

2005 Assembly Bill 210

Date of enactment: **July 21, 2005**
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2005 WISCONSIN ACT 22

AN ACT to repeal 20.485 (2) (e), 20.485 (2) (em), 21.16 and 150.46 (3); to amend 15.497 (2) (c), 16.75 (4) (d), 16.96 (2) (f), 18.04 (2), 18.04 (5) (a), 18.04 (5) (b), 18.04 (5) (c), 18.04 (6) (b), 18.04 (6) (c), 18.06 (7) (intro.), 20.435 (4) (vt), 20.485 (1) (title), 20.485 (1) (d), 20.485 (1) (e), 20.485 (1) (g), 20.485 (1) (gd), 20.485 (1) (gk), 20.485 (1) (go), 20.485 (1) (h), 20.485 (1) (hm), 20.485 (1) (i), 20.485 (1) (j), 20.485 (1) (m), 20.485 (1) (mj), 20.485 (1) (t), 20.485 (2) (c), 20.485 (2) (d), 20.485 (2) (g), 20.485 (2) (kt), 20.485 (2) (q), 20.485 (2) (rm), 20.485 (2) (rp), 20.485 (2) (s), 20.485 (2) (tf), 20.485 (2) (th), 20.485 (2) (tj), 20.485 (2) (u), 20.485 (2) (vg), 20.485 (2) (vm), 20.485 (2) (vw), 20.485 (2) (vx), 20.485 (2) (vz), 20.485 (2) (wd), 20.485 (2) (x), 20.485 (2) (yn), 20.485 (2) (yo), 20.485 (2) (z), 20.485 (2) (zm), 20.485 (3) (b), 20.485 (3) (e), 20.485 (3) (q), 20.485 (3) (rm), 20.485 (3) (s), 20.485 (3) (sm), 20.485 (3) (t), 20.485 (3) (v), 20.485 (3) (w), 20.485 (3) (wd), 20.485 (3) (wg), 20.485 (3) (wp), 20.485 (4) (g), 20.485 (4) (h), 20.485 (4) (m), 20.485 (4) (q), 20.485 (4) (r), 20.485 (5) (g), 20.485 (5) (gm), 20.866 (2) (zn), 21.11 (3), 21.49 (4) (c), 21.80 (3) (g), 25.17 (1) (xp), 25.17 (1) (yv), 25.36 (1), 25.37, 28.035 (3) (a), 29.219 (2) (c), 29.506 (7m) (a), 29.563 (3) (a) 8., 36.27 (2) (b) 4., 36.27 (3r), 38.24 (6), 40.05 (4g) (a) 4., 46.27 (1) (b), 46.27 (1) (dr), 46.27 (6) (a) 2. cm., 49.19 (9), 49.45 (3) (e) 7m., 49.45 (6m) (bg), 49.855 (4m) (b), 50.034 (4), 50.135 (3), 50.39 (3), 51.20 (10) (cm), 51.35 (6) (a), 51.45 (13) (h), 59.52 (16) (b) (title), 59.52 (16) (b) 2., 59.535 (1) (a), 59.535 (4), 59.65, 66.0509 (title), 66.1201 (9) (x), 67.015, 69.30 (1) (bm), 69.30 (2), 70.11 (1), 70.11 (3a), 70.11 (9), 71.05 (6) (b) 28. (intro.), 86.03 (4), 86.03 (6), 120.13 (37) (a) 3., 125.14 (2) (e), 125.26 (6), 125.51 (10), 132.16 (1) (a), 139.31 (3), 139.76 (2), 146.997 (1) (c), 150.31 (5m), 150.46 (1), 150.84 (2), 150.93 (5), 150.95 (2), 155.01 (6), 157.637, 182.028, 186.113 (14) (a), 188.26, 215.21 (2), 224.71 (3) (b) 7., 230.03 (14) (b), 230.03 (14) (c), 230.08 (2) (xm), 230.315 (1) (c), 230.36 (1m) (b) 1. (intro.), 234.03 (13m), 234.40 (1), 234.40 (3), 234.41 (1), 234.41 (2), 234.60 (3) (a), 234.60 (3) (b), 252.14 (1) (d), 341.14 (6) (a), 341.26 (2) (g), 421.203 (1), 421.301 (6), 460.05 (1) (e) 1., 563.11 (1) (intro.), 565.10 (14) (a) (intro.), 610.70 (1) (e), 812.30 (9), 814.29 (1) (d) 1., 815.18 (13) (k), 851.09, subchapter II (title) of chapter 880 [precedes 880.60], 880.60 (title), 880.60 (1) (a), 880.60 (5) (b), 880.60 (19), 944.21 (8) (b) 3. a. and 948.11 (4) (b) 3. a.; to repeal and recreate chapter 45; and to create 21.74, 21.78, 21.79, subchapter V (title) of chapter 39 [precedes 39.90], 39.90, 86.03 (7) and 230.04 (17) of the statutes; relating to: the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Recodification of Chapter 45, Veterans, based on recommendations of the committee's drafting subcommittee. The special committee was directed to conduct a recodification of ch. 45, relating to veterans, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, making other necessary organizational changes, and making minor substantive changes.

The draft does the following:

1. Reorganizes the entire chapter by subdividing it into 8 subchapters. Currently, the chapter consists of 2 subchapters, one of which relates to housing programs, and the other of which includes all other veterans programs and services.
2. Makes nonsubstantive editorial changes to modernize language to make the language consistent with current drafting style.
3. Repeals several provisions considered no longer necessary. For example, language regarding construction of veterans memorials that have already been constructed is eliminated. As another example, language regarding employment of disabled veterans is eliminated in light of the state Fair Employment Act and the federal Americans with Disabilities Act.
4. Moves to other chapters of the statutes provisions from current ch. 45 that are not directly related to veterans. For example, provisions dealing with military service (ss. 45.50, 45.51, and 45.53) are moved to ch. 21, which relates to military affairs. As another example, the provision dealing with the educational approval board (s. 45.54) is moved to ch. 39, which relates to educational agencies.

The remainder of this prefatory note sets forth a table of contents listing all of the subchapter titles and section titles of the revised ch. 45.

**Subchapter I
General Provisions**

45.001	Recognition of persons who served in the armed forces.
45.01	Definitions.
45.02	Eligibility for benefits.
45.03	Department of veterans affairs.
45.04	Release of information and records.
45.05	Registration of certificate of discharge.
45.06	Security.
45.07	Wisconsin Veterans Museum.
45.08	Memorial Day.

**Subchapter II
Education and Training**

45.20	Veterans education programs.
45.21	Retraining assistance program.

**Subchapter III
Veterans Housing Loan Program**

45.30	Purpose.
45.31	Definitions.
45.32	Powers of the department.
45.33	Eligibility and disqualifying factors.
45.34	Uses for loan proceeds.
45.35	Contribution.
45.36	Manner of repayment.
45.37	Mortgage loan program.

**Subchapter IV
Assistance Programs**

45.40	Economic assistance.
45.41	Payments to veterans organizations.
45.42	Veterans personal loans.
45.43	Veterans assistance program.

5. Simplifies confusing statutory language by drafting it in a format that is easier to understand. For example, the formula for awarding grants to veterans organizations in current s. 45.353 (2) is simplified in the new s. 45.41 (2) by showing how much is received by the organization depending on the level of expenditure.

6. Makes minor substantive changes that the special committee concluded are relatively noncontroversial. These include the following:

a. Expanding the definition of "veteran" that is used in current ch. 45 to include persons who are missing in action, persons who died as the result of a service-connected disability, and persons who died in the line of duty while on inactive or active duty for training purposes.

b. Changing the names of the state veterans facilities in current statutes to the Wisconsin Veterans Home at Union Grove, the Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Chippewa Falls, and generally applying the laws that currently apply to just one or 2 of the homes to all 3 homes.

c. Expanding the definition of "war period" to include any period after the Iraq War that results in a person receiving an Expeditionary Medal and that the state department of veterans affairs determines and designates by rule. In designating a war period, the department would be required to review the criteria used to establish the war periods currently listed in the statutes and consult with the U.S. department of defence.

d. Requiring that ch. 45 be construed as liberally as the language permits in favor of applicants. Currently, the liberal construction provision applies to many, but not all, parts of the chapter.

e. Allowing deceased persons who served under honorable conditions in the national guard or reserves to receive military funeral honors. Currently, military funeral honors are limited to deceased persons who served in the U.S. armed forces.

**Subchapter V
Veterans Homes**

- 45.50 Veterans homes; management.
- 45.51 Eligibility for membership.

**Subchapter VI
Funerals, Burials, and Cemeteries**

- 45.60 Military funeral honors.
- 45.61 Wisconsin veterans cemeteries.
- 45.62 Burial places compiled.

**Subchapter VII
Memorials**

- 45.70 Veterans memorials.
- 45.71 Catalog of memorials.
- 45.72 County and municipal memorials.
- 45.73 Sites for veterans memorial halls.
- 45.74 Memorial corporations organized under 1919 act.
- 45.75 Memorials in populous counties.

**Subchapter VIII
Local Responsibilities**

- 45.80 County veterans service officer.
- 45.81 County veterans service commission.
- 45.82 Grants to counties and tribes for improvement of services.
- 45.83 Transportation services grants to counties.
- 45.84 Burial allowance.
- 45.85 Care of graves.
- 45.86 County tax for needy veterans.

SECTION 1. 15.497 (2) (c) of the statutes is amended to read:

15.497 (2) (c) One representative of the Wisconsin county ~~veterans~~² veterans service officers.

SECTION 2. 16.75 (4) (d) of the statutes is amended to read:

16.75 (4) (d) In this subsection and s. 16.755, "veteran-owned business" means a small business, as defined in par. (c), that is certified by the department of veterans affairs as being at least 51% owned by one or more veterans, as defined in s. ~~45.35 (5)~~ 45.01 (12).

SECTION 3. 16.96 (2) (f) of the statutes is amended to read:

16.96 (2) (f) Persons who are members in the Wisconsin Veterans Home at King shall be considered residents of the town of Farmington and of Waupaca County, persons who are members in the Wisconsin Veterans Home at Chippewa Falls shall be considered residents of the city of Chippewa Falls and of Chippewa County, and persons who are members in the Wisconsin ~~veterans facility in southeastern Wisconsin~~ Veterans Home at Union Grove shall be considered residents of the town of Dover and of Racine County for purposes of the state revenue sharing distribution under subch. I of ch. 79.

SECTION 4. 18.04 (2) of the statutes is amended to read:

18.04 (2) The commission shall authorize public debt to be contracted and evidences of indebtedness to be issued ~~therefor~~ for the debt up to the amounts specified by the legislature to acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, buildings, equipment or facilities or to make funds available for ~~veterans~~² veterans housing loans for the classes

of public purposes specified by the legislature as the funds are required. ~~Said~~ The requirements for funds shall be established by that department or agency head having program responsibilities for which public debt has been authorized by the legislature.

SECTION 5. 18.04 (5) (a) of the statutes is amended to read:

18.04 (5) (a) To acquire public debt contracted to make funds available for ~~veterans~~² veterans housing loans under sub. (2).

SECTION 6. 18.04 (5) (b) of the statutes is amended to read:

18.04 (5) (b) To fund or refund public debt contracted to make funds available for ~~veterans~~² veterans housing loans under sub. (2).

SECTION 7. 18.04 (5) (c) of the statutes is amended to read:

18.04 (5) (c) To acquire public debt, other than public debt that is contracted to make funds available for ~~veterans~~² veterans housing loans under sub. (2), for the purpose of investment for the veterans primary mortgage loan program under s. ~~45.79~~ 45.37.

SECTION 8. 18.04 (6) (b) of the statutes is amended to read:

18.04 (6) (b) The commission may direct that moneys resulting from any public debt contracted under this section be deposited in the funds or accounts created or designated by resolution of the commission or established by resolution under s. ~~45.79 (7)~~ 45.37 (7), including escrow accounts established under refunding escrow agreements that are authorized by the commission.

SECTION 9. 18.04 (6) (c) of the statutes is amended to read:

18.04 (6) (c) Notwithstanding s. 25.17, moneys deposited or held in funds or accounts under par. (b) and all other moneys received under s. ~~45.79 (7) (a) (intro.)~~ 45.37 (7) (a) (intro.) may be invested in any obligations, either through cash purchase or exchange, as specified by resolution of the commission.

SECTION 10. 18.06 (7) (intro.) of the statutes is amended to read:

18.06 (7) (intro.) Notwithstanding subs. (2) to (5), the following procedures apply to public debt contracted for any of the purposes under s. 18.04 (5) or contracted for the purpose of making funds available for veterans' veterans' housing loans:

SECTION 11. 20.435 (4) (vt) of the statutes is amended to read:

20.435 (4) (vt) *Veterans trust fund; nurse stipends.* From the veterans trust fund, the amounts in the schedule for the state share of the medical assistance costs related to the provision of stipends under s. ~~45.365 (7)~~ 45.50 (9).

SECTION 12. 20.485 (1) (title) of the statutes is amended to read:

20.485 (1) (title) ~~HOMES AND FACILITIES FOR VETERANS~~ VETERANS HOMES.

SECTION 13. 20.485 (1) (d) of the statutes is amended to read:

20.485 (1) (d) *Cemetery maintenance and beautification.* The amounts in the schedule for cemetery maintenance and beautification at the Central Wisconsin Veterans Memorial Cemetery at the ~~Wisconsin Veterans Home at King~~.

SECTION 14. 20.485 (1) (e) of the statutes is amended to read:

20.485 (1) (e) *Lease rental payments.* A sum sufficient to pay the rentals required to be made on facilities under leases entered into under s. ~~45.38~~ 45.03 (5).

SECTION 15. 20.485 (1) (g) of the statutes is amended to read:

20.485 (1) (g) *Home exchange.* The amounts in the schedule for the purchase of the necessary materials, supplies and equipment for the operation of the home exchange, and compensation for members' labor. All moneys received from the sale of products authorized by s. ~~45.37 (9)~~ 45.51 (7) shall be credited to this appropriation.

SECTION 16. 20.485 (1) (gd) of the statutes is amended to read:

20.485 (1) (gd) *Veterans home cemetery operations.* All moneys received from the estate of the decedents under s. ~~45.37 (15) (e)~~ 45.61 (5) for the burial of veterans and non-veterans in the Wisconsin Veterans Memorial Cemetery at the Wisconsin Veterans Home at King veterans cemetery under 45.61 (1), to be used for that purpose.

SECTION 17. 20.485 (1) (gk) of the statutes is amended to read:

20.485 (1) (gk) *Institutional operations.* The amounts in the schedule for the care of the members of

the Wisconsin Veterans Home at King, the Southern Wisconsin Veterans Retirement Center, and veterans facilities veterans homes under s. 45.50, and for the payment of stipends under s. ~~45.365 (7)~~ 45.50 (9). All moneys received under par. (m) and s. ~~45.37 (9) (d) and (9d)~~ 45.51 (7) (b) and (8) shall be credited to this appropriation.

