

of rentals due and to become due under any lease or sublease made under subd. 3.

8. The power to pledge and assign all or any part of the revenues derived from the operation of any land or existing buildings to the payment of rentals due and to become due under any lease or sublease made under subd. 3.

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

10. The power and duty, upon receipt of notice of any assignment by any such nonprofit corporation of any lease or sublease made under subd. 3., or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such nonprofit corporation.

(b) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under par. (a) 3., and may be sued therefor on contract as in other contract actions pursuant to ch. 775, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(c) Nothing in this section empowers the board or the department to incur any state debt.

(d) All powers and duties conferred upon the board or the department pursuant to this section shall be exercised and performed by resolution of the board. All conveyances, leases, and subleases made pursuant to this section, when authorized pursuant to resolution of the board, shall be made, executed, and delivered in the name of the department and shall be signed by the director and sealed with the seal of the department.

(e) All laws, conflicting with any provisions of this section, are, insofar as they conflict with this section and no further, superseded by this section.

History: 1977 c. 29; 1979 c. 32 s. 92 (5); 1991 a. 120; 1997 a. 79; 2001 a. 103.

45.385 Veterans residential, treatment, and nursing care facilities. (1) VETERANS SOUTHEASTERN FACILITIES. Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department may construct or renovate and operate residential, treatment, and nursing care facilities in southeastern Wisconsin, including a community-based residential facility, to be known as the Southern Wisconsin Veterans Retirement Center. The department may employ any personnel that are necessary for the proper management of the Southern Wisconsin Veterans Retirement Center. The department may acquire by gift, purchase, or condemnation lands necessary for the purposes of the Southern Wisconsin Veterans Retirement Center. Title to any properties acquired under this section shall be taken in the name of this state. Every deed of conveyance shall be immediately recorded in the office of the proper register of deeds and filed with the secretary of state.

(2) VETERANS NORTHWESTERN FACILITIES. Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department may develop, construct or renovate, and operate residential, treatment, and nursing care facilities and programs for veterans in northwestern Wisconsin, on the property of the Northern Wisconsin Center for the Developmentally Disabled in Chippewa Falls. The programs and facilities may include an assisted living facility, a skilled nursing facility, a medical clinic, an adult day health care center, an activities center, and a veterans' assistance program. The department may employ any personnel that are necessary for the proper management of these facilities and programs.

History: 1997 a. 121; 1999 a. 9; 2001 a. 103; 2003 a. 102.

45.396 Correspondence courses and part-time classroom study. (1) In this section:

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

(b) "Part-time classroom study" means any of the following:

1. Enrollment by a graduate student in courses for which no more than 8 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion.

2. Enrollment by a graduate student in courses that upon satisfactory completion will fulfill no more than the minimum semester or equivalent trimester or quarter credit requirements of the program or school in which the student is enrolled.

3. Enrollment by any other eligible student in courses for which no more than 11 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion.

4. Study during a summer semester or session.

(c) "Tuition" has the meaning given in s. 45.25 (1g).

(2) Any veteran upon the completion of any correspondence course or part-time classroom study from an institution of higher education located in this state, from a school that is approved under s. 45.35 (9m), from a proprietary school that is approved under s. 45.54, or from any public or private high school may be reimbursed in part for the cost of the course by the department upon presentation to the department of a certificate from the school indicating that the veteran has completed the course and stating the cost of the course and upon application for reimbursement completed by the veteran and received by the department no later than 60 days after the termination of the course for which the application for reimbursement is made. The department shall accept and process an application received more than 60 days after the termination of the course if the applicant shows good cause for the delayed receipt. The department may not require that an application be received sooner than 60 days after a course is completed. Benefits granted under this section shall be paid out of the appropriation under s. 20.485 (2) (th).

(3) A veteran who is a resident of this state and otherwise qualified to receive benefits under this section may receive the benefits under this section upon the completion of any correspondence courses or part-time classroom study from an institution of higher education located outside this state, from a school that is approved under s. 45.35 (9m), or from a proprietary school that is approved under s. 45.54, if any of the following applies:

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

(b) The correspondence course is not offered in this state.

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

(5) (a) Except as provided in par. (b), the amount of the reimbursement may not exceed the total cost of the veteran's tuition or the standard cost for a state resident for tuition for an equivalent undergraduate course at the University of Wisconsin-Madison per course, whichever is less, minus any grants or scholarships that the veteran receives specifically for the payment of tuition and may not be provided to a veteran more than 4 times during any consecutive 12-month period.

(b) Any individual who is eligible to receive reimbursement under par. (a) shall be reimbursed an amount not to exceed the amount determined under s. 45.396 (9).

(5m) (a) No veteran or eligible dependent who has obtained a master's degree or its equivalent is eligible for grants under this section.

(b) No veteran or eligible dependent who has obtained at least a baccalaureate degree or its equivalent but not a master's degree or its equivalent is eligible for grants offered under this section if the person has remaining U.S. department of veterans affairs education benefits.

(c) For the purpose of this section any student who has received a baccalaureate degree shall be deemed to be a graduate student whether he or she is taking graduate or undergraduate courses.

(6) The department may make a grant under this section to an applicant whose name appears on the statewide support lien docket under s. 49.854 (2) (b) only if the applicant provides the department with one of the following:

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

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

(7) (a) No veteran may receive a grant under this section if the department determines that the income of the veteran and his or her spouse exceeds \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

(b) In determining eligibility for grants under this section, the department shall verify all reported income amounts by contacting the employer designated by the veteran or spouse, securing a copy of their prior year's income tax returns or obtaining a profit and loss statement from the veteran for at least 6 of the 12 months immediately preceding the loan application date.

(8) The department may not make a grant under this section unless the department determines that a course for which an application is made is related to the applicant's occupational, professional or employment objectives.

(9) A disabled veteran who meets the requirements under this section and whose disability is rated at 30% or more under 38 USC 1114 or 1134 may be reimbursed for up to 100% of the cost of tuition and fees, but that reimbursement is limited to 100% of the standard cost for a state resident for tuition and fees for an equivalent undergraduate course at the University of Wisconsin–Madison per course and may not be provided to an individual more than 4 times during any consecutive 12-month period.

History: 1971 c. 42; 1971 c. 125 s. 522 (1); 1971 c. 154, 198, 307; 1975 c. 39, 199, 224, 422; 1979 c. 34 ss. 819b, 2102 (56) (a); 1981 c. 20; 1983 a. 481, 503, 538; 1985 a. 29, 129; 1987 a. 27, 242; 1989 a. 31, 56; 1991 a. 39, 166; 1993 a. 16; 1995 a. 27, 404; 1997 a. 27, 115, 121; 1999 a. 9; 2001 a. 16, 38; 2003 a. 33, 83.

