



State of Wisconsin  
2005 - 2006 LEGISLATURE

PR  
LRB-0529/P7

RPN:wlj:rs

No Changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repeal cat

1 AN ACT *to repeal* 20.485 (2) (e), 20.485 (2) (em) and 150.46 (3); *to amend* 15.497  
2 (2) (c), 16.75 (4) (d), 16.96 (2) (f), 18.04 (2), 18.04 (5) (a), 18.04 (5) (b), 18.04 (5)  
3 (c), 18.04 (6) (b), 18.04 (6) (c), 18.06 (7) (intro.), 20.435 (4) (vt), 20.485 (1) (title),  
4 20.485 (1) (d), 20.485 (1) (e), 20.485 (1) (g), 20.485 (1) (gd), 20.485 (1) (gk), 20.485  
5 (1) (go), 20.485 (1) (h), 20.485 (1) (hm), 20.485 (1) (i), 20.485 (1) (j), 20.485 (1) (m),  
6 20.485 (1) (mj), 20.485 (1) (t), 20.485 (2) (c), 20.485 (2) (d), 20.485 (2) (g), 20.485  
7 (2) (kt), 20.485 (2) (q), 20.485 (2) (rm), 20.485 (2) (rp), 20.485 (2) (s), 20.485 (2)  
8 (tf), 20.485 (2) (th), 20.485 (2) (tj), 20.485 (2) (u), 20.485 (2) (vg), 20.485 (2) (vm),  
9 20.485 (2) (vw), 20.485 (2) (vx), 20.485 (2) (vz), 20.485 (2) (wd), 20.485 (2) (x),  
10 20.485 (2) (yn), 20.485 (2) (yo), 20.485 (2) (z), 20.485 (2) (zm), 20.485 (3) (b),  
11 20.485 (3) (e), 20.485 (3) (q), 20.485 (3) (rm), 20.485 (3) (s), 20.485 (3) (sm),  
12 20.485 (3) (t), 20.485 (3) (v), 20.485 (3) (w), 20.485 (3) (wd), 20.485 (3) (wg),  
13 20.485 (3) (wp), 20.485 (4) (g), 20.485 (4) (h), 20.485 (4) (m), 20.485 (4) (q), 20.485  
14 (4) (r), 20.485 (5) (g), 20.485 (5) (gm), 20.866 (2) (zn), 21.11 (3), 21.16 (1), 21.49  
15 (4) (c), 21.80 (3) (g), 25.17 (1) (xp), 25.17 (1) (yv), 25.36 (1), 25.37, 28.035 (3) (a),

1 29.219 (2) (c), 29.506 (7m) (a), 29.563 (3) (a) 8., 36.27 (2) (b) 4., 36.27 (3r), 38.24  
2 (6), 40.05 (4g) (a) 4., 46.27 (1) (b), 46.27 (1) (dr), 46.27 (6) (a) 2. cm., 49.19 (9),  
3 49.45 (3) (e) 7m., 49.45 (6m) (bg), 49.855 (4m) (b), 50.034 (4), 50.135 (3), 50.39  
4 (3), 51.20 (10) (cm), 51.35 (6) (a), 51.45 (13) (h), 59.52 (16) (b) (title), 59.52 (16)  
5 (b) 2., 59.535 (1) (a), 59.535 (4), 59.65, 66.0509 (title), 66.1201 (9) (x), 67.015,  
6 69.30 (1) (bm), 69.30 (2), 70.11 (1), 70.11 (3a), 70.11 (9), 71.05 (6) (b) 28. (intro.),  
7 86.03 (4), 86.03 (6), 120.13 (37) (a) 3., 125.14 (2) (e), 125.26 (6), 125.51 (10),  
8 132.16 (1) (a), 139.31 (3), 139.76 (2), 146.997 (1) (c), 150.31 (5m), 150.46 (1),  
9 150.84 (2), 150.93 (5), 150.95 (2), 155.01 (6), 157.637, 182.028, 186.113 (14) (a),  
10 188.26, 215.21 (2), 224.71 (3) (b) 7., 230.03 (14) (b), 230.03 (14) (c), 230.08 (2)  
11 (xm), 230.315 (1) (c), 230.36 (1m) (b) 1. (intro.), 234.03 (13m), 234.40 (1), 234.40  
12 (3), 234.41 (1), 234.41 (2), 234.60 (3) (a), 234.60 (3) (b), 252.14 (1) (d), 341.14 (6)  
13 (a), 341.26 (2) (g), 421.203 (1), 421.301 (6), 460.05 (1) (e) 1., 563.11 (1) (intro.),  
14 565.10 (14) (a) (intro.), 610.70 (1) (e), 812.30 (9), 814.29 (1) (d) 1., 815.18 (13) (k),  
15 851.09, subchapter II (title) of chapter 880 [precedes 880.60], 880.60 (title),  
16 880.60 (1) (a), 880.60 (5) (b), 880.60 (19), 944.21 (8) (b) 3. a. and 948.11 (4) (b)  
17 3. a.; *to repeal and recreate* chapter 45; and *to create* 21.74, 21.78, 21.79,  
18 subchapter V (title) of chapter 39 [precedes 39.90], 39.90, 86.03 (7) and 230.04  
19 (17) of the statutes; **relating to:** the powers and duties of the Department of  
20 Veterans Affairs, veterans assistance, educational programs, burials,  
21 cemeteries, homes, housing loans, memorials, and museums, the employment  
22 rights and benefits available to persons who are in or who return from military  
23 service, the Educational Approval Board, granting rule-making authority,

- 1 requiring the exercise of rule-making authority, making appropriations, and  
2 providing penalties.

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

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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***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.
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.

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.
45.02	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.
45.01	Definitions.

### **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.

### **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	Records of meetings and investigations kept by service officer.
45.83	Burial allowance.
45.84	Care of graves.
45.85	County tax for needy veterans.

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

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

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

5           16.75 (4) (d) In this subsection and s. 16.755, "veteran-owned business" means  
6 a small business, as defined in par. (c), that is certified by the department of veterans  
7 affairs as being at least 51% owned by one or more veterans, as defined in s. ~~45.35~~  
8 (5) 45.01 (12).

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

10          16.96 (2) (f) Persons who are members in the Wisconsin Veterans Home at King  
11 shall be considered residents of the town of Farmington and of Waupaca County,  
12 persons who are members in the Wisconsin Veterans Home at Chippewa Falls shall

1 be considered residents of the city of Chippewa Falls and of Chippewa County, and  
2 persons who are members in the Wisconsin veterans facility in southeastern  
3 Wisconsin Veterans Home at Union Grove shall be considered residents of the town  
4 of Dover and of Racine County for purposes of the state revenue sharing distribution  
5 under subch. I of ch. 79.

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

7 18.04 (2) The commission shall authorize public debt to be contracted and  
8 evidences of indebtedness to be issued ~~therefor~~ for the debt up to the amounts  
9 specified by the legislature to acquire, construct, develop, extend, enlarge or improve  
10 land, waters, property, highways, buildings, equipment or facilities or to make funds  
11 available for ~~veterans'~~ veterans housing loans for the classes of public purposes  
12 specified by the legislature as the funds are required. ~~Said~~ The requirements for  
13 funds shall be established by that department or agency head having program  
14 responsibilities for which public debt has been authorized by the legislature.

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

16 18.04 (5) (a) To acquire public debt contracted to make funds available for  
17 ~~veterans'~~ veterans housing loans under sub. (2).

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

19 18.04 (5) (b) To fund or refund public debt contracted to make funds available  
20 for ~~veterans'~~ veterans housing loans under sub. (2).

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

22 18.04 (5) (c) To acquire public debt, other than public debt that is contracted  
23 to make funds available for ~~veterans'~~ veterans housing loans under sub. (2), for the  
24 purpose of investment for the veterans primary mortgage loan program under s.  
25 ~~45.79~~ 45.37.

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

2           18.04 (6) (b) The commission may direct that moneys resulting from any public  
3           debt contracted under this section be deposited in the funds or accounts created or  
4           designated by resolution of the commission or established by resolution under s.  
5           ~~45.79 (7)~~ 45.37 (7), including escrow accounts established under refunding escrow  
6           agreements that are authorized by the commission.

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

8           18.04 (6) (c) Notwithstanding s. 25.17, moneys deposited or held in funds or  
9           accounts under par. (b) and all other moneys received under s. ~~45.79 (7) (a) (intro.)~~  
10          45.37 (7) (a) (intro.) may be invested in any obligations, either through cash purchase  
11          or exchange, as specified by resolution of the commission.

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

13          18.06 (7) (intro.) Notwithstanding subs. (2) to (5), the following procedures  
14          apply to public debt contracted for any of the purposes under s. 18.04 (5) or contracted  
15          for the purpose of making funds available for ~~veterans'~~ veterans housing loans:

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

17          20.435 (4) (vt) *Veterans trust fund; nurse stipends.* From the veterans trust  
18          fund, the amounts in the schedule for the state share of the medical assistance costs  
19          related to the provision of stipends under s. ~~45.365 (7)~~ 45.50 (9).

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

21          20.485 (1) (title) ~~HOMES AND FACILITIES FOR VETERANS~~ VETERANS HOMES.

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

23          20.485 (1) (d) *Cemetery maintenance and beautification.* The amounts in the  
24          schedule for cemetery maintenance and beautification at the Central Wisconsin  
25          Veterans Memorial Cemetery at the ~~Wisconsin Veterans Home at King.~~

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

2           20.485 (1) (e) *Lease rental payments.* A sum sufficient to pay the rentals  
3 required to be made on facilities under leases entered into under s. ~~45.38~~ 45.03 (5).

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

5           20.485 (1) (g) *Home exchange.* The amounts in the schedule for the purchase  
6 of the necessary materials, supplies and equipment for the operation of the home  
7 exchange, and compensation for members' labor. All moneys received from the sale  
8 of products authorized by s. ~~45.37 (9)~~ 45.51 (7) shall be credited to this appropriation.

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

10           20.485 (1) (gd) *Veterans home cemetery operations.* All moneys received from  
11 the estate of the decedents under s. ~~45.37 (15) (e)~~ 45.61 (5) for the burial of veterans  
12 and non-veterans in the ~~a Wisconsin Veterans Memorial Cemetery at the Wisconsin~~  
13 ~~Veterans Home at King~~ veterans cemetery under 45.61 (1), to be used for that  
14 purpose.

