

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

2           29.506 (7m) (a) The department shall issue a taxidermy school permit to a  
3 person who applies for the permit; who, on August 15, 1991, holds a valid  
4 taxidermist permit issued under this section; and who, on August 15, 1991, operates  
5 a taxidermy school approved by the educational approval board under s. 45.54 39.90.

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

7           29.563 (3) (a) 8. Annual fishing issued to a resident at ~~Wisconsin Veterans~~  
8 ~~Home at King and at the facilities operated by the department of veterans affairs~~  
9 ~~under s. 45.385 a Wisconsin veterans home under s. 45.50: \$0.~~

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

11          36.27 (2) (b) 4. A person who ~~has served on active duty under honorable~~  
12 ~~conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces,~~  
13 ~~except service on active duty for training purposes, who meets one of the conditions~~  
14 ~~in s. 45.001 (4) (a) 1. a. to d. is a veteran, as defined in s. 45.01 (12), and who is a~~  
15 resident for purposes of receiving benefits under ch. 45, is entitled to the exemption  
16 under par. (a).

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

18          36.27 (3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The board shall grant a \$25  
19 remission of nonresident tuition or academic fees to any student enrolled in the  
20 system as an undergraduate for each valid voucher issued to the student under s.  
21 ~~45.19 (3) 45.60 (3).~~

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

23          38.24 (6) FEE REMISSIONS FOR FUNERAL ASSISTANTS. The district board shall grant  
24 a \$25 remission of fees under subs. (1m) and (3) to a student for each valid voucher  
25 issued to the student under s. ~~45.19 (3) 45.60 (3).~~



1           3. Schools of a parochial or denominational character offering courses having  
2 a sectarian objective.

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

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

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

8           7. Schools approved by the department of public instruction for the training of  
9 teachers.

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

11          (f) “Solicitor” means a person employed by or representing a school located  
12 either within or outside this state that, in places other than the actual business  
13 premises of the school, personally attempts to secure the enrollment of a student in  
14 the school.

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

17          (2) RESPONSIBILITIES. The board shall protect the general public by inspecting  
18 and approving private trade, correspondence, business, and technical schools doing  
19 business within this state, whether located within or outside this state, changes of  
20 ownership or control of the schools, teaching locations used by the schools, and  
21 courses of instruction offered by the schools and regulate the soliciting of students  
22 for correspondence or classroom courses and courses of instruction offered by the  
23 schools.

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

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

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

12           (a) Investigate the adequacy of courses and courses of instruction offered by  
13 schools to residents of this state and establish minimum standards for those courses  
14 of instruction.

15           (b) Investigate the adequacy of schools' facilities, equipment, instructional  
16 materials, and instructional programs and establish minimum standards for those  
17 facilities, equipment, materials, and programs.

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

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

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

1           (f) Require schools offering courses and courses of instruction to residents of  
2 this state to furnish information concerning their facilities, curricula, instructors,  
3 enrollment policies, tuition and other charges and fees, refund policies, and policies  
4 concerning negotiability of promissory instruments received in payment of tuition  
5 and other charges.

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

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

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

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

20          (b) *Solicitor's permit.* The application for a solicitor's permit shall be made on  
21 a form furnished by the board and shall be accompanied by a fee and a surety bond  
22 acceptable to the board in the sum of \$2,000. The board shall, by rule, specify the  
23 amount of the fee for a solicitor's permit. The bond may be continuous and shall be  
24 conditioned to provide indemnification to any student suffering loss as the result of  
25 any fraud or misrepresentation used in procuring his or her enrollment or as a result

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

10          4. Specify a student protection fee.

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

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

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

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

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



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

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

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

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

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

7           NF           NOTE: From s. 45.348, but only applies to ss. 45.35, 45.351 and  
45.356—but s. 45.35 is in the general powers of DVA. Is it necessary?

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

21          (8) "Memorial" means a building, structure, statue, or creation used to keep  
22 alive the remembrance of a veteran, veterans group, or an event related to a veteran

1 and may include land upon which the building, structure, statue, or creation is  
2 located. "Memorial" does not include a museum.