Cross Reference: See also ch. VA 2, Wis. adm. code.

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

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

(a) The veteran is enrolled in a training course in a technical college under ch. 38 or in a proprietary school in the state approved by the educational approval board under s. 45.54, other than a proprietary school offering a 4-year degree or 4-year program, or is engaged in a structured on-the-job training program

that meets program requirements promulgated by the department by rule.

(b) The veteran meets the financial assistance criteria established under sub. (3) (c).

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

(cm) The veteran requesting a grant has not received reimbursement under s. 45.25 or 45.396 for courses completed during the same semester for which a grant would be received under this section.

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

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

(a) Standard budgets for single and married veterans.

(b) Selection procedures.

(c) Uniform need determination procedures.

(d) Application procedures.

(dg) Coordination with other occupational training programs.

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

(5) REPORT. Beginning in 1993, the department shall include in its biennial report under s. 15.04 (1) (d) information relating to the veterans retraining grant program, including the number of veterans obtaining gainful employment after receiving a grant and a description of the veterans receiving grants, including their sex, age, race, educational level, service-connected disability status and income before and after obtaining gainful employment. This information may be based on a valid statistical sample.

History: 1989 a. 31; 1991 a. 39; 1993 a. 16, 125; 1995 a. 27 ss. 1995k to 2015, 9130 (4); 1997 a. 3, 27, 121; 1999 a. 9, 63, 108; 2001 a. 16, 38.

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

(a) The deceased veteran's name.

(b) The service in which the deceased veteran was engaged.

(c) The appropriate designation of the deceased veteran's armed forces unit.

(d) The deceased veteran's rank and period of service.

(e) The name and location of the cemetery or other place in which the deceased veteran's body is interred.

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

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

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

History: 1977 c. 29; 1983 a. 430; 1987 a. 399; 1987 a. 403 s. 255; 1989 a. 31; 1991 a. 2; 1993 a. 16, 254; 1995 a. 255; 1997 a. 27; 2001 a. 103.

45.43 County veterans' service officer. (1) ELECTION OR APPOINTMENT. (a) Except as provided under par. (b), the county board shall elect a county veterans' service officer who shall be a Wisconsin resident who served on active duty, other than active

duty for training, under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who meets at least one of the conditions listed in s. 45.001 (4) (a) 1. a. to d. and at least one of the conditions listed in s. 45.001 (4) (a) 2. a. to c.

(am) Except as provided under par. (b), the county board may appoint assistant county veterans' service officers who shall be Wisconsin residents who served on active duty, other than active duty for training, under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who meet at least one of the conditions listed in s. 45.35 (5) (a) 1. a. to d. [s. 45.001 (4) (a) 1. a. to d.] and at least one of the conditions listed in s. 45.35 (5) (a) 2. a. to c. [s. 45.001 (4) (a) 2. a. to c.]

NOTE: The correct cross-references are shown in brackets. Corrective legislation is pending.

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

(2) **TERM.** A county veterans' service officer elected under sub. (1) (a) shall serve until the first Monday in January of the 2nd year subsequent to the year of his or her election, and, if reelected, shall continue to serve unless removed under s. 17.10 (2). All county veterans' service officers who have been reelected prior to May 18, 1967, may continue to serve unless removed under s. 17.10 (2).

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

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

(5) **DUTIES.** The county veterans' service officer shall:

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

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

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

(d) Furnish information about veterans' burial places within the county as required by s. 45.42 (2).

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

(5m) **PERMITTED ACTIVITIES.** The county veterans' service officer may:

(a) Inform persons living in the service officer's county who are members of the national guard or of a reserve unit of the U.S. armed forces or dependents of those persons regarding potential benefits to which they may be or may become entitled and regarding all necessary military points of contact and general deployment information for activated and deployed members of the national guard or reserve units of the U.S. armed forces.

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

(6) **OFFICE SPACE AND ASSISTANTS.** (a) The county board shall provide the county veterans' service officer with office space,

clerical assistance and any other needs which will enable the officer to perform the duties under sub. (5).

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

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

(7) **GRANTS TO COUNTIES FOR IMPROVEMENT OF SERVICES.** (a) Each county may annually apply to the department for a grant for the improvement of service to former military personnel of the county through the county veterans' service office. A county may not allocate any portion of a grant for use by another county department nor may the county reduce funding to a county veterans' service office based upon receipt of a grant. The county veterans' service officer of any county applying for the grant shall enter into an agreement with the department. The agreement shall state the goals and objectives to be attained by the county veterans' service office during the remainder of the year covered by the grant application. The department shall prepare the basic form of this agreement in consultation with the county veterans' service officers association and provide a copy and an explanation of that agreement to each county veterans' service officer. The department shall develop reasonable budget and operating standards to assure improved services, but full operating control of the county office shall be left to each county.

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

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

(7m) **TRANSPORTATION SERVICES GRANTS TO COUNTIES.** (a) Annually, from the appropriation under s. 20.485 (2) (s), the department shall award grants to counties that are not served by transportation services provided by the Wisconsin department of Disabled American Veterans to develop, maintain, and expand transportation services for veterans. The grants may be used to support multicounty cooperative transportation services.

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

(c) A county may not allocate any portion of a grant awarded under this subsection for use by another county department and

may not reduce funding to a county veterans' service office based upon receipt of a grant.

Cross Reference: See also ch. VA 16, Wis. adm. code.

(8) QUALIFICATIONS APPLICATION. The qualifications necessary to be a county veterans' service officer or assistant county veterans' service officer under subs. (1) (a) and (6) (b) apply only to persons elected to serve as county veterans' service officers or assistant county veterans' service officers on or after June 1, 1996, who have not served as county veterans' service officers or assistant county veterans' service officers before June 1, 1996.

History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109; 2003 a. 33 ss. 1093, 9160; 2003 a. 163, 321.

A county veterans' service officer has no duty to transport disabled veterans to a veterans' hospital. 67 Atty. Gen. 207.

45.48 Veterans' papers, medals, etc., as security. (1) It shall be unlawful for any person to receive or accept as a security or to withhold from a veteran or honorably discharged soldier, sailor or marine any discharge paper, citation, warrant, medal, badge or evidence upon which such veteran is entitled to certain rights, as a veteran under the laws of the United States or of this state, and any transfer of the same during the life of the veteran upon a consideration or otherwise shall be null and void, and the refusal or willful neglect of any person to return or deliver upon demand, any such discharge, citation, warrant, medal, badge or evidence aforesaid shall be deemed a misdemeanor.