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

16           20.485 (1) (gk) *Institutional operations.* The amounts in the schedule for the  
17 care of the ~~Wisconsin Veterans Home at King, the Southern Wisconsin Veterans~~  
18 ~~Retirement Center, and veterans facilities~~ veterans homes under s. 45.50, and for the  
19 payment of stipends under s. ~~45.365 (7)~~ 45.50 (9). All moneys received under par. (m)  
20 and s. ~~45.37 (9) (d) and (9d)~~ 45.51 (7) (b) and (8) shall be credited to this appropriation.

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

22           20.485 (1) (go) *Self-amortizing housing facilities; principal repayment and*  
23 *interest.* From the moneys received for providing housing services at the ~~Wisconsin~~  
24 ~~Veterans Home at King and the Wisconsin veterans facility in southeastern~~  
25 ~~Wisconsin~~ veterans homes under s. 45.50, a sum sufficient to reimburse s. 20.866 (1)

1 (u) for the principal and interest costs incurred in acquiring, constructing,  
2 developing, enlarging or improving housing facilities at the Wisconsin Veterans  
3 ~~Home at King and the Wisconsin veterans facility in southeastern Wisconsin~~  
4 veterans homes under s. 45.50 and to make the payments determined by the building  
5 commission under s. 13.488 (1) (m) that are attributable to the proceeds of  
6 obligations incurred in financing such the facilities.

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

8 20.485 (1) (h) *Gifts and bequests.* All moneys received under s. ~~45.37 (10) and~~  
9 ~~(11) 45.51 (10) and (11),~~ or any moneys received by gifts or bequests, to carry out the  
10 purposes of ss. ~~45.365, 45.37 and 45.385~~ 45.50 and 45.51.

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

12 20.485 (1) (hm) *Gifts and grants.* All moneys received from gifts and grants  
13 specifically for the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c), to carry out the purpose  
14 of s. ~~45.365 (1) (d)~~ 45.50 (1) (c).

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

16 20.485 (1) (i) *State-owned housing maintenance.* The amounts in the schedule  
17 for maintenance of state-owned housing at the Wisconsin Veterans Home at King  
18 ~~and the veterans facility in southeastern Wisconsin~~ veterans homes under s. 45.50.  
19 All moneys received by the department from rentals of state-owned housing shall  
20 be credited to this appropriation account.

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

22 20.485 (1) (j) *Geriatric program receipts.* All moneys received from program  
23 operations by the geriatric evaluation, research, and education program, to carry out  
24 the purpose of s. ~~45.365 (1) (d)~~ 45.50 (1) (c).

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

1       20.485 (1) (m) *Federal aid; care at veterans ~~home and facilities~~ homes.* All  
2 moneys received from the federal government for care of veterans of any war or  
3 military expedition of the United States who have been admitted to and cared for at  
4 ~~the Wisconsin Veterans Home at King and veterans facilities~~ Wisconsin veterans  
5 homes under s. 45.50. The net revenues accruing under this paragraph shall be  
6 credited to the appropriation under par. (gk).

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

8       20.485 (1) (mj) *Federal aid; geriatric unit.* All moneys received from the federal  
9 government for the geriatric program at the Wisconsin Veterans Home at King and  
10 ~~veterans facilities~~ veterans homes, to carry out the purpose of s. 45.365 (1) (d) 45.50  
11 (1) (c).

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

13       20.485 (1) (t) *Veterans homes ~~and facilities~~ member accounts.* From the  
14 Wisconsin Veterans Home at King and veterans facilities homes members fund, all  
15 moneys received under s. 25.37 to make payments as provided under s. 45.37 (9e),  
16 ~~(10) and (11)~~ 45.51 (8), (10), and (11).

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

18       20.485 (2) (c) *Operation of Wisconsin veterans museum.* From the general fund,  
19 the amounts in the schedule for the operation of the Wisconsin veterans museum  
20 under s. 45.014 45.07.

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

22       20.485 (2) (d) *Veterans memorials at ~~The~~ the Highground.* From the general  
23 fund, as a continuing appropriation, the amounts in the schedule to construct  
24 ~~memorials for World War I, World War II and~~ a memorial for Persian Gulf war  
25 veterans at ~~The~~ the Highground.

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

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

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

4 20.485 (2) (g) *Consumer reporting agency fees.* From the general fund, all  
5 moneys received from consumer reporting agencies under s. ~~45.36 (5m)~~ 45.04 (7) for  
6 the purpose of providing information to those agencies under s. ~~45.36 (5m)~~ 45.04 (7).

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

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

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

15 20.485 (2) (q) *Military honors funerals funeral honors.* Biennially, the amounts  
16 in the schedule to provide military ~~honors funerals~~ funeral honors for veterans under  
17 s. ~~45.19 (1)~~ 45.60.

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

19 20.485 (2) (rm) *Veterans assistance program.* Biennially, the amounts in the  
20 schedule for general program operations of the veterans assistance program under  
21 s. ~~45.357~~ 45.43.

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

23 20.485 (2) (rp) *Veterans assistance program receipts.* The amounts in the  
24 schedule for the provision of assistance to veterans under s. ~~45.357 (1)~~ 45.43 (1). All

1 moneys received from fees under s. ~~45.357 (2)~~ 45.43 (2) shall be credited to this  
2 appropriation account.

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

4 20.485 (2) (s) *Transportation grant payment.* The amounts in the schedule to  
5 provide transportation services ~~grants payments~~ under ss. ~~45.353 (3m)~~ 45.41 (4) and  
6 ~~45.43 (7m)~~ 45.80 (9).

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

8 20.485 (2) (tf) *Veterans' Veterans tuition reimbursement program.* Biennially,  
9 the amounts in the schedule for the veterans' veterans tuition reimbursement  
10 program under s. ~~45.25~~ 45.20 (2). Notwithstanding s. 20.001 (3) (a), the department  
11 may encumber moneys under this appropriation for the biennium up to 60 days after  
12 the end of that biennium if an estimate is first submitted to the department of  
13 administration showing the amounts that will be encumbered during that 60-day  
14 period.

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

16 20.485 (2) (th) *Correspondence courses and part-time classroom study.*  
17 Biennially, the amounts in the schedule for the veterans' veterans correspondence  
18 courses and part-time classroom study program under s. ~~45.396~~ 45.20 (3).  
19 Notwithstanding ss. 16.52 (5) and 20.001 (3) (a), after June 30, 1998, the department  
20 may encumber moneys under this appropriation for the biennium up to 60 days after  
21 the end of that biennium if an estimate is first submitted to and approved by the  
22 secretary of administration showing the amounts that will be encumbered during  
23 that 60-day period.

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



1       20.485 (2) (tj) *Retraining grant assistance program.* The amounts in the  
2 schedule for the veterans' veterans retraining grant assistance program under s.  
3 ~~45.397~~ 45.21.

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

5       20.485 (2) (u) *Administration of loans and aids to veterans.* The amounts in  
6 the schedule for the administration of loans and aids to veterans, and for payment  
7 of legal services under s. ~~45.35 (14) (d)~~ 45.03 (13) (d).

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

9       20.485 (2) (vg) *Health care aid grants.* The amounts in the schedule for the  
10 payment of benefits to veterans and their dependents under s. ~~45.351 (1)~~ 45.40 (2).

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

12       20.485 (2) (vm) *Subsistence grants aid.* The amounts in the schedule for  
13 payment of subsistence grants aid to veterans and their dependents under s. ~~45.351~~  
14 ~~(1)~~ 45.40 (1).

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

16       20.485 (2) (vw) *Payments to veterans organizations for claims service.* The  
17 amounts in the schedule to pay veterans organizations for claims services as  
18 prescribed in s. ~~45.353~~ 45.41.

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

20       20.485 (2) (vx) *County grants.* The amounts in the schedule for payment of  
21 grants under s. ~~45.43 (7)~~ 45.80 (8).

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

23       20.485 (2) (vz) *American Indian grants.* The amounts in the schedule for  
24 grants to American Indian tribes and bands under s. ~~45.35 (14) (h)~~ 45.80 (8) (d).

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

1           20.485 (2) (wd) *Operation of Wisconsin veterans museum* Veterans Museum.

2           The amounts in the schedule for the operation of the Wisconsin veterans museum  
3           Veterans Museum under s. 45.014 45.07.

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

5           20.485 (2) (x) *Federal per diem payments.* The amounts in the schedule for the  
6           provision of assistance to veterans under s. 45.357 45.43. All moneys received from  
7           the federal government as per diem payments for veterans participating in the  
8           veterans assistance program under s. 45.357 45.43 shall be credited to this  
9           appropriation account.

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

11          20.485 (2) (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts  
12          in the schedule for the purpose of providing loans under s. 45.356 45.42 and for the  
13          payment of expenses and other payments as a consequence of being a mortgagee or  
14          owner under home improvement loans made under s. 45.79 (7) (c), 1997 stats., or  
15          under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., and s.  
16          45.356 45.42. All moneys received under ss. 45.356 (9) (a) and (b) 45.42 (8) (a) and  
17          (b) and 45.79 (7) (e) 45.37 (7) (c) for the purpose of providing loans under the personal  
18          loan program under s. 45.356 45.42 shall be credited to this appropriation account.  
19          All payments of interest and repayments of principal for loans made under s. 45.351  
20          (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., s. 45.356, and s. 45.79 (7)  
21          (c), 1997 stats., shall revert to the veterans trust fund.

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

23          20.485 (2) (yo) *Debt payment.* A sum sufficient for the payment of obligations  
24          incurred for moneys received under s. 45.356 (9) (a) and (b) 45.42 (8) (a) and (b).

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

1           20.485 (2) (z) *Gifts*. All moneys received under s. ~~45.35 (13) (a)~~ 45.03 (12) (a)  
2 to be used as provided in that subsection.

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

4           20.485 (2) (zm) *Museum gifts and bequests*. All moneys received under s. 45.35  
5 ~~(13) (b)~~ 45.03 (12) (b) to be used as provided in that subsection.

