

1 (c) *Service in Panama.* A person shall be considered to have served in Panama
2 if the person was on active duty in the U.S. armed forces in Panama or its territorial
3 waters under honorable conditions between December 20, 1989, and January 31,
4 1990.

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

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

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

18 2. Under honorable conditions.

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

21 (12) “Veteran” means any of the following:

22 (a) A person who has served on active duty for at least one qualifying term of
23 service under pars. (b) to (d) under honorable conditions in, or has been terminated
24 by an honorable discharge from, the U.S. armed forces or in forces incorporated as
25 part of the U.S. armed forces during a war period or in a crisis zone.

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

5 (c) A person whose term of service in the U.S. armed forces or in forces
6 incorporated as part of the U.S. armed forces under honorable conditions entitled
7 him or her to receive the armed forces expeditionary medal, established by executive
8 order 10977 on December 4, 1961, the Vietnam service medal established by
9 executive order 11231 on July 8, 1965, the navy expeditionary medal, or the marine
10 corps expeditionary medal.

11 (d) A person who has served on active duty in the U.S. armed forces or in forces
12 incorporated as part of the U.S. armed forces under honorable conditions, for 2
13 continuous years or more or for the full period of his or her initial service obligation,
14 whichever is less.

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

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

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

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

① ~~(k)~~ ⁽ⁱ⁾ Afghanistan War: ~~Between~~ September 11, 2001, and the ending date of
2 Operation Enduring Freedom or an operation that is a successor to Operation
3 Enduring Freedom, as established by the department by rule.

④ ~~(k)~~ ⁽ⁿ⁾ Iraq War: ~~Between~~ March 19, 2003, and the ending ^{date} of Operation Iraqi
5 Freedom or an operation that is a successor to Operation Iraqi Freedom, as
6 established by the department by rule.

7 ~~(n)~~ ^(k) Any period after the period specified in par. (j) ^{date} that results in ^{age} the person
8 receiving an expeditionary medal, and that the department determines and
9 designates by rule, after reviewing the criteria used to establish the war periods

10 under par. ^s (a) to ~~(j)~~ ⁽ⁿ⁾ and after consultation with the U.S. department of veterans

11 affairs, to be a period when the United States is in a conflict that places ^{persons} veterans at
12 such a risk that the period should be designated as a war period for purposes of this

13 chapter.

14 **45.02 Eligibility for benefits.** (1) Any person whose service on active duty
15 with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces
16 makes that person eligible for general U.S. department of veterans affairs benefits
17 shall be considered to have served under honorable conditions for purposes of this
18 chapter.

19 (2) Except as provided in sub. (3), ^{date} to be eligible for benefits under this chapter
20 an applicant shall be a resident of and living in this state at the time of making
21 application or the veteran from whom the applicant derives eligibility is deceased,
22 and the veteran from whom eligibility is derived meets one of the following
23 conditions:

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

4 (b) ^{The veteran} Was a resident of this state at the time of entry or reentry into active duty.

5 (c) Was a resident of this state for any consecutive 12-month period after entry
6 or reentry into service and before the date of his or her application or death.

7 (3) Veterans who are otherwise eligible and who are serving on active duty in
8 the U.S. armed forces need not be living in this state on the date of application to
9 qualify for benefits from the department.

10 (4) If the department determines that a person applying for a benefit under this
11 chapter meets the residency requirement under sub. (2) (c), the department may not
12 require the person to reestablish that he or she meets that residency requirement
13 when he or she later applies for any other benefit under this chapter that requires
14 that residency.

15 **45.03 Department of veterans affairs.** (1) POLICY. It is the policy of the
16 state to give health, educational, and economic assistance to veterans and their
17 dependents who are residents of this state to the extent and under the conditions
18 determined by the board within the limitations set forth in this section.

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

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

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

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

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

17 (c) The department shall employ regional coordinators. The duties of a regional
18 coordinator shall include providing direct claims and benefit application assistance
19 to veterans. The regional coordinators shall coordinate claims and benefit
20 application assistance with the appropriate county veterans service officers under
21 s. ~~45.80~~ to maximize the level of assistance and benefits provided to veterans.

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

1 (e) The department shall employ mobile claims officers in each of the
2 department's regions. The mobile claims officers shall provide claim^s and benefit
3 assistance to veterans. The mobile claims officers shall coordinate that claim^s and
4 benefit assistance with the appropriate county veterans service officers ~~under s.~~
5 ~~45.80~~ to maximize the level of assistance and benefits provided to veterans.

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

8 1. "Existing building" in relation to any conveyance, lease, or sublease made
9 under par. (c) 1. means all detention, treatment, administrative, recreational,
10 infirmary, hospital, vocational, and academic buildings; all dormitories and cottages;
11 all storage facilities, heating plants, sewage disposal plants, and other buildings,
12 structures, facilities, and permanent improvements that in the judgment of the
13 board are needed or useful for the purposes of the department, and all equipment for
14 them and all improvements and additions to them that were erected, constructed, or
15 installed prior to the making of the conveyance, lease or sublease.