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

45.49 Memorial day; veterans to be given leave of absence on. (1) The head of every department of the state government and of every court of the state, every superintendent or foreman on the public works of the state, every county officer, and the head of every department or office in any town, village, city, or other political subdivision, shall give a leave of absence with pay for 24 hours on the last Monday in May of each year, which shall be the day of celebration for May 30, to every person in the employ of the state or any county, town, village or city therein, who has at any time served in and been honorably discharged from the army, air force, coast guard, merchant marine, navy or marine corps of the United States. A refusal to give such leave of absence to one entitled thereto, shall constitute neglect of duty.

(2) In all cities, however organized, where the nature of the duties of the several departments of government of such cities is such as to necessitate the employment of members of such departments on Memorial day, the head of each such department shall arrange and assign such necessary work in such a manner as to permit the largest possible numbers of employees of such department to be off duty either the whole or part of Memorial day.

History: 1971 c. 226; 1977 c. 187 s. 96; Stats. 1977 s. 757.16; 1983 a. 192 s. 256; Stats. 1983 s. 45.49; 1991 a. 99.

45.50 Reemployment in civil employment after completion of military service. (1) (a) Any person who has enlisted or enlists in or who has been or is inducted or ordered into active service in the U.S. armed forces pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940, the selective service act of 1948 and any acts amendatory thereof or supplementary thereto or P.L. 87–117, and any person whose services are requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform the training or service, has left or leaves a position, other than a temporary position, in the employ of any political subdivision of the state or in the employ of any private or other employer, shall be restored to such position or to a position of like seniority, status, pay and salary advancement as though service toward seniority, status, pay or salary advancement had not been interrupted by the absence; if:

1. The person presents to the employer evidence of satisfactory completion of the period of training or civilian service, or of discharge from the armed forces under conditions other than dishonorable;

2. The person is still qualified to perform the duties of such position;

3. The person makes application for reemployment and resumes work within 90 days after completion of the training or services, military or civilian, or was so discharged from the armed forces, or within 6 months after release from hospitalization for service-connected injury or disease;

4. The employer's circumstances have not so changed as to make it impossible or unreasonable to so restore the person; and

5. The military service was not for more than 4 years unless extended by law.

(b) In the event of any dispute arising under par. (a), the matter shall be referred to the department of workforce development for determination except as the matters pertain to any classified employee of the state, in which case the matter shall be referred to the director of personnel. Orders and determinations of the department of workforce development under this section may be reviewed in the manner provided in ch. 227.

(2) The service of any person who is or was restored to a position in accordance with sub. (1) shall be deemed not to be interrupted by the absence, except for the receipt of pay or other compensation for the period of the absence and he or she shall be entitled to participate in insurance, pensions, retirement plans or other benefits offered by the employer under established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the person entered or was enlisted, inducted or ordered into the forces and service, and shall not be discharged from the position without cause within one year after restoration; and the discharge is subject to all federal or state law affecting any municipal or private employment; and subject to the provisions of contracts that may exist between employer and employee. Each county, town, city or village shall contribute or pay from September 16, 1940, all contributions of the employer to the applicable and existent pension, annuity or retirement system as though the service of the employee had not been interrupted by military service.

(3) If an employer fails or refuses to comply with subs. (1) and (2), a person entitled to the benefits under subs. (1) and (2) may petition a court to require the employer to comply with those subsections. Upon the filing of the petition and on reasonable notice to the employer, the court may require the employer to comply with those subsections and to compensate the person for any loss of wages or benefits suffered by reason of the employer's unlawful action. The court shall order a speedy hearing and shall advance the case on the calendar. No fees or court costs shall be taxed against a person applying for these benefits. The action or proceeding commenced under this subsection against a private employer, and the trial or hearing thereof, shall be in any county in which the employment took place or in which the private employer maintains a place of business, and in all other cases shall be as provided in s. 801.50. No person who is appointed in the service of the state or of any county, city, village or town to fill the place of a person entering the federal armed forces shall acquire permanent tenure during the period of replacement service.

(4) Any individual or employer aggrieved by the decision of the court provided in sub. (3) may appeal in accordance with the provisions of appealable orders referred to in chs. 808 and 809; and the employee need not file an appeal bond for the security for costs on said appeal.

(5) The restoration of classified employees of the state shall be governed by s. 230.32. The restoration of unclassified state employees shall be governed by this section.

History: 1971 c. 270 s. 104; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 187 s. 135; 1977 c. 196 s. 131; 1981 c. 96; 1989 a. 56; 1993 a. 246; 1995 a. 27 s. 9130 (4); 1997 a. 3.

45.51 Employees or officers in military service.

(1) The governing body of any county, town, city, village, school district, or technical college district may grant a leave of absence to any employee or officer who is inducted or who enlists in the U.S. armed forces for a period of military service of not more than 4 years unless such employee is involuntarily retained for a longer period. No salary or compensation of such employee or officer shall be paid, nor claim therefor exist during such leave of absence, except as provided in this subsection. If the employee's or officer's salary or compensation is less in the U.S. armed forces than was paid by the county, town, city, village, school district, or technical college district, that governmental unit may pay the employee or officer the difference between the salary or compensation paid by the armed forces and the salary or compensation that the employee or officer was paid by the county, town, city, village, school district, or technical college district at the time that he or she enlisted in or was inducted into the U.S. armed forces.

(2) The governing body may provide for safeguarding the reinstatement and pension rights, as herein limited, of any employee or officer so inducted or enlisted.

(3) No employee or officer who is appointed to fill the place of any employee or officer so inducted or enlisted shall acquire permanent tenure during such period of replacement service.

(4) If the leave of absence under sub. (1) is granted to an elected or appointed official or employee and the official or employee has begun federal service, a temporary vacancy exists and a successor may be appointed to fill the unexpired term of the official or employee, or until the official or employee returns and files election to resume the office if the date of the filing is prior to the expiration of the term. The appointment shall be made in the manner provided for the filling of vacancies caused by death, resignation or otherwise, except that no election need be held to fill a temporary vacancy. The appointee has all the powers, duties, liabilities and responsibilities and shall be paid and receive the compensation and other benefits of the office or position, unless otherwise provided by the governing body. Within 40 days after the termination of the federal service, the elected or appointed official or employee, upon filing with the clerk a statement under oath of termination and that the official or employee elects to resume the office or position, may resume the office or position for the remainder of the term for which elected or appointed. The person temporarily filling the vacancy shall thereupon cease to hold the office.

