

**2003 SENATE BILL 170**

May 21, 2003 – Introduced by Senators BROWN, SCHULTZ, ZIEN, WELCH, DECKER, STEPP, S. FITZGERALD, A. LASEE, ROESSLER, DARLING, GEORGE, KEDZIE, JAUCH, KANAVAS, BRESKE, WIRCH, HANSEN, LEIBHAM, HARSDFORF, CARPENTER, PLALE and LASSA, cosponsored by Representatives MUSSER, PETROWSKI, SUDER, KREUSER, TURNER, VRAKAS, GRONEMUS, KREIBICH, BOYLE, PETTIS, MORRIS, HAHN, OWENS, M. LEHMAN, SERATTI, BALOW, MILLER, YOUNG, UNDERHEIM, TRAVIS, MONTGOMERY, BIES, HINES, RHOADES, D. MEYER, KRAWCZYK, KESTELL, BLACK, LADWIG, LOEFFELHOLZ, JOHNSRUD, HEBL, J. FITZGERALD, OTT, FREESE, TOWNSEND, GUNDERSON, OLSEN, VAN ROY, WIECKERT, STONE, WARD, HUNDERTMARK, COGGS, NASS, SCHNEIDER, JESKEWITZ, SHILLING, HUBER, MCCORMICK, VUKMIR, J. WOOD, GUNDRUM, BERCEAU, KAUFERT, PLOUFF, NISCHKE, RICHARDS, ZEPNICK, TOWNS, HUEBSCH, COLON and SINICKI. Referred to Committee on Homeland Security, Veterans and Military Affairs and Government Reform.

1     **AN ACT** *to repeal* 45.25 (2) (b), 45.396 (7) (a) 1. and 2., 45.396 (9) and 230.36 (2m)  
2           (a) 19.; *to renumber and amend* 45.396 (7) (a) (intro.); *to amend* 25.36 (1),  
3           45.25 (2) (intro.) and (a), 45.25 (2) (c), 45.25 (2) (d), 45.25 (2) (e), 45.25 (3) (a),  
4           45.25 (4) (a), 45.25 (4) (b), 45.25 (4) (c), 45.351 (1j), 45.356 (2), 45.356 (3), 45.356  
5           (8), 45.358 (1) (b), 45.396 (5), 45.43 (7) (c), 45.71 (2) and 45.71 (16) (a) 2m.  
6           (intro.); *to repeal and recreate* 45.25 (3) (am); and *to create* 21.49 (4) (c),  
7           45.25 (2m), 45.35 (20), 45.35 (21), 45.35 (22), 45.35 (23), 45.356 (10), 45.356 (11),  
8           45.356 (12), 45.396 (2m), 45.79 (5) (a) 11., 45.79 (7) (a) 12. and 45.79 (13) of the  
9           statutes; **relating to:** the Veterans Mortgage Loan Program, veterans tuition  
10          and fee reimbursement, authority for the Department of Veterans Affairs to  
11          acquire a headquarters building, departmental delivery of services to veterans,  
12          veterans personal loans, eligibility for burial at a veterans cemetery, part-time  
13          study grants for veterans, housing loans for veterans, mortgage loan

**SENATE BILL 170**

1            repayment fund, grants to county veteran service offices, national guard tuition  
2            grants, granting rule-making authority, and making an appropriation.

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***Analysis by the Legislative Reference Bureau***

This bill makes various changes related to educational grant programs for veterans. Under the bill:

1. The maximum tuition and fees reimbursement to a veteran under the Tuition and Fee Reimbursement Program for full-time attendance at an institution of higher education, a vocational school approved by the Department of Veterans Affairs (DVA), a proprietary school approved by the Educational Approval Board, or a school under the Minnesota-Wisconsin student reciprocity agreement is increased from 85% to 100% of the standard cost for a state resident at an equivalent undergraduate course at the University of Wisconsin-Madison.

2. The same maximum reimbursement is provided to veterans for tuition and fees for correspondence courses and part-time classroom study under the Part-time Study Grant Program.