SECTION 18. 20.485 (1) (go) of the statutes is amended to read:

20.485 (1) (go) *Self-amortizing housing facilities; principal repayment and interest.* From the moneys received for providing housing services at the ~~Wisconsin Veterans Home at King and the Wisconsin veterans facility in southeastern Wisconsin~~ veterans homes under s. 45.50, a sum sufficient to reimburse s. 20.866 (1) (u) for the principal and interest costs incurred in acquiring, constructing, developing, enlarging or improving housing facilities at the ~~Wisconsin Veterans Home at King and the Wisconsin veterans facility in southeastern Wisconsin~~ veterans homes under s. 45.50 and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such the facilities.

SECTION 19. 20.485 (1) (h) of the statutes is amended to read:

20.485 (1) (h) *Gifts and bequests.* All moneys received under s. ~~45.37 (10) and (11)~~ 45.51 (10) and (11), or any moneys received by gifts or bequests, to carry out the purposes of ss. ~~45.365, 45.37 and 45.385~~ 45.50 and 45.51.

SECTION 20. 20.485 (1) (hm) of the statutes is amended to read:

20.485 (1) (hm) *Gifts and grants.* All moneys received from gifts and grants specifically for the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c), to carry out the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c).

SECTION 21. 20.485 (1) (i) of the statutes is amended to read:

20.485 (1) (i) *State-owned housing maintenance.* The amounts in the schedule for maintenance of state-owned housing at the ~~Wisconsin Veterans Home at King and the veterans facility in southeastern Wisconsin~~ veterans homes under s. 45.50. All moneys received by the department from rentals of state-owned housing shall be credited to this appropriation account.

SECTION 22. 20.485 (1) (j) of the statutes is amended to read:

20.485 (1) (j) *Geriatric program receipts.* All moneys received from program operations by the geriatric evaluation, research, and education program, to carry out the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c).

SECTION 23. 20.485 (1) (m) of the statutes is amended to read:

20.485 (1) (m) *Federal aid; care at veterans home and facilities homes.* All moneys received from the federal government for care of veterans of any war or military expedition of the United States who have been

admitted to and cared for at the ~~Wisconsin Veterans Home at King and veterans facilities~~ Wisconsin veterans homes under s. 45.50. The net revenues accruing under this paragraph shall be credited to the appropriation under par. (gk).

SECTION 24. 20.485 (1) (mj) of the statutes is amended to read:

20.485 (1) (mj) *Federal aid; geriatric unit.* All moneys received from the federal government for the geriatric program at the ~~Wisconsin Veterans Home at King and veterans facilities~~ veterans homes, to carry out the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c).

SECTION 25. 20.485 (1) (t) of the statutes is amended to read:

20.485 (1) (t) *Veterans homes and facilities member accounts.* From the ~~Wisconsin Veterans Home at King and veterans facilities~~ homes members fund, all moneys received under s. 25.37 to make payments as provided under s. ~~45.37 (9c), (10) and (11)~~ 45.51 (8), (10), and (11).

SECTION 26. 20.485 (2) (c) of the statutes is amended to read:

20.485 (2) (c) *Operation of Wisconsin veterans museum.* From the general fund, the amounts in the schedule for the operation of the Wisconsin veterans museum under s. ~~45.014~~ 45.07.

SECTION 27. 20.485 (2) (d) of the statutes is amended to read:

20.485 (2) (d) *Veterans memorials at The the Highground.* From the general fund, as a continuing appropriation, the amounts in the schedule to construct ~~memorials for World War I, World War II and a memorial for Persian Gulf war veterans at The~~ the Highground.

SECTION 28. 20.485 (2) (e) of the statutes is repealed.

SECTION 29. 20.485 (2) (em) of the statutes is repealed.

SECTION 30. 20.485 (2) (g) of the statutes is amended to read:

20.485 (2) (g) *Consumer reporting agency fees.* From the general fund, all moneys received from consumer reporting agencies under s. ~~45.36 (5m)~~ 45.04 (7) for the purpose of providing information to those agencies under s. ~~45.36 (5m)~~ 45.04 (7).

SECTION 31. 20.485 (2) (kt) of the statutes is amended to read:

20.485 (2) (kt) *Operation of Wisconsin veterans museum; Indian gaming receipts.* The amounts in the schedule for the operation of the Wisconsin veterans museum under s. ~~45.014~~ 45.07. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13v. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 32. 20.485 (2) (q) of the statutes is amended to read:

20.485 (2) (q) *Military honors funerals funeral hon-ors.* Biennially, the amounts in the schedule to provide military ~~honors funerals~~ funeral honors for veterans under s. ~~45.19 (1)~~ 45.60.

SECTION 33. 20.485 (2) (rm) of the statutes is amended to read:

20.485 (2) (rm) *Veterans assistance program.* Biennially, the amounts in the schedule for general program operations of the veterans assistance program under s. ~~45.357~~ 45.43.

SECTION 34. 20.485 (2) (rp) of the statutes is amended to read:

20.485 (2) (rp) *Veterans assistance program receipts.* The amounts in the schedule for the provision of assistance to veterans under s. ~~45.357 (1)~~ 45.43 (1). All moneys received from fees under s. ~~45.357 (2)~~ 45.43 (2) shall be credited to this appropriation account.

SECTION 35. 20.485 (2) (s) of the statutes is amended to read:

20.485 (2) (s) *Transportation ~~grant~~ payment.* The amounts in the schedule to provide transportation services payments and grants under ss. ~~45.353 (3m)~~ 45.41 (4) and ~~45.43 (7m)~~ 45.83.

SECTION 36. 20.485 (2) (tf) of the statutes is amended to read:

20.485 (2) (tf) *Veterans' Veterans tuition reimbursement program.* Biennially, the amounts in the schedule for the ~~veterans' veterans~~ veterans tuition reimbursement program under s. ~~45.25~~ 45.20 (2). Notwithstanding s. 20.001 (3) (a), the department may encumber moneys under this appropriation for the biennium up to 60 days after the end of that biennium if an estimate is first submitted to the department of administration showing the amounts that will be encumbered during that 60-day period.

SECTION 37. 20.485 (2) (th) of the statutes is amended to read:

20.485 (2) (th) *Correspondence courses and part-time classroom study.* Biennially, the amounts in the schedule for the ~~veterans' veterans~~ veterans correspondence courses and part-time classroom study program under s. ~~45.396~~ 45.20 (3). Notwithstanding ss. 16.52 (5) and 20.001 (3) (a), after June 30, 1998, the department may encumber moneys under this appropriation for the biennium up to 60 days after the end of that biennium if an estimate is first submitted to and approved by the secretary of administration showing the amounts that will be encumbered during that 60-day period.

SECTION 38. 20.485 (2) (tj) of the statutes is amended to read:

20.485 (2) (tj) *Retraining ~~grant~~ assistance program.* The amounts in the schedule for the ~~veterans' veterans~~ veterans retraining ~~grant~~ assistance program under s. ~~45.397~~ 45.21.

SECTION 39. 20.485 (2) (u) of the statutes is amended to read:

20.485 (2) (u) *Administration of loans and aids to veterans.* The amounts in the schedule for the administration of loans and aids to veterans, and for payment of legal services under s. 45.35 (14) (d) 45.03 (13) (d).

SECTION 40. 20.485 (2) (vg) of the statutes is amended to read:

20.485 (2) (vg) *Health care aid grants.* The amounts in the schedule for the payment of benefits to veterans and their dependents under s. 45.351 (1) 45.40 (2).

SECTION 41. 20.485 (2) (vm) of the statutes is amended to read:

20.485 (2) (vm) *Subsistence grants aid.* The amounts in the schedule for payment of subsistence grants aid to veterans and their dependents under s. 45.351 (1) 45.40 (1).

SECTION 42. 20.485 (2) (vw) of the statutes is amended to read:

20.485 (2) (vw) *Payments to veterans organizations for claims service.* The amounts in the schedule to pay veterans organizations for claims services as prescribed in s. 45.353 45.41.

SECTION 43. 20.485 (2) (vx) of the statutes is amended to read:

20.485 (2) (vx) *County grants.* The amounts in the schedule for payment of grants under s. 45.43 (7) 45.82.

SECTION 44. 20.485 (2) (vz) of the statutes is amended to read:

20.485 (2) (vz) *American Indian grants.* The amounts in the schedule for grants to American Indian tribes and bands under s. 45.35 (14) (h) 45.82 (4).

SECTION 45. 20.485 (2) (wd) of the statutes is amended to read:

20.485 (2) (wd) *Operation of Wisconsin veterans museum Veterans Museum.* The amounts in the schedule for the operation of the Wisconsin veterans museum Veterans Museum under s. 45.014 45.07.

SECTION 46. 20.485 (2) (x) of the statutes is amended to read:

20.485 (2) (x) *Federal per diem payments.* The amounts in the schedule for the provision of assistance to veterans under s. 45.357 45.43. All moneys received from the federal government as per diem payments for veterans participating in the veterans assistance program under s. 45.357 45.43 shall be credited to this appropriation account.

SECTION 47. 20.485 (2) (yn) of the statutes is amended to read:

20.485 (2) (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts in the schedule for the purpose of providing loans under s. 45.356 45.42 and for the payment of expenses and other payments as a consequence of being a mortgagee or owner under home improvement loans made under s. 45.79 (7) (c), 1997 stats., or under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., and s. 45.356 45.42. All moneys received under ss. 45.356 (9) (a) and (b) 45.42 (8) (a)

and (b) and 45.79 (7) (e) 45.37 (7) (c) for the purpose of providing loans under the personal loan program under s. 45.356 45.42 shall be credited to this appropriation account. All payments of interest and repayments of principal for loans made under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., s. 45.356, and s. 45.79 (7) (c), 1997 stats., shall revert to the veterans trust fund.

SECTION 48. 20.485 (2) (yo) of the statutes is amended to read:

20.485 (2) (yo) *Debt payment.* A sum sufficient for the payment of obligations incurred for moneys received under s. 45.356 (9) (a) and (b) 45.42 (8) (a) and (b).

SECTION 49. 20.485 (2) (z) of the statutes is amended to read:

20.485 (2) (z) *Gifts.* All moneys received under s. 45.35 (13) (a) 45.03 (12) (a) to be used as provided in that subsection.

SECTION 50. 20.485 (2) (zm) of the statutes is amended to read:

20.485 (2) (zm) *Museum gifts and bequests.* All moneys received under s. 45.35 (13) (b) 45.03 (12) (b) to be used as provided in that subsection.

SECTION 51. 20.485 (3) (b) of the statutes is amended to read:

20.485 (3) (b) *Self insurance.* A sum sufficient to cover deficiencies in the amounts necessary to repay principal and interest on veterans housing loans made under s. 45.79 45.37 and financed by bonds sold pursuant to under s. 234.40.

SECTION 52. 20.485 (3) (e) of the statutes is amended to read:

20.485 (3) (e) *General program deficiency.* A sum sufficient to pay any general program deficiency under s. 45.79 45.37, including any deficiency in the capital reserve fund requirement under s. 234.42.

SECTION 53. 20.485 (3) (q) of the statutes is amended to read:

20.485 (3) (q) *Foreclosure loss payments.* As a continuing appropriation from the veterans mortgage loan repayment fund, all moneys deposited and held in accounts in the veterans mortgage loan repayment fund to pay costs under s. 45.79 (7) (a) 3. and 7. 45.37 (7) (a) 3. and 7., for the purpose of paying costs under s. 45.79 (7) (a) 3. and 7. 45.37 (7) (a) 3. and 7.

SECTION 54. 20.485 (3) (rm) of the statutes is amended to read:

20.485 (3) (rm) *Other reserves.* As a continuing appropriation from the veterans mortgage loan repayment fund, all moneys deposited and held in the veterans mortgage loan repayment fund to pay costs under s. 45.79 (7) (a) 5. to 8. and 10. 45.37 (7) (a) 5. to 8. and 10., for the purposes under s. 45.79 (7) (a) 5. to 8. and 10. 45.37 (7) (a) 5. to 8. and 10.

SECTION 55. 20.485 (3) (s) of the statutes is amended to read:

20.485 (3) (s) *General program operations.* The amounts in the schedule from the veterans mortgage loan repayment fund for general program operations of the veterans mortgage loan program under s. ~~45.79~~ 45.37.

SECTION 56. 20.485 (3) (sm) of the statutes is amended to read:

20.485 (3) (sm) *County grants.* The amounts in the schedule from the veterans mortgage loan repayment fund for payment of grants made under s. ~~45.43~~ (7) 45.82.

SECTION 57. 20.485 (3) (t) of the statutes is amended to read:

20.485 (3) (t) *Debt service.* As a continuing appropriation from the veterans mortgage loan repayment fund, all moneys deposited and held in accounts in the veterans mortgage loan repayment fund to reimburse s. 20.866 (1) (u) for the payment of debt service costs incurred in providing veterans mortgage loans under s. ~~45.79~~ (6) (a) 45.37 (6) (a) and for debt service costs incurred in contracting public debt for any of the purposes under s. 18.04 (5), for these purposes.

SECTION 58. 20.485 (3) (v) of the statutes is amended to read:

20.485 (3) (v) *Revenue obligation repayment.* All moneys received in the fund or funds created under s. ~~45.79~~ (9) 45.37 (10) for the purposes of retiring revenue obligations, providing reserves, funding additional loans, purchasing assumed mortgages and funding program operations under s. ~~45.79~~ (6) (c) and (9) 45.37 (6) (c) and (10). All moneys received are irrevocably appropriated in accordance with subch. II of ch. 18 and further established in resolutions authorizing the issuance of revenue obligations and setting forth the distribution of funds received thereafter.

SECTION 59. 20.485 (3) (w) of the statutes is amended to read:

20.485 (3) (w) *Revenue obligation funding.* As a continuing appropriation, all proceeds from revenue obligations issued under s. ~~45.79~~ (6) (e) 45.37 (6) (c) and deposited in the fund created under s. 18.57 (1), for the costs of issuance and management of the obligations, to provide related reserve funds and for the purposes of s. ~~45.79~~ 45.37. Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 60. 20.485 (3) (wd) of the statutes is amended to read:

20.485 (3) (wd) *Loan-servicing administration.* From the veterans mortgage loan repayment fund, the amounts in the schedule for administrative costs of servicing loans under s. ~~45.79~~ (5) (a) 45.37 (5) (a) 10.

SECTION 61. 20.485 (3) (wg) of the statutes is amended to read:

20.485 (3) (wg) *Escrow payments, recoveries, and refunds.* From the veterans mortgage loan repayment fund, all moneys received by the department under s.

~~45.79~~ (5) (a) 6. 45.37 (5) (a) 6, to make payments required of the department under s. ~~45.79~~ (5) (a) 6 45.37 (5) (a) 6.