(6) In cities of the 3rd class with a commission plan of government, in case of temporary or permanent vacancies in the office of mayor, the vice mayor shall temporarily succeed to the office of mayor for the balance of the unexpired term for which the mayor was elected unless sooner terminated as provided in s. 17.035 (3). The temporary or permanent vacancy thereby created in the office of council member may thereupon be filled as provided in this section. The term of the person appointed temporarily to the office of council member shall not extend beyond the expiration of the term of the office vacated and the temporary term shall be vacated sooner as provided for in s. 17.035 (3).

History: 1971 c. 154; 1985 a. 135; 1989 a. 56; 1993 a. 399; 2001 a. 22.

45.52 Physical disability does not disqualify for public employment.

A veteran who has suffered a physical disability as a direct result of military or naval service shall not on that account be barred from employment in any public position or employment whether under state, county, or municipal civil service or otherwise, if the licensed physician making a physical examination of the veteran for the public employer certifies that the applicant's disability will not materially handicap the veteran in the performance of the duties of the position.

History: 1983 a. 430; 1989 a. 56; 1997 a. 27; 2001 a. 103.

45.53 Soldiers' and sailors' civil relief act; federal service. (1) In this section, unless the context indicates otherwise:

(a) "Interest and penalties" mean interest and penalties accruing on taxes during the period of military service and 6 months thereafter. In case property is owned jointly by several owners, other than property held jointly or as marital property with the spouse of the person in military service, interest and penalties shall mean the proportionate share of the total interest and penalties commensurate with the equity in the property of such person in military service.

(b) "Persons in military service" means any man or woman who is or was serving on active duty in the U.S. armed forces.

(c) "Property" shall mean any real estate or personal property belonging to a person in military service provided that such property was acquired prior to the commencement of military service except in cases where such property was acquired by descent in which case the proviso shall not apply.

(d) "Taxes" shall mean any general taxes or special assessments or tax certificates evidencing such taxes and assessments not belonging to private buyers.

(2) In order to supplement and complement the provisions of the soldiers' and sailors' civil relief act of 1940 and all amendments thereof, so as to afford and obtain greater peace and security for persons in military service, the enforcement of certain tax obligations or liabilities which may prejudice the property rights of persons in military service, for the period herein set forth may be temporarily suspended as hereinafter provided.

(3) Any person while in the military service of the United States or within 6 months after terminating service, or the person's agent or attorney during that period, may petition a court of record in any county in which the person owns property for relief under this section. Upon filing of the petition the court shall make an order fixing the time of hearing and requiring the giving of notice of the hearing. If after hearing the court shall find that the person is, or within 6 months next preceding the filing of the petition was, in the military service of the United States and owns property within the county on which taxes have fallen or will fall due, and that the person's ability to pay the taxes has been materially adversely affected by reason of being in military service, the court shall enter an order determining that the person is entitled to relief under this section. When an order so determines, the court may further suspend proceedings for the collection of taxes on the property for a period not exceeding 6 months after termination of the military service of the person, or for the time reasonably necessary to complete the agreement provided in sub. (7). Thereafter, the property shall not be included in tax certificates issued to enforce collection of taxes on property, and all proceedings for that purpose shall be suspended, except under terms that the court in the order may direct.

(4) Whenever any tax or assessment on real property, including all special assessments, is not paid when due, any interest or penalty under s. 74.47 and the maximum limitation of 6% per year as provided by the soldiers' and sailors' civil relief act shall be waived for the purpose and upon the conditions specified in this section.

(5) The penalties and interest which shall be waived pursuant to this section are those for nonpayment of all taxes or assessments, general or special, falling due during the period of military service of any person against either real or personal property of which the person is the bona fide owner or in which the person has a beneficial interest.

(6) The person owning or having an interest in any property in respect to which the order under sub. (3) is made, or the person's agent or attorney, may file with the county treasurer or with the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to such taxes and assessments a certified copy of the order of suspension together with an affidavit in triplicate, sworn to by the person or agent or attorney setting forth the name of the owner, the legal description of the property, the type of property, when acquired, volume and page number where the deed was

recorded if acquired by deed and the name of the estate if acquired by descent, amount of delinquent taxes if any, and the names of the holders of any outstanding mortgage, lien or other encumbrance. Upon such filing the county treasurer or city treasurer shall record the order in the office of the register of deeds of the county and file a copy in the office of the treasurer, who shall make proper notation that a person in military service is the holder of the legal title and has made application for special relief, and an additional copy shall be immediately forwarded to the office of the clerk of the town, city or village where the property is located, or if it is located in a city authorized to sell lands for nonpayment of its taxes to the commissioner of assessments, who shall make an appropriate notation in the records.

(7) Any person seeking relief under this section, within 6 months after termination of military service, or the person's agent or attorney, or in case of death of such person, the personal representative, surviving spouse or heir at law, may apply to the county treasurer of the county, or the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes, as the case may be, wherein such property is located for an agreement for scheduled installment payments, covering the taxes accrued during such person's period of military service, provided that such taxes will be paid over a period of time equal to a period no longer than twice the length of military service of such person, in equal periodic installments of not less than \$10, and subject to such other terms as may be just and reasonable.

(8) In the event default is made by the applicant in the performance of any of the provisions of such agreement, such treasurer, as the case may be, shall forthwith notify the applicant of such default and the amount and date due, by written notice either served personally or by registered mail with return receipt demanded to the address set forth in such application. If such defaulted payment is not fully made within 10 days after service of such notice, then such treasurer without further notice may declare that the entire amount of such tax subject to the scheduled installments shall be immediately due and payable and that such agreement is fully rescinded and terminated. Thereupon the county treasurer shall notify the register of deeds and the town, city or village treasurer thereof, or if the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes the latter shall notify the register of deeds and the county treasurer and such officers and shall make appropriate notations thereof on their records. Thereafter, the county treasurer or city treasurer as to taxes of cities authorized by law to sell land for the nonpayment of taxes, may without further order of the court enforce the collection of such tax or assessment and sell such tax certificates together with such penalties and interest as may have accrued thereon from the date of default of such scheduled installment payment.

History: 1975 c. 94 s. 91 (5); 1975 c. 199, 211; 1979 c. 110 s. 60 (13); 1981 c. 167; 1983 a. 186, 189; 1987 a. 378; 1989 a. 56; 1991 a. 156; 1993 a. 301; 2001 a. 24.

45.54 Educational approval board. (1) DEFINITIONS. In this section unless the context clearly requires otherwise:

- (a) "Board" means the educational approval board.
- (b) "Course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specified amount of related subject matter.
- (c) "Course of instruction" means a series of classroom or correspondence courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.
- (d) "Person" means any individual, partnership, association, corporation or limited liability company, or any combination thereof.
- (e) "School" means any private trade, correspondence, business or technical school, but does not include any of the following:

1. In-state schools that are exempt from taxation under section 501 of the Internal Revenue Code and that either were incorporated in this state prior to January 1, 1992, or had their adminis-

trative headquarters and principal places of business in this state prior to 1970.