16 2. "New building" in relation to any conveyance, lease or sublease made under
17 par. (c) 1. means all detention, treatment, administrative, recreational, infirmary,
18 hospital, vocational, and academic buildings; all dormitories and cottages; all
19 storage facilities, heating plants, sewage disposal plants, and other buildings,
20 structures, facilities, and permanent improvements as in the judgment of the board
21 are needed or useful for the purposes of the department, and all equipment for them
22 and all improvements and additions to them that are erected, constructed, or
23 installed after the making of the conveyance, lease or sublease.

24 3. "Nonprofit corporation" means a nonstock corporation that is organized
25 under ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

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

4 (c) 1. ^gIn order to provide new buildings and to enable the construction and
5 financing of new buildings, to refinance indebtedness created by a nonprofit
6 corporation for the purpose of providing a new building or buildings or additions or
7 improvements to a new building that is located on land owned by, or owned by the
8 state and held for, the department or on lands of the institutions under the
9 jurisdiction of the department or by the nonprofit corporation, or for any one or more
10 of these purposes, the department has the following powers and duties:

11 a. Without limitation by reason of any other provisions of the statutes, unless
12 otherwise required by law, the power to sell and to convey title in fee simple to a
13 nonprofit corporation any land and any existing buildings owned by the state that
14 are under the jurisdiction of the department for the consideration and upon the
15 terms and conditions as in the judgment of the board are in the public interest.

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

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

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

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

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

14 g. The power to apply all or any part of the revenues derived from the operation
15 of any land or existing buildings to the payment of rentals due and to become due
16 under any lease or sublease made under subd. 1.c.

17 h. The power to pledge and assign all or any part of the revenues derived from
18 the operation of any land or existing buildings to the payment of rentals due and to
19 become due under any lease or sublease made under subd. 1.c.

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

1 j. The power and duty, upon receipt of notice of any assignment by any ^{the}
2 nonprofit corporation of any lease or sublease made under subd. 1. c., or of any of its
3 rights under any ^{the} sublease, to recognize and give effect to the assignment, and to
4 pay to the assignee rentals or other payments then due or ^{that} ~~which~~ may become due
5 under any ^{the} lease or sublease ^{that} ~~which~~ has been assigned by the nonprofit
6 corporation.

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

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

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

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

23 (6) COORDINATION DUTIES. The department shall coordinate the activities of all
24 state agencies and the University of Wisconsin Hospitals and Clinics Authority
25 performing functions relating to the medical, hospital, or other remedial care;

1 placement and training; and educational, economic, or vocational rehabilitation of
2 veterans. In particular, the department shall coordinate the activities of the
3 technical college system board, state selective service administration, department
4 of health and family services, department of workforce development, department of
5 public instruction, the University of Wisconsin System and other educational
6 institutions, the University of Wisconsin Hospitals and Clinics Authority, and all
7 other departments or agencies performing any of the functions specified, to the end
8 that the benefits provided in this section may be made available to veterans as
9 promptly and effectively as possible.

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

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

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

22 (9) VOCATIONAL TRAINING. The department in cooperation with the department
23 of workforce development shall make available to disabled veterans the benefits of
24 vocational training and guidance, including those veterans who have filed claims for
25 federal rehabilitation benefits and during the pendency of the claims. If the claims

1 are allowed and federal reimbursement is made to the state, the money shall be paid
2 into the veterans trust fund.

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

7 (11) APPROVAL AGENCY FOR VETERANS TRAINING. (a) Except as provided in par.
8 (b), the department shall be the state approval agency for the education and training
9 of veterans and other eligible persons. The department shall approve and supervise
10 schools and courses of instruction for the training of veterans and eligible persons
11 under 38 USC 3670, and may enter into and receive money under contracts with the
12 U.S. department of veterans affairs or other appropriate federal agencies.

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

- 15 1. On ^{the} ^{job} and apprenticeship training program, the department of
16 workforce development.
- 17 2. On ^{the} ^{farm} training program, the technical college system board.
- 18 3. Funeral directors apprentices, the funeral directors examining board.

***NOTE: Do these programs exist?

19 (12) GIFTS AND BEQUESTS. (a) The department may receive gifts and bequests
20 in its name for the benefit of Wisconsin veterans and their dependents in accordance
21 with policies adopted by the board. Money ^s received shall ^{state} be deposited in the state
22 treasury and credited to the veterans trust fund.

23 (b) The department may receive moneys or other gifts and bequests in its name
24 for the benefit of the Wisconsin Veterans Museum. Money ^s received shall be deposited

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in the state treasury and 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.

^{(C) Additional}
~~(13) POWERS, DUTIES, FUNCTIONS.~~ The department shall ~~have the following~~ additional powers, duties, and functions: *do all of the following*

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

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

(c) To 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) To 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) To 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

1 this chapter, showing that the ability of the veteran to make payment is materially
2 and adversely affected by reason of military service, the department may, with the
3 approval of the board, defer payment of monthly installments and waive interest
4 charges on veterans loans made under this chapter for the duration of any period of
5 service in the armed forces of the United States during a national emergency or in
6 time of war or under P.L. 87-117 and 6 months from date of discharge or separation
7 and the time for payment may be extended for the same period. However, when funds
8 estimated to be received in the veterans mortgage loan repayment fund to pay debt
9 service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the
10 funds estimated to be required for the payment of the debt service, the board may
11 grant deferral of payments and interest on loans provided under s. 45.37 only when
12 so required by federal law.