SECTION 62. 20.485 (3) (wp) of the statutes is amended to read:

20.485 (3) (wp) *Loan-servicing rights.* Biennially, from the veterans mortgage loan repayment fund, the amounts in the schedule to purchase loan-servicing rights from authorized lenders under s. ~~45.79~~ (5) (a) 10 45.37 (5) (a) 10.

SECTION 63. 20.485 (4) (g) of the statutes is amended to read:

20.485 (4) (g) *Cemetery operations.* The amounts in the schedule for the care and operation of the veterans memorial cemeteries under s. ~~45.358~~ 45.61 other than those costs provided under pars. (q) and (r). All moneys received under s. ~~45.358~~ (3m) 45.61 (3) shall be credited to this appropriation account.

SECTION 64. 20.485 (4) (h) of the statutes is amended to read:

20.485 (4) (h) *Gifts, grants and bequests.* All moneys received under s. ~~45.358~~ (4) 45.61 (1) as gifts, grants or bequests to be expended for the purposes made.

SECTION 65. 20.485 (4) (m) of the statutes is amended to read:

20.485 (4) (m) *Federal aid; cemetery operations and burials.* All moneys received from the federal government for the operation of veterans memorial cemeteries under s. ~~45.358~~ 45.61 as authorized by the governor under s. 16.54, to be used for that purpose.

SECTION 66. 20.485 (4) (q) of the statutes is amended to read:

20.485 (4) (q) *Cemetery administration and maintenance.* From the veterans trust fund, the amounts in the schedule for the administrative and maintenance costs of operating the veterans memorial cemeteries under s. ~~45.358~~ 45.61.

SECTION 67. 20.485 (4) (r) of the statutes is amended to read:

20.485 (4) (r) *Cemetery energy costs.* From the veterans trust fund, the amounts in the schedule to be used at the veterans memorial cemeteries operated under s. ~~45.358~~ 45.61 for utilities and for fuel, heat and air conditioning and for costs incurred by or on behalf of the department of veterans affairs under ss. 16.858 and 16.895.

SECTION 68. 20.485 (5) (g) of the statutes is amended to read:

20.485 (5) (g) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs. All moneys received from the issuance of solicitor's permits under s. ~~45.54~~ (8) 39.90 (6) and ~~from the fees~~ under s. ~~45.54~~ (10) 39.90 (7) shall be credited to this appropriation, except those fees credited to par. (gm).

SECTION 69. 20.485 (5) (gm) of the statutes is amended to read:

20.485 (5) (gm) *Student protection.* All moneys received from the fees received under s. 45.54(10)(e)4-39.90(7)(c)4., for the purpose of indemnifying students, parents, or sponsors under s. 45.54(10)(a)39.90(7)(a).

SECTION 70. 20.866 (2) (zn) of the statutes is amended to read:

20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans.* From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.79(6)(a)45.37(6)(a). The state may contract public debt in an amount not to exceed \$2,120,840,000 for this purpose.

SECTION 71. 21.11 (3) of the statutes is amended to read:

21.11 (3) The adjutant general may activate members of the national guard for the purpose of serving on an honors detail of a military ~~honors funeral~~ funeral honors for a ~~deceased veteran person described~~ under s. 45.19 45.60(1).

SECTION 72. 21.16 of the statutes is repealed.

SECTION 73. 21.49 (4) (c) of the statutes is amended to read:

21.49 (4) (c) No guard member may receive a grant under sub. (3) for any semester in which he or she received a grant payment under s. 45.25 45.20(2).

SECTION 74. 21.74 of the statutes is created to read:

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

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

(b) "Person in military service" means any man or woman who is serving on active duty in the U.S. armed forces, except service on active duty for training purposes.

(c) "Property" means any real estate or personal property belonging to a person in military service that was acquired prior to the commencement of military service or that was acquired by descent.

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

(2) To supplement and complement the provisions of 50 App. USC 501, and to afford and obtain greater peace and security for persons in military service, the enforcement of certain tax obligations or liabilities that may prejudice the property rights of persons in military ser-

vice may be temporarily suspended as provided in this section.

(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 the circuit court of 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 the hearing the court finds 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. The court may 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 may order.

(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 percent per year as provided under 50 App. USC 501 shall be waived for the purpose and under the conditions specified in this section.

(5) The penalties and interest waived under 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 an 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 a certified copy of the order of suspension with the county treasurer or with the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to the taxes and assessments. The person shall file with the order 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 receipt of the 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. The county treasurer or city treasurer shall immediately forward an additional copy of the order and affidavit 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 the person, the personal representative, surviving spouse, or heir, may apply to the county treasurer of the county, or the city treasurer of a city authorized by law to sell lands for the nonpayment of taxes, where the property is located, for an agreement for scheduled installment payments, covering the taxes accrued during the person's period of military service, provided that the taxes will be paid over a period of time equal to a period no longer than twice the length of military service of the person, in equal periodic installments of not less than \$10, and subject to any other terms as may be just and reasonable.

(8) In the event the applicant defaults in the performance of any of the provisions of the agreement, the treasurer shall notify the applicant of the default and the amount and date due, by written notice either served personally or by registered mail, return receipt requested, to the address set forth in the application. If the defaulted payment is not fully made within 10 days after service of the notice, then the treasurer, without further notice, may declare that the entire amount of the tax subject to the scheduled installments is immediately due and payable and that the agreement is terminated. The county treasurer shall notify the register of deeds and the town, city, or village treasurer of the termination, 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, the county treasurer, and the local officers and shall make appropriate notations of the termination on their records. 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 the penalties and interest as may have accrued on the property from the date of default of the scheduled installment payment.

SECTION 75. 21.78 of the statutes is created to read:

21.78 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 the employee is involuntarily retained for a longer period. No salary or compensation of the employee or

officer shall be paid, nor claim for the salary or compensation exist, during the leave of absence, except as provided in this section. 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 U.S. 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 limited in this section, 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 the 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 service in the U.S. armed forces, 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 service in the U.S. armed forces, the elected or appointed official or employee, upon filing with the clerk of the governmental unit, 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 cease to hold the office on the date of the filing.

(5) 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). A temporary or permanent vacancy created in the office of council member may 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).

SECTION 76. 21.79 of the statutes is created to read:

21.79 Reemployment 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 50 App. USC 301, 401, and 451, 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, 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 that 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 all of the following conditions are met:

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

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

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

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

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

(b) Except as provided in par. (c), in the event of any dispute relating to the provisions under par. (a), the person may file a complaint regarding the matter with the department of workforce development. The department of workforce development shall process any complaint made under this paragraph in the same manner as employment discrimination complaints are processed under s. 111.39.

(c) If a dispute arises regarding a classified employee of the state relating to the provisions of par. (a), the complaint shall be filed with the director of the office of state employment relations. A decision of the director of the office of state employment relations may be reviewed under ch. 227.

(2) The service of any person who is or was restored to a position in accordance with sub. (1) shall be considered 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. The person whose position was restored may not be discharged from the position without cause within one year after restoration and the discharge is subject to all federal or state laws affecting any private employment and to the provisions of contracts that may exist between employer and employee. Each county, town, city, or village shall contribute or pay 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 the circuit 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 action. The court shall order a speedy hearing and shall advance the case on the calendar. No fees or court costs may be taxed against a person petitioning the court under this subsection. The action commenced under this subsection against a private employer, and the trial or hearing of the action, 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.

(4) 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 service in the U.S. armed forces or federal government service under sub. (1) shall acquire permanent tenure during the period of that replacement service.

(5) If the decision of the circuit court is appealed the person who petitioned the circuit court under sub. (3) need not file an appeal bond for the security for costs on the appeal.

(6) 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.

SECTION 77. 21.80 (3) (g) of the statutes is amended to read:

21.80(3)(g) *Veterans preferences.* The right of a person to reemployment under this subsection does not entitle the person to retention, preference, or displacement rights over any person who has a superior claim under s. ~~45.35 (4)~~ 45.03 (4), 62.13 (4) (d), 63.08 (1) (f), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16 (7) or (7m), 230.21 (1m), 230.25, or 230.275.

SECTION 78. 25.17 (1) (xp) of the statutes is amended to read:

25.17 (1) (xp) Veterans mortgage loan repayment fund (s. 45.79 (7) 45.37 (7));

SECTION 79. 25.17 (1) (yv) of the statutes is amended to read:

25.17 (1) (yv) Wisconsin Veterans Home at King and veterans facilities homes members fund (s. 25.37);

SECTION 80. 25.36 (1) of the statutes is amended to read:

25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used for the lending of money to the mortgage loan repayment fund under s. ~~45.35 (22)~~ 45.37 (5) (a) 12, and for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (vz), (w), (z), and (zm), ~~45.014, 45.25, 45.35 (23), 45.351 (1), 45.353, 45.356, 45.357, 45.396, 45.397, and 45.43 (7) 45.03 (19), 45.07, 45.20, 45.21, 45.40 (1), 45.41, 45.42, 45.43, and 45.82~~ and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on, and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid as expenses for, interest on, and repayment of veterans personal loans; the net proceeds from the sale of mortgaged properties related to veterans personal loans; all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance purchased with moneys in the veterans trust fund; all moneys received from the state investment board under s. ~~45.356 (9) (b)~~ 45.42 (8) (b); all moneys received from the veterans mortgage loan repayment fund under s. ~~45.79 (7) (a) and (c)~~ 45.37 (7) (a) and (c); and all gifts of money received by the board of veterans affairs for the purposes of this fund.

SECTION 81. 25.37 of the statutes is amended to read:

25.37 Wisconsin veterans facilities homes members fund. There is established a separate nonlapsible trust fund designated as the Wisconsin veterans facilities homes members fund. The fund shall consist of moneys belonging to persons residing in Wisconsin veterans facilities, including members of the Wisconsin Veterans Home at King homes, that are paid to the home and veterans facilities homes, and that are transferred into the fund by the department of veterans affairs under s. ~~45.37 (9e)~~ 45.51 (8).

SECTION 82. 28.035 (3) (a) of the statutes is amended to read:

28.035 (3) (a) The written lease entered into between the Wisconsin state department of the American Legion

and the department of natural resources dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force for an additional 10 years, and may be renewed for additional 10-year periods thereafter, notwithstanding the expiration of the term expressed ~~therein~~ in the lease, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 maintains on ~~such~~ the property structures which were constructed prior to May 31, 1956, at the expense of the Wisconsin state department of the American Legion or any ~~such~~ post, for the purpose of the rehabilitation, restoration, or recreation of veterans and their dependents of the Spanish-American war War, the Philippine ~~insurrection~~ Insurrection, the Mexican border service, World Wars I and II, the Korean conflict, the Vietnam war War, the Iraq war War, and Grenada, Lebanon, Panama, Somalia or a Middle East service in a crisis under s. ~~45.34 zone, as defined in s. 45.01 (11)~~.

SECTION 83. 29.219 (2) (c) of the statutes is amended to read:

29.219 (2) (c) A resident annual fishing license issued to any resident who is a member of the ~~Wisconsin Veterans Home at King or at the facilities operated by the department of veterans affairs under s. 45.385~~ a Wisconsin veterans home under s. 45.50 shall be issued at no charge.

SECTION 84. 29.506 (7m) (a) of the statutes is amended to read:

29.506 (7m) (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the educational approval board under s. ~~45.54~~ 39.90.

SECTION 85. 29.563 (3) (a) 8. of the statutes is amended to read:

29.563 (3) (a) 8. Annual fishing issued to a resident at ~~Wisconsin Veterans Home at King and at the facilities operated by the department of veterans affairs under s. 45.385~~ a Wisconsin veterans home under s. 45.50: \$0.

SECTION 86. 36.27 (2) (b) 4. of the statutes is amended to read:

36.27 (2) (b) 4. A person who has ~~served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces, except service on active duty for training purposes, who meets one of the conditions in s. 45.001 (4) (a) 1. a. to d. is a veteran, as defined in s. 45.01 (12)~~, and who is a resident for purposes of receiving benefits under ch. 45, is entitled to the exemption under par. (a).

SECTION 87. 36.27 (3r) of the statutes is amended to read:

36.27 (3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The board shall grant a \$25 remission of nonresident

tuition or academic fees to any student enrolled in the system as an undergraduate for each valid voucher issued to the student under s. 45.19(3) ~~45.60(3)~~.

SECTION 88. 38.24 (6) of the statutes is amended to read:

38.24 (6) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The district board shall grant a \$25 remission of fees under subs. (1m) and (3) to a student for each valid voucher issued to the student under s. 45.19(3) ~~45.60(3)~~.

SECTION 89. Subchapter V (title) of chapter 39 [precedes 39.90] of the statutes is created to read:

CHAPTER 39

SUBCHAPTER V

EDUCATIONAL APPROVAL BOARD

SECTION 90. 39.90 of the statutes is created to read:

39.90 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 that 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 of these.
- (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 administrative 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 that 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 that, in places other than the actual business premises of

the school, personally attempts to secure the enrollment of a student in the 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) RESPONSIBILITIES. The board shall 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 the schools, teaching locations used by the schools, and courses of instruction offered by the schools and regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by the schools.

(3) RULE-MAKING POWER. The board shall promulgate rules and establish standards necessary to administer this section.

(4) 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 responsibilities. 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 of veterans affairs.

(5) APPROVAL OF SCHOOLS GENERALLY. 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 do all of the following:

- (a) Investigate the adequacy of courses and courses of instruction offered by schools to residents of this state and establish minimum standards for those courses of instruction.
- (b) Investigate the adequacy of schools' facilities, equipment, instructional materials, and instructional programs and establish minimum standards for those facilities, equipment, materials, and programs.
- (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 from the course.
- (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.

(6) 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 for a course or course of instruction 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 the solicitor represents.

(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. The 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 perform faithfully the agreement the solicitor made with the student, 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. (5) (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 by the bond 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 bond upon giving 30 days' notice in writing to the board and shall be relieved of liability under this paragraph upon giving the notice 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 a course of instruction that 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 under sub. (5).

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, renewed, or reinstated. Upon receipt of a 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 an action in circuit court 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.

(7) 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 considers 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 that 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 any other information as the board considers necessary to evaluate the school in carrying out the purpose of this section.

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

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 an action in circuit court for the enforcement of this subsection, including 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 that 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.

SECTION 91. 40.05 (4g) (a) 4. of the statutes is amended to read:

40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or under rules promulgated by the director of the office of state employment relations or is eligible for reemployment with the state under s. 45.50 21.79 after completion of his or her service in the U.S. armed forces.

SECTION 92. Chapter 45 of the statutes is repealed and recreated to read:

CHAPTER 45

VETERANS

SUBCHAPTER I

GENERAL PROVISIONS

45.001 Recognition of persons who served in the armed forces. The state of Wisconsin recognizes, as veterans, the men and women of Wisconsin who served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, the men and women who served in a reserve unit of the U.S. armed forces, and the men and women who served in the national guard.

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

(1) "Active duty" does not include active duty for training purposes.

(2) "Active duty for training purposes" has the meaning given in 38 USC 101 (22).