- 2. Schools that are supported mainly by taxes.
- 3. Schools of a parochial or denominational character offering courses having a sectarian objective.
- 4. Schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective.
- 5. Courses conducted by employers exclusively for their employees.
- 6. Schools, courses of instruction and training programs which are approved or licensed and supervised by other state agencies and boards.
- 7. Schools approved by the department of public instruction for the training of teachers.
- 8. Schools accredited by accrediting agencies recognized by the board.

(f) "Solicitor" means a person employed by or representing a school located either within or outside this state who, in places other than the actual business premises of the school, personally attempts to secure the enrollment of a student in such school.

(g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the board under this section.

(2) **PURPOSE.** The purpose of the board is to protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state whether located within or outside this state, changes of ownership or control of these schools, teaching locations used by these schools, and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

(3) **RULE-MAKING POWER.** The board shall promulgate rules and establish standards necessary to carry out the purpose of this section.

(5) **EMPLOYEES, QUARTERS.** The board shall employ a person to perform the duties of an executive secretary and any other persons under the classified service that may be necessary to carry out the board's purpose. The person performing the duties of the executive secretary shall be in charge of the administrative functions of the board. The board shall, to the maximum extent practicable, keep its office with the department.

(7) **APPROVAL OF SCHOOLS GENERALLY.** In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the board shall:

- (a) Investigate the adequacy of courses and courses of instruction offered by schools to residents of this state and establish minimum standards for such courses of instruction.
- (b) Investigate the adequacy of schools' facilities, equipment, instructional materials and instructional programs and establish minimum standards therefor.
- (c) Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.
- (d) Promulgate rules restricting the negotiability of promissory instruments received by schools in payment of tuition and other charges.
- (e) Establish minimum standards for refund of the unused portion of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued therefrom.
- (f) Require schools offering courses and courses of instruction to residents of this state to furnish information concerning their facilities, curricula, instructors, enrollment policies, tuition and other charges and fees, refund policies and policies concerning

negotiability of promissory instruments received in payment of tuition and other charges.

(g) Approve courses of instruction, schools, changes of ownership or control of schools and teaching locations meeting the requirements and standards established by the board and complying with rules promulgated by the board and publish a list of the schools and courses of instruction approved.

(h) Issue permits to solicitors when all board requirements have been met.

(i) Require schools to furnish a surety bond in an amount as provided by rule of the board.

(8) SOLICITING OF STUDENTS. (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless the solicitor first secures a solicitor's permit from the board. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by the solicitor.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the board and shall be accompanied by a fee and a surety bond acceptable to the board in the sum of \$2,000. The board shall, by rule, specify the amount of the fee for a solicitor's permit. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to faithfully perform the agreement made with the student by the solicitor, and may be supplied by the solicitor or by the school itself either as a blanket bond covering each of its solicitors in the amount of \$2,000 or the surety bond under sub. (7) (i). Upon approval of a permit, the board shall issue an identification card to the solicitor giving his or her name and address, the name and address of the employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability under this paragraph of the surety on the bond for each solicitor covered thereby shall not exceed the sum of \$2,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days' notice in writing to the board and thereafter shall be relieved of liability under this paragraph for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee, a surety bond acceptable to the board in the sum of \$2,000 if a continuous bond has not been furnished, and such information as the board requests of the applicant. The board shall, by rule, specify the amount of the fee for renewal of a solicitor's permit.

(c) *Refusal or revocation of permit.* The board may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Willful violation of this subsection or any rule promulgated by the board under this section;
2. Furnishing false, misleading or incomplete information to the board;
3. Presenting information to prospective students relating to the school, a course or course of instruction which is false, fraudulent or misleading;
4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the board;
5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules promulgated by the board pursuant to sub. (7);
6. Cancellation of the solicitor's bond by surety;
7. Subject to ss. 111.321, 111.322 and 111.335, the applicant has an arrest or conviction record.

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the board. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request permission to appear before the board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request, the board shall grant a hearing to the applicant or holder of the permit within 30 days giving that person at least 10 days' notice of the date, time and place.

(f) *Recovery by students.* The bond in force under par. (b) shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of the bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(g) *Recovery on contracts.* No recovery shall be had by any school or its assignee on any contract for or in connection with a course or course of instruction if the representative who sold or solicited the course was not the holder of a solicitor's permit under this subsection at the time of the sale or solicitation.

(h) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection.

(i) *Penalty.* Whoever violates this subsection may be fined not more than \$500 or imprisoned not more than 3 months or both.

(10) PROPRIETARY SCHOOL APPROVAL. (a) *Authority.* All proprietary schools shall be examined and approved by the board before operating in this state. Approval shall be granted to schools meeting the criteria established by the board for a period not to exceed one year. No school may advertise in this state unless approved by the board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed, and such other information as the board deems necessary. If a school closure results in losses to students, parents, or sponsors, the board may authorize the full or partial payment of those losses from the appropriation under s. 20.485 (5) (gm).

(b) *Application.* Application for initial approval of a school or a course of instruction, approval of a teaching location, change of ownership or control of a school, renewal of approval of a school or reinstatement of approval of a school or course of instruction which has been revoked shall be made on a form furnished by the board and shall be accompanied by a fee set by the board under par. (c), and such other information as the board deems necessary to evaluate the school in carrying out the purpose of this section.

(c) *Fees; rule making.* The board shall promulgate rules to establish fees. In promulgating rules to establish fees, the board shall:

1. Require that the amount of fees collected under this paragraph be sufficient to cover all costs that the board incurs in examining and approving proprietary schools under this subsection.
2. Give consideration to establishing a variable fee structure based on the size of a proprietary school.
3. Specify a fee to accompany all applications under par. (b).
4. Specify a student protection fee.

(cm) *Limit on student protection fee.* The board shall discontinue collecting annual student protection fees under par. (c) 4. during the period that the balance in the fund created by those fees exceeds \$1,000,000.

(d) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection, including but not limited to bringing an action to restrain by temporary or permanent injunction any violation of par. (a).

(e) *Penalties.* Any person who violates par. (a) may be required to forfeit not more than \$500. Each day of operation in violation of par. (a) constitutes a separate offense.

(f) *Other remedies.* In addition to any other remedies provided by law, a student who attends a school which is in violation of par. (a) may bring a civil action to recover fees paid to the school in violation of par. (a) together with costs and disbursements, including reasonable attorney fees.