3. The family income eligibility for these educational grant programs is raised from \$47,500 plus \$500 for each dependent in excess of two dependents to \$50,000 plus \$1,000 for each dependent in excess of two dependents.

4. To be eligible for tuition and fee reimbursement under the Tuition and Fee Reimbursement Program, the veteran must complete the course during a semester that started within ten years after the veteran's separation from the U.S. Armed Forces.

This bill allows DVA to acquire property for DVA's headquarters.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3            **SECTION 1.** 21.49 (4) (c) of the statutes is created to read:

4            21.49 (4) (c) No guard member may receive a grant under sub. (3) for any  
5            semester in which he or she received a grant under s. 45.25.

6            **SECTION 2.** 25.36 (1) of the statutes is amended to read:

7            25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred  
8            by law shall constitute the veterans trust fund which shall be used for the lending  
9            of money to the mortgage loan repayment fund under s. 45.35 (22) and for the

**SENATE BILL 170**

1 veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w), (z), and (zm),  
2 45.014, 45.25, 45.35 (23), 45.351 (1), 45.353, 45.356, 45.357, 45.396, 45.397, and  
3 45.43 (7) and administered by the department of veterans affairs, including all  
4 moneys received from the federal government for the benefit of veterans or their  
5 dependents; all moneys paid as interest on and repayment of loans under the  
6 post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds  
7 as they existed prior to July 1, 1961; all moneys paid as interest on and repayment  
8 of loans under this fund; all moneys paid as expenses for, interest on, and repayment  
9 of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys  
10 paid as expenses for, interest on, and repayment of veterans personal loans; the net  
11 proceeds from the sale of mortgaged properties related to veterans personal loans;  
12 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond  
13 issuance purchased with moneys in the veterans trust fund; all moneys received from  
14 the state investment board under s. 45.356 (9) (b); all moneys received from the  
15 veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts  
16 of money received by the board of veterans affairs for the purposes of this fund.

17 **SECTION 3.** 45.25 (2) (intro.) and (a) of the statutes are amended to read:

18 45.25 (2) ELIGIBILITY. (intro.) ~~An individual~~ A veteran is eligible for the tuition  
19 and fee reimbursement program if he or she meets all of the following criteria:

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

22 **SECTION 4.** 45.25 (2) (b) of the statutes is repealed.

23 **SECTION 5.** 45.25 (2) (c) of the statutes is amended to read:

**SENATE BILL 170****SECTION 5**

1           45.25 (2) (c) The individual veteran applies for the tuition and fee  
2 reimbursement program for courses completed during a semester that started  
3 within 10 years after separation from the service.

4           **SECTION 6.** 45.25 (2) (d) of the statutes is amended to read:

5           45.25 (2) (d) The individual veteran is a resident at the time of application for  
6 the tuition and fee reimbursement program and was a Wisconsin resident at the time  
7 of entry or reentry into service or was a resident for any consecutive 12-month period  
8 after entry or reentry into service and before the date of his or her application. If a  
9 person applying for a benefit under this section meets the residency requirement of  
10 12 consecutive months, the department may not require the person to reestablish  
11 that he or she meets that residency requirement when he or she later applies for any  
12 other benefit under this chapter that requires that residency.

13           **SECTION 7.** 45.25 (2) (e) of the statutes is amended to read:

14           45.25 (2) (e) The individual veteran is enrolled for at least 12 credits during the  
15 semester for which reimbursement is sought.

16           **SECTION 8.** 45.25 (2m) of the statutes is created to read:

17           45.25 (2m) EXCEPTIONS TO ELIGIBILITY. A course at the institution or school that  
18 the veteran attends that has been approved for credit through the department's  
19 Academic Credit for Military Experience Program, which evaluates military  
20 experience and determines the academic credit for that experience, is not eligible for  
21 reimbursement under this section. The credits approved for courses under the  
22 Academic Credit for Military Experience Program may not be counted toward the  
23 12-credit requirement under sub. (2) (e).