13 (16) APPLICATION REQUIREMENTS AND PENALTIES. (a) If the department finds that
14 an applicant for benefits from the department has willfully made or caused to be
15 made, or conspired, assisted in, agreed to, arranged for, or in any way procured the
16 making of a false or fraudulent affidavit, declaration, certificate, statement, or other
17 writing, it may suspend all benefits available to the applicant from the department
18 under this chapter.

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

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

5 2. The department shall declare immediately due and payable any loan made
6 after July 29, 1979 under a program administered by the department under s. 45.40[✓]
7 or subch. III, if it finds that the loan was granted to an ineligible person due to any
8 of the following circumstances:

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

11 b. The applicant did not make the disclosures required under subd. 3. a., b., or
12 c. on the loan application.

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

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

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

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

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

6 d. Contain notification of the penalties provided for in this subsection.

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

10 (17) LOAN REPAYMENTS. The department shall deposit all repayments of loans
11 and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.356,
12 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

13 (18) COLLECTIONS. The department may enter into contracts to collect
14 delinquent loan payments owed to the department. The department may allocate a
15 portion of the amounts collected under the contracts to pay contract costs.
16 Notwithstanding the provisions of s. 45.04, the department may release information
17 contained in its files pertaining to applications for benefits to contractors providing
18 collection services to the department.

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

21 **45.04 Release of information and records.** (1) DEFINITIONS. In this section:

22 (a) "Duly authorized representative" means any person authorized in writing
23 by the veteran to act for the veteran, the veteran's guardian if the veteran is
24 adjudicated incompetent, or a legal representative if the veteran is deceased. Where
25 for proper reason no representative has been or will be appointed, the veteran's

1 spouse, an adult child, or, if the veteran is unmarried, either parent of the veteran
2 shall be recognized as the duly authorized representative.

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

4 (2) SEPARATION DOCUMENTS. Separation documents and copies of separation
5 documents evidencing service in the armed forces of the U.S. are confidential and
6 privileged. Examination of these records in the possession of the department or
7 service office is limited to authorized employees of the department or service office
8 and information entered in these records may be disclosed only to veterans and their
9 duly authorized representatives or to interested governmental agencies for the
10 purpose of assisting veterans and their dependents to obtain the rights and benefits
11 to which they may be entitled.

12 (3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS. Records and papers in the
13 possession of the department or service office that are released to the department or
14 service office by the U.S. department of veterans affairs or that contain information
15 provided by the U.S. department of veterans affairs are confidential. Release of
16 information from these records or papers may be made only under regulations of the
17 U.S. department of veterans affairs.

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

1 (5) VITAL RECORDS. The service office may obtain a copy of a vital record under
2 s. 69.30 (2) and may transmit the copy to the department or to the U.S. department
3 of veterans affairs to assist a veteran or his or her dependent in obtaining a benefit.

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

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

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

1 benefits, whether pending or adjudicated, only when authorized in writing by the
2 applicants or when necessary to assist applicants in securing veterans benefits that
3 the applicants may be entitled to or when necessary for the efficient management of
4 loans made by the department.

5 **45.05 Registration of certificate of discharge.** Every person who has
6 served in the U.S. armed forces at any time, and who has been honorably discharged
7 or given a certificate of service or relieved from active service may record with the
8 register of deeds of any county, in a suitable book provided by the county for that
9 purpose, a certificate of discharge or release. The certificate shall be accessible only
10 to the discharged person or that person's dependents or duly authorized
11 representative, as defined in s. 45.04 (1) (a), the county veterans service officer, the
12 department, or any person with written authorization from the discharged person
13 or that discharged person's dependents. The register of deeds may not charge for
14 recording, except that in counties where the register of deeds is under the fee system
15 and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag).
16 The record of any certificate of discharge or release made prior to July 6, 1919, is
17 legalized.

18 **45.06 Security.** (1) It shall be unlawful for any person to receive or accept as
19 a security or to withhold from a veteran or a person who was honorably discharged
20 from the U.S. armed forces any discharge paper, citation, warrant, medal, badge, or
21 evidence upon which the veteran is entitled to certain rights, as a veteran under the
22 laws of the United States or of this state, and any transfer of the item during the life
23 of the veteran upon a consideration or otherwise shall be null and void, and the
24 refusal or willful neglect of any person to return or deliver upon demand the

1 discharge paper, citation, warrant, medal, badge, or evidence is punishable as
2 provided in sub. (2).[√]

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

5 **45.07 Wisconsin Veterans Museum.** (1) The department of administration
6 shall provide suitable space for the purpose of a memorial hall, designated as the
7 Wisconsin Veterans Museum, dedicated to the veterans of Wisconsin and to the men
8 and women of Wisconsin who served in the armed forces of the United States in the
9 civil war of 1861 to 1865. The department of veterans affairs shall operate the
10 Wisconsin Veterans Museum. The mission of the Wisconsin Veterans Museum is to
11 acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United
12 States of America's military past by means of instructive exhibits and other
13 educational programs.