History: 1971 c. 125 ss. 249, 448; 1971 c. 211 s. 51; 1973 c. 12, 90; 1975 c. 39, 224, 422; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 27, 189, 485; 1985 a. 156; 1985 a. 332 s. 251 (3), (6); 1987 a. 27; 1989 a. 31, 56, 359; 1991 a. 39, 316; 1993 a. 61, 112, 399; 1995 a. 27 ss. 1815 to 1840, 9130 (4), 9145 (1); 1997 a. 3; 1997 a. 27 ss. 1196 to 1211, 1313 to 1315; Stats. 1997 s. 39.51; 1999 a. 9 ss. 921m to 929m; Stats. 1999 s. 45.54; 1999 a. 185 s. 36; 2001 a. 16, 103; 2003 a. 33.

Cross Reference: See also EAB, Wis. adm. code.

SUBCHAPTER II

VETERAN'S HOUSING LOAN PROGRAM

Cross Reference: See also ch. VA 4, Wis. adm. code.

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

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

History: 1973 c. 208; 1975 c. 26; 1979 c. 34.

45.71 Definitions. In this subchapter:

(1) “Anticipated annual shelter payment” means the total annual payments anticipated for the following, as determined by the department or authorized lender on the basis of the loan applied for under s. 45.79:

- (a) Real estate taxes on the premises to be mortgaged.
- (b) Insurance premiums for coverage required under s. 45.79 (3) (b).
- (c) Required payments on principal and interest on all mortgages placed or to be placed against the home of an eligible person.

(1m) “Authority” means the Wisconsin Housing and Economic Development Authority.

(2) “Authorized lender” means any lender or servicer authorized under s. 45.79 (5) (a) 5. to make or service loans under s. 45.79.

(3) “Closing costs” include:

- (a) Any origination fee authorized under s. 45.79 (5) (b).
- (b) Attorneys fees.
- (c) Recording fees.

(d) Other costs authorized by the department.

(5) “Dependent” means:

- (a) The spouse of a veteran who resides with the veteran; and
- (b) Any person who resides with a veteran and is dependent upon the veteran for more than one-half of the person's support.

(6) “Eligible person” means any veteran qualified under s. 45.74 to receive a loan under this subchapter.

(6m) “Federal Home Loan Mortgage Corporation” means the corporation created under 12 USC 1451 to 1459.

(7) “Funds” include cash on hand and liquid investments. The funds of a veteran include all funds owned by the veteran and spouse, individually or jointly, unless the veteran and spouse are permanently separated.

(7m) “Guaranteed loan” means a loan guaranteed by the U.S. department of veterans affairs under 38 USC 1801 to 1827.

(8) “Home” means a building or portion thereof used as the veteran's principal place of residence, and includes condominiums and income-producing property, a portion of which is so occupied by the veteran, and the land, including existing improvements, appertaining to such a building.

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

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

(12) “Manufactured home” means a structure, as defined by the Federal Home Loan Mortgage Corporation which:

- (a) Is used as the veteran's principal place of residence; and
- (b) Meets or exceeds the statutory size under s. 348.07 (2).

(13) “Monthly payment” means:

- (a) Required payments on principal and interest.
- (b) Insurance premiums for coverage required under s. 45.79 (3) (b).
- (c) One-twelfth of annual real estate taxes on the mortgaged property.

(14) “Qualified purpose” means any purpose authorized under s. 45.76.

(16) (a) “Veteran” means any person who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, and who meets the following conditions:

1m. The person meets one of the following conditions:

a. Is entitled to receive the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary medal.

b. Has served in Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34.

c. Has served for 90 days or more during a war period or under section 1 of executive order 10957, dated August 10, 1961, except service on active duty for training purposes, 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.

d. Has served on active duty for more than 6 months during the period between February 1, 1955, and August 4, 1964, and was honorably discharged.

e. Has served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

2m. The person is a resident of and living in this state at the time of making application, is serving on active duty in the U.S. armed forces at the time of making application, or is deceased, and meets one of the following conditions:

a. Has been a resident of this state for any consecutive 12-month period after enlistment or induction into service and before the date of his or her application or death. If a person applying for a benefit under this subchapter meets the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets that residency requirement when he or she applies for any other benefit under this chapter that requires that residency.

b. Was a resident of this state at the time of enlistment or induction into service.

(af) If the person had more than one qualifying term of service under par. (a) 1m., at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge.

(aj) 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 a loan under this chapter.

(b) An unremarried spouse of a deceased veteran shall be considered a veteran under this subchapter.

(c) A minor or dependent child of a deceased veteran shall be considered a veteran under this subchapter.

History: 1973 c. 208, 333; 1975 c. 26, 199; 1977 c. 4; 1979 c. 102, 155, 221; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 165, 189; 1993 a. 16, 254; 1995 a. 255; 1997 a. 27, 39; 1999 a. 9, 63; 2001 a. 16, 22, 103, 104; 2003 a. 83.

45.72 Powers of the department. In respect to loans made by and mortgages and mortgage notes executed or properties mortgaged to the department or to authorized lenders under this subchapter or s. 45.352, 1971 stats., the department may:

(1) Execute necessary instruments.

(2) Collect interest and principal.

(3) Compromise indebtedness due on mortgage notes.

(4) Sue and be sued.

(5) Exercise the rights of a mortgagee generally including but not limited to, the right to:

(a) Acquire or take possession of such mortgaged property and in so doing the department may accept voluntary surrender and conveyance of title to such property in full satisfaction of a mortgage debt or may bid for and purchase such property at a sheriff's sale or replevin such property.

(b) Commit itself to execute and execute subordination agreements, partial releases and other necessary instruments.

(c) Set up and follow procedures to assure proper disbursement of the proceeds of insurance checks, share drafts or other drafts covering damages sustained on mortgaged properties.

(d) Pay the principal and interest on any obligations incurred in connection with such mortgages on such property including real estate taxes, insurance premiums, attorney fees and obligations created as a result of its exercise of powers vested in it under this subchapter.

(e) Exercise such other powers as may be necessary for the efficient administration of this subchapter.

(6) In contracts entered into pursuant to s. 45.79 (5) (a) 1., empower authorized lenders to exercise any of the powers vested in the department under this subchapter.

(7) Manage, operate, lease, exchange, sell and otherwise convey real property.

(8) Grant easements in any real property acquired by the department.

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

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

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

History: 1973 c. 208, 333; 1983 a. 368.

45.73 Rule-making responsibility. The department shall promulgate rules and devise forms necessary for the efficient administration of this subchapter.

History: 1973 c. 208; 1975 c. 224; 1991 a. 126, 165, 315; 1995 a. 255; 1999 a. 63.