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

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

8 (11) "Service in a crises zone" means any of the following:

9 (a) *Service in Lebanon and Grenada.* A person shall be considered to have  
10 served in Lebanon or Grenada if the person was on active duty in Lebanon or its  
11 territorial waters under honorable conditions between August 1, 1982, and the date  
12 of withdrawal of U.S. armed forces from Lebanon, as established by the department  
13 by rule, or in Grenada between October 23, 1983, and November 21, 1983, and meets  
14 one of the following conditions:

NOTE: If the department has established a withdrawal date for Lebanon, we  
should put the date here. There are a number of these in this subsection.

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

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

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

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

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

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

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

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

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

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

12           b. Under honorable conditions.

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

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

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

21           b. Under honorable conditions.

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

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

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

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

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

18           2. Under honorable conditions.

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

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

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

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

5 (c) A person whose term of service in the U.S. armed forces or in forces  
6 incorporated as part of the U.S. armed forces under honorable conditions entitled  
7 him or her to receive the Armed Forces Expeditionary Medal, established by  
8 executive order 10977 on December 4, 1961, the Vietnam Service Medal established  
9 by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, or the  
10 Marine Corps Expeditionary Medal.

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

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

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

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

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

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

2 (j) A person who died in the line of duty while on active duty for training  
3 purposes in the U.S. armed forces or in forces incorporated as part of the U.S. armed  
4 forces.

**FOK** \*\*\*\*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 active duty for training purposes in the U.S. armed forces or forces incorporated in the armed forces.

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

**FOK** \*\*\*\*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 <sup>or</sup> of 2 of the homes. \*

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

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

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

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

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

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

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

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

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



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

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

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

~~\*\*\*~~ NOTE: The language in par. (k), 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. DVA, 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.

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

12 (n) Any period after the period specified in par. (j) that results in a person  
13 receiving an expeditionary medal, and that the department determines and  
14 designates by rule, after reviewing the criteria used to establish the war periods  
15 under pars. (a) to (m) and after consultation with the U.S. department of veterans  
16 affairs, to be a period when the United States is in a conflict that places persons at  
17 such a risk that the period should be designated as a war period for purposes of this  
18 chapter.

19 **45.02 Eligibility for benefits.** (1) Any person whose service on active duty  
20 with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces  
21 makes that person eligible for general U.S. department of veterans affairs benefits

1 shall be considered to have served under honorable conditions for purposes of this  
2 chapter.

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

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

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

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

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

19 (4) If the department determines that a person applying for a benefit under this  
20 chapter meets the residency requirement under sub. (2) (c), the department may not  
21 require the person to reestablish that he or she meets that residency requirement  
22 when he or she later applies for any other benefit under this chapter that requires  
23 that residency.

24 **45.03 Department of veterans affairs. (1) POLICY.** It is the policy of the  
25 state to give health, educational, and economic assistance to veterans and their

1 dependents who are residents of this state to the extent and under the conditions  
2 determined by the board within the limitations set forth in this section.

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

7 **FOK** **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.

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

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

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

21 (b) The department upon request shall assist without charge all persons  
22 residing in the state having claims against the United States where the claims have

1 arisen out of or by reason of service in the U.S. armed forces. The department may  
2 act as agent or power of attorney in pursuing claims for persons requesting the  
3 department to do so.

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

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

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

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

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

1 them and all improvements and additions to them that were erected, constructed, or  
2 installed prior to the making of the conveyance, lease, or sublease.

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

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

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

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

23 a. Without limitation by reason of any other provisions of the statutes, unless  
24 otherwise required by law, the power to sell and to convey title in fee simple to a  
25 nonprofit corporation any land and any existing buildings owned by the state that

1 are under the jurisdiction of the department for the consideration and upon the  
2 terms and conditions as in the judgment of the board are in the public interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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


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

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

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

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

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

NF  NOTE: Do these programs exist?

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

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

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

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


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

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

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

ok  
\*\*\*\*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



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) (a) 2., 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.