14 (2) The battle flags of Wisconsin units serving in the nation's wars and all relics
15 and mementos of the nation's wars donated to or otherwise acquired by the state for
16 display in the Wisconsin Veterans Museum shall constitute the memorial collection.
17 The department shall do all of the following:

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

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

21 (c) Procure additions to the memorial collection.

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

24 **45.08 Memorial day.** (1) Every department and agency of the state
25 government, every court of the state, and every political subdivision of the state,

1 shall give a leave of absence with pay for the last Monday in May of each year, the
2 day of celebration for May 30, Memorial day, to every person in the employ of the state
3 or political subdivision who has at any time served in and been honorably discharged
4 from the U.S. armed forces or from forces incorporated as part of the U.S. armed
5 forces. A refusal to give the leave of absence to a person entitled to the leave
6 constitutes neglect of duty.

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

12 SUBCHAPTER II

13 EDUCATION AND TRAINING

14 45.20 Veterans education programs. (1) GENERAL PROVISIONS. (a)

15 *Definitions.* In this section:

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

17 *Insert 64-16-2. Full-time classroom study means*
30 ~~2.~~ "Part-time classroom study" means any of the following:

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

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

1 c. Enrollment by any other eligible student in courses for which no more than
2 11 semester or the equivalent trimester or quarter credits will be given upon
3 satisfactory completion.

4 d. Study during a summer semester or session.

5 3. “Tuition” means any of the following:

6 a. For the University of Wisconsin System, academic fees, as described in s.
7 36.27 (1), and segregated fees.

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

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

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

16 (b) *Income limit.* 1. No veteran may receive reimbursement under this section
17 if the department determines that the income of the veteran and his or her spouse
18 exceeds \$50,000 plus \$1,000 for each additional dependent in excess of 2 dependents.

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

21 (c) *Reimbursement limit.* The amount of the reimbursement under sub. (2) ✓
22 (3) ✓ may not exceed the total cost of the veteran’s tuition or the standard cost for a state
23 resident for tuition for an equivalent undergraduate course at the University of
24 Wisconsin–Madison per course, whichever is less, minus any grants or scholarships
25 that the veteran receives specifically for the payment of tuition.

1 (d) *Child support or maintenance delinquency.* The department may provide
2 reimbursement under sub. (2) or (3) to a veteran who is delinquent in child support
3 or maintenance payments or who owes past support, medical expenses, or birth
4 expenses, as established by appearance of the veteran's name on the statewide
5 support lien docket under s. 49.854 (2) (b), only if the veteran provides the
6 department with one of the following:

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

11 2. A statement that the veteran is not delinquent in child support or
12 maintenance payments and does not owe past support, medical expenses, or birth
13 expenses, signed by the department of workforce development or its designee within
14 7 working days before the date of the application.

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

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

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

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

24 (b) *Program benefits.* 1. A veteran who meets the requirements under par. (a),
25 upon satisfactory completion of a full-time undergraduate semester in any

1 institution of higher education in this state, any school that is approved under s.
 2 45.03 (11), any proprietary school that is approved under s. 39.90, or any institution
 3 from which the veteran receives a waiver of nonresident tuition under s. 39.47, may
 4 be reimbursed an amount not to exceed the total cost of the veteran's tuition minus
 5 any grants or scholarships that the veteran receives specifically for the payment of
 6 the tuition. Reimbursement is available only for tuition that is part of a curriculum
 7 that is relevant to a degree in a particular course of study at the institution.

8 2. ~~An~~ ^{The} application for reimbursement of tuition under this subsection shall meet
 9 all of the following conditions:

10 a. ~~Be completed and received~~ ^{The application must} by the department no later than 60 days after the
 11 completion of the semester. The department may accept an application received
 12 more than 60 days after the completion of the semester if the applicant shows good
 13 cause for the delayed receipt.

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

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

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

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

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

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

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

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

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

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

21 1. A veteran.

22 2. An unremarried surviving spouse or minor or dependent child of a deceased
23 veteran.

24 (b) *Program benefits.* 1. A person, upon the completion of any correspondence
25 course or part-time classroom study from an institution of higher education located

1 in this state, from a school that is approved under s. 45.03 (11), from a proprietary
2 school that is approved under s. 39.90, or from any public or private high school, may
3 be reimbursed in part for the cost of the course by the department. The person shall
4 present to the department a certificate from the school indicating that the person has
5 completed the course and stating tuition and shall apply for reimbursement on an
6 application that is received by the department no later than 60 days after the
7 termination of the course for which the application for reimbursement is made. The
8 department shall accept and process an application received more than 60 days after
9 the termination of the course if the applicant shows good cause for the delayed
10 receipt.

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

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

20 b. The correspondence course is not offered by an institution in this state.