(3) "Board" means the board of veterans affairs.

(4) "Child" means any biological child, any adopted child, any stepchild, or any other child who is a member of the veteran's household, or any nonmarital child if the veteran acknowledges paternity or paternity has been otherwise established.

(5) "Department" means the department of veterans affairs.

(6) "Dependent" includes any of the following:

(a) A spouse, a surviving spouse, or a divorced spouse, but only if the divorced spouse is not remarried and is receiving child support or maintenance from the veteran under a court order.

(b) Any 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 incapable of self-support by reason of mental or physical disability.

(c) The biological or adoptive parent or a person who acts in the place of a parent and who has so acted for not less than 12 months prior to the veteran's entrance into active service.

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

(7) “In-kind contributions” includes 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 property.

(8) “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.

(9) “Permanently and totally disabled veteran” means a person who is receiving 100 percent 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.

(10) “Secretary” means the secretary of the department.

(11) “Service in a crisis zone” means any of the following:

(a) *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 August 1, 1984, or in Grenada between October 23, 1983, and November 21, 1983, and meets one of the following conditions:

1. Was entitled to receive the armed forces expeditionary medal established by executive order 10977 on December 4, 1961.

2. Was entitled to receive the marine corps or navy expeditionary medal.

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

(b) *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:

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

2. 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.

3. The person participated in the April 14, 1986, military action against Libya.

4. The person served on the U.S.S. Stark on May 17, 1987.

5. The person served in support of Operation Desert Shield or Operation Desert Storm under all of the following conditions:

a. 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.

b. Under honorable conditions.

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

6. 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:

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

b. Under honorable conditions.

c. 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.

(c) *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.

(d) *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.

(e) *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:

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

2. Under honorable conditions.

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

(12) “Veteran”, except in s. 45.001, means any of the following:

(a) A person who has served on active duty for at least one qualifying term of service under pars. (b) to (d) under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces during a war period or in a crisis zone.

(b) A person who has served on active duty in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions, for 2 con-

tinuous years or more or for the full period of his or her initial service obligation, whichever is less.

(c) A person who has served on active duty for 90 days or more under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces during a war period or for any period of service under section 1 of executive order 10957 dated August 10, 1961.

(d) A person whose term of service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions entitled him or her 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, the Marine Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

(e) A person who was honorably discharged from the U.S. armed forces or from forces incorporated as part of the U.S. armed forces for a service-connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.

(f) A person who was released under honorable conditions from the U.S. armed forces or from forces incorporated as part of the U.S. armed forces due to a reduction in the U.S. armed forces.

(g) A person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(h) A person who, while serving in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, is missing in action.

(i) A person who died as the result of a service-connected disability.

(j) A person who died in the line of duty while on inactive or active duty for training purposes in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, or in the national guard.

(12m) “Veterans home” means the Wisconsin Veterans Home at Union Grove, the Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Chippewa Falls.

(13) “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.

(e) Mexican border service: between June 19, 1916, and April 5, 1917.

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

(g) World War II: between August 27, 1940, and July 25, 1947.

(h) Korean conflict: between June 27, 1950, and January 31, 1955.

(i) Vietnam War: between August 5, 1964, and January 1, 1977, excepting service on active duty for training purposes only.

(j) 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.

(k) 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.

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

(n) Any period after the period specified in par. (m) that the department determines and designates by rule, after reviewing the criteria used to establish the war periods under pars. (a) to (m) and after consultation with the U.S. department of defense, to be a period when the United States is in a conflict that places persons at such a risk that the period should be designated as a war period for purposes of this chapter.

45.02 Eligibility for benefits. **(1)** 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.

(2) Except as provided in sub. (3), to be eligible for benefits under this chapter an applicant shall be a resident of and living in this state at the time of making application or the veteran from whom the applicant derives eligibility is deceased, and the veteran from whom eligibility is derived 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) The veteran was a resident of this state at the time of entry or reentry into active duty.

(c) The veteran was 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.

(3) 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 the date of application to qualify for benefits from the department.

(4) If the department determines that a person applying for a benefit under this chapter meets the residency requirement under sub. (2) (c), 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.

45.03 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 set forth in this section.

(2) **BOARD FUNCTIONS.** The board may promulgate rules necessary to carry out the purposes of this chapter and the powers and duties conferred upon it. 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.

(3) **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.

(4) **DEPARTMENT STAFF.** (a) The department shall employ staff necessary to carry out its functions. The secretary shall appoint under the classified service such persons as are necessary to carry out the policy of the board. All persons appointed by the department shall, if possible, be veterans and preference shall be given to disabled veterans.

(b) The department upon request shall assist without charge all persons residing in the state having claims against the United States where the claims have arisen out of or by reason of service in the U.S. armed forces. The department may act as agent or power of attorney in pursuing claims for persons requesting the department to do so.

(c) 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 to maximize the level of assistance and benefits provided to veterans.

(d) 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.

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

(5) DEPARTMENT POWERS TO PROVIDE STRUCTURES, FACILITIES, AND PERMANENT IMPROVEMENTS. (a) In this subsection, unless the context requires otherwise:

1. "Existing building" in relation to any conveyance, lease, or sublease made under par. (c) 1. 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 other buildings, structures, facilities, and permanent improvements that in the judgment of the board are needed or useful for the purposes of the department, and all equipment for them and all improvements and additions to them that were erected, constructed, or installed prior to the making of the conveyance, lease, or sublease.

2. "New building" in relation to any conveyance, lease, or sublease made under par. (c) 1. 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 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 for them and all improvements and additions to them that are erected, constructed, or installed after the making of the conveyance, lease, or sublease.

3. "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).

(b) The department may acquire by gift, purchase, or condemnation property for the purposes of providing a headquarters and museum building for the department.

(c) 1. To provide new buildings and to enable the construction and financing of new buildings, to refinance indebtedness created by a nonprofit corporation for the purpose of providing a new building or buildings or additions or improvements to a new building that is 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 these purposes, the department has the following powers and duties:

a. Without limitation by reason of any other provisions of the statutes, unless otherwise required by law, the power to sell and to convey title in fee simple to a nonprofit corporation any land and any existing buildings owned by the state that are under the jurisdiction of the department for the consideration and upon the terms and

conditions as in the judgment of the board are in the public interest.

b. Unless otherwise required by law, the power to lease to a nonprofit corporation for a term or terms not exceeding 50 years each any land and any existing buildings owned by the state that are under the jurisdiction of the department upon the terms and conditions as in the judgment of the board are in the public interest.

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

d. The duty to submit the plans and specifications for all new buildings to the building commission for approval whenever required by law and to submit plans and specifications for all new buildings and all conveyances, leases, and subleases made under this subsection to the department of administration and the governor for written approval before they are finally adopted, executed, and delivered.

e. The power to pledge and assign all or any part of the revenues derived from the operation of any land or new buildings as security for the payment of rentals due and to become due under any lease or sublease of new buildings under subd. 1. c.

f. The power to covenant and agree in any lease or sublease of any land or new buildings made under subd. 1. c. to impose fees, rentals, or other charges for the use and occupancy or other operation of new buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under the lease or sublease.

g. 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. 1. c.

h. 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. 1. c.

i. The power to covenant and agree in any lease or sublease made under subd. 1. c. 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 the lease or sublease.

j. The power and duty, upon receipt of notice of any assignment by any nonprofit corporation of any lease or sublease made under subd. 1. c., or of any of its rights under any sublease, to recognize and give effect to the

assignment, and to pay to the assignee rentals or other payments then due or that may become due under any lease or sublease that has been assigned by the nonprofit corporation.

2. The state shall be liable for accrued rentals and for any other default under any lease or sublease made under subd. 1. c., and may be sued for the accrued rentals or other default on contract as in other contract actions under ch. 775, except that the lessor under the lease or sublease or any assignee of the lessor or any person or other legal entity proceeding on behalf of the lessor is not required to file any claim with the legislature prior to the commencement of the action.

3. Nothing in this subsection empowers the board or the department to incur any state debt.

4. All powers and duties conferred upon the board or the department under this subsection shall be exercised and performed by resolution of the board. All conveyances, leases, and subleases made under this subsection, when authorized by resolution of the board, shall be made, executed, and delivered in the name of the department and shall be signed by the secretary and sealed with the seal of the department.

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

(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 veterans. 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.

(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 the notes, mortgages, contracts, and conveyances are not subject to the defense of infancy.

(b) The benefits and aid provided under ss. 45.20 (3) and 45.40 are not assignable and are exempt from garnishment and execution.

(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 those veterans who have filed claims for federal rehabilitation benefits and during the pendency of the claims. If the claims are allowed and federal reimbursement is made to the state, the money shall be paid into the veterans trust fund.

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

(11) **APPROVAL AGENCY FOR VETERANS TRAINING.** (a) Except as provided in par. (b), the department shall be the state approval agency for the education and training of veterans and other eligible persons. The department shall approve and supervise schools and courses of instruction for the training of veterans and eligible persons under 38 USC 3670, 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.

(12) **GIFTS AND BEQUESTS.** (a) The department may receive gifts and bequests in its name for the benefit of Wisconsin veterans and their dependents in accordance with policies adopted by the board. Moneys received shall be credited to the veterans trust fund.

(b) The department may receive moneys or other gifts and bequests in its name for the benefit of the Wisconsin Veterans Museum. Moneys received shall be credited to the veterans trust fund and used, as far as practicable, in accordance with the wishes of the donors and in accordance with the board's policies.

(13) **ADDITIONAL DUTIES.** The department shall do all the following:

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

(b) Cooperate with any federal departments, agencies, and independent establishments relating to veterans housing, benefits, priorities, and finances.

(c) Assist any housing authority, municipality, or private enterprise engaged in supplying veterans housing in

the acquisition of materials, finances, legal aid, and compliance with federal regulations.

(d) Utilize the services and facilities of state agencies and county veterans service officers, including legal services furnished to the department by the department of justice.

(e) Provide county veterans service officers with the information provided to the department by the adjutant general under s. 21.19 (14) and 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.

(14) **LIBERAL CONSTRUCTION INTENDED.** This chapter shall be construed as liberally as the language permits in favor of applicants.

(15) **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 the 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 the same 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. 45.37 only when so required by federal law.

(16) **APPLICATION REQUIREMENTS AND PENALTIES.** (a) If the department finds that an applicant for benefits from the department has willfully made or caused to be made, or conspired, assisted in, agreed to, arranged for, or in any way procured the making of a false or fraudulent affidavit, declaration, certificate, statement, or other writing, it may suspend all benefits available to the 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, assists in, agrees to, arranges for, or in any way 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. The fine or imprisonment may be imposed in addition to the penalty provided in par. (a).

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

2. The department shall declare immediately due and payable any loan made after July 29, 1979, under a program administered by the department under s. 45.40 or subch. III, 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. 3. 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 qualify for and secure the loan.

3. Loan application forms processed by the department for programs administered under s. 45.40 or subch. III shall do all of the following:

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 those transferred 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 these 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. The 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 subsection.

4. The department shall incorporate the payment acceleration requirements of subd. 2. in all loan documents for programs administered by the department under s. 45.40 or subch. III.

(17) 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. 45.356, 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

(18) 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. 45.04, the

department may release information contained in its files pertaining to applications for benefits to contractors providing collection services to the department.

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

45.04 Release of information and records. (1)

DEFINITIONS. In this section:

(a) "Duly authorized representative" means any person authorized in writing by the veteran to act for the veteran, the veteran's guardian if the veteran is adjudicated incompetent, or a legal representative if the veteran is 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 of the veteran shall be recognized as the duly authorized representative.

(b) "Service office" means a county veterans service office.

(2) SEPARATION DOCUMENTS. Separation documents and copies of separation documents evidencing service in the armed forces of the U.S. are confidential and privileged. Examination of these records in the possession of the department or service office is limited to authorized employees of the department or service office and information entered in these records may 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 that are released to the department or service office by the U.S. department of veterans affairs or that contain information provided by the U.S. department of veterans affairs are confidential. Release of information from these records or papers may be made only under 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 that 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.

(5) 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.

(6) DISCLOSURE OF MONETARY BENEFITS. The department shall disclose, to any person who requests, the amount of any payment, grant, or loan made by the department to any applicant. A person seeking this information shall be required to sign a statement setting forth

the person's name and address and the reason for making the request and certifying that the person will not use the information obtained for commercial or political purposes.

(7) **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 on any loans on which balances are due and owing the department. The department may charge consumer reporting agencies an amount sufficient to cover all the costs of preparation and delivery of the information.

(8) **DISCLOSURE OF OTHER INFORMATION.** Except as provided in subs. (2) to (6), all files, records, reports, papers, and documents pertaining to applications for benefits from the department, and information contained in them, may be released by the department or service office only under rules of the department. The rules shall provide for the furnishing of information required under sub. (7) and for official purposes by any agency of the U.S. government, by any agency of this state, by any law enforcement, social services, or human services agency of any Wisconsin county, or by members of the state senate and assembly. The rules shall 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.

45.05 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 or duly authorized representative, as defined in s. 45.04 (1) (a), the county veterans service officer, the department, or any person with written authorization from the discharged person or that discharged 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.

45.06 Security. (1) It shall be unlawful for any person to receive or accept as a security or to withhold from a veteran or a person who was honorably discharged from the U.S. armed forces any discharge paper, citation, warrant, medal, badge, or evidence upon which the 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 item 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 the discharge paper, citation, warrant, medal, badge, or evidence is punishable as provided in sub. (2).

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

45.07 Wisconsin Veterans Museum. (1) The department of administration shall provide suitable space for the purpose of a memorial hall, designated as the Wisconsin Veterans Museum, dedicated to the veterans of Wisconsin and to the men and women of Wisconsin who served in the armed forces of the United States during the civil war of 1861 to 1865 and during any subsequent period. The department of veterans affairs shall operate 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.

(2) 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:

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

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

(c) Procure additions to the memorial collection.

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

45.08 Memorial Day. (1) Every department and agency of the state government, every court of the state, and every political subdivision of the state, shall give a leave of absence with pay for the last Monday in May of each year, the day of celebration for May 30, Memorial Day, to every person in the employ of the state or political subdivision who has at any time served in and been honorably discharged from the U.S. armed forces or from forces incorporated as part of the U.S. armed forces. A refusal to give the leave of absence to a person entitled to the leave constitutes neglect of duty.

(2) If the nature of the duties of the department, agency, court, or political subdivision necessitates the employment of persons eligible for a leave of absence under sub. (1), the department, agency, court, or political subdivision shall arrange and assign the necessary work so as to permit the largest possible numbers of eligible persons to have a leave of absence either all or part of Memorial Day.

EDUCATION AND TRAINING

45.20 Veterans education programs. (1) GENERAL PROVISIONS. (a) *Definitions.* In this section:

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

2. "Full-time classroom study" means any of the following:

a. Enrollment by a graduate student in courses for which more than 8 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion.

b. Enrollment by a graduate student in courses that upon satisfactory completion will fulfill more than the minimum semester or equivalent trimester or quarter credit requirements of the program or school in which the student is enrolled.

c. Enrollment by any other eligible student in courses for which more than 11 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion.