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

7           20.485 (3) (b) *Self insurance*. A sum sufficient to cover deficiencies in the  
8 amounts necessary to repay principal and interest on veterans housing loans made  
9 under s. ~~45.79~~ 45.37 and financed by bonds sold pursuant to under s. 234.40.

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

11          20.485 (3) (e) *General program deficiency*. A sum sufficient to pay any general  
12 program deficiency under s. ~~45.79~~ 45.37, including any deficiency in the capital  
13 reserve fund requirement under s. 234.42.

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

15          20.485 (3) (q) *Foreclosure loss payments*. As a continuing appropriation from  
16 the veterans mortgage loan repayment fund, all moneys deposited and held in  
17 accounts in the veterans mortgage loan repayment fund to pay costs under s. ~~45.79~~  
18 ~~(7) (a) 3. and 7.~~ 45.37 (7) (a) 3. and 7., for the purpose of paying costs under s. ~~45.79~~  
19 ~~(7) (a) 3. and 7.~~ 45.37 (7) (a) 3. and 7.

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

21          20.485 (3) (rm) *Other reserves*. As a continuing appropriation from the  
22 veterans mortgage loan repayment fund, all moneys deposited and held in the  
23 veterans mortgage loan repayment fund to pay costs under s. ~~45.79 (7) (a) 5. to 8. and~~  
24 ~~10.~~ 45.37 (7) (a) 5. to 8. and 10., for the purposes under s. ~~45.79 (7) (a) 5. to 8. and 10~~  
25 45.37 (7) (a) 5. to 8. and 10.

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

2           20.485 (3) (s) *General program operations.* The amounts in the schedule from  
3 the veterans mortgage loan repayment fund for general program operations of the  
4 veterans mortgage loan program under s. ~~45.79~~ 45.37.

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

6           20.485 (3) (sm) *County grants.* The amounts in the schedule from the veterans  
7 mortgage loan repayment fund for payment of grants made under s. ~~45.43 (7)~~ 45.80  
8 (8).

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

10           20.485 (3) (t) *Debt service.* As a continuing appropriation from the veterans  
11 mortgage loan repayment fund, all moneys deposited and held in accounts in the  
12 veterans mortgage loan repayment fund to reimburse s. 20.866 (1) (u) for the  
13 payment of debt service costs incurred in providing veterans mortgage loans under  
14 s. ~~45.79 (6) (a)~~ 45.37 (6) (a) and for debt service costs incurred in contracting public  
15 debt for any of the purposes under s. 18.04 (5), for these purposes.

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

17           20.485 (3) (v) *Revenue obligation repayment.* All moneys received in the fund  
18 or funds created under s. ~~45.79 (9)~~ 45.37 (10) for the purposes of retiring revenue  
19 obligations, providing reserves, funding additional loans, purchasing assumed  
20 mortgages and funding program operations under s. ~~45.79 (6) (e) and (9)~~ 45.37 (6) (c)  
21 and (10). All moneys received are irrevocably appropriated in accordance with  
22 subch. II of ch. 18 and further established in resolutions authorizing the issuance of  
23 revenue obligations and setting forth the distribution of funds received thereafter.

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

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

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

8           20.485 (3) (wd) *Loan-servicing administration*. From the veterans mortgage  
9 loan repayment fund, the amounts in the schedule for administrative costs of  
10 servicing loans under s. ~~45.79 (5) (a) 10~~ 45.37 (5) (a) 10.

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

12           20.485 (3) (wg) *Escrow payments, recoveries, and refunds*. From the veterans  
13 mortgage loan repayment fund, all moneys received by the department under s.  
14 ~~45.79 (5) (a) 6~~ 45.37 (5) (a) 6, to make payments required of the department under  
15 s. ~~45.79 (5) (a) 6~~ 45.37 (5) (a) 6.

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

17           20.485 (3) (wp) *Loan-servicing rights*. Biennially, from the veterans mortgage  
18 loan repayment fund, the amounts in the schedule to purchase loan-servicing rights  
19 from authorized lenders under s. ~~45.79 (5) (a) 10~~ 45.37 (5) (a) 10.

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

21           20.485 (4) (g) *Cemetery operations*. The amounts in the schedule for the care  
22 and operation of the veterans memorial cemeteries under s. ~~45.358~~ 45.61 other than  
23 those costs provided under pars. (q) and (r). All moneys received under s. ~~45.358 (3m)~~  
24 45.61 (3) shall be credited to this appropriation account.

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

1           20.485 (4) (h) *Gifts, grants and bequests.* All moneys received under s. 45.358  
2           (4) 45.61 (1) as gifts, grants or bequests to be expended for the purposes made.

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

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

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

9           20.485 (4) (q) *Cemetery administration and maintenance.* From the veterans  
10          trust fund, the amounts in the schedule for the administrative and maintenance  
11          costs of operating the veterans memorial cemeteries under s. 45.358 45.61.

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

13          20.485 (4) (r) *Cemetery energy costs.* From the veterans trust fund, the amounts  
14          in the schedule to be used at the veterans memorial cemeteries operated under s.  
15          45.358 45.61 for utilities and for fuel, heat and air conditioning and for costs incurred  
16          by or on behalf of the department of veterans affairs under ss. 16.858 and 16.895.

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

18          20.485 (5) (g) *Proprietary school programs.* The amounts in the schedule for  
19          the examination and approval of proprietary school programs. All moneys received  
20          from the issuance of solicitor's permits under s. 45.54 (8) 39.90 (6) and from the fees  
21          under s. 45.54 (10) 39.90 (7) shall be credited to this appropriation, except those fees  
22          credited to par. (gm).

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

1           20.485 (5) (gm) *Student protection*. All moneys received from the fees received  
2           under s. ~~45.54 (10) (c) 4.~~ 39.90 (7) (c) 4., for the purpose of indemnifying students,  
3           parents, or sponsors under s. ~~45.54 (10) (a)~~ 39.90 (7) (a).

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

5           20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans*. From the  
6           capital improvement fund, a sum sufficient for the department of veterans affairs for  
7           loans to veterans under s. ~~45.79 (6) (a)~~ 45.37 (6) (a). The state may contract public  
8           debt in an amount not to exceed \$2,120,840,000 for this purpose.

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

10           21.11 (3) The adjutant general may activate members of the national guard for  
11           the purpose of serving on an honors detail of ~~a~~ military honors funeral  
12           honors for a deceased veteran under s. ~~45.19~~ 45.60.

13           **SECTION 72.** 21.16 (1) of the statutes is amended to read:

14           21.16 (1) No person may wear the uniform of the national guard or of the U.S.  
15           army, air force, navy, or marine corps, or a reserve component of the U.S. armed  
16           forces, except a person who is regularly enrolled in the U.S. army, air force, navy, or  
17           marine corps, a reserve component of the U.S. armed forces, the national guard of  
18           one of the states or one of the student cadet companies armed and recognized by the  
19           national or a state government, a person retired from active service or a reserve  
20           component, or a person who is ~~an inmate~~ a member of any veterans' or soldiers'  
21           veterans home. Any person violating this subsection shall forfeit not less than \$10  
22           nor more than \$100. The district attorney of the county in which any such offense  
23           is committed shall bring an action in the name of the state against the offender.

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

1 21.49 (4) (c) No guard member may receive a grant under sub. (3) for any  
2 semester in which he or she received a grant payment under s. ~~45-25~~ 45.20 (2).

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

4 **21.74 Soldiers and sailors civil relief act; federal service.** (1) In this  
5 section, unless the context indicates otherwise:

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

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

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

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

20 (2) To supplement and complement the provisions of 50 App. USC 501, and to  
21 afford and obtain greater peace and security for persons in military service, the  
22 enforcement of certain tax obligations or liabilities that may prejudice the property  
23 rights of persons in military service may be temporarily suspended as provided in  
24 this section.



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

18           (4) Whenever any tax or assessment on real property, including all special  
19 assessments, is not paid when due, any interest or penalty under s. 74.47 and the  
20 maximum limitation of 6 percent per year as provided under 50 App. USC 501 shall  
21 be waived for the purpose and under the conditions specified in this section.

22           (5) The penalties and interest waived under this section are those for  
23 nonpayment of all taxes or assessments, general or special, falling due during the  
24 period of military service of any person against either real or personal property of  
25 which the person is the bona fide owner or in which the person has an interest.

1           (6) The person owning or having an interest in any property in respect to which  
2 the order under sub. (3) is made, or the person's agent or attorney, may file a certified  
3 copy of the order of suspension with the county treasurer or with the city treasurer  
4 of cities authorized by law to sell lands for the nonpayment of taxes as to the taxes  
5 and assessments. The person shall file with the order an affidavit in triplicate, sworn  
6 to by the person or agent or attorney, setting forth the name of the owner, the legal  
7 description of the property, the type of property, when acquired, volume and page  
8 number where the deed was recorded if acquired by deed, and the name of the estate  
9 if acquired by descent, amount of delinquent taxes if any, and the names of the  
10 holders of any outstanding mortgage, lien, or other encumbrance. Upon receipt of  
11 the filing, the county treasurer or city treasurer shall record the order in the office  
12 of the register of deeds of the county and file a copy in the office of the treasurer, who  
13 shall make proper notation that a person in military service is the holder of the legal  
14 title and has made application for special relief. The county treasurer or city  
15 treasurer shall immediately forward an additional copy of the order and affidavit to  
16 the office of the clerk of the town, city, or village where the property is located, or if  
17 it is located in a city, authorized to sell lands for nonpayment of its taxes, to the  
18 commissioner of assessments, who shall make an appropriate notation in the  
19 records.

20           (7) Any person seeking relief under this section, within 6 months after  
21 termination of military service, or the person's agent or attorney, or in case of death  
22 of the person, the personal representative, surviving spouse, or heir, may apply to the  
23 county treasurer of the county, or the city treasurer of a city authorized by law to sell  
24 lands for the nonpayment of taxes, where the property is located, for an agreement  
25 for scheduled installment payments, covering the taxes accrued during the person's

1 period of military service, provided that the taxes will be paid over a period of time  
2 equal to a period no longer than twice the length of military service of the person, in  
3 equal periodic installments of not less than \$10, and subject to any other terms as  
4 may be just and reasonable.