21 3. Enrolled part-time classroom study or direct correspondence courses from
22 a qualified educational institution may be authorized and the person reimbursed in
23 part by the department when the courses are related to one's occupational,
24 professional, or employment objectives, and to the extent that payment or
25 reimbursement is not available from any other sources, or, in cases where

1 reimbursement is not specifically for tuition, to the extent that the reimbursement
2 is insufficient to cover all educational costs.

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

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

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

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

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

17 **45.21 Retraining assistance program.** (1) AMOUNT AND APPLICATION. The
18 department may pay a veteran not more than \$3,000 for retraining to enable the
19 veteran to obtain gainful employment. The department shall determine the amount
20 of the payment based on the veteran's financial need. A veteran may apply for aid
21 to the county veterans service officer of the county in which the veteran is living. The
22 department may, on behalf of a veteran who is engaged in a structured on-the-job
23 training program and who meets the requirements under sub. (2), make a payment
24 under this subsection to the veteran's employer.

1 (2) ELIGIBILITY. The department may provide aid under this section if all of the
2 following apply:

3 (a) The veteran is enrolled in a training course in a technical college under ch.
4 38[✓] or in a proprietary school in the state approved by the educational approval board
5 under s. 39.90[✓], other than a proprietary school offering a 4-year degree or 4-year
6 program, or is engaged in a structured on-the-job training program that meets
7 program requirements promulgated by the department by rule.

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

9 (3) (c).[✓]

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

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

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

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

22 (a) Standard budgets for single and married veterans.

23 (b) Selection procedures.

24 (c) Uniform need determination procedures.

25 (d) Application procedures.

1 (e) Coordination with other occupational training programs.

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

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

10 SUBCHAPTER III

11 VETERANS HOUSING LOAN PROGRAM

12 **45.30 Purpose.** (1) LEGISLATIVE FINDINGS. It is determined that veterans, who
13 have sacrificed in the service of their country valuable years of their lives and
14 considerable earning potential, constitute a readily identifiable and particularly
15 deserving segment of this state's population. It is further determined that by making
16 additional housing funds available to eligible veterans, limited private home loan
17 funds will be more readily available to all. It is further determined that the loan
18 programs established under this subchapter are special purpose credit programs for
19 an economically disadvantaged class of persons for the purposes of 15 USC
20 1691-1691f.

21 (2) LEGISLATIVE INTENT. This subchapter is created principally to enable the
22 state and the authority to exercise their borrowing power to increase those funds
23 available for loans providing for the purchase or construction of private housing,
24 without requiring down payments beyond the reach of families of modest means. It
25 is the intent of the legislature that the department in its administration of this

1 subchapter avoid the duplication of those administrative services available through
2 private lending institutions, utilizing the administrative services of such
3 institutions to the maximum extent consistent with the purposes of this subchapter.

4 **45.31 Definitions.** In this subchapter:

5 (1) "Anticipated annual shelter payment" means the total annual payments
6 anticipated for the following, as determined by the department or authorized lender
7 on the basis of the loan applied for under s. 45.37:

8 (a) Real estate taxes on the premises to be mortgaged.

9 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

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

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

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

16 (4) "Closing costs" include:

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

18 (b) Attorneys fees.

19 (c) Recording fees.

20 (d) Other costs authorized by the department.

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

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

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

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

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

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

12 (11) "Insurer" means any insurer authorized to do business in this state.

13 (12) "Manufactured home" means a structure, as defined by the Federal Home
14 Loan Mortgage Corporation, which meets or exceeds the statutory size under s.
15 348.07 (2). ✓

16 (13) "Monthly payment" means all of the following:

17 (a) Required payments on principal and interest.

18 (b) Insurance premiums for coverage required under s. 45.37 (3) (b). ✓

19 (c) One-twelfth of annual real estate taxes on the mortgaged property.

20 (14) "Qualified purpose" means any purpose authorized under s. 45.34 (1). ✓

21 **45.32 Powers of the department.** With respect to loans made by and
22 mortgages and mortgage notes executed or properties mortgaged to the department
23 or to authorized lenders under this subchapter, the department may do any of the
24 following:

25 (1) Execute necessary instruments.

1 (2) Collect interest and principal.

2 (3) Compromise indebtedness due on mortgage notes.

3 (4) Sue and be sued.

4 (5) Exercise the rights of a mortgagee, generally including the right to do any
5 of the following:

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

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

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

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

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

21 (6) In contracts entered into under s. 45.37 (5) (a) 1., empower authorized
22 lenders to exercise any of the powers vested in the department under this subchapter.

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

24 (8) Grant easements in any real property ~~acquired by~~ the department ^{acquires}

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

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

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

8 **45.33 Eligibility and disqualifying factors.** (1) ELIGIBLE PERSONS. Subject
9 to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

10 (a) A veteran.

11 (b) A person who served on active duty for more than 6 months during the period
12 between February 1, 1955 and August 4, 1964 and was honorably discharged.

13 (c) The unremarried surviving spouse or dependent child, as defined in s. 45.01

14 (5) (a) 2., of a deceased veteran or of a deceased person described in par. (b).

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

18 1. The person will be incurring an excessive indebtedness in view of the person's
19 income.