3. "Part-time classroom study" means any of the following:

a. 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.

b. 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.

c. 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.

d. Study during a summer semester or session.

3. "Tuition" means any of the following:

a. For the University of Wisconsin System, academic fees, as described in s. 36.27 (1), and segregated fees.

b. For technical colleges, program fees, as described in s. 38.24 (1m) (a) and (b) and additional fees reported and assessed by the college for the course of study.

c. For a high school, a school that is approved under s. 45.03 (11), or a proprietary school that is approved under s. 39.90, the charge for the courses for which a person is enrolled.

d. For an institution from which a person receives a waiver of nonresident tuition under s. 39.47, the amount of the reciprocal fee under s. 39.47 (2) and any fees that are similar to segregated fees for the University of Wisconsin System.

(b) *Income limit.* 1. No veteran may receive reimbursement 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 additional dependent in excess of 2 dependents.

2. In determining eligibility under this section, the department shall verify all reported income amounts.

(c) *Reimbursement limit.* The amount of the reimbursement under sub. (2) or (3) 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.

(d) *Child support or maintenance delinquency.* The department may provide reimbursement under sub. (2) or (3) 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.

(2) **TUITION REIMBURSEMENT PROGRAM.** (a) *Eligibility.* A veteran is eligible for the tuition reimbursement program under this subsection if he or she meets all of the following conditions:

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

2. The veteran is a resident at the time of application for the tuition reimbursement program.

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

(b) *Program benefits.* 1. A veteran who meets the requirements under par. (a), upon satisfactory completion of a full-time undergraduate semester in any institution of higher education in this state, any school that is approved under s. 45.03 (11), any proprietary school that is approved under s. 39.90, 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. 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.

2. The application for reimbursement of tuition under this subsection shall meet all of the following conditions:

a. 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.

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

c. Be on the application form approved by the department.

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

3. Reimbursement provided under this subsection 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 subsection. In those cases, the department shall determine eligibility on the basis of the dates on which applications for reimbursement were received.

4. Reimbursement of tuition and fees for a course may be provided at an institution or school under subd. 1. other than one from which the veteran is receiving his or her degree if all of the following apply:

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

b. The course is accepted as transfer credits at the institution or school listed under subd. 1. from which the veteran is receiving his or her degree but is not available at that institution or school.

(c) *Limitations.* 1. A veteran is not eligible for reimbursement under this subsection for more than 120 credits or 8 full semesters of full-time study at any institution of higher education in this state, 60 credits or 4 full semesters of full-time study at any institution of higher education 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. 45.03 (11), at a proprietary school that is approved under s. 39.90, or at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47.

2. A veteran may not receive reimbursement under this subsection for any semester in which he or she received reimbursement under sub. (3) or s. 21.49.

(3) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. (a) *Eligibility.* The following persons are eligible for benefits under this section:

1. A veteran.

2. An unmarried surviving spouse or minor or dependent child of a deceased veteran.

(b) *Program benefits.* 1. A person, 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. 45.03 (11), from a proprietary school that is approved under s. 39.90, or from any public or private high school, may be reimbursed in part for the cost of the course by the department. The person shall present to the department a certificate from the school indicating that the person has completed the course and stating tuition and shall apply for reimbursement on an application that is 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.

2. A person who is a resident of this state and otherwise qualified to receive benefits under this subsection may receive the benefits under this subsection upon the completion of any correspondence courses or part-time classroom study from an institution of higher education located outside this state if any of the following applies:

a. The part-time classroom study is not offered within 50 miles of the person'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 by an institution in this state.

3. Enrolled part-time classroom study or direct correspondence courses from a qualified educational institution may be authorized and the person reimbursed in part by the department when the 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 the reimbursement is insufficient to cover all educational costs.

(b) *Limitations.* 1. a. No person who has obtained a master's degree or its equivalent is eligible for reimbursement under this subsection.

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

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

2. The department may not provide reimbursement under this subsection unless the department determines that a course for which an application is made is related to the applicant's occupational, professional, or employment objectives.

3. A person may not be reimbursed under this subsection more than 4 times during any consecutive 12-month period.

45.21 Retraining assistance program. (1) AMOUNT AND APPLICATION. The department may pay 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 payment based on the veteran's financial need. A veteran may apply for aid 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), make a payment under this subsection to the veteran's employer.

(2) ELIGIBILITY. The department may provide aid 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. 39.90, 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 rule, or has received a notice of termination of employment.

(d) The veteran requesting aid has not received reimbursement under s. 45.20 for courses completed during the same semester for which a grant would be received under this section.

(e) 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 aid 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.
 (e) Coordination with other occupational training programs.

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

(4) REPORT. The department shall include in its biennial report under s. 15.04 (1) (d) information relating to the veterans retraining assistance program, including the number of veterans obtaining gainful employment after receiving aid and a description of the veterans receiving aid, 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.

SUBCHAPTER III

VETERANS HOUSING LOAN PROGRAM

45.30 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 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 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 down payments 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.

45.31 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. 45.37:

(a) Real estate taxes on the premises to be mortgaged.
 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

(c) Required payments on principal and interest on all mortgages placed or to be placed against the home of an eligible person.

(2) "Authority" means the Wisconsin Housing and Economic Development Authority.

(3) "Authorized lender" means any lender or servicer authorized under s. 45.37 (5) (a) 5. to make or service loans under s. 45.37.

(4) "Closing costs" include:

(a) Any origination fee authorized under s. 45.37 (5) (b).

(b) Attorney fees.

(c) Recording fees.

(d) Other costs authorized by the department.

(5) "Eligible person" means any person eligible under s. 45.33 (1) and not disqualified under s. 45.33 (2) to receive a loan under this subchapter.

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

(7) “Funds” include cash on hand and liquid investments owned by the veteran and his or her spouse, individually or jointly, unless the veteran and spouse are legally separated under s. 767.07.

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

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

(10) “Income” means the sum of the federal adjusted gross income plus any income received that may reasonably be expected to be regular and dependable.

(11) “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 meets or exceeds the statutory size under s. 348.07 (2).

(13) “Monthly payment” means all of the following:

- (a) Required payments on principal and interest.
- (b) Insurance premiums for coverage required under s. 45.37 (3) (b).
- (c) One-twelfth of annual real estate taxes on the mortgaged property.

(14) “Qualified purpose” means any purpose authorized under s. 45.34 (1).

45.32 Powers of the department. With respect to loans made by and mortgages and mortgage notes executed or properties mortgaged to the department or to authorized lenders under this subchapter, the department may do any of the following:

- (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 the right to do any of the following:
 - (a) Acquire or take possession of the mortgaged property and in so doing the department may accept voluntary surrender and conveyance of title to the property in full satisfaction of a mortgage debt or may bid for and purchase the property at a sheriff’s sale or replevin the 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 the mortgages on the 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 any other powers as may be necessary for the efficient administration of this subchapter.

(6) In contracts entered into under s. 45.37 (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 the department acquires.

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

45.33 Eligibility and disqualifying factors. (1) ELIGIBLE PERSONS. Subject to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

- (a) A veteran.
- (b) A person who served on active duty for more than 6 months during the period between February 1, 1955, and August 4, 1964, and was honorably discharged.
- (c) The unremarried surviving spouse or dependent child, as defined in s. 45.01 (6) (b), of a deceased veteran or of a deceased person described in par. (b).

(2) DISQUALIFYING FACTORS. (a) A person listed in sub. (1) may not receive a loan under this subchapter if the department or authorized lender determines that any of the following applies:

- 1. The person will be incurring an excessive indebtedness in view of the person’s income.
- 2. The person has a previous loan outstanding under this subchapter, unless any of the following apply:
 - a. 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.
 - b. The person is applying for a loan under s. 45.37 for a purpose under s. 45.34 (1) (c) and the previous loan was made under s. 45.37.

(b) A person listed in sub. (1) who is not a permanently and totally disabled veteran may not receive a loan under this subchapter if the department or authorized lender determines that any of the following applies:

- 1. 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.

2. 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.

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

(a) The purchase of one of the following:

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

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

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

(c) 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 permanently and totally disabled individual.

(d) 1. Refinancing the balance due on an indebtedness that 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 that eligible person and if the indebtedness was incurred by that person after a prior loan application from that person 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.

(2) CONDITIONS. (a) 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 contribution required by s. 45.35. This paragraph does not apply to a permanently and totally disabled veteran.

(b) 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 acceleration provisions are permitted under s. 45.36 (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 person's interest in the residence or a quit claim deed executed under the judgment does not constitute a sale.

45.35 Contribution. No loan may be made under this subchapter unless, in addition to the closing costs that the person may be required to pay, the person 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 permanently and totally disabled veteran.

45.36 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. Any additional payments must be paid on the regular installment payment date.

(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 one of the following applies:

(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.

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

45.37 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) Applications for loans under this section for a purpose specified in s. 45.34 (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. 45.34 (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 legally separated under s. 767.02 (1) (d) or in the process of obtaining a divorce, the applicant's spouse also shall sign the application.

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

(3) LOANS TO BE SECURED. (a) Each loan made under this section, except a loan of \$3,000 or less for a purpose specified under s. 45.34 (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. 45.34 (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 under 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 under 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. 45.34 (1) (a), (b), or (d) shall have priority over all liens against the mortgaged premises and the buildings and improvements to the buildings, 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. 45.34 (1) (c) is acceptable if the applicant can establish a minimum equity in the property, as established by the department by rule.

(b) 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. (11), the interest rate determined may not be increased during the term of the loan. Except as provided in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully pay all expenses and to provide reserves that 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 funded 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 necessary to insure against losses 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) The department may do any of the following:

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 that the department may require. The contracts shall authorize the lender to retain an amount from the monthly payments for servicing loans made under 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. The department shall specify 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.

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 under 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 that performance, and may refuse to permit a lender so removed to make or service any loan under this section until the department is satisfied that the lender will conform with its 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 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 insufficient to cover the amounts due. If the amount held in escrow is insufficient to cover the amounts due, the authorized lender or 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 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. Obtain guarantees for loans under 38 USC 1801 to 1827.

8. Exercise all of the powers vested in it under this subchapter with respect to any applications for loans and loans approved under this section and with 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 those mortgages. The department may exercise or authorize those 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.

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

(b) At the time of closing, persons receiving loans under this section shall pay 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 percent 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 under this section may, at the discretion of the building commission, be provided by one or a combination of the following:

(a) 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 requested shall meet all 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 administered so 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 in the Internal Revenue Code, if that debt is a bond that is exempt from federal taxation.

(b) 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 the loans purchased by the authority, and principal on the loans, payments of losses by insurers not used for restoration of the property securing the loans, and any other collections, shall be deposited by the authority into the veterans housing bond redemption fund under s. 234.43 and shall be disbursed from the fund as provided in s. 234.43 (2).

(c) The secretary, with the approval of the governor and subject to the limits of sub. (10), may request that revenue obligations be contracted in accordance with subch. II of ch. 18. Revenue obligations requested shall meet all of 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, any repayment of moneys borrowed under s. 45.42 (8) (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. 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. 45.82.

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. Loan money to the veterans trust fund, upon prior approval of the building commission for each loan, for the purposes under s. 45.42.

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

11. Payment required of the department under sub. (5) (a) 6.

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

(b) 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.

(c) 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 all of this repayment schedule.

(d) 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. 45.42.

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

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

(10) 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 nonlapsible 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. (11) (c).

(b) Revenue obligations issued under sub. (6) (c) may 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.

(11) 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 to all of the following:

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.

2. To increase the amortization payments on the loan by an amount sufficient to amortize the loan by the date the balance on the loan 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. (10) from available surpluses, if any, in the veterans mortgage loan repayment fund under sub. (7) (d). 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. 45.33 to 45.35, 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 percent per year from the date of the appropriation or transfer to the date of repayment.

SUBCHAPTER IV ASSISTANCE PROGRAMS

45.40 Economic assistance. (1) SUBSISTENCE AID.

(a) The department may provide subsistence aid to an incapacitated veteran or a dependent of a veteran in an amount that the department determines advisable to prevent undue hardship. The department may provide subsistence aid under this subsection to a person whose incapacitation is the result of alcohol or other drug abuse, if the person is participating in an alcohol or other drug abuse treatment program approved by the department. The department may provide subsistence aid on a month-to-month basis or for a 3-month period. The department may provide the 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, as determined by a health care provider as defined in s. 146.81 (1), and if earned or unearned income or aid from other sources will not be available in the 3-month period. Subsistence aid shall be 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 person'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) to provide payments under this subsection. The joint committee on finance may, from the appropriation under s. 20.865 (4) (u), supplement the appropriation under s. 20.485 (2) (vm) in an amount equal to the amount that the department expects to expend under this subsection. Notwithstanding s. 13.101 (3) (a), the committee is not required to find that an emergency exists. 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.

(2) **HEALTH CARE AID.** The department may provide temporary health care aid for a veteran or the dependent of a veteran if the department considers it advisable to prevent undue hardship. Health care aid to pay 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 on 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 health care aid under this subsection if the treatment is received within a time period that the department promulgates by rule. The department may not provide 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 provide health care aid under this subsection unless the person'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 aid, the amount of the person's health insurance or other 3rd-party payments, if any, and the amount that the department determines the person is capable of paying. The department may not provide health care aid under this subsection if the combined liquid assets of the veteran and veteran's dependents who are living in the same household are in excess of \$1,000.

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

45.41 Payments 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 the state organization or department of a national veterans organization 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 5 consecutive years out of the 10-year period immediately preceding the application. The payment

shall be calculated based on the total amount 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. The payment shall be as follows:

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

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

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

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

(3) A state veterans organization shall file an application annually with the department for the previous 12-month period ending on March 31 of the year in which it is filed. The application shall contain a statement of salaries and travel expenses paid to employees of the organization engaged in veterans claims service activities at the regional office by the state veterans organization covering the period for which application for a payment is made. The statement shall be 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 include the state organization's financial statement for its previous fiscal year and evidence of claims service activity that the department requires. The state veterans organization shall submit with its initial application sufficient evidence to establish that it or its national organization, or both, has maintained a full-time service office at the regional office for 5 consecutive years out of the 10-year period immediately preceding the application. Subsequent applications shall be accompanied by an affidavit by the adjutant or principal officer of the state veterans organization stating that the organization, on its own or with its national organization, maintained a full-time service office at the regional office for the entire 12-month period for which application for a payment is made.

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

45.42 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 purposes of 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. (9). 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 owed by the person receiving the loan and then to pay any past support, medical expenses, or birth expenses owed by the person receiving the loan.

(3) The department may lend to the remarried surviving spouse of a deceased veteran or to the parent of a deceased veteran's child not more than \$25,000, or a lesser amount established by the department under sub. (9), for the education of the deceased veteran's child.