24           **SECTION 9.** 45.25 (3) (a) of the statutes is amended to read:

**SENATE BILL 170**

1           45.25 (3) (a) ~~Except as provided in par. (am), an individual~~ A veteran who meets  
2           the requirements under sub. (2), upon satisfactory completion of a full-time  
3           undergraduate semester in any institution of higher education, as defined in s.  
4           45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any  
5           proprietary school that is approved under s. 45.54, or any institution from which the  
6           ~~individual~~ veteran receives a waiver of nonresident tuition under s. 39.47, may be  
7           ~~reimbursed an amount~~ receive tuition and fee reimbursement. The amount of the  
8           reimbursement may not to exceed the total cost of the ~~individual's~~ veteran's tuition  
9           and fees minus any grants or scholarships, including those made under s. 21.49, that  
10          the ~~individual~~ veteran receives specifically for the payment of the tuition or fees, or  
11          ~~85%~~ 100% of the standard cost for a state resident for an equivalent undergraduate  
12          course at the University of Wisconsin–Madison per course, whichever is less.  
13          Reimbursement is available only for tuition and fees that are part of a curriculum  
14          that is relevant to a degree in a particular course of study at the institution.

15           **SECTION 10.** 45.25 (3) (am) of the statutes is repealed and recreated to read:

16           45.25 (3) (am) Reimbursement of tuition and fees for a course may be provided  
17          at an institution or school under par. (a) other than the one from which the veteran  
18          is receiving his or her degree if all of the following apply:

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

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

24           **SECTION 11.** 45.25 (4) (a) of the statutes is amended to read:

**SENATE BILL 170****SECTION 11**

1           45.25 (4) (a) ~~An individual~~ A veteran is not eligible for reimbursement under  
2 sub. (2) for more than 120 credits or 8 full semesters of full-time study at any  
3 institution of higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits  
4 or 4 full semesters of full-time study at any institution of higher education, as  
5 defined in s. 45.396 (1) (a), in this state that offers a degree upon completion of 60  
6 credits, or an equivalent amount of credits at a school that is approved under s. 45.35  
7 (9m), at a proprietary school that is approved under s. 45.54, or at an institution  
8 where he or she is receiving a waiver of nonresident tuition under s. 39.47.

9           **SECTION 12.** 45.25 (4) (b) of the statutes is amended to read:

10           45.25 (4) (b) The department may provide reimbursement under sub. (2) to ~~an~~  
11 ~~individual~~ a veteran who is delinquent in child support or maintenance payments or  
12 who owes past support, medical expenses or birth expenses, as established by  
13 appearance of the ~~individual's~~ veteran's name on the statewide support lien docket  
14 under s. 49.854 (2) (b), only if the ~~individual~~ veteran provides the department with  
15 one of the following:

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

20           2. A statement that the ~~individual~~ veteran is not delinquent in child support  
21 or maintenance payments and does not owe past support, medical expenses or birth  
22 expenses, signed by the department of workforce development or its designee within  
23 7 working days before the date of the application.

24           **SECTION 13.** 45.25 (4) (c) of the statutes is amended to read:

**SENATE BILL 170**

1           45.25 **(4)** (c) ~~An individual~~ A veteran may not receive reimbursement under  
2 sub. (2) for any semester in which he or she received a grant under s. 21.49 or 45.396.

3           **SECTION 14.** 45.35 (20) of the statutes is created to read:

4           45.35 **(20)** DEPARTMENT HEADQUARTERS. The department may acquire by gift,  
5 purchase, or condemnation property for the purposes of providing a headquarters  
6 building for the department.

7           **SECTION 15.** 45.35 (21) of the statutes is created to read:

8           45.35 **(21)** SERVICE DELIVERY. Notwithstanding ss. 45.397 (1) and 45.79 (2) (a),  
9 applications for veterans benefits under this chapter may be submitted directly to  
10 the department or to any qualified representative approved by the department.

11           **SECTION 16.** 45.35 (22) of the statutes is created to read:

12           45.35 **(22)** FUND TRANSFER. The department may loan money from the veterans  
13 trust fund to the veterans mortgage loan repayment fund to fund loans under s.  
14 45.79.