20 2. The person has a previous loan outstanding under this subchapter, unless
21 any of the following apply:

22 a. The previous loan has been assumed by an eligible person with the
23 department's approval upon the sale of the residence securing the previous loan.

24 b. The person is applying for a loan under s. 45.37 for a purpose under s. 45.34

25 (1) (c) and the previous loan was made under s. 45.37.

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

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

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

12 b. A statement that the person is not delinquent in child support or
13 maintenance payments and does not owe past support, medical expenses or birth
14 expenses, signed by the department of workforce development or its designee within
15 7 working days before the date of the application.

16 2. The amount of the loan exceeds 2.5 times the median price of a home in this
17 state. The department shall establish the median price of a home in this state for
18 each fiscal year by using the most recent housing price index generated by the
19 Wisconsin Realtors Association before July 1.

20 **45.34 Uses for loan proceeds.** (1) MORTGAGE LOAN PROGRAM. An authorized
21 lender may, with the approval of the department, make loans under s. 45.37 for any
22 of the following purposes:

23 (a) The purchase of one of the following:

24 1. A manufactured home or real property on which a manufactured home is to
25 be situated, but only if the eligible person has available and applies on the total cost

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1 of the property, an amount equivalent to at least 15% of the total cost. This 15%
 2 requirement does not apply to a disabled veteran.

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

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

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

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

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

21 (2) CONDITIONS. (a) No loan may be made under this subchapter if the
 22 department or authorized lender determines that the total cost of the property
 23 exceeds its market value unless the amount by which the cost of the property exceeds
 24 its market value is paid by the borrower in addition to the ^{contribution} down payments required

1 by s. 45.35. This paragraph does not apply to a permanently and totally disabled
2 veteran.

3 (b) The department or authorized lender may require any person applying for
4 a loan under this subchapter to certify that:

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

8 2. Unless other ^{acceleration} ~~prepayment~~ provisions are permitted under s. 45.36 (2), the
9 loan made under this subchapter will be repaid in full upon sale of the residence or
10 any of the person's interest in it. A divorce judgment divesting the person's interest
11 in the residence or a quit claim deed executed under the judgment does not constitute
12 a sale.

13 **45.35 Contribution.** No loan may be made under this subchapter unless, in
14 addition to the closing costs that the person may be required to pay, the person has
15 available, and applies on the total cost of the property for which the loan is made, an
16 amount equivalent to at least 5% of the total cost. The amount may consist of money
17 or other assets, including equity in real property. This section does not apply to a
18 permanently and totally disabled veteran.

19 **45.36 Manner of repayment.** (1) MONTHLY PAYMENTS; RIGHT TO PREPAY. Each
20 loan made under this subchapter shall be repaid in monthly installments with the
21 option to pay additional sums. Any additional payments must be paid on the regular
22 installment payment date.

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

1 (a) The sale is to another eligible person.

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

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

6 **45.37 Mortgage loan program.** (1) LOANS AUTHORIZED. An authorized lender
7 or a county veterans service officer may, as agent for and with the approval of the
8 department, make loans to eligible persons for qualified purposes in the manner
9 provided under this section.

10 (2) LOAN APPLICATIONS. (a) Applications for loans under this section[✓] for a
11 purpose specified in s. 45.34 (1) (a), (b), or (d)[✓] shall be made to an authorized lender
12 and applications for loans under this section for a purpose specified under s. 45.34
13 (1) (c)[✓] may be made to the department or to a county veterans service officer on forms
14 approved by the department and signed by the applicant. If the applicant is married
15 and not legally separated under s. 767.02 (1) (d)[✓] or in the process of obtaining a
16 divorce, the applicant's spouse also shall sign the application.

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

19 (3) LOANS TO BE SECURED. (a) Each loan made under this section[✓], except a loan
20 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c)[✓], shall be evidenced by
21 a promissory installment note and secured by a mortgage on the real estate in respect
22 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified
23 under s. 45.34 (1) (c)[✓] shall be evidenced by a promissory installment note and shall
24 be secured by a guarantor or by a mortgage on the real estate in respect to which the
25 loan is granted. Any loan having as its source funds provided ^{under} ~~through~~ sub. (6) (a)[✓] and

1 secured by a mortgage shall have the mortgage name the department as mortgagee
2 and payee. Any loan having as its source funds provided ^{under} through sub. (6) (b) and
3 secured by a mortgage shall have the mortgage name the authorized lender involved
4 as mortgagee and payee, and such mortgage and note shall be assigned by the
5 authorized lender to the authority immediately upon execution. A mortgage
6 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have
7 priority over all liens against the mortgaged premises and the buildings and
8 improvements to the buildings, except tax and special assessment liens filed after
9 the recording of the mortgage. A mortgage securing a loan made for a purpose
10 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum
11 equity in the property, as established by the department by rule.

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

15 (4) INTEREST RATE DETERMINED. (a) The board shall determine the interest rate
16 on loans made under this section. Except as provided in sub. (11), the interest rate
17 determined may not be increased during the term of the loan. Except as provided
18 in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully
19 pay all expenses and to provide reserves ^{that} which are reasonably expected to be
20 required in the judgment of the board in accordance with par. (b) and sub. (7) (a) 3.