(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. 45.32. 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 the 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) 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.

(8) (a) The department may borrow from the veterans mortgage loan repayment fund under s. 45.37 (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.

(9) Subject to the limits 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.

(10) 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.

(11) If an applicant's total indebtedness for loans made under this section is more than \$5,000, the loan 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.

45.43 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 payments to facilitate the provision of services under this section.

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

SUBCHAPTER V VETERANS HOMES

45.50 Veterans homes; management. (1) (a) The department shall operate the Wisconsin Veterans Home at King and employ a commandant for the home. The department shall employ a commandant for the Wisconsin Veterans Home at Union Grove and may employ a commandant for the Wisconsin Veterans Home at Chippewa Falls. The department may employ any personnel that are necessary for the proper management and operation of veterans homes. In compliance with the compensation plan established pursuant to s. 230.12 (3), a commandant may recommend to the director of person-

nel charges for meals, living quarters, laundry, and other services furnished to employees and members of the employees' family maintained at veterans homes. The department shall provide complete personal maintenance and medical care, including programs and facilities that promote comfort, recreation, well-being, or rehabilitation, to all members of veterans homes.

(b) All moneys received as reimbursement for services to veterans homes employees or as payment for meals served to guests at veterans homes 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).

(c) Veterans homes with a skilled nursing 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) (a) 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, including a community-based residential facility, to be known as the Wisconsin Veterans Home at Union Grove.

(b) 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 to be known as the Wisconsin Veterans Home at 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.

(3) The department may acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the veterans homes. Title to the lands shall be taken in the name of this state and shall be held by and for the uses and purposes of the veterans homes. No payment may be made out of the state treasury or otherwise for the 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 filed with the secretary of state.

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

(5) 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 veterans homes. All moneys received shall be

paid into the general fund and appropriated as provided in s. 20.485 (1) (h), except that gifts or grants received specifically for the purposes of the geriatric program at veterans homes are appropriated as provided in s. 20.485 (1) (hm). The department may 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 those persons upon their request individual accounts with savings and interest applied as the member requests.

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

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

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

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

(9) The department may develop a program to provide stipends to individuals to attend school and receive the necessary credentials to become employed at veterans homes. If the department develops a stipend program under this subsection, the department shall promulgate 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.

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

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

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

1. A veteran.

2. A 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 for 90 days or more and at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961.

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

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

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

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

3. 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.

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

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

(3) **ADMISSION PRIORITIES.** (a) Except in cases where there is an immediate need for physical care or economic assistance, the department shall act on applications based upon the date of receipt of the application by the veterans home. The department may defer establishment of the priority date of the application to the date that the veterans home 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.

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

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

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

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

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

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

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

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

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

(b) Separation from the 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 the 6-month period.

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

(5) **ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** The surviving spouse of a person under sub. (2) (a) 1. or 2. 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) (b) 3. to 5. and if the surviving spouse satisfies all of the following conditions:

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

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

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

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

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

(b) Has not remarried.

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

(d) Is physically disabled.

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

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

(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. The parent of a person under sub. (2) (a) 1. or 2. who was a resident of this state at the time of the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for membership, is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5. and if the parent satisfies all of the following conditions:

(a) Has reached 60 years of age.

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

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

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

(b) Members shall pay the amount due the state for care and maintenance of the member within 30 days after the receipt of the veterans home'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 percent 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 veterans home.

(c) 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.

(d) A member is not required to use income received from services rendered to the veterans home 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 veterans home.

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

(8) PERSONAL FUNDS OF MEMBER. A member may, in writing, authorize a veterans home to receive, hold, and account for his or her personal funds. Section 49.498 (8) applies to the funds of a member held by the veterans home 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 member, the department shall pay the member the amount the member requests from his or her personal account.

(9) MEDICAL ASSISTANCE PAYMENTS. All moneys received under medical assistance, as defined in s. 49.43 (8), 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 veterans home within 60 days of the member's death, the member's property shall constitute a part of the member's estate, except the commandant may distribute personal effects of nominal monetary value of a deceased member who is not survived by a member spouse to surviving relatives of the member who request the personal effects within a reasonable time after the member's death.

(b) The department may manage, sell, lease, or transfer property passing 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 the property. All expenditures necessary for the execution of functions under this paragraph or sub. (14) shall be made from the appropriation in s. 20.485 (1) (h).

(c) A person who at the time of death is a member of a veterans home is a resident of the county in which the veterans home is located 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 PASSING TO STATE. If a member dies without a relative who 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, without administration. The commandant of a veterans home shall submit that converted sum to the secretary of administration to be paid into the appropriation under s. 20.485 (1) (h). The amount paid to the secretary of administration is subject to refund within 6 years to the estate of a member if it is subsequently discovered that the member 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 member who establishes right to the funds or property or any portion of the funds or property. The department of administration, upon being satisfied that a claim out of the funds or property is legal and valid, shall pay the claim out of the 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 s. 45.61 (2).

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

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

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

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

(14) ADDITIONAL ELIGIBILITY REQUIREMENT FOR OTHER CARE FACILITIES AT VETERANS HOMES. An otherwise eligible person may be admitted to or remain in residency at a community-based residential facility, as defined in s. 50.01 (1g) or a residential care apartment complex, as defined in s. 50.01 (1d) at a veterans home 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.

SUBCHAPTER VI

FUNERALS, BURIALS, AND CEMETERIES

45.60 Military funeral honors. (1) PROGRAM. (a) The department shall administer a program to coordinate the provision of military funeral honors in this state to deceased veterans and to deceased persons who have served under honorable conditions in any national guard or in a reserve component of the U.S. armed forces.

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

(2) STIPENDS. 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 pro-

grams or a local unit of a veterans organization certified by the department to provide military funeral honors for the costs of providing military funeral honors in this state to a person described in sub. (1). The reimbursement may not exceed \$50 for each funeral for which military honors are provided.

(3) TUITION VOUCHER. (a) The department shall create a tuition voucher form to be used by funeral directors under par. (b). 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.

(b) 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 each funeral for which military honors are held in this state for a person described in sub. (1) 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.

45.61 Wisconsin veterans cemeteries. (1) 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 central, northwestern, and southeastern Wisconsin and may employ any personnel that are necessary for the proper management of the cemeteries. The cemetery in central Wisconsin is the Central Wisconsin Veterans Memorial Cemetery. 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. 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 this subsection. All cemeteries operated by the department are exempt from the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

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

(a) A person 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 child and surviving spouse.

(b) A person 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 child and surviving spouse.

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

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

2. 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.

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

(d) 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 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.

(e) A person 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 for at least 12 consecutive months after entering or reentering service on active duty.

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

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

(5) **EXPENSES.** Expenses incident to the burial under this section 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 of the burial, shall be paid from the appropriation under s. 20.485 (1) (gk) for members of veterans homes, and the amount expended for those expenses shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

45.62 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 the department, if so requested by the department.

SUBCHAPTER VII MEMORIALS

45.70 Veterans memorials. (1) **PERSIAN GULF MEMORIAL.** 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 a memorial for the veterans of the Persian Gulf War. The memorial shall be constructed at the veterans memorial site located at the Highground in Clark County. The department may expend up to \$60,000 for the memorial for the veterans of the Persian Gulf War.

(2) **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 no walks, roads, or 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.

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

45.72 County and municipal memorials. (1) In this section and s. 45.73, "local unit of government" means a city, village, town, or county.

(2) Any local unit of government 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 those purposes, which are declared to be public purposes.

(3) The local unit of government shall determine the character of the memorial, and without limitation because of enumeration, the memorial 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.

(4) Any local unit of government may appropriate money and may levy a tax 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.

(5) Any local unit of government 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 in the county.

(6) Any local unit of government may by ordinance or contract provide for the management, control, or operation of any memorial. The local unit of government may enter into a written lease, for a term not exceeding 25 years, with any duly chartered and incorporated veterans organization established in the local unit of govern-

ment. The lease shall include the provisions for the amount of rental and such conditions of public use as the local unit determines.

(7) Any local unit of government may contract with or make an appropriation, or both, to any other local unit of government or to any nonprofit corporation without capital stock organized expressly for any of the purposes of this section or to any duly chartered and incorporated veterans organization established in the local unit of government, and for the purpose of raising funds for memorial purposes or contributions. The local unit of government may levy taxes upon the taxable property located in the local unit of government, or borrow money and issue bonds in the manner and under the regulations provided by ch. 67. The facilities of the memorial shall be available to the residents of the local unit of government making the appropriation to the extent that the governing body of the local unit of government may require.

45.73 Sites for veterans memorial halls. (1) Any local unit of government 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 s. 70.11 (9).

(2) The action of any local unit of government 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. The local unit of government may permit the use and occupancy of the rooms and space for such terms and subject to such conditions and provisions as the local unit of government may impose. Any contract, lien, or agreement between the local unit of government and any organization now in force shall continue in force according to the terms of the contract, lien, or agreement.

45.74 Memorial corporations organized under 1919 act. (1) Any commission or board of trustees that 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 the 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) The power to 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) The power to dissolve the corporation and dispose of the real and personal property of the corporation in a manner that it deems will best serve the purposes for

which it was organized and the interests of the community.

(2) The commission or board of trustees 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.

(3) 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.

45.75 Memorials in populous counties. (1) Any county having a population of 500,000 or more may establish and maintain a memorial or memorials in the county under s. 45.72 by agreement between the county board of the county and any nonprofit private corporation without capital stock organized under the laws of this state, except as provided in this section, expressly for any of the purposes of s. 45.72.

(2) The board of directors of the corporation shall be designated as the "memorial board," and its members shall be called "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 the following:

(a) Four members from the county board.

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

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

(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 the 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 the 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 those 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) The 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 of the land contained in the legislative act, granting the land to the municipality, and notwithstanding the restrictions, limitations, or conditions incorporated in any subsequent conveyance of the lands by the municipality.

(8) The war memorial may be constructed in any public park and the use of those park lands as a location for a war memorial shall not be considered inconsistent with the use of the same for park purposes. 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 the park shall approve the construction. 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. 45.72 entered into on behalf of the county for the construction or maintenance of the 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 those costs shall be charged against the funds of the park commission, park system, or park board of the county.

SUBCHAPTER VIII

LOCAL RESPONSIBILITIES

45.80 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 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. 45.01 (12) (a) to (d) and at least one of the conditions listed in s. 45.02 (2).

(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 and who meet at least one of the conditions listed in s. 45.01 (12) (a) to (d) and at least one of the conditions listed in s. 45.02 (2).

(c) 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).

(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 the officer shall be appointed subject to ss. 63.01 to 63.17.

(5) **DUTIES.** The county veterans service officer shall do all of the following:

(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 that 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. 45.62 (2).

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

(6) **PERMITTED ACTIVITIES.** The county veterans service officer may do any of the following:

(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.

(7) **OFFICE SPACE AND ASSISTANTS.** (a) The county board shall provide the county veterans service officer with office space, clerical assistance, and any other needs that 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. 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).

(8) **QUALIFICATIONS APPLICABILITY.** The qualifications necessary to be a county veterans service officer or assistant county veterans service officer under subs. (1) (a) and (7) (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, and who have not served as county veterans service officers or assistant county veterans service officers before June 1, 1996.

45.81 County veterans service commission. (1) There is created in each county a county veterans service commission consisting of at least 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 that 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 indi-

vidual 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.

(3) (a) Except as provided under sub. (4), the commission may furnish aid to any person described in s. 45.86 if the right of that person to aid is established to the commission's satisfaction.

(b) The secretary of the commission shall maintain a list containing the name, place of residence, and amount of aid furnished to each person 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 may not exceed the amount collected from the tax levied, except when specifically authorized by the county board. The commission shall provide the county treasurer with sufficient information to deliver the specified aid to the person entitled to that aid.

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

(e) The commission shall make a detailed report to the county board annually showing the amount expended under this subsection. The report may not include any personal identifying information regarding the persons that received aid under this subsection.

(4) A county veterans service officer appointed under s. 45.80 (1) (b) or (4) shall have the administrative powers and duties prescribed for the county veterans service commission under sub. (2).

(5) 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 under s. 59.22. The county board may provide for the employment of clerical assistance to the commission.

(6) 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. 45.86 when the commission so requests. The county service officer, in making an investigation, may use the facilities for investigating that are made available by the county board.

45.82 Grants to counties and tribes for improvement of services. (1) 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.

(2) The department shall award a grant annually to a county that meets the standards developed under this section 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 s. 59.52 (8) or ch. 63. 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 subsection.

(3) Notwithstanding sub. (2), an eligible county with a part-time county veterans service officer shall be eligible for an annual grant not exceeding \$500.

(4) The department shall 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. 45.80 (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 subsection and shall promulgate rules to implement this subsection.

45.83 Transportation services grants to counties. (1) 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 multi-county cooperative transportation services.

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

(3) A county may not reduce funding to a county veterans service office based upon receipt of a grant.

45.84 Burial allowance. (1) 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 veteran, spouse, or surviving spouse who was living in the county at the time of death and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under circumstances that would cause financial distress to the person's family. The cost of this interment shall be the responsibility of the county, but may not be less than \$300, and shall be in addition to the burial allowance payable under laws administered by the U.S. department of veterans affairs.

(2) Before assuming the burial expense, the county veterans service officer shall exercise due diligence in attempting to determine the financial condition required by sub. (1). The county veterans service officer, in making the inquiry, may use the facilities for investigation that are made available by the county board. The county veterans service officer shall report the results of that determination to the appropriate authorities designated by the county.

(3) The chairperson of the county board and the clerk of the county on the receipt of the report under sub. (2) 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 to that payment. The county veterans service officer of each county shall, upon the death and burial of a veteran described under sub. (1) who was 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 the deceased's grave.

45.85 Care of 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 veterans, 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 those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section. The expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided. The amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery.

(2) The governing body specified in sub. (1) shall report to the county clerk of its county, on or before Sep-

tember 1 of each year, the locations of the graves cared for by the governing body 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 to the payment.

45.86 County tax for needy veterans. (1) Every county board shall annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section. The tax shall 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 the veterans, and the needy parents of veterans entitled to aid under ss. 45.81 to 45.84, and to carry out the purposes of s. 45.85. Aid may not be denied solely on the basis that a person otherwise eligible for aid owns a homestead that the person occupies.

(2) The county veterans service commission or county veterans service officer shall estimate the probable amount required under this section and shall file that estimate with the county board.

SECTION 93. 46.27 (1) (b) of the statutes is amended to read:

46.27 (1) (b) "Nursing home" means a facility that meets the definition in s. 50.01 (3) and that is licensed under s. 50.03 (1) and includes a state center for the developmentally disabled, ~~the Wisconsin Veterans Home at King and the nursing care facility~~ and a Wisconsin veterans home operated by the department of veterans affairs under s. 45.385 45.50.