5 (8) In the event the applicant defaults in the performance of any of the  
6 provisions of the agreement, the treasurer shall notify the applicant of the default  
7 and the amount and date due, by written notice either served personally or by  
8 registered mail, return receipt requested, to the address set forth in the application.  
9 If the defaulted payment is not fully made within 10 days after service of the notice,  
10 then the treasurer, without further notice, may declare that the entire amount of the  
11 tax subject to the scheduled installments is immediately due and payable and that  
12 the agreement is terminated. The county treasurer shall notify the register of deeds  
13 and the town, city, or village treasurer of the termination, or if the city treasurer of  
14 cities authorized by law to sell lands for the nonpayment of taxes, the latter shall  
15 notify the register of deeds, the county treasurer, and the local officers and shall  
16 make appropriate notations of the termination on their records. The county  
17 treasurer, or city treasurer as to taxes of cities authorized by law to sell land for the  
18 nonpayment of taxes, may without further order of the court enforce the collection  
19 of such tax or assessment and sell such tax certificates together with the penalties  
20 and interest as may have accrued on the property from the date of default of the  
21 scheduled installment payment.

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

23 **21.78 Employees or officers in military service.** (1) The governing body  
24 of any county, town, city, village, school district, or technical college district may  
25 grant a leave of absence to any employee or officer who is inducted or who enlists in

1 the U.S. armed forces for a period of military service of not more than 4 years unless  
2 the employee is involuntarily retained for a longer period. No salary or compensation  
3 of the employee or officer shall be paid, nor claim for the salary or compensation exist,  
4 during the leave of absence, except as provided in this section. If the employee's or  
5 officer's salary or compensation is less in the U.S. armed forces than was paid by the  
6 county, town, city, village, school district, or technical college district, that  
7 governmental unit may pay the employee or officer the difference between the salary  
8 or compensation paid by the U.S. armed forces and the salary or compensation that  
9 the employee or officer was paid by the county, town, city, village, school district, or  
10 technical college district at the time that he or she enlisted in or was inducted into  
11 the U.S. armed forces.

12 (2) The governing body may provide for safeguarding the reinstatement and  
13 pension rights, as limited in this section, of any employee or officer so inducted or  
14 enlisted.

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

18 (4) If the leave of absence under sub. (1) is granted to an elected or appointed  
19 official or employee and the official or employee has begun service in the U.S. armed  
20 forces, a temporary vacancy exists and a successor may be appointed to fill the  
21 unexpired term of the official or employee, or until the official or employee returns  
22 and files election to resume the office if the date of the filing is prior to the expiration  
23 of the term. The appointment shall be made in the manner provided for the filling  
24 of vacancies caused by death, resignation, or otherwise, except that no election need  
25 be held to fill a temporary vacancy. The appointee has all the powers, duties,

1 liabilities, and responsibilities and shall be paid and receive the compensation and  
2 other benefits of the office or position, unless otherwise provided by the governing  
3 body. Within 40 days after the termination of service in the U.S. armed forces, the  
4 elected or appointed official or employee, upon filing with the clerk of the  
5 governmental unit, a statement under oath of termination and that the official or  
6 employee elects to resume the office or position, may resume the office or position for  
7 the remainder of the term for which elected or appointed. The person temporarily  
8 filling the vacancy shall cease to hold the office on the date of the filing.

9 (5) In cities of the 3rd class with a commission plan of government, in case of  
10 temporary or permanent vacancies in the office of mayor, the vice mayor shall  
11 temporarily succeed to the office of mayor for the balance of the unexpired term for  
12 which the mayor was elected unless sooner terminated as provided in s. 17.035 (3).  
13 A temporary or permanent vacancy created in the office of council member may be  
14 filled as provided in this section. The term of the person appointed temporarily to  
15 the office of council member shall not extend beyond the expiration of the term of the  
16 office vacated and the temporary term shall be vacated sooner as provided for in s.  
17 17.035 (3).

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

19 **21.79 Reemployment after completion of military service.** (1) (a) Any  
20 person who has enlisted or enlists in or who has been or is inducted or ordered into  
21 active service in the U.S. armed forces pursuant to 50 App. USC 301, 401, and 451,  
22 or P.L. 87-117, and any person whose services are requested by the federal  
23 government for national defense work as a civilian during a period officially  
24 proclaimed to be a national emergency or a limited national emergency, who, to  
25 perform the training or service, has left or leaves a position, other than a temporary

1 position, in the employ of any political subdivision of the state or in the employ of any  
2 private or other employer, shall be restored to that position or to a position of like  
3 seniority, status, pay, and salary advancement as though service toward seniority,  
4 status, pay, or salary advancement had not been interrupted by the absence, if all of  
5 the following conditions are met:

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

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

10 3. The person makes application for reemployment and resumes work within  
11 90 days after completion of the training or service, military or civilian, or was so  
12 discharged from the U.S. armed forces, or within 6 months after release from  
13 hospitalization for service-connected injury or disease.

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

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

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

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

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

15           (3) If an employer fails or refuses to comply with subs. (1) and (2), a person  
16 entitled to the benefits under subs. (1) and (2) may petition the circuit court to require  
17 the employer to comply with those subsections. Upon the filing of the petition and  
18 on reasonable notice to the employer, the court may require the employer to comply  
19 with those subsections and to compensate the person for any loss of wages or benefits  
20 suffered by reason of the employer's action. The court shall order a speedy hearing  
21 and shall advance the case on the calendar. No fees or court costs may be taxed  
22 against a person petitioning the court under this subsection. The action commenced  
23 under this subsection against a private employer, and the trial or hearing of the  
24 action, shall be in any county in which the employment took place or in which the

1 private employer maintains a place of business, and in all other cases shall be as  
2 provided in s. 801.50.

3 (4) No person who is appointed in the service of the state or of any county, city,  
4 village, or town to fill the place of a person entering service in the U.S. armed forces  
5 or federal government service under sub. (1) shall acquire permanent tenure during  
6 the period of that replacement service.

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

10 (6) The restoration of classified employees of the state shall be governed by s.  
11 230.32. The restoration of unclassified state employees shall be governed by this  
12 section.

\*\*\*\*NOTE: This section includes references to the state, political subdivisions of the state, private and other employers, and county, town, city, and village governments that appear to be inconsistent. Subsection (1) requires political subdivisions of the state and private or other employers to restore to his or her previous position those persons returning after completing active service in the U.S. armed forces. Subsection (2) requires only counties, cities, towns, and villages to pay contributions of the returning employee as though the employee's employment had not been interrupted by military service. Subsection (4) provides that no person who is appointed in the service of the state or of any county, city, town, or village to fill the place of a person entering active service in the U.S. armed forces acquires permanent tenure during the period of that replacement service. Private employers or other political subdivisions of the state are not mentioned in sub. (2) or (4). Should these provisions use consistent terms? Apparently "political subdivision of the state" is suppose to mean "county, city, town, or village." The Wisconsin School Board Association says that school boards do not contribute to the retirement program and the attorney who drafts in the state retirement area says the state does not contribute to the retirement program. Only counties, cities, towns, and villages are required to do so. Apparently school districts, sewerage districts, lake districts, and others are "special purpose districts."

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

14 21.80 (3) (g) *Veterans preferences.* The right of a person to reemployment under  
15 this subsection does not entitle the person to retention, preference, or displacement  
16 rights over any person who has a superior claim under s. 45.35 (4) 45.03 (4), 62.13



1 (4) (d), 63.08 (1) (f), 63.37, 63.39 (2m), 66.0509 (1), 230.15 (2m), 230.16 (7) or (7m),  
2 230.21 (1m), 230.25, or 230.275.

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

4 25.17 (1) (xp) Veterans mortgage loan repayment fund (s. ~~45.79 (7)~~ 45.37 (7));

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

6 25.17 (1) (yv) Wisconsin Veterans Home at King and veterans facilities homes  
7 members fund (s. 25.37);

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

9 25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred  
10 by law shall constitute the veterans trust fund which shall be used for the lending  
11 of money to the mortgage loan repayment fund under s. ~~45.35 (22)~~ 45.37 (5) (a) 12.  
12 and for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy),  
13 (vz), (w), (z), and (zm), ~~45.014, 45.25, 45.35 (23), 45.351 (1), 45.353, 45.356, 45.357,  
14 ~~45.396, 45.397, and 45.43 (7)~~ 45.03 (19), 45.07, 45.20, 45.21, 45.40 (1), 45.41, 45.42,  
15 45.43, and 45.80 (8) and administered by the department of veterans affairs,  
16 including all moneys received from the federal government for the benefit of veterans  
17 or their dependents; all moneys paid as interest on and repayment of loans under the  
18 post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds  
19 as they existed prior to July 1, 1961; all moneys paid as interest on and repayment  
20 of loans under this fund; all moneys paid as expenses for, interest on, and repayment  
21 of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys  
22 paid as expenses for, interest on, and repayment of veterans personal loans; the net  
23 proceeds from the sale of mortgaged properties related to veterans personal loans;  
24 all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond  
25 issuance purchased with moneys in the veterans trust fund; all moneys received from~~

1 the state investment board under s. ~~45.356 (9) (b)~~ 45.42 (8) (b); all moneys received  
2 from the veterans mortgage loan repayment fund under s. ~~45.79 (7) (a) and (e)~~ 45.37  
3 (7) (a) and (c); and all gifts of money received by the board of veterans affairs for the  
4 purposes of this fund.

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

6 **25.37 Wisconsin veterans facilities homes members fund.** There is  
7 established a separate nonlapsible trust fund designated as the Wisconsin veterans  
8 facilities homes members fund. The fund shall consist of moneys belonging to  
9 persons residing in Wisconsin veterans facilities, ~~including members of the~~  
10 ~~Wisconsin Veterans Home at King~~ homes, that are paid to the ~~home and veterans~~  
11 ~~facilities~~ homes, and that are transferred into the fund by the department of veterans  
12 affairs under s. ~~45.37 (9e)~~ 45.51 (8).