Cross Reference: See also ch. VA 4, Wis. adm. code.

In making housing loans, the department may rely on fixed standards as to applicants' needs. When applications on hand exceed available funds, loans should be made to the most needy applicants. 62 Atty. Gen. 66.

45.74 Eligible persons; disqualifying factors. Except as provided under s. 45.745, no person may receive a loan under this subchapter if the department or authorized lender determines that any of the following applies:

(2) ABILITY TO PAY. The person will be incurring an excessive indebtedness in view of the person's income.

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

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

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

(6m) PREVIOUS LOANS. The person has a previous loan outstanding under this subchapter, unless any of the following apply:

(b) The previous loan has been assumed by an eligible person with the department's approval upon the sale of the residence securing the previous loan.

(c) The person is applying for a loan under s. 45.79 for a purpose under s. 45.76 (1) (c) and the previous loan was made under s. 45.79.

(7) AMOUNT OF LOAN LIMITATION. The amount of the loan exceeds 2.5 times the median price of a home in this state. The department shall establish the median price of a home in this state for each fiscal year by using the most recent housing price index generated by the Wisconsin Realtors Association before July 1.

History: 1973 c. 208; 1975 c. 26, 224; 1977 c. 29, 381, 418, 446; 1979 c. 220, 221, 355; 1987 a. 9, 27, 319, 399; 1989 a. 31; 1991 a. 39; 1993 a. 16, 254; 1995 a. 255, 404; 1997 a. 27, 115, 121, 237; 1999 a. 9, 63.

Cross Reference: See also s. VA 1.12, Wis. adm. code.

45.745 Loans to disabled veterans; qualifying factors. A veteran who is receiving 100% disability compensation from the U.S. department of veterans affairs under 38 USC 301 to 315, 331 to 337 and 350 to 362 due to a permanent and total service-connected disability may receive a loan under this subchapter if the department or authorized lender determines that all of the following apply:

(2) ABILITY TO PAY. The person will not be incurring an excessive indebtedness in view of the person's income.

(6) PREVIOUS LOANS. If the person has a previous loan outstanding under this subchapter, any of the following apply:

(b) The previous loan has been assumed by an eligible person with the department's approval upon the sale of the residence securing the previous loan.

(c) The person is applying for a loan under s. 45.79 for a purpose under s. 45.76 (1) (c) and a previous loan was made under s. 45.79.

History: 1977 c. 381; 1979 c. 220; 1987 a. 27, 319, 399; 1989 a. 31; 1991 a. 39; 1993 a. 254; 1995 a. 255; 1997 a. 27; 1999 a. 63.

45.76 Eligible uses for loan proceeds. (1) MORTGAGE LOAN PROGRAM. An authorized lender may, with the approval of the department, make loans under s. 45.79 for:

(a) *Purchases.* Purchase of:

1. A manufactured home or real property on which a manufactured home is to be situated, but only if the veteran has available and applies on the total cost of the property, an amount equivalent to at least 15% of the total cost. This 15% requirement does not apply to a person who qualifies under s. 45.745.

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

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

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

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

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

(3) **CONDITIONS.** (a) *Cost and value of property.* No loan may be made under this subchapter if the department or authorized lender determines that the total cost of the property exceeds its market value unless the amount by which the cost of the property exceeds its market value is paid by the borrower in addition to the downpayment required by s. 45.77. This paragraph does not apply to a person who qualifies under s. 45.745.

(b) *Certificate of use.* The department or authorized lender may require any person applying for a loan under this subchapter to certify that:

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

2. Unless other prepayment provisions are permitted under s. 45.78 (2), the loan made under this subchapter will be repaid in full upon sale of the residence or any of the person's interest in it. A divorce judgment divesting the veteran's interest in the residence or a quitclaim deed executed under the judgment does not constitute a sale.

History: 1973 c. 208, 333; 1975 c. 224; 1977 c. 381; 1979 c. 220, 221; 1983 a. 309; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31, 56; 1991 a. 39; 1995 a. 255; 1997 a. 27; 1999 a. 9, 63; 2001 a. 16.

45.77 Veteran's contribution. No loan may be made under this subchapter unless, in addition to the closing costs that the veteran may be required to pay, the veteran has available, and applies on the total cost of the property for which the loan is made, an amount equivalent to at least 5% of the total cost. The amount may consist of money or other assets, including equity in real property.

This section does not apply to a person who qualifies under s. 45.745.

History: 1973 c. 208; 1977 c. 381, 418, 447; 1979 c. 220; 1987 a. 319.

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

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

(a) The sale is to another eligible person;

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

(c) The loan is a guaranteed loan which is assumed or paid in regular monthly installments under s. 45.79 (10) (a).

History: 1973 c. 208; 1979 c. 155.

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

(2) **LOAN APPLICATIONS.** (a) *Application and content.* Applications for loans under this section for a purpose specified in s. 45.76 (1) (a), (b), or (d) shall be made to an authorized lender and applications for loans under this section for a purpose specified under s. 45.76 (1) (c) may be made to the department or to a county veterans' service officer on forms approved by the department and signed by the applicant. If the applicant is married and not separated or in the process of obtaining a divorce, the applicant's spouse also shall sign the application.

(b) *Certification by department.* The applicant may apply directly to the department or through a county veterans' service officer for certification of eligibility as a veteran.

(3) **LOANS TO BE SECURED.** (a) *Mortgage or guarantor required.* Each loan made under this section, except a loan of \$3,000 or less for a purpose specified under s. 45.76 (1) (c), shall be evidenced by a promissory installment note and secured by a mortgage on the real estate in respect to which the loan is granted. A loan of \$3,000 or less made for a purpose specified under s. 45.76 (1) (c) shall be evidenced by a promissory installment note and shall be secured by a guarantor or by a mortgage on the real estate in respect to which the loan is granted. Any loan having as its source funds provided through sub. (6) (a) and secured by a mortgage shall have the mortgage name the department as mortgagee and payee. Any loan having as its source funds provided through sub. (6) (b) and secured by a mortgage shall have the mortgage name the authorized lender involved as mortgagee and payee, and such mortgage and note shall be assigned by the authorized lender to the authority immediately upon execution. A mortgage securing a loan made for a purpose specified in s. 45.76 (1) (a), (b) or (d) must have priority over all liens against the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens filed after the recording of the mortgage. A mortgage securing a loan made for a purpose specified under s. 45.76 (1) (c) is acceptable if the applicant can establish a minimum equity in the property as established by the department by rule.