SECTION 94. 46.27 (1) (dr) of the statutes is amended to read:

46.27 (1) (dr) "State-operated long-term care facility" means a state center for the developmentally disabled, ~~the Wisconsin Veterans Home at King and the nursing care facility~~ and a Wisconsin veterans home operated by the department of veterans affairs under s. 45.385 45.50.

SECTION 95. 46.27 (6) (a) 2. cm. of the statutes is amended to read:

46.27 (6) (a) 2. cm. Persons under subd. 1. seeking admission to or about to be admitted to ~~the Wisconsin Veterans Home at King and the nursing care facility~~ a Wisconsin veterans home operated by the department of veterans affairs under s. 45.385 45.50 who are informed about the program but waive the assessment.

SECTION 96. 49.19 (9) of the statutes is amended to read:

49.19 (9) If the head of a family is a veteran, as defined in s. 45.37 (1a) 45.01 (12), or a person under s. 45.51 (2) (a) 2., and is hospitalized or institutionalized

because of disabilities in a county other than that of his or her residence or settlement at time of admission, aid shall be granted to the dependent children of the veteran by the county wherein the head of the family had his or her residence or settlement at the time of admission so long as he or she remains hospitalized or institutionalized.

SECTION 97. 49.45 (3) (e) 7m. of the statutes is amended to read:

49.45 (3) (e) 7m. Notwithstanding subd. 7., the daily reimbursement or payment rate for services at a hospital established under s. ~~45.375 (1)~~ 45.50 (10) provided to medical assistance recipients whose continued hospitalization is no longer medically necessary or appropriate during a period where the recipient awaits placement in an alternate custodial living arrangement shall be the skilled nursing facility rate paid to ~~the facility created under s. 45.365 (1)~~ a Wisconsin veterans home operated by the department of veterans affairs under s. 45.50.

SECTION 98. 49.45 (6m) (bg) of the statutes is amended to read:

49.45 (6m) (bg) The department shall determine payment levels for the provision of skilled, intermediate, limited, personal or residential care or care for the mentally retarded in the state centers for the developmentally disabled, ~~in the Wisconsin Veterans Home at King and the nursing care facility~~ and in a Wisconsin veterans home operated by the department of veterans affairs under s. ~~45.385~~ 45.50 separately from the payment principles, applicable costs and methods established under this subsection.

SECTION 99. 49.855 (4m) (b) of the statutes is amended to read:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. ~~45.351 (1)~~ 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. ~~45.351 (1)~~ 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support, maintenance, or receiving and disbursing fee order or obligation, by the outstanding amount for past support, medical expenses, or birth expenses under the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court ren-

dering the order under which the obligation arose. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. A circuit court commissioner may conduct the hearing. Pending further order by the court or circuit court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

SECTION 100. 50.034 (4) of the statutes is amended to read:

50.034 (4) LIMITATION. A nursing home or a community-based residential facility may not convert a separate area of its total area to a residential care apartment complex unless the department first approves the conversion. A nursing home, other than ~~the nursing homes operated at the Wisconsin Veterans Home at King or in southeastern Wisconsin~~ a Wisconsin veterans home operated by the department of veterans affairs under s. ~~45.385~~ 45.50, that intends to convert a separate area of its total area to a residential care apartment complex shall also agree to reduce its licensed nursing home beds by the corresponding number of residential care apartment complex residential units proposed for the conversion.

SECTION 101. 50.135 (3) of the statutes is amended to read:

50.135 (3) EXEMPTION. The inpatient health care facilities under ss. ~~45.365~~ 45.50, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42 and 252.10 are exempt from this section.

SECTION 102. 50.39 (3) of the statutes is amended to read:

50.39 (3) Facilities governed by ss. ~~45.365~~ 45.50, 48.62, 49.70, 49.72, 50.02, 51.09 and 252.10, secured correctional facilities as defined in s. 938.02 (15m), correctional institutions governed by the department of corrections under s. 301.02 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists affiliated credentialing board, podiatrists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board, and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 103. 51.20 (10) (cm) of the statutes is amended to read:

51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437 shall furnish to the court and the subject individual an initial

recommended written treatment plan that contains the goals of treatment, the type of treatment to be provided, and the expected providers. If the person has served in the U.S. armed forces or forces incorporated as part of the U.S. armed forces, the county department shall contact the U.S. department of veterans affairs to determine if the person is eligible for treatment at a U.S. department of veterans affairs facility. If the person is eligible for that treatment, the county department shall include that information in the treatment plan. The treatment plan shall address the individual's needs for inpatient care, residential services, community support services, medication and its monitoring, case management, and other services to enable the person to live in the community upon release from an inpatient facility. The treatment plan shall contain information concerning the availability of the needed services and community treatment providers' acceptance of the individual into their programs. The treatment plan is only a recommendation and is not subject to approval or disapproval by the court. Failure to furnish a treatment plan under this paragraph does not constitute grounds for dismissal of the petition unless the failure is made in bad faith.

SECTION 104. 51.35 (6) (a) of the statutes is amended to read:

51.35 (6) (a) When the department has notice that any person other than a prisoner is entitled to receive care and treatment in a U.S. department of veterans affairs facility, the person may petition the department of health and family services for a transfer to such facility, and that department may procure admission to such the facility in accordance with s. 45.30.

SECTION 105. 51.45 (13) (h) of the statutes is amended to read:

51.45 (13) (h) A person committed under this subsection shall remain in the custody of the county department for treatment for a period set by the court, but not to exceed 90 days. During this period of commitment the county department may transfer the person from one approved public treatment facility or program to another as provided in par. (k). If the person has served in the U.S. armed forces or forces incorporated as part of the U.S. armed forces, the county department shall contact the U.S. department of veterans affairs to determine if the person is eligible for treatment at a U.S. department of veterans affairs facility. If the person is eligible for that treatment, the county department may transfer the person to that facility if the U.S. department of veterans affairs approves that transfer. At the end of the period set by the court, the person shall be discharged automatically unless the county department before expiration of the period obtains a court order for recommitment upon the grounds set forth in par. (a) for a further period not to exceed 6 months. If after examination it is determined that the person is likely to inflict physical harm on himself or herself or on another, the county department shall

apply for recommitment. Only one recommitment order under this paragraph is permitted.

SECTION 106. 59.52 (16) (b) (title) of the statutes is amended to read:

59.52 (16) (b) (title) *County ~~veterans'~~ veterans housing.*

SECTION 107. 59.52 (16) (b) 2. of the statutes is amended to read:

59.52 (16) (b) 2. In case of a joint school district, computation shall be made on the basis of the valuation of the several municipalities in which the school district lies. If school buildings are inadequate to accommodate the additional school population resulting from the county ~~veterans'~~ veterans housing program, and the school district cannot legally finance the necessary increased facilities, the board may appropriate money and grant assistance to the school district but the assistance shall be used solely to finance the purchase of land and the erection and equipment of the necessary additional facilities.

SECTION 108. 59.535 (1) (a) of the statutes is amended to read:

59.535 (1) (a) In this subsection, "veteran" has the meaning given in s. ~~45.37 (1a)~~ 45.01 (12), and includes a person under s. 45.51 (2) (a) 2.

SECTION 109. 59.535 (4) of the statutes is amended to read:

59.535 (4) **SERVICE OFFICER AND COMMISSION.** The board may appropriate funds for the execution of the duties of the county ~~veterans'~~ veterans service officer and the county ~~veterans'~~ veterans service commission.

SECTION 110. 59.65 of the statutes is amended to read:

59.65 Publication of financial report. A board shall cause to be made out and published in the county, as a class 1 notice, under ch. 985, immediately after its annual meeting, a report of the receipts and expenditures of the immediately preceding year and the accounts allowed. The board may waive the publication of names of needy soldiers, sailors, marines and United States war veterans and the amount of relief aid provided under s. ~~45.14 (2)~~ 45.81 (3) and shall publish in lieu thereof the total disbursements thereunder.

SECTION 111. 66.0509 (title) of the statutes is amended to read:

66.0509 (title) Civil service system; ~~veterans'~~ veterans preference.

SECTION 112. 66.1201 (9) (x) of the statutes is amended to read:

66.1201 (9) (x) To, within its area of operation, either by itself or with the department of veterans affairs, undertake and carry out studies and analyses of ~~veterans'~~ veterans housing needs and meeting those needs and make the study results available to the public, including the building, housing and supply industries.

SECTION 113. 67.015 of the statutes is amended to read:

67.015 Housing authorities exempted. This chapter shall not be applicable to borrowing by housing authorities or county ~~veterans'~~ veterans housing authorities under ss. 66.1201 to 66.1213.

SECTION 114. 69.30 (1) (bm) of the statutes is amended to read:

69.30 (1) (bm) "Service office" has the meaning given in s. ~~45.36 (1) (e)~~ 45.04 (1) (b).

SECTION 115. 69.30 (2) of the statutes is amended to read:

69.30 (2) A financial institution, state agency, county department, Wisconsin works agency, service office or family care district or an employee of a financial institution, state agency, county department, Wisconsin works agency, service office or family care district is not subject to s. 69.24 (1) (a) for copying a certified copy of a vital record for use by the financial institution, state agency, county department, Wisconsin works agency, service office or family care district, including use under s. ~~45.36 (4m)~~ 45.04 (5), if the copy is marked "FOR ADMINISTRATIVE USE".

SECTION 116. 70.11 (1) of the statutes is amended to read:

70.11 (1) **PROPERTY OF THE STATE.** Property owned by this state except land contracted to be sold by the state. This exemption shall not apply to land conveyed after September, 1933, to this state or for its benefit while the grantor or others for the grantor's benefit are permitted to occupy the land or part thereof in consideration for the conveyance; nor shall it apply to land devised to the state or for its benefit while another person is permitted by the will to occupy the land or part thereof. This exemption shall not apply to any property acquired by the department of veterans affairs under s. ~~45.72 (5) and (7)~~ 45.32 (5) and (7) or to the property of insurers undergoing rehabilitation or liquidation under ch. 645. Property exempt under this subsection includes general property owned by the state and leased to a private, nonprofit corporation that operates an Olympic ice training center, regardless of the use of the leasehold income.

SECTION 117. 70.11 (3a) of the statutes is amended to read:

70.11 (3a) **BUILDINGS AT THE WISCONSIN VETERANS HOME AT KING OR IN SOUTHEASTERN WISCONSIN HOMES.** All buildings, equipment and leasehold interests in lands described in s. ~~45.38~~ 45.03 (5).

SECTION 118. 70.11 (9) of the statutes is amended to read:

70.11 (9) **MEMORIALS.** All memorial halls and the real estate upon which the same are located, owned and occupied by any organization of United States war veterans organized pursuant to act of congress and domesticated in this state pursuant to the laws of this state, containing permanent memorial tablets with the names of

former residents of any given town, village, city or county who lost their lives in the military or naval service of the state or the United States in any war inscribed thereon, and all personal property owned by such organizations, and all buildings erected, purchased or maintained by any county, city, town or village as memorials under s. ~~45.05 or 45.055~~ 45.72. The renting of such halls or buildings for public purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof. Where such hall or building is used in part for exempt purposes and in part for pecuniary profit, it shall be assessed for taxation to the extent of such use for pecuniary profit as provided in s. 70.1105 (1).

SECTION 119. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for a student who is the claimant or who is the claimant's child and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code, to attend any university, college, technical college or a school approved under s. ~~45.54~~ 39.90, that is located in Wisconsin or to attend a public vocational school or public institution of higher education in Minnesota under the Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

SECTION 120. 86.03 (4) of the statutes is amended to read:

86.03 (4) **CUTTING OR INJURING TREES ON HIGHWAY.** No person shall cut down, break, girdle, bruise the bark, or in any other manner injure, or allow any animal under that person's control to injure, any public or private trees, shrubs, or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs, and hedges for the purpose of and conducing to the benefit and improvement of the owner's land or the highway facility, subject to sub. (7).

SECTION 121. 86.03 (6) of the statutes is amended to read:

86.03 (6) **FINES.** ~~Any~~ Except as provided in sub. (7), any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$25 for each tree or shrub damaged, felled or destroyed.

SECTION 122. 86.03 (7) of the statutes is created to read:

86.03 (7) No person may 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. 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 those trees.

SECTION 123. 120.13 (37) (a) 3. of the statutes is amended to read:

120.13 (37) (a) 3. Left high school before receiving a high school diploma to join the U.S. armed forces during a war period under s. 45.001-~~(5)~~ 45.01 (13).

SECTION 124. 125.14 (2) (e) of the statutes is amended to read:

125.14 (2) (e) *Disposal*. The department shall dispose of the alcohol beverages turned over to it by the court by either giving it to law enforcement agencies free of charge for use in criminal investigations, ~~giving it to state-operated veterans' hospitals in amounts needed for medicinal purposes,~~ selling it to the highest bidder if the bidder is a person holding a license or permit issued under this chapter, or destroying it, at the discretion of the department. If the department elects to sell the alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids from qualified bidders. Any items or groups of items in the inventory subject to a security interest, the existence of which was established in the proceedings for conviction as being bona fide and as having been created without the secured party having notice that the items were being used or were to be used in connection with the violation, shall be sold separately. The net proceeds from the sale, less all costs of seizure, storage, and sale, shall be turned over to the secretary of administration and credited to the common school fund.

SECTION 125. 125.26 (6) of the statutes is amended to read:

125.26 (6) Temporary Class "B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of ~~veterans'~~ veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. An official or body authorized by a municipal governing body to issue temporary Class "B" licenses may, upon issuance of any temporary Class "B" license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class "B" license for premises that are covered by a "Class B" permit issued under s. 125.51 (5) (b)

2. if the applicant meets the requirements of this subsection.

SECTION 126. 125.51 (10) of the statutes is amended to read:

125.51 (10) TEMPORARY LICENSES. Notwithstanding s. 125.68 (3), temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be \$10, except that no fee may be charged to a person who at the same time applies for a temporary Class "B" license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. Not more than 2 licenses may be issued under this subsection to any club, county or local fair association, agricultural association, church, lodge, society or ~~veterans'~~ veterans' post in any 12-month period.

SECTION 127. 132.16 (1) (a) of the statutes is amended to read:

132.16 (1) (a) "Organization" means any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association; historical, military, or ~~veterans'~~ veterans' organization; labor union; foundation; federation; or any other society, organization, or association, degree, branch, subordinate lodge, or auxiliary thereof, whether incorporated or unincorporated, the principles and activities of which are not repugnant to the constitution and laws of the United States or of this state.

SECTION 128. 139.31 (3) of the statutes is amended to read:

139.31 (3) Cigarettes sold to post exchanges of the armed forces of the United States and to federally ~~or state~~ operated veterans hospitals in this state and cigarettes sold to an interstate carrier of passengers for hire to be resold to bona fide passengers actually being transported and cigarettes sold for shipment outside this state in interstate commerce are not subject to the tax.

SECTION 129. 139.76 (2) of the statutes is amended to read:

139.76 (2) Tobacco products sold to or by post exchanges of the U.S. armed forces, to or by federally ~~or~~

~~state-operated~~ operated veterans hospitals in this state, and tobacco products sold to an interstate carrier of passengers for hire to be resold to bona fide passengers actually being transported and tobacco products sold for shipment outside this state in interstate commerce are not subject to the tax.

SECTION 130. 146.997 (1) (c) of the statutes is amended to read:

146.997 (1) (c) "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health complex or other place licensed or approved by the department of health and family services under s. 49.70, 49.71, 49.72, 50.03, 50.35, 51.08 or 51.09 or a facility under s. ~~45.365~~ 45.50, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

SECTION 131. 150.31 (5m) of the statutes is amended to read:

150.31 (5m) The department shall decrease the state-wide bed limit specified in sub. (1) to account for any reduction in the approved bed capacity of ~~the nursing home operated at the Wisconsin Veterans Home at King or at the nursing care a skilled nursing~~ facility operated by the department of veterans affairs under s. ~~45.385~~ 45.50 (1), as specified in s. ~~45.375 (2)~~ 45.50 (10).

SECTION 132. 150.46 (1) of the statutes is amended to read:

150.46 (1) This subchapter does not apply to ~~the Wisconsin Veterans Home at King or to the nursing care facility a Wisconsin veterans home~~ operated by the department of veterans affairs under s. ~~45.385~~ 45.50.

SECTION 133. 150.46 (3) of the statutes is repealed.

SECTION 134. 150.84 (2) of the statutes is amended to read:

150.84 (2) "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health center or other place licensed or approved by the department under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08 or 51.09 or a facility under s. ~~45.365~~ 45.50, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

SECTION 135. 150.93 (5) of the statutes is amended to read:

150.93 (5) This section does not apply to a hospital established ~~under s. 45.375 (1)~~ operated by the state department of veterans affairs under s. 45.50 (10).

SECTION 136. 150.95 (2) of the statutes is amended to read:

150.95 (2) This section does not apply to a hospital established ~~under s. 45.375 (1)~~ operated by the state department of veterans affairs under s. 45.50 (10).

SECTION 137. 155.01 (6) of the statutes is amended to read:

155.01 (6) "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health center or other place licensed or approved by the department under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08 or 51.09 or a facility under s. ~~45.365~~ 45.50, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

SECTION 138. 157.637 of the statutes is amended to read:

157.637 Veteran burials. A cemetery authority of a cemetery, other than a cemetery that is affiliated with a religious society organized under ch. 187, may not prohibit the burial, as defined in s. 157.061 (1), of the human remains of a person specified in s. ~~45.358 (3) (a) to (g)~~ 45.61 (2) at the cemetery if the cemetery authority is paid in its usual and customary manner for the burial.

SECTION 139. 182.028 of the statutes is amended to read:

182.028 School corporations. Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges, or universities, or for the cultivation and practice of music shall have power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer ~~such~~ the degrees and grant ~~such~~ the diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. ~~45.54 (10)~~ 39.90 (7) without complying with the requirements of s. ~~45.54~~ 39.90. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

SECTION 140. 186.113 (14) (a) of the statutes is amended to read:

186.113 (14) (a) Process applications, act as closing agent and service loans made under s. ~~45.79~~ 45.37, with the approval of the department of veterans affairs.

SECTION 141. 188.26 of the statutes is amended to read:

188.26 Veterans; corporations. Whenever any corporation is formed under ch. 180 or 181 or this chapter for the purpose of assisting any veteran, as defined in s. ~~45.37 (1a)~~ 45.01 (12), or a person under s. ~~45.51 (2) (a) 2.~~, or operating social clubs in which the name "veteran" appears, the department of financial institutions shall investigate the same to ascertain the character thereof, and whether or not the same has been procured by fraudulent representation or concealment of any material fact relating to such veteran's name, purpose, membership,

organization, management or control or other material fact. If the department of financial institutions so finds, such findings, misrepresentation or concealment shall be reported to the attorney general, and the attorney general shall bring an action to vacate or annul the corporate charter.

SECTION 142. 215.21 (2) of the statutes is amended to read:

215.21 (2) LENDING AREA. Except for loans made under s. ~~45.79~~ 45.37, the lending area of an association is limited to that area within a radius of 100 miles of the association's office.

SECTION 143. 224.71 (3) (b) 7. of the statutes is amended to read:

224.71 (3) (b) 7. The department of veterans affairs when administering the ~~veteran's~~ veterans housing loan program under subch. ~~II~~ III of ch. 45.

SECTION 144. 230.03 (14) (b) of the statutes is amended to read:

230.03 (14) (b) A person who served on active duty under honorable conditions in the U.S. armed forces in ~~Bosnia, Grenada, Lebanon, Panama, Somalia or a Middle East a crisis under s. 45.34~~ zone, as defined in s. 45.01 (11).

SECTION 145. 230.03 (14) (c) of the statutes is amended to read:

230.03 (14) (c) A person who served on active duty under honorable conditions in the U.S. armed forces for at least one day during a war period, as defined in s. ~~45.001 (5)~~ 45.01 (13) or under section 1 of executive order 10957 dated August 10, 1961.

SECTION 146. 230.04 (17) of the statutes is created to read:

230.04 (17) The director shall resolve any dispute raised by a complaint filed under s. 21.79 (1) (c).

SECTION 147. 230.08 (2) (xm) of the statutes is amended to read:

230.08 (2) (xm) The commandants of the Wisconsin Veterans Home at King and the Southern Wisconsin Veterans Retirement Center veterans homes in the department of veterans affairs.

SECTION 148. 230.315 (1) (c) of the statutes is amended to read:

230.315 (1) (c) The employee has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111, or under rules promulgated by the office of employment relations or is eligible for reemployment with the state under s. ~~45.50~~ 21.79 after completion of his or her service in the U.S. armed forces.

SECTION 149. 230.36 (1m) (b) 1. (intro.) of the statutes is amended to read:

230.36 (1m) (b) 1. (intro.) A forest ranger or field employee of the department of natural resources who is subject to call for forest fire control duty ~~or fire watcher employed at the Wisconsin Veterans Home at King or at~~

~~the facilities at a Wisconsin veterans home~~ operated by the department of veterans affairs under s. ~~45.385~~ 45.50, and lifeguard, at all times while:

SECTION 150. 234.03 (13m) of the statutes is amended to read:

234.03 (13m) To purchase and enter into commitments for the purchase of veterans housing loans made pursuant to s. ~~45.79~~ 45.37.

SECTION 151. 234.40 (1) of the statutes is amended to read:

234.40 (1) The authority shall issue its negotiable bonds in such principal amount and length of maturity as to provide sufficient funds for veterans housing loans to be made pursuant to s. ~~45.79~~ 45.37.

SECTION 152. 234.40 (3) of the statutes is amended to read:

234.40 (3) It is the intent of the legislature that the authority be used to finance the veterans housing program. Nothing in this chapter shall be construed to supersede the powers vested by subch. ~~II~~ III of ch. 45 in the department of veterans affairs for carrying out program responsibilities for which debt has been incurred by the authority.

SECTION 153. 234.41 (1) of the statutes is amended to read:

234.41 (1) There is established under the jurisdiction of the authority a veterans housing loan fund. All moneys resulting from the sale of bonds for the purpose of veterans housing pursuant to s. ~~45.79~~ 45.37, unless credited to the veterans capital reserve fund, shall be credited to the fund.

SECTION 154. 234.41 (2) of the statutes is amended to read:

234.41 (2) The authority shall use moneys in the fund for the purpose of purchasing loans representing veterans housing loans pursuant to s. ~~45.79~~ 45.37. All disbursements of funds under this section for purchasing mortgage loans shall be made payable to authorized lenders as defined in s. ~~45.71 (2)~~ 45.31 (3) and eligible persons as defined in s. ~~45.71 (6)~~ 45.31 (5).

SECTION 155. 234.60 (3) (a) of the statutes is amended to read:

234.60 (3) (a) The authority may not have outstanding at any time in aggregate principal amount of bonds or notes issued under this section before January 1, 1983 more than \$150,000,000 less not more than \$50,000,000 in aggregate principal amount of revenue obligations issued subject to s. ~~45.79 (6) (e)~~ 45.37 (6) (c) on or after May 8, 1982 and before November 1, 1982.

SECTION 156. 234.60 (3) (b) of the statutes is amended to read:

234.60 (3) (b) The authority may not have outstanding at any time in aggregate principal amount of bonds or notes issued under this section from January 1, 1983, to December 31, 1983, more than \$185,000,000 less not more than \$50,000,000 in aggregate principal amount of

revenue obligations issued subject to s. 45.79 (6) (e) 45.37 (6) (c) from January 1, 1983, to October 31, 1983.

SECTION 157. 252.14 (1) (d) of the statutes is amended to read:

252.14 (1) (d) “Inpatient health care facility” means a hospital, nursing home, community-based residential facility, county home, county mental health complex or other place licensed or approved by the department under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08 or 51.09 or a facility under s. 45.365 45.50, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42 or 252.10.

SECTION 158. 341.14 (6) (a) of the statutes is amended to read:

341.14 (6) (a) Upon application to register an automobile or a motor truck or dual purpose farm truck that has a gross weight of not more than 8,000 pounds by any person who was a member of any of the U.S. armed services and who was held as a prisoner of war during any of the conflicts described in s. 45.001 (5) a war period, as defined in s. 45.01 (13), or while in service in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East a crisis under s. 45.34 zone, as defined in s. 45.01 (11), and upon submission of a statement from the U.S. department of veterans affairs certifying that the person was a prisoner of war during one of the conflicts described in s. 45.001 (5) a war period, as defined in s. 45.01 (13), or while in service in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East a crisis under s. 45.34 zone, as defined in s. 45.01 (11), the department shall issue to the person a special plate that is colored red, white, and blue and that has the words “ex-prisoner of war” placed on the plate in the manner designated by the department.

SECTION 159. 341.26 (2) (g) of the statutes is amended to read:

341.26 (2) (g) A motor vehicle operated exclusively by a nationally chartered war veterans’ veterans organization and used only for the purpose of advertising the organization.

SECTION 160. 421.203 (1) of the statutes is amended to read:

421.203 (1) Consumer credit transactions, not governed by ch. 428, which are made, insured or guaranteed by the federal government or any agency thereof, or by any federal instrumentality chartered under the federal farm credit act of 1971 (P.L. 92-181; 85 stats. 583; 12 USC 2001 et seq.), or by the department of veteran’s veterans affairs shall be subject to only those provisions set forth in sub. (2).

SECTION 161. 421.301 (6) of the statutes is amended to read:

421.301 (6) “Business day” means any calendar day except Saturday and Sunday, and except the following business holidays: New Year’s Day, Martin Luther King Jr.’s Birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Veterans Day, Thanksgiving and Christmas.

SECTION 162. 460.05 (1) (e) 1. of the statutes is amended to read:

460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork approved by the educational approval board under s. 45.54 39.90 or completed training program approved by the department under the rules promulgated under s. 460.04 (2) (b).

SECTION 163. 563.11 (1) (intro.) of the statutes is amended to read:

563.11 (1) (intro.) Any bona fide religious, charitable, service, fraternal or veterans’ veterans organization or any organization, other than the state or any political subdivision of the state, to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, may apply to the department for a license to conduct bingo. In this subsection, “service organization” includes all of the following:

SECTION 164. 565.10 (14) (a) (intro.) of the statutes is amended to read:

565.10 (14) (a) (intro.) In this subsection, “nonprofit organization” means a religious, charitable, service, fraternal or veterans’ veterans organization or any organization, other than the state or a political subdivision of the state, to which contributions are deductible for federal income tax purposes or state income or franchise tax purposes, which meets all of the following criteria:

SECTION 165. 610.70 (1) (e) of the statutes is amended to read:

610.70 (1) (e) “Medical care institution” means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community-based residential facility, county home, county infirmary, county hospital, county mental health center, adult family home, assisted living facility, rural medical center, hospice or other place licensed, certified or approved by the department of health and family services under s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.032, 50.033, 50.034, 50.35, 50.52, 50.90, 51.04, 51.08, or 51.09 or a facility under s. 45.365 45.50, 51.05, 51.06, or 252.10 or under ch. 233, or licensed or certified by a county department under s. 50.032 or 50.033.

SECTION 166. 812.30 (9) of the statutes is amended to read:

812.30 (9) “Need-based public assistance” means aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security income, food stamps, or benefits received by veterans under s. 45.351 (4) 45.40 (1) or under 38 USC 501 to 562.

SECTION 167. 814.29 (1) (d) 1. of the statutes is amended to read:

814.29 (1) (d) 1. That the person is a recipient of means-tested public assistance, including aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53 (21), medical assistance, supplemental security

income, food stamps or benefits received by veterans under s. ~~45.351(4)~~ 45.40(1) or under 38 USC 501 to 562.

SECTION 168. 815.18 (13) (k) of the statutes is amended to read:

815.18 (13) (k) Veterans benefits exempt under s. ~~45.35(8)(b)~~ 45.03(8)(b).

SECTION 169. 851.09 of the statutes is amended to read:

851.09 Heir. "Heir" means any person, including the surviving spouse, who is entitled under the statutes of intestate succession to an interest in property of a decedent. The state is an heir of the decedent and a person interested under s. ~~45.37(10) and (11)~~ 45.51(10) and (11) when the decedent was a member of ~~the Wisconsin Veterans Home at King or at the facilities a Wisconsin veterans home~~ operated by the department of veterans affairs under s. ~~45.385~~ 45.50 at the time of the decedent's death.

SECTION 170. Subchapter II (title) of chapter 880 [precedes 880.60] of the statutes is amended to read:

CHAPTER 880

SUBCHAPTER II

UNIFORM VETERANS' VETERANS GUARDIANSHIP ACT

SECTION 171. 880.60 (title) of the statutes is amended to read:

880.60 (title) United States uniform veterans' veterans guardianship act.

SECTION 172. 880.60 (1) (a) of the statutes is amended to read:

880.60 (1) (a) "Administrator" means the ~~administrator of veterans'~~ secretary of the U.S. department of veterans affairs of the United States or the administrator's his or her successor.

SECTION 173. 880.60 (5) (b) of the statutes is amended to read:

880.60 (5) (b) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the ~~veterans' administration~~ U.S. department of veterans affairs and shall set forth the amount of moneys then due and the amount of probable future payments.

SECTION 174. 880.60 (19) of the statutes is amended to read:

880.60 (19) SHORT TITLE. This section may be cited as the "~~Uniform Veterans'~~ Veterans Guardianship Act."

SECTION 175. 944.21 (8) (b) 3. a. of the statutes is amended to read:

944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. ~~45.54 39.90~~ or is a school described in s. ~~45.54 39.90~~ (1) (e) 6., 7. or 8.; and

SECTION 176. 948.11 (4) (b) 3. a. of the statutes is amended to read:

948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational approval board under s. ~~45.54 39.90~~ or is a school described in s. ~~45.54 39.90~~ (1) (e) 6., 7. or 8.; and