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

14 28.035 (3) (a) The written lease entered into between the Wisconsin state  
15 department of the American Legion and the department of natural resources dated  
16 June 15, 1944, which leases Camp American Legion for a period of 10 years  
17 commencing June 1, 1944, shall continue in full force for an additional 10 years, and  
18 may be renewed for additional 10-year periods thereafter, notwithstanding the  
19 expiration of the term expressed ~~therein~~ in the lease, so long as the Wisconsin state  
20 department of the American Legion or any of the American Legion posts organized  
21 under s. 188.08 maintains on such the property structures which were constructed  
22 prior to May 31, 1956, at the expense of the Wisconsin state department of the  
23 American Legion or any ~~such~~ post, for the purpose of the rehabilitation, restoration,  
24 or recreation of veterans and their dependents of the Spanish-American war War,  
25 the Philippine ~~insurrection~~ Insurrection, the Mexican border service, World Wars I

1 and II, the Korean conflict, the Vietnam war War, the Iraq war War, and Grenada,  
2 Lebanon, Panama, Somalia or a Middle East service in a crisis under s. 45.34 zone,  
3 as defined in s. 45.01 (11).

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

5 29.219 (2) (c) A resident annual fishing license issued to any resident who is  
6 a member of the ~~Wisconsin Veterans Home at King or at the facilities operated by the~~  
7 ~~department of veterans affairs under s. 45.385~~ a Wisconsin veterans home under s.  
8 45.50 shall be issued at no charge.

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

10 29.506 (7m) (a) The department shall issue a taxidermy school permit to a  
11 person who applies for the permit; who, on August 15, 1991, holds a valid  
12 taxidermist permit issued under this section; and who, on August 15, 1991, operates  
13 a taxidermy school approved by the educational approval board under s. 45.54 39.90.

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

15 29.563 (3) (a) 8. Annual fishing issued to a resident at ~~Wisconsin Veterans~~  
16 ~~Home at King and at the facilities operated by the department of veterans affairs~~  
17 ~~under s. 45.385~~ a Wisconsin veterans home under s. 45.50: \$0.

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

19 36.27 (2) (b) 4. A person who has ~~served on active duty under honorable~~  
20 ~~conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces,~~  
21 ~~except service on active duty for training purposes, who meets one of the conditions~~  
22 ~~in s. 45.001 (4) (a) 1. a. to d.~~ is a veteran, as defined in s. 45.01 (12), and who is a  
23 resident for purposes of receiving benefits under ch. 45, is entitled to the exemption  
24 under par. (a).

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



1 (e) "School" means any private trade, correspondence, business, or technical  
2 school, but does not include any of the following:

3 1. In-state schools that are exempt from taxation under section 501 of the  
4 Internal Revenue Code and that either were incorporated in this state prior to  
5 January 1, 1992, or had their administrative headquarters and principal places of  
6 business in this state prior to 1970.

7 2. Schools that are supported mainly by taxes.

8 3. Schools of a parochial or denominational character offering courses having  
9 a sectarian objective.

10 4. Schools primarily offering instruction avocational or recreational in nature  
11 and not leading to a vocational objective.

12 5. Courses conducted by employers exclusively for their employees.

13 6. Schools, courses of instruction, and training programs that are approved or  
14 licensed and supervised by other state agencies and boards.

15 7. Schools approved by the department of public instruction for the training of  
16 teachers.

17 8. Schools accredited by accrediting agencies recognized by the board.

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

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

24 (2) RESPONSIBILITIES. The board shall protect the general public by inspecting  
25 and approving private trade, correspondence, business, and technical schools doing

1 business within this state, whether located within or outside this state, changes of  
2 ownership or control of the schools, teaching locations used by the schools, and  
3 courses of instruction offered by the schools and regulate the soliciting of students  
4 for correspondence or classroom courses and courses of instruction offered by the  
5 schools.

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

8 (4) EMPLOYEES, QUARTERS. The board shall employ a person to perform the  
9 duties of an executive secretary and any other persons under the classified service  
10 that may be necessary to carry out the board's responsibilities. The person  
11 performing the duties of the executive secretary shall be in charge of the  
12 administrative functions of the board. The board shall, to the maximum extent  
13 practicable, keep its office with the department of veterans affairs.

14 (5) APPROVAL OF SCHOOLS GENERALLY. To protect students, prevent fraud and  
15 misrepresentation in the sale and advertising of courses and courses of instruction,  
16 and encourage schools to maintain courses and courses of instruction consistent in  
17 quality, content, and length with generally accepted educational standards, the  
18 board shall do all of the following:

19 (a) Investigate the adequacy of courses and courses of instruction offered by  
20 schools to residents of this state and establish minimum standards for those courses  
21 of instruction.

22 (b) Investigate the adequacy of schools' facilities, equipment, instructional  
23 materials, and instructional programs and establish minimum standards for those  
24 facilities, equipment, materials, and programs.

1 (c) Establish rules, standards, and criteria to prevent fraud and  
2 misrepresentation in the sale and advertising of courses and courses of instruction.

3 (d) Promulgate rules restricting the negotiability of promissory instruments  
4 received by schools in payment of tuition and other charges.

5 (e) Establish minimum standards for refund of the unused portion of tuition,  
6 fees, and other charges if a student does not enter a course or course of instruction  
7 or withdraws or is discontinued from the course.

8 (f) Require schools offering courses and courses of instruction to residents of  
9 this state to furnish information concerning their facilities, curricula, instructors,  
10 enrollment policies, tuition and other charges and fees, refund policies, and policies  
11 concerning negotiability of promissory instruments received in payment of tuition  
12 and other charges.

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

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

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

20 (6) SOLICITING OF STUDENTS. (a) *In general.* No solicitor representing any school  
21 offering any course or course of instruction shall sell any course or course of  
22 instruction or solicit students for a course or course of instruction in this state for a  
23 consideration or remuneration, except upon the actual business premises of the  
24 school, unless the solicitor first secures a solicitor's permit from the board. If the

1 solicitor represents more than one school, a separate permit shall be obtained for  
2 each school the solicitor represents.

3 (b) *Solicitor's permit.* The application for a solicitor's permit shall be made on  
4 a form furnished by the board and shall be accompanied by a fee and a surety bond  
5 acceptable to the board in the sum of \$2,000. The board shall, by rule, specify the  
6 amount of the fee for a solicitor's permit. The bond may be continuous and shall be  
7 conditioned to provide indemnification to any student suffering loss as the result of  
8 any fraud or misrepresentation used in procuring his or her enrollment or as a result  
9 of the failure of the school to perform faithfully the agreement the solicitor made with  
10 the student, and may be supplied by the solicitor or by the school itself either as a  
11 blanket bond covering each of its solicitors in the amount of \$2,000 or the surety bond  
12 under sub. (5) (i). Upon approval of a permit, the board shall issue an identification  
13 card to the solicitor giving his or her name and address, the name and address of the  
14 employing school, and certifying that the person whose name appears on the card is  
15 authorized to solicit students for the school. A permit shall be valid for one year from  
16 the date issued. Liability under this paragraph of the surety on the bond for each  
17 solicitor covered by the bond shall not exceed the sum of \$2,000 as an aggregate for  
18 any and all students for all breaches of the conditions of the bond. The surety of a  
19 bond may cancel the bond upon giving 30 days' notice in writing to the board and  
20 shall be relieved of liability under this paragraph upon giving the notice for any  
21 breach of condition occurring after the effective date of the cancellation. An  
22 application for renewal shall be accompanied by a fee, a surety bond acceptable to  
23 the board in the sum of \$2,000 if a continuous bond has not been furnished, and such  
24 information as the board requests of the applicant. The board shall, by rule, specify  
25 the amount of the fee for renewal of a solicitor's permit.



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

4           1. Willful violation of this subsection or any rule promulgated by the board  
5 under this section.

6           2. Furnishing false, misleading, or incomplete information to the board.

7           3. Presenting information to prospective students relating to the school, a  
8 course, or a course of instruction that is false, fraudulent, or misleading.

9           4. Refusal by the school to be represented to allow reasonable inspection or to  
10 supply information after written request therefor by the board.

11           5. Failure of the school which the solicitor represents to meet requirements and  
12 standards established by and to comply with rules promulgated by the board under  
13 sub. (5).

14           6. Cancellation of the solicitor's bond by surety.

15           7. Subject to ss. 111.321, 111.322, and 111.335, the applicant has an arrest or  
16 conviction record.

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

22           (e) *Request for appearance.* Within 20 days of the receipt of notice of the board's  
23 refusal to issue or renew a permit or of the revocation of a permit, the applicant or  
24 holder of the permit may request permission to appear before the board in person,  
25 with or without counsel, to present reasons why the permit should be issued,

1 renewed, or reinstated. Upon receipt of a request, the board shall grant a hearing  
2 to the applicant or holder of the permit within 30 days giving that person at least 10  
3 days' notice of the date, time, and place.

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

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

12 (h) *Enforcement.* The attorney general or any district attorney may bring an  
13 action in circuit court for the enforcement of this subsection.

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

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

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

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

11           1. Require that the amount of fees collected under this paragraph be sufficient  
12 to cover all costs that the board incurs in examining and approving proprietary  
13 schools under this subsection.

14           2. Give consideration to establishing a variable fee structure based on the size  
15 of a proprietary school.

16           3. Specify a fee to accompany all applications under par. (b).

17           4. Specify a student protection fee.

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

21           (d) *Enforcement.* The attorney general or any district attorney may bring an  
22 action in circuit court for the enforcement of this subsection, including bringing an  
23 action to restrain by temporary or permanent injunction any violation of par. (a).

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

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

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

9 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)  
10 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or  
11 under rules promulgated by the director of the office of state employment relations  
12 or is eligible for reemployment with the state under s. 45.50 21.79 after completion  
13 of his or her service in the U.S. armed forces.

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

15 **CHAPTER 45**

16 **VETERANS**

17 **SUBCHAPTER I**

18 **GENERAL PROVISIONS**

19 **45.001 Recognition of persons who served in the armed forces.** The  
20 state of Wisconsin recognizes, as veterans, the men and women of Wisconsin who  
21 served on active duty in the U.S. armed forces or in forces incorporated in the U.S.  
22 armed forces, the men and women who served in a reserve unit of the U.S. armed  
23 forces, and the men and women who served in the national guard.

\*\*\*\*NOTE: This language is added at the request of James Endres, Past Department  
Commander of the AMVETS.