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

(4) **INTEREST RATE DETERMINED.** (a) The board shall determine the interest rate on loans made under this section. Except as provided in sub. (10), the interest rate so determined may not be increased during the term of the loan. Except as provided in sub. (10), the interest rate shall be as low as possible but shall be suffi-

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

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

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

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

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

(5) ADMINISTRATIVE PROVISIONS. (a) *Additional authorized activities of the department.* The department may:

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

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

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

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

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

6. Require borrowers to make monthly escrow payments to be held by the authorized lender or the department for real estate taxes and casualty insurance premiums. The authorized lender or, if the department holds the payments in escrow, the department shall pay all of the amounts due for real estate taxes and casualty insurance premiums, even if the amount held in escrow is insuffi-

cient to cover the amounts due. If the amount held in escrow is insufficient to cover the amounts due, the authorized lender or, if the department holds the payments in escrow, the department shall recover from the borrower, after paying the amounts due under this subdivision, an amount equal to the difference between the amounts paid and the amount held in escrow. If the amount held in escrow is more than the amounts due, the authorized lender or, if the department holds the payments in escrow, the department shall refund to the borrower, after paying the amounts due under this subdivision, an amount equal to the difference between the amount held in escrow and the amounts paid by the authorized lender or the department.

7. The department may obtain guarantees for loans under 38 USC 1801 to 1827.

8. The department may exercise all of the powers vested in it under this subchapter in respect to any applications for loans and loans approved under this section and in respect to any mortgages and mortgage notes executed to authorized lenders and assigned to and purchased by the authority under this section and the properties securing such mortgages. The department is specifically authorized in its discretion to exercise or authorize such powers to be exercised in its own name.

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

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

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

(b) *Origination fees.* Veterans receiving loans under this section shall pay at the time of closing an origination fee to the authorized lender participating in the loan, except that the department shall pay, on behalf of a veteran who receives a loan under this section and who has at least a 30% service connected disability rating for purposes of 38 USC 1114 or 1134, the origination fee to the authorized lender. The origination fee charged under this paragraph shall be negotiated between the department and the authorized lender but may not exceed that which the authorized lender would charge other borrowers in the ordinary course of business under the same or similar circumstances.

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

(a) *State debt.* The secretary, with the approval of the governor and subject to the limits of s. 20.866 (2) (zn), may request that state debt be contracted in accordance with ch. 18. Debt so requested must meet each of the following additional requirements:

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

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

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

(c) *Revenue obligations.* The secretary, with the approval of the governor and subject to the limits of sub. (9), may request that revenue obligations be contracted in accordance with subch. II of ch. 18. Revenue obligations so requested must meet the following additional requirements:

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

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

(7) REPAYMENT OF MORTGAGE LOANS. (a) There is created the veterans mortgage loan repayment fund. All moneys received by the department for the repayment of loans funded under sub. (6) (a) except for servicing fees required to be paid to authorized lenders, net proceeds from the sale of mortgaged properties, any repayment to the department of moneys paid to authorized lenders, gifts, grants, other appropriations, and interest earnings accruing thereon, any repayment of moneys borrowed under s. 45.356 (9) (a), all moneys received under sub. (5) (a) 6., and any moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly deposited into the veterans mortgage loan repayment fund. The board shall establish by resolution a system of accounts providing for the maintenance and disbursement of moneys of the veterans mortgage loan repayment fund to fund loans under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5). The system of accounts shall record and provide moneys for all of the following purposes:

1. Transfer to the bond security and redemption fund.

2. The acquisition or redemption of public debt in accordance with resolutions of the building commission.

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

4. Payment of all costs incurred by the department in processing and servicing loans, purchasing servicing rights for loans under this section, and accounting for and administering the program under this section, including a portion of grants made to county veterans' service officers under s. 45.43 (7).

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

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

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

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

9. To loan money to the veterans trust fund, upon prior approval of the building commission for each loan, for the purposes under s. 45.356.

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

11. To make payments required of the department under sub. (5) (a) 6.

12. To make payments of obligations arising from the acquisition of a headquarters and museum building for the department under s. 45.35 (20).

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

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

(c) After meeting all expenses and providing for reserves under par. (a) 3., assets in the veterans mortgage loan repayment fund, upon prior approval of the building commission, may be transferred to the veterans trust fund and used to fund loans under s. 45.356.

(7m) USE OF SURPLUSES. Surpluses may be used under sub. (10) (c) only if there are no unrestricted fund balances available for that purpose in the funds created under sub. (9). Section 20.001 (3) (e) shall not be construed to prohibit this action.

(8) LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN. Not more than 50% of the proceeds of a loan granted under this section for a purpose under s. 45.76 (1) (a) may be used for remodeling or alteration of the housing accommodation after purchase to meet the special needs of a veteran due to a permanent and total service-connected disability. That portion of the proceeds used for this purpose shall be reserved and distributed by the authorized lender.

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

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

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

(10) GUARANTEED LOANS. (a) Upon any sale of the residence which secures a guaranteed loan made under this section after

April 3, 1980, except for the purchase of the residence at the time the loan is initially made, the guaranteed loan may be assumed or continue to be paid in regular monthly installments if the person who assumes the mortgage loan payments or who will make the regular monthly installments agrees:

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

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

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

(c) After the assumption of a guaranteed loan funded under sub. (6) (c), if the loan is assumed, or the closing of the sale of a residence on which a balance is owing on a guaranteed loan funded under sub. (6) (c), the balance owing on the loan on the date of the assumption of the loan, if the loan is assumed, or the closing of the sale may be paid to the funds created under sub. (9) from available surpluses, if any, in the veterans mortgage loan

repayment fund under sub. (7) (c). The loan and the mortgage and mortgage note pertaining to the loan may be purchased by the veterans mortgage loan repayment fund under sub. (7).

(12) PRIOR PROGRAM LOANS. Subject to this section and ss. 45.73 to 45.77, neither the department nor an authorized lender may deny a person a loan under this section because of the reason the person sold any property previously mortgaged by the person to the department or an authorized lender, if the person completely paid the balance of any previous loan under this subchapter in accordance with the terms and conditions of the promissory note and the mortgage or other agreement executed in connection with the previous loan.

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

History: 1973 c. 208, 333; 1975 c. 26, 198, 199; 1977 c. 4, 381; 1979 c. 4, 107, 155; 1979 c. 168 s. 21; 1979 c. 221; 1981 c. 45 s. 51; 1981 c. 93, 336; 1983 a. 27, 368; 1985 a. 6, 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 319; 1987 a. 403 s. 255; 1989 a. 31, 56; 1991 a. 39; 1993 a. 16, 254, 490; 1995 a. 252, 255; 1997 a. 27; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 83.

Cross Reference: See also ch. VA 4, Wis. adm. code.