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

1 2. The board shall charge or cause to be charged to borrowers all costs ~~for~~
2 ~~insuring the program~~ *necessary to insure against losses* under subd. 1.

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

5 (c) Loans made pursuant to this section shall not be subject to s. 138.05,
6 138.051, or 138.052, [✓] except that a loan originated under this section after May 3,
7 1996, is subject to s. 138.052 (5). [✓]

8 (5) ADMINISTRATIVE PROVISIONS. (a) The department may do any of the
9 following:

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

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

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

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

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

21 6. Require borrowers to make monthly escrow payments to be held by the
22 authorized lender or the department for real estate taxes and casualty insurance
23 premiums. The authorized lender or the department shall pay all of the amounts due
24 for real estate taxes and casualty insurance premiums, even if the amount held in
25 escrow is insufficient to cover the amounts due. If the amount held in escrow is

1 insufficient to cover the amounts due, the authorized lender or the department shall
2 recover from the borrower, after paying the amounts due under this subdivision, an
3 amount equal to the difference between the amounts paid and the amount held in
4 escrow. If the amount held in escrow is more than the amounts due, the authorized
5 lender or the department shall refund to the borrower, after paying the amounts due
6 under this subdivision, an amount equal to the difference between the amount held
7 in escrow and the amounts paid by the authorized lender or the department.

8 7. Obtain guarantees for loans under 38 USC 1801 to 1827.

9 8. Exercise all of the powers vested in it under this subchapter with respect to
10 any applications for loans and loans approved under this section and with respect to
11 any mortgages and mortgage notes executed to authorized lenders and assigned to
12 and purchased by the authority under this section and the properties securing those
13 mortgages. The department may exercise or authorize those powers to be exercised
14 in its own name.

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

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

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

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

1 (b) At the time of closing, persons receiving loans under this section shall pay
2 an origination fee to the authorized lender participating in the loan, except that the
3 department shall pay, on behalf of a veteran who receives a loan under this section
4 and who has at least a 30% service connected disability rating for purposes of 38 USC
5 1114 or 1134, the origination fee to the authorized lender. The origination fee charged
6 under this paragraph shall be negotiated between the department and the
7 authorized lender but may not exceed that which the authorized lender would charge
8 other borrowers in the ordinary course of business under the same or similar
9 circumstances.

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

13 (a) The secretary, with the approval of the governor and subject to the limits
14 of s. 20.866 (2) (zn), may request that state debt be contracted in accordance with ch.
15 18. Debt requested shall meet all of the following additional requirements:

16 1. State debt may be contracted when it reasonably appears to the building
17 commission that all state obligations so incurred under this paragraph and s. 20.866
18 (2) (zo) can be fully paid from moneys received from veterans repayments of loans on
19 mortgages and mortgage notes funded under this paragraph and other available
20 revenues of the veterans mortgage loan repayment fund. In making this
21 determination, the building commission may take into account the effect of its
22 planned future actions to refinance existing state debt, to create reserve funds, and
23 to modify the structure of the total debt outstanding so as to ensure that projected
24 repayments of loans on mortgages and mortgage notes, together with other available
25 moneys, will be sufficient as received to fund debt service payments as due. It is the

1 intent of the legislature that the program authorized under this section be fully
2 self-supporting and that it be administered so that all debt service and all related
3 costs of the program under this section will require no supplemental support from
4 the general fund.

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

9 (b) Loans made under this section may be purchased by the authority from the
10 veterans housing loan fund under s. 234.41. All receipts of interest, except amounts
11 retained as servicing fees by the authorized lenders servicing the loans purchased
12 by the authority, and principal on the loans, payments of losses by insurers not used
13 for restoration of the property securing the loans, and any other collections, shall be
14 deposited by the authority in the veterans housing bond redemption fund under s.
15 234.43 and shall be disbursed from the fund as provided in s. 234.43 (2).

16 (c) The secretary, with the approval of the governor and subject to the limits
17 of sub. (10), may request that revenue obligations be contracted in accordance with
18 subch. II of ch. 18. Revenue obligations requested shall meet all of the following
19 additional requirements:

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

24 2. The chairperson of the board shall certify that the board and the department
25 do not expect and shall not use proceeds of revenue obligations issued under this

1 paragraph in a manner that would cause the revenue obligations to be arbitrage
2 bonds as defined in the Internal Revenue Code, where that debt is a bond that is
3 exempt from federal taxation.