15           **SECTION 17.** 45.35 (23) of the statutes is created to read:

16           45.35 **(23)** LOAN GUARANTEE. The department may provide a loan guarantee for  
17 multifamily transitional housing for homeless veterans.

18           **SECTION 18.** 45.351 (1j) of the statutes is amended to read:

19           45.351 **(1j)** HEALTH CARE AID GRANTS. The department may grant to any veteran  
20 or dependents such temporary health care aid as the department considers advisable  
21 to prevent want or distress. Health care aid to meet medical or hospital bills under  
22 this subsection is limited to a payment of up to \$5,000 per veteran or dependent for  
23 a 12-month period beginning with the first day of care for which the person seeks  
24 reimbursement under this subsection. The department may ~~not give prior~~  
25 ~~authorization for the payment of health care aid under this subsection but may issue~~



**SENATE BILL 170****SECTION 18**

1 a certificate of entitlement stating that a veteran or dependent is eligible for a health  
2 care aid grant under this subsection if the treatment is received within a time period  
3 that the department promulgates by rule. The department may not grant health  
4 care aid to pay for care provided to the veteran or dependent before the time period  
5 identified in the certificate of entitlement. Health care aid may be used to provide  
6 payment for the treatment of alcoholism or other drug addiction or to provide  
7 payment for health care required because of alcoholism or other drug addiction or  
8 alcohol or other drug abuse. The department may not grant health care aid under  
9 this subsection unless the aid recipient's health care provider agrees to accept, as full  
10 payment for the medical treatment for which the aid is to be granted, the amount of  
11 the grant, the amount of the recipient's health insurance or other 3rd-party  
12 payments, if any, and the amount that the department determines the aid recipient  
13 is capable of paying. The department may not grant health care aid under this  
14 subsection if the combined liquid assets of the applicant for aid, and of the veteran  
15 and veteran's dependents who are living in the same household with the applicant,  
16 are in excess of \$1,000.

17 **SECTION 19.** 45.356 (2) of the statutes is amended to read:

18 45.356 **(2)** The department may lend a veteran, a veteran's unremarried  
19 surviving spouse, or a deceased veteran's child not more than \$15,000 \$25,000, or a  
20 lesser amount established by the department ~~by rule, for the purchase of a mobile~~  
21 ~~home, business, or business property, the education of the veteran or the veteran's~~  
22 ~~spouse or children, the payment of medical or funeral expenses, the payment under~~  
23 ~~sub. (6) (c), or the consolidation of debt~~ under sub. (10). The department may  
24 prescribe loan conditions, but the term of the loan may not exceed 10 years. The  
25 department shall ensure that the proceeds of any loan made under this section shall



**SENATE BILL 170**

1 first be applied to pay any delinquent child support or maintenance payments and  
2 then to pay any past support, medical expenses, or birth expenses.

3 **SECTION 20.** 45.356 (3) of the statutes is amended to read:

4 45.356 (3) The department may lend not more than \$15,000 \$25,000, or a lesser  
5 amount established by the department ~~by rule under sub. (10)~~, to a veteran's  
6 remarried surviving spouse or to the parent of a deceased veteran's child for the  
7 education of a child.

8 **SECTION 21.** 45.356 (8) of the statutes is amended to read:

9 45.356 (8) No person may receive a loan under this section in an amount that,  
10 when added to the balance outstanding on the person's existing loans under s. 45.351  
11 (2), 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the  
12 department of more than \$15,000, ~~or a lesser amount as established by the~~  
13 ~~department by rule~~ \$25,000.

14 **SECTION 22.** 45.356 (10) of the statutes is created to read:

15 45.356 (10) Subject to the limit established in subs. (2) and (3), the department  
16 may periodically adjust the maximum loan amount based upon financial market  
17 conditions, funds available, needs of the veterans trust funds, or other factors that  
18 the department considers relevant.