1           **45.01 Definitions.** In this chapter, unless the context otherwise requires:

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

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

4           (22).

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

6           (4) "Child" means any biological child, any adopted child, any stepchild, or any

7 other child who is a member of the veteran's household, or any nonmarital child if

8 the veteran acknowledges paternity or paternity has been otherwise established.

      \*\*\*\*NOTE: Current ch. 45 does not contain a general definition of "child" or  
"dependent." Instead, those terms are used in various places in the chapter to mean  
different things. This bill creates a definition of "child," with minor wording changes, and  
makes it applicable to the entire chapter rather than just to certain provisions. The bill  
also creates a definition of "dependent," which is slightly broader than the current  
definition in that it applies to all surviving spouses, rather than to just unremarried  
surviving spouses.

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

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

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

14          (b) Any child under 18 years of age, or under the age of 26 if in full attendance  
15 at a recognized school of instruction, or of any age if incapable of self-support by  
16 reason of mental or physical disability.

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

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

1           (7) "In-kind contributions" includes donations of appliances, buildings,  
2           creations, equipment, fixtures, furniture, materials, real property, structures,  
3           supplies, and utilities, and work performed in the acquisition of land and  
4           construction of property.

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

9           (9) "Permanently and totally disabled veteran" means a person who is  
10          receiving 100 percent disability compensation from the U.S. department of veterans  
11          affairs under 38 USC 301 to 315, 331 to 337, and 350 to 362, due to a permanent and  
12          total service-connected disability.

13          (10) "Secretary" means the secretary of the department.

14          (11) "Service in a crisis zone" means any of the following:

15          (a) *Service in Lebanon and Grenada.* A person shall be considered to have  
16          served in Lebanon or Grenada if the person was on active duty in Lebanon or its  
17          territorial waters under honorable conditions between August 1, 1982, and August  
18          1, 1984, or in Grenada between October 23, 1983, and November 21, 1983, and meets  
19          one of the following conditions:

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

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

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

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

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

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

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

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

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

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

15 b. Under honorable conditions.

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

18 6. The person served for 90 days or more in support of Operation Enduring  
19 Freedom or an operation that is a successor to Operation Enduring Freedom or  
20 served in the Operation Enduring Freedom theater of operation under all of the  
21 following conditions:

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

24 b. Under honorable conditions.

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

4 (c) *Service in Panama.* A person shall be considered to have served in Panama  
5 if the person was on active duty in the U.S. armed forces in Panama or its territorial  
6 waters under honorable conditions between December 20, 1989, and January 31,  
7 1990.

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

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

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

21 2. Under honorable conditions.

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

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



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

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

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

13 (d) A person whose term of service in the U.S. armed forces or in forces  
14 incorporated as part of the U.S. armed forces under honorable conditions entitled  
15 him or her to receive the Armed Forces Expeditionary Medal, established by  
16 executive order 10977 on December 4, 1961, the Vietnam Service Medal established  
17 by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, the Marine  
18 Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

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

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

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

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

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

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

\*\*\*\*NOTE: In this bill, the following 3 categories of persons are included in the definition of “veteran” that are not included under current law:

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

b. A person who dies as a result of a service-connected disability.

c. A person who dies in the line of duty while on inactive or active duty for training purposes in the U.S. armed forces, or forces incorporated in the armed forces, or in the national guard.

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

\*\*\*\*NOTE: This bill defines the term “veterans home” to mean the 3 veterans homes — at King, Union Grove, and Chippewa Falls. Thus, particularly in subch. V provisions where “veterans home” or “veterans homes” appears, the term pertains to all 3 facilities. Under current law, many of the provisions refer by name to just one or 2 of the homes.

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

13 (a) Indian War: between 1860 and 1898.

14 (b) Spanish-American War: between April 21, 1898, and April 11, 1899.

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

17 (d) Boxer Rebellion: between June 16, 1900, and May 12, 1901.

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

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

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

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

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

7 (j) Persian Gulf War: between August 1, 1990, and the ending date of Operation  
8 Desert Shield or the ending date of Operation Desert Storm as established by the  
9 department by rule.

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

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

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

\*\*\*\*NOTE: The language in par. (n), above, is not in current ch. 45. It is intended to provide a mechanism for designating future war periods without having to enact legislation each time. Instead, the department of veterans affairs (DVA) would be authorized to determine and designate a war period by rule, after reviewing criteria used to establish existing war periods and consulting with the U.S. DOD, when the U.S. is in a conflict that places persons at such risk that the DVA concludes the period should be designated a war period.

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

6           (2) Except as provided in sub. (3), to be eligible for benefits under this chapter  
7 an applicant shall be a resident of and living in this state at the time of making  
8 application or the veteran from whom the applicant derives eligibility is deceased,  
9 and the veteran from whom eligibility is derived meets one of the following  
10 conditions:

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

14           (b) The veteran was a resident of this state at the time of entry or reentry into  
15 active duty.

16           (c) The veteran was a resident of this state for any consecutive 12-month period  
17 after entry or reentry into service and before the date of his or her application or  
18 death.

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

22           (4) If the department determines that a person applying for a benefit under this  
23 chapter meets the residency requirement under sub. (2) (c), the department may not  
24 require the person to reestablish that he or she meets that residency requirement

1 when he or she later applies for any other benefit under this chapter that requires  
2 that residency.

3 **45.03 Department of veterans affairs. (1) POLICY.** It is the policy of the  
4 state to give health, educational, and economic assistance to veterans and their  
5 dependents who are residents of this state to the extent and under the conditions  
6 determined by the board within the limitations set forth in this section.

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

\*\*\*\*NOTE: Under current s. 45.35 (7a), DVA is required to provide the register of  
deeds in every county with the names of all persons from the county who died while in  
the service during wars ranging from the Spanish-American War through the Vietnam  
War. After consulting with registers of deeds and determining that they have not been  
receiving such lists, the subcommittee concluded that the requirement is outdated and  
should be removed.

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

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

20 **(4) DEPARTMENT STAFF. (a)** The department shall employ staff necessary to  
21 carry out its functions. The secretary shall appoint under the classified service such  
22 persons as are necessary to carry out the policy of the board. All persons appointed

1 by the department shall, if possible, be veterans and preference shall be given to  
2 disabled veterans.

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

8 (c) The department shall employ regional coordinators. The duties of a regional  
9 coordinator shall include providing direct claims and benefit application assistance  
10 to veterans. The regional coordinators shall coordinate claims and benefit  
11 application assistance with the appropriate county veterans service officers to  
12 maximize the level of assistance and benefits provided to veterans.

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

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

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

23 1. "Existing building" in relation to any conveyance, lease, or sublease made  
24 under par. (c) 1. means all detention, treatment, administrative, recreational,  
25 infirmary, hospital, vocational, and academic buildings; all dormitories and cottages;

1 all storage facilities, heating plants, sewage disposal plants, and other buildings,  
2 structures, facilities, and permanent improvements that in the judgment of the  
3 board are needed or useful for the purposes of the department, and all equipment for  
4 them and all improvements and additions to them that were erected, constructed, or  
5 installed prior to the making of the conveyance, lease, or sublease.

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

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

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

19 (c) 1. To provide new buildings and to enable the construction and financing of  
20 new buildings, to refinance indebtedness created by a nonprofit corporation for the  
21 purpose of providing a new building or buildings or additions or improvements to a  
22 new building that is located on land owned by, or owned by the state and held for, the  
23 department or on lands of the institutions under the jurisdiction of the department  
24 or by the nonprofit corporation, or for any one or more of these purposes, the  
25 department has the following powers and duties:

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

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

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

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

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

24 f. The power to covenant and agree in any lease or sublease of any land or new  
25 buildings made under subd. 1. c. to impose fees, rentals, or other charges for the use



1 and occupancy or other operation of new buildings in an amount calculated to  
2 produce net revenues sufficient to pay the rentals due and to become due under the  
3 lease or sublease.

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

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

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

15 j. The power and duty, upon receipt of notice of any assignment by any nonprofit  
16 corporation of any lease or sublease made under subd. 1. c., or of any of its rights  
17 under any sublease, to recognize and give effect to the assignment, and to pay to the  
18 assignee rentals or other payments then due or that may become due under any lease  
19 or sublease that has been assigned by the nonprofit corporation.

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

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

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

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

11           (6) COORDINATION DUTIES. The department shall coordinate the activities of all  
12 state agencies and the University of Wisconsin Hospitals and Clinics Authority  
13 performing functions relating to the medical, hospital, or other remedial care;  
14 placement and training; and educational, economic, or vocational rehabilitation of  
15 veterans. In particular, the department shall coordinate the activities of the  
16 technical college system board, state selective service administration, department  
17 of health and family services, department of workforce development, department of  
18 public instruction, the University of Wisconsin System and other educational  
19 institutions, the University of Wisconsin Hospitals and Clinics Authority, and all  
20 other departments or agencies performing any of the functions specified, to the end  
21 that the benefits provided in this section may be made available to veterans as  
22 promptly and effectively as possible.

23           (7) CONTACT DUTIES. The department shall maintain contacts with county  
24 veterans service officers and local agencies, the American Red Cross, and veterans  
25 organizations concerned with the welfare of veterans and shall contact and cooperate

1 with federal agencies in securing for veterans all benefits to which they may be  
2 entitled.

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

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

10 (9) VOCATIONAL TRAINING. The department in cooperation with the department  
11 of workforce development shall make available to disabled veterans the benefits of  
12 vocational training and guidance, including those veterans who have filed claims for  
13 federal rehabilitation benefits and during the pendency of the claims. If the claims  
14 are allowed and federal reimbursement is made to the state, the money shall be paid  
15 into the veterans trust fund.

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

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

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

3 1. On-the-job and apprenticeship training program, the department of  
4 workforce development.

5 2. On-the-farm training program, the technical college system board.

6 3. Funeral directors apprentices, the funeral directors examining board.

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

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

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

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

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

20 (c) Assist any housing authority, municipality, or private enterprise engaged  
21 in supplying veterans housing in the acquisition of materials, finances, legal aid, and  
22 compliance with federal regulations.

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

1 (e) Provide county veterans service officers with the information provided to  
2 the department by the adjutant general under s. 21.19 (14) and may provide county  
3 veterans service officers with information on all necessary military points of contact  
4 and general deployment information for reserve units of the U.S. armed forces.

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

\*\*\*\*NOTE: Current law requires that certain provisions of ch. 45 be construed as liberally as the language permits in favor of applicants (for veterans benefits). Those provisions relate to: (1) general DVA powers and duties; (2) tuition reimbursement; (3) economic assistance; (4) personal loans; (5) veterans homes; and (6) housing loans. This bill would extend that requirement for liberal construction of provisions to the chapter as a whole.

7 (15) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or a  
8 member of the veteran's family makes application for deferment of payment of  
9 monthly installments and waiver of interest charges on veterans loans made under  
10 this chapter, showing that the ability of the veteran to make payment is materially  
11 and adversely affected by reason of military service, the department may, with the  
12 approval of the board, defer payment of monthly installments and waive interest  
13 charges on veterans loans made under this chapter for the duration of any period of  
14 service in the armed forces of the United States during a national emergency or in  
15 time of war or under P.L. 87-117 and 6 months from date of discharge or separation  
16 and the time for payment may be extended for the same period. However, when funds  
17 estimated to be received in the veterans mortgage loan repayment fund to pay debt  
18 service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than the  
19 funds estimated to be required for the payment of the debt service, the board may  
20 grant deferral of payments and interest on loans provided under s. 45.37 only when  
21 so required by federal law.

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

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

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

18          2. The department shall declare immediately due and payable any loan made  
19          after July 29, 1979, under a program administered by the department under s. 45.40  
20          or subch. III, if it finds that the loan was granted to an ineligible person due to any  
21          of the following circumstances:

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

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

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

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

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

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

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

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

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

22 (17) LOAN REPAYMENTS. The department shall deposit all repayments of loans  
23 and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.356,  
24 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

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

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

9           **45.04 Release of information and records. (1) DEFINITIONS.** In this section:

10           (a) "Duly authorized representative" means any person authorized in writing  
11 by the veteran to act for the veteran, the veteran's guardian if the veteran is  
12 adjudicated incompetent, or a legal representative if the veteran is deceased. Where  
13 for proper reason no representative has been or will be appointed, the veteran's  
14 spouse, an adult child, or, if the veteran is unmarried, either parent of the veteran  
15 shall be recognized as the duly authorized representative.

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

17           (2) SEPARATION DOCUMENTS. Separation documents and copies of separation  
18 documents evidencing service in the armed forces of the U.S. are confidential and  
19 privileged. Examination of these records in the possession of the department or  
20 service office is limited to authorized employees of the department or service office  
21 and information entered in these records may be disclosed only to veterans and their  
22 duly authorized representatives or to interested governmental agencies for the  
23 purpose of assisting veterans and their dependents to obtain the rights and benefits  
24 to which they may be entitled.



1           **(3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS.** Records and papers in the  
2 possession of the department or service office that are released to the department or  
3 service office by the U.S. department of veterans affairs or that contain information  
4 provided by the U.S. department of veterans affairs are confidential. Release of  
5 information from these records or papers may be made only under regulations of the  
6 U.S. department of veterans affairs.

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

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

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

22           **(7) DISCLOSURE OF LOAN STATUS INFORMATION.** The department may disclose to  
23 a consumer reporting agency, as defined in 15 USC 1681a (f), the current repayment  
24 status of, the balances due on, and other relevant information pertaining to  
25 department loans that is readily accessible on any loans on which balances are due

1 and owing the department. The department may charge consumer reporting  
2 agencies an amount sufficient to cover all the costs of preparation and delivery of the  
3 information.

4 (8) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (6),  
5 all files, records, reports, papers, and documents pertaining to applications for  
6 benefits from the department, and information contained in them, may be released  
7 by the department or service office only under rules of the department. The rules  
8 shall provide for the furnishing of information required under sub. (7) and for official  
9 purposes by any agency of the U.S. government, by any agency of this state, by any  
10 law enforcement, social services, or human services agency of any Wisconsin county,  
11 or by members of the state senate and assembly. The rules shall otherwise provide  
12 for release of personal information pertaining to or contained in any application for  
13 benefits, whether pending or adjudicated, only when authorized in writing by the  
14 applicants or when necessary to assist applicants in securing veterans benefits that  
15 the applicants may be entitled to or when necessary for the efficient management of  
16 loans made by the department.

17 **45.05 Registration of certificate of discharge.** Every person who has  
18 served in the U.S. armed forces at any time, and who has been honorably discharged  
19 or given a certificate of service or relieved from active service may record with the  
20 register of deeds of any county, in a suitable book provided by the county for that  
21 purpose, a certificate of discharge or release. The certificate shall be accessible only  
22 to the discharged person or that person's dependents or duly authorized  
23 representative, as defined in s. 45.04 (1) (a), the county veterans service officer, the  
24 department, or any person with written authorization from the discharged person  
25 or that discharged person's dependents. The register of deeds may not charge for

1 recording, except that in counties where the register of deeds is under the fee system  
2 and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag).  
3 The record of any certificate of discharge or release made prior to July 6, 1919, is  
4 legalized.

5 **45.06 Security.** (1) It shall be unlawful for any person to receive or accept as  
6 a security or to withhold from a veteran or a person who was honorably discharged  
7 from the U.S. armed forces any discharge paper, citation, warrant, medal, badge, or  
8 evidence upon which the veteran is entitled to certain rights, as a veteran under the  
9 laws of the United States or of this state, and any transfer of the item during the life  
10 of the veteran upon a consideration or otherwise shall be null and void, and the  
11 refusal or willful neglect of any person to return or deliver upon demand the  
12 discharge paper, citation, warrant, medal, badge, or evidence is punishable as  
13 provided in sub. (2).

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

16 **45.07 Wisconsin Veterans Museum.** (1) The department of administration  
17 shall provide suitable space for the purpose of a memorial hall, designated as the  
18 Wisconsin Veterans Museum, dedicated to the veterans of Wisconsin and to the men  
19 and women of Wisconsin who served in the armed forces of the United States in the  
20 civil war of 1861 to 1865. The department of veterans affairs shall operate the  
21 Wisconsin Veterans Museum. The mission of the Wisconsin Veterans Museum is to  
22 acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United  
23 States of America's military past by means of instructive exhibits and other  
24 educational programs.

1           (2) The battle flags of Wisconsin units serving in the nation's wars and all relics  
2 and mementos of the nation's wars donated to or otherwise acquired by the state for  
3 display in the Wisconsin Veterans Museum shall constitute the memorial collection.

4 The department shall do all of the following:

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

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

8           (c) Procure additions to the memorial collection.

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

11           **45.08 Memorial Day.** (1) Every department and agency of the state  
12 government, every court of the state, and every political subdivision of the state,  
13 shall give a leave of absence with pay for the last Monday in May of each year, the  
14 day of celebration for May 30, Memorial Day, to every person in the employ of the  
15 state or political subdivision who has at any time served in and been honorably  
16 discharged from the U.S. armed forces or from forces incorporated as part of the U.S.  
17 armed forces. A refusal to give the leave of absence to a person entitled to the leave  
18 constitutes neglect of duty.

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

\*\*\*\*NOTE: Under current law and this bill, all state government departments and agencies, including state courts, every "superintendent or foreman on the public works of the state," and all political subdivisions must give a paid leave of absence to veterans

for Memorial Day. However, under current law, only city department heads are directed to assign work in such a manner as to permit the greatest number of employees to be off duty for all or part of that day. This bill makes that requirement applicable to all of the government entities that are required to grant the paid leave of absence. It also eliminates the reference to superintendents and foremen on the public works.

## SUBCHAPTER II

### 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

1 or quarter credit requirements of the program or school in which the student is  
2 enrolled.

3 c. Enrollment by any other eligible student in courses for which no more than  
4 11 semester or the equivalent trimester or quarter credits will be given upon  
5 satisfactory completion.

6 d. Study during a summer semester or session.

7 3. "Tuition" means any of the following:

8 a. For the University of Wisconsin System, academic fees, as described in s.  
9 36.27 (1), and segregated fees.

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

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

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

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

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

23 (c) *Reimbursement limit.* The amount of the reimbursement under sub. (2) or  
24 (3) may not exceed the total cost of the veteran's tuition or the standard cost for a state  
25 resident for tuition for an equivalent undergraduate course at the University of

1 Wisconsin-Madison per course, whichever is less, minus any grants or scholarships  
2 that the veteran receives specifically for the payment of tuition.

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

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

13 2. A statement that the veteran is not delinquent in child support or  
14 maintenance payments and does not owe past support, medical expenses, or birth  
15 expenses, signed by the department of workforce development or its designee within  
16 7 working days before the date of the application.

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

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

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

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

1 (b) *Program benefits.* 1. A veteran who meets the requirements under par. (a),  
2 upon satisfactory completion of a full-time undergraduate semester in any  
3 institution of higher education in this state, any school that is approved under s.  
4 45.03 (11), any proprietary school that is approved under s. 39.90, or any institution  
5 from which the veteran receives a waiver of nonresident tuition under s. 39.47, may  
6 be reimbursed an amount not to exceed the total cost of the veteran's tuition minus  
7 any grants or scholarships that the veteran receives specifically for the payment of  
8 the tuition. Reimbursement is available only for tuition that is part of a curriculum  
9 that is relevant to a degree in a particular course of study at the institution.

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

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

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

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

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

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



1 the department shall determine eligibility on the basis of the dates on which  
2 applications for reimbursement were received.

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

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

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

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

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

21 (3) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. (a) *Eligibility.*

22 The following persons are eligible for benefits under this section:

23 1. A veteran.

24 2. An unremarried surviving spouse or minor or dependent child of a deceased  
25 veteran.

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

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

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

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

23           3. Enrolled part-time classroom study or direct correspondence courses from  
24 a qualified educational institution may be authorized and the person reimbursed in  
25 part by the department when the courses are related to one's occupational,

1 professional, or employment objectives, and to the extent that payment or  
2 reimbursement is not available from any other sources, or, in cases where  
3 reimbursement is not specifically for tuition, to the extent that the reimbursement  
4 is insufficient to cover all educational costs.

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

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

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

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

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

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

1 training program and who meets the requirements under sub. (2), make a payment  
2 under this subsection to the veteran's employer.

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

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

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

11 (3) (c).

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

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

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

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

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

25 (b) Selection procedures.

1 (c) Uniform need determination procedures.

2 (d) Application procedures.

3 (e) Coordination with other occupational training programs.

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

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

### 12 SUBCHAPTER III

#### 13 VETERANS HOUSING LOAN PROGRAM

14 **45.30 Purpose.** (1) LEGISLATIVE FINDINGS. It is determined that veterans, who  
15 have sacrificed in the service of their country valuable years of their lives and  
16 considerable earning potential, constitute a readily identifiable and particularly  
17 deserving segment of this state's population. It is further determined that by making  
18 additional housing funds available to eligible veterans, limited private home loan  
19 funds will be more readily available to all. It is further determined that the loan  
20 programs established under this subchapter are special purpose credit programs for  
21 an economically disadvantaged class of persons for the purposes of 15 USC  
22 1691-1691f.

23 (2) LEGISLATIVE INTENT. This subchapter is created principally to enable the  
24 state and the authority to exercise their borrowing power to increase those funds  
25 available for loans providing for the purchase or construction of private housing,

1 without requiring down payments beyond the reach of families of modest means. It  
2 is the intent of the legislature that the department in its administration of this  
3 subchapter avoid the duplication of those administrative services available through  
4 private lending institutions, utilizing the administrative services of such  
5 institutions to the maximum extent consistent with the purposes of this subchapter.

6 **45.31 Definitions.** In this subchapter:

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

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

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

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

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

16 (3) "Authorized lender" means any lender or servicer authorized under s. 45.37

17 (5) (a) 5. to make or service loans under s. 45.37.

18 (4) "Closing costs" include:

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

20 (b) Attorney fees.

21 (c) Recording fees.

22 (d) Other costs authorized by the department.

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

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

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

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

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

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

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

15           (12) "Manufactured home" means a structure, as defined by the Federal Home  
16 Loan Mortgage Corporation, which meets or exceeds the statutory size under s.  
17 348.07 (2).

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

19           (a) Required payments on principal and interest.

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

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

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

23           **45.32 Powers of the department.** With respect to loans made by and  
24 mortgages and mortgage notes executed or properties mortgaged to the department

1 or to authorized lenders under this subchapter, the department may do any of the  
2 following:

3 (1) Execute necessary instruments.

4 (2) Collect interest and principal.

5 (3) Compromise indebtedness due on mortgage notes.

6 (4) Sue and be sued.

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

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

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

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

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

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

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



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

2 (8) Grant easements in any real property the department acquires.

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

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

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

10 **45.33 Eligibility and disqualifying factors. (1) ELIGIBLE PERSONS.** Subject  
11 to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

12 (a) A veteran.

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

16 (c) The unremarried surviving spouse or dependent child, as defined in s. 45.01  
17 (6) (b), of a deceased veteran or of a deceased person described in par. (b).

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

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

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

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

3 b. The person is applying for a loan under s. 45.37 for a purpose under s. 45.34  
4 (1) (c) and the previous loan was made under s. 45.37.

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

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

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

16 b. A statement that the person is not delinquent in child support or  
17 maintenance payments and does not owe past support, medical expenses, or birth  
18 expenses, signed by the department of workforce development or its designee within  
19 7 working days before the date of the application.

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

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

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

5           1. A manufactured home or real property on which a manufactured home is to  
6 be situated, but only if the eligible person has available and applies on the total cost  
7 of the property, an amount equivalent to at least 15 percent of the total cost. This  
8 15 percent requirement does not apply to a disabled veteran.

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

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

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

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

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

4           (2) CONDITIONS. (a) No loan may be made under this subchapter if the  
5 department or authorized lender determines that the total cost of the property  
6 exceeds its market value unless the amount by which the cost of the property exceeds  
7 its market value is paid by the borrower in addition to the contribution required by  
8 s. 45.35. This paragraph does not apply to a permanently and totally disabled  
9 veteran.

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

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

15           2. Unless other acceleration provisions are permitted under s. 45.36 (2), the  
16 loan made under this subchapter will be repaid in full upon sale of the residence or  
17 any of the person's interest in it. A divorce judgment divesting the person's interest  
18 in the residence or a quit claim deed executed under the judgment does not constitute  
19 a sale.

20           **45.35 Contribution.** No loan may be made under this subchapter unless, in  
21 addition to the closing costs that the person may be required to pay, the person has  
22 available, and applies on the total cost of the property for which the loan is made, an  
23 amount equivalent to at least 5% of the total cost. The amount may consist of money  
24 or other assets, including equity in real property. This section does not apply to a  
25 permanently and totally disabled veteran.

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

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

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

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

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

13           **45.37 Mortgage loan program.** (1) LOANS AUTHORIZED. An authorized lender  
14 or a county veterans service officer may, as agent for and with the approval of the  
15 department, make loans to eligible persons for qualified purposes in the manner  
16 provided under this section.

17           (2) LOAN APPLICATIONS. (a) Applications for loans under this section for a  
18 purpose specified in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender  
19 and applications for loans under this section for a purpose specified under s. 45.34  
20 (1) (c) may be made to the department or to a county veterans service officer on forms  
21 approved by the department and signed by the applicant. If the applicant is married  
22 and not legally separated under s. 767.02 (1) (d) or in the process of obtaining a  
23 divorce, the applicant's spouse also shall sign the application.

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

1           **(3) LOANS TO BE SECURED.** (a) Each loan made under this section, except a loan  
2 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c), shall be evidenced by  
3 a promissory installment note and secured by a mortgage on the real estate in respect  
4 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified  
5 under s. 45.34 (1) (c) shall be evidenced by a promissory installment note and shall  
6 be secured by a guarantor or by a mortgage on the real estate in respect to which the  
7 loan is granted. Any loan having as its source funds provided under sub. (6) (a) and  
8 secured by a mortgage shall have the mortgage name the department as mortgagee  
9 and payee. Any loan having as its source funds provided under sub. (6) (b) and  
10 secured by a mortgage shall have the mortgage name the authorized lender involved  
11 as mortgagee and payee, and such mortgage and note shall be assigned by the  
12 authorized lender to the authority immediately upon execution. A mortgage  
13 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have  
14 priority over all liens against the mortgaged premises and the buildings and  
15 improvements to the buildings, except tax and special assessment liens filed after  
16 the recording of the mortgage. A mortgage securing a loan made for a purpose  
17 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum  
18 equity in the property, as established by the department by rule.

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

22           **(4) INTEREST RATE DETERMINED.** (a) The board shall determine the interest rate  
23 on loans made under this section. Except as provided in sub. (11), the interest rate  
24 determined may not be increased during the term of the loan. Except as provided  
25 in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully

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

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

7 2. The board shall charge or cause to be charged to borrowers all costs necessary  
8 to insure against losses under subd. 1.

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

11 (c) Loans made pursuant to this section shall not be subject to s. 138.05,  
12 138.051, or 138.052, except that a loan originated under this section after May 3,  
13 1996, is subject to s. 138.052 (5).

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

16 1. Enter into contracts with authorized lenders throughout this state  
17 authorizing such lenders to process applications and close and service loans made  
18 under this section. The contracts shall include the responsibilities of the authorized  
19 lender with respect to credit evaluations, financial eligibility determinations,  
20 valuation of the home for which the loan is to be made, collection procedures in the  
21 event of delinquent loan repayments, and other functions that the department may  
22 require. The contracts shall authorize the lender to retain an amount from the  
23 monthly payments for servicing loans made under this section. The rate of the  
24 service fee shall not exceed a maximum rate established by the department with the  
25 lender in accordance with current practices under similar programs, and shall be

1 stated in the contracts. The department shall specify in the contracts a maximum  
2 length of time between receipt of monthly mortgage payments by the lender and  
3 transmittal of such payments to the state or the authority.

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

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

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

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



1 removed to make or service any loan under this section until the department is  
2 satisfied that the lender will conform with its rules.

3 6. Require borrowers to make monthly escrow payments to be held by the  
4 authorized lender or the department for real estate taxes and casualty insurance  
5 premiums. The authorized lender or the department shall pay all of the amounts due  
6 for real estate taxes and casualty insurance premiums, even if the amount held in  
7 escrow is insufficient to cover the amounts due. If the amount held in escrow is  
8 insufficient to cover the amounts due, the authorized lender or the department shall  
9 recover from the borrower, after paying the amounts due under this subdivision, an  
10 amount equal to the difference between the amounts paid and the amount held in  
11 escrow. If the amount held in escrow is more than the amounts due, the authorized  
12 lender or the department shall refund to the borrower, after paying the amounts due  
13 under this subdivision, an amount equal to the difference between the amount held  
14 in escrow and the amounts paid by the authorized lender or the department.

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

16 8. Exercise all of the powers vested in it under this subchapter with respect to  
17 any applications for loans and loans approved under this section and with respect to  
18 any mortgages and mortgage notes executed to authorized lenders and assigned to  
19 and purchased by the authority under this section and the properties securing those  
20 mortgages. The department may exercise or authorize those powers to be exercised  
21 in its own name.

22 9. With prior approval of the building commission, retire all 1981 veterans  
23 home loan revenue bonds and transfer any assets remaining in the bond fund after  
24 retirement into the veterans trust fund. The department may sell the assets

1 transferred to the veterans trust fund under this subdivision and deposit the  
2 proceeds of any sale into the veterans trust fund.

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

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

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

9 (b) At the time of closing, persons receiving loans under this section shall pay  
10 an origination fee to the authorized lender participating in the loan, except that the  
11 department shall pay, on behalf of a veteran who receives a loan under this section  
12 and who has at least a 30 percent service-connected disability rating for purposes  
13 of 38 USC 1114 or 1134, the origination fee to the authorized lender. The origination  
14 fee charged under this paragraph shall be negotiated between the department and  
15 the authorized lender but may not exceed that which the authorized lender would  
16 charge other borrowers in the ordinary course of business under the same or similar  
17 circumstances.

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

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

24 1. State debt may be contracted when it reasonably appears to the building  
25 commission that all state obligations so incurred under this paragraph and s. 20.866