4 (7) REPAYMENT OF MORTGAGE LOANS. (a) There is created the veterans mortgage
5 loan repayment fund. All moneys received by the department for the repayment of
6 loans funded under sub. (6) (a) except for servicing fees required to be paid to
7 authorized lenders, net proceeds from the sale of mortgaged properties, any
8 repayment to the department of moneys paid to authorized lenders, gifts, grants,
9 other appropriations, and interest earnings accruing, any repayment of moneys
10 borrowed under s. 45.42 (10) (a), all moneys received under sub. (5) (a) 6., and any
11 moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly
12 deposited into the veterans mortgage loan repayment fund. The board shall
13 establish by resolution a system of accounts providing for the maintenance and
14 disbursement of moneys of the veterans mortgage loan repayment fund to fund loans
15 under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5).
16 The system of accounts shall record and provide moneys for all of the following
17 purposes:

- 18 1. Transfer to the bond security and redemption fund.
- 19 2. Acquisition or redemption of public debt in accordance with resolutions of
20 the building commission.
- 21 3. Payment of losses arising from delinquency or default in the repayment of
22 loans funded under sub. (6) (a), including loss of principal and interest accrued to the
23 point of final disposition of the defaulted loan and the expenses of management and
24 sale of the property taken upon default of loan repayment.

1 4. Payment of all costs incurred by the department in processing and servicing
2 loans, purchasing servicing rights for loans under this section, and accounting for
3 and administering the program under this section, including a portion of grants
4 made to county veterans service officers under s. 45.80 (7).^D ✓

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

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

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

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

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

15 10. Payment of origination fees, on behalf of veterans who have at least a 30%^{SP}
16 service [→] connected disability rating for purposes of 38 USC 1114 or 1134, to authorized
17 lenders under sub. (5) (b). ✓

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

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

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

23 (c) If revenues of the veterans mortgage loan repayment fund are insufficient
24 to meet all current expenses, the secretary of administration shall establish a
25 repayment schedule whereby the general fund will be reimbursed in an orderly

1 manner for moneys advanced. Interest rates to be charged on loans subsequently
2 issued shall be adjusted to provide sufficient revenues to meet all of this repayment
3 schedule.

4 (d) After meeting all expenses and providing for reserves under par. (a) 3.,
5 assets in the veterans mortgage loan repayment fund, upon prior approval of the
6 building commission, may be transferred to the veterans trust fund and used to fund
7 loans under s. 45.42.

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

11 (9) LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN. Not more
12 than 50% of the proceeds of a loan granted under this section for a purpose under s.
13 45.34 (1) (a) may be used for remodeling or alteration of the housing accommodation
14 after purchase to meet the special needs of a permanently and totally disabled
15 veteran. That portion of the proceeds used for this purpose shall be reserved and
16 distributed by the authorized lender.

17 (10) REPAYMENT OF REVENUE OBLIGATIONS. (a) All moneys received from any
18 source for repayment of loans, mortgages, or mortgage loan notes funded with
19 proceeds of revenue obligations issued under sub. (6) (c) shall be deposited into one
20 or more separate nonlapsible trust funds in the state treasury or with a trustee
21 appointed for that purpose by the authorizing resolution for the revenue obligations.
22 The board may pledge revenues received by the funds to secure revenue obligations
23 issued under sub. (6) (c) and shall have all other powers necessary and convenient
24 to distribute the proceeds of the revenue obligations and loan repayments in
25 accordance with subch. II of ch. 18. Unrestricted balances in the funds may be used

1 to fund additional loans issued under sub. (6) (c) and pay the balances owing on loans
2 after the assumptions of the loans or the closings of the sales of residences under sub.
3 (11) (c).

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

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

12 (11) GUARANTEED LOANS. (a) Upon any sale of the residence which secures a
13 guaranteed loan made under this section after April 3, 1980, except for the purchase
14 of the residence at the time the loan is initially made, the guaranteed loan may be
15 assumed or continue to be paid in regular monthly installments if the person who
16 assumes the mortgage loan payments or who will make the regular monthly
17 installments agrees to all of the following:

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

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

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

3 (c) After the assumption of a guaranteed loan funded under sub. (6) (c), if the
4 loan is assumed, or the closing of the sale of a residence on which a balance is owing
5 on a guaranteed loan funded under sub. (6) (c), the balance owing on the loan on the
6 date of the assumption of the loan, if the loan is assumed, or the closing of the sale
7 may be paid to the funds created under sub. (10) from available surpluses, if any, in
8 the veterans mortgage loan repayment fund under sub. (7) (d). The loan and the
9 mortgage and mortgage note pertaining to the loan may be purchased by the
10 veterans mortgage loan repayment fund under sub. (7).

11 (12) PRIOR PROGRAM LOANS. Subject to this section and ss. 45.33 to 45.35, neither
12 the department nor an authorized lender may deny a person a loan under this section
13 because of the reason the person sold any property previously mortgaged by the
14 person to the department or an authorized lender, if the person completely paid the
15 balance of any previous loan under this subchapter in accordance with the terms and
16 conditions of the promissory note and the mortgage or other agreement executed in
17 connection with the previous loan.

18 (13) REPAYMENT OF LOAN. Any money appropriated or transferred by law from
19 the veterans mortgage loan repayment fund for purposes other than those listed in
20 sub. (7), other than moneys made temporarily available to other funds under s.
21 20.002 (11), shall be repaid from the general fund with interest at a rate of 5% per
22 year from the the date of the appropriation or transfer to the date of repayment.

23 SUBCHAPTER IV

24 ASSISTANCE PROGRAMS