19 **SECTION 23.** 45.356 (11) of the statutes is created to read:

20 45.356 (11) The department may periodically adjust the interest rates for loans  
21 made under this section, which may vary based upon the term of the loan, the type  
22 of security offered, the method of payment, or other factors that the department  
23 considers relevant.

24 **SECTION 24.** 45.356 (12) of the statutes is created to read:

**SENATE BILL 170****SECTION 24**

1           45.356 **(12)** Each loan made under this section, except a loan of \$5,000 or less  
2           made to an applicant whose total indebtedness for loans made under this section is  
3           \$5,000 or less, shall be evidenced by a promissory note and secured by a mortgage  
4           on real estate located in this state. A loan of \$5,000 or less made to an applicant  
5           whose total indebtedness for loans made under this section is \$5,000 or less shall be  
6           evidenced by a promissory note and secured by a guarantor or by a mortgage on real  
7           estate located in this state. A mortgage securing a loan made under this section is  
8           acceptable if the applicant has equity in the property subject to the mortgage equal  
9           to or exceeding a minimum amount that the department establishes by rule.

10           **SECTION 25.** 45.358 (1) (b) of the statutes is amended to read:

11           45.358 **(1)** (b) “Veteran” means a person who has served on active duty, except  
12           service on active duty for training purposes, in the U.S. armed forces.

13           **SECTION 26.** 45.396 (2m) of the statutes is created to read:

14           45.396 **(2m)** A course at the institution or school that the veteran attends that  
15           has been approved for credit through the department’s Academic Credit for Military  
16           Experience Program, which evaluates military experience and determines the  
17           academic credit for that experience, is not eligible for reimbursement under this  
18           section if the veteran is eligible to obtain those credits through the Academic Credit  
19           for Military Experience Program.

20           **SECTION 27.** 45.396 (5) of the statutes is amended to read:

21           45.396 **(5)** ~~Except as provided in sub. (9), the~~ The amount of the reimbursement  
22           may not exceed ~~85% of the total cost of the individual’s~~ veteran’s tuition and fees,  
23           minus any grants or scholarships that the veteran receives specifically for the  
24           payment of tuition or fees or ~~85%~~ 100% of the standard cost for a state resident for  
25           tuition and fees for an equivalent undergraduate course at the University of

**SENATE BILL 170**

1 Wisconsin–Madison per course, whichever is less, ~~and.~~ Reimbursement under this  
2 section may not be provided to ~~an individual~~ a veteran more than 4 times during any  
3 consecutive 12–month period.

4 **SECTION 28.** 45.396 (7) (a) (intro.) of the statutes is renumbered 45.396 (7) (a)  
5 and amended to read:

6 45.396 (7) (a) No veteran may receive a grant under this section if the  
7 department determines, ~~after disregarding any payment described under s. 45.85,~~  
8 ~~1997 stats.,~~ that the income of the veteran and his or her spouse exceeds \$500  
9 \$50,000 plus \$1,000 for each dependent in excess of 2 dependents ~~plus whichever of~~  
10 ~~the following applies:~~

11 **SECTION 29.** 45.396 (7) (a) 1. and 2. of the statutes are repealed.

12 **SECTION 30.** 45.396 (9) of the statutes is repealed.

13 **SECTION 31.** 45.43 (7) (c) of the statutes is amended to read:

14 45.43 (7) (c) Notwithstanding par. (b), an eligible county with a part–time  
15 county veterans’ service officer office shall be eligible for an annual grant not  
16 exceeding \$500.

17 **SECTION 32.** 45.71 (2) of the statutes is amended to read:

18 45.71 (2) “Authorized lender” means any lender or servicer authorized under  
19 s. 45.79 (5) (a) 5. to make or service loans under s. 45.79.

20 **SECTION 33.** 45.71 (16) (a) 2m. (intro.) of the statutes is amended to read:

21 45.71 (16) (a) 2m. (intro.) The person is either a resident of and living in this  
22 state at the time of making application, is serving on active duty in the U.S. armed  
23 forces at the time of making application, or is deceased, and meets one of the  
24 following conditions:

25 **SECTION 34.** 45.79 (5) (a) 11. of the statutes is created to read:

