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1 **45.001 Recognition of persons who served in the armed forces.** The
2 state of Wisconsin recognizes, as veterans, the men and women of Wisconsin who
3 served on active duty in the U.S. armed forces or in forces incorporated in the U.S.
4 armed forces, the men and women who served in a reserve unit of the U.S. armed
5 forces, and the men and women who served in the national guard.

6 **45.01 Definitions.** In this chapter, unless the context otherwise requires:

7 (1) “Active duty” does not include active duty for training purposes.

8 (2) “Active duty for training purposes” has the meaning given in 38 USC 101

9 (22).

10 (3) “Board” means the board of veterans affairs.

11 (4) “Child” means any biological child, any adopted child, any stepchild, or any
12 other child who is a member of the veteran’s household, or any nonmarital child if
13 the veteran acknowledges paternity or paternity has been otherwise established.

14 (5) “Department” means the department of veterans affairs.

15 (6) “Dependent” includes any of the following:

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

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

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

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

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

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

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

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

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

17 (a) *Service in Lebanon and Grenada*. A person shall be considered to have
18 served in Lebanon or Grenada if the person was on active duty in Lebanon or its
19 territorial waters under honorable conditions between August 1, 1982, and August
20 1, 1984, or in Grenada between October 23, 1983, and November 21, 1983, and meets
21 one of the following conditions:

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

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

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

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

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

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

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

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

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

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

17 b. Under honorable conditions.

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

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

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

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1 b. Under honorable conditions.

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

5 (c) *Service in Panama.* A person shall be considered to have served in Panama
6 if the person was on active duty in the U.S. armed forces in Panama or its territorial
7 waters under honorable conditions between December 20, 1989, and January 31,
8 1990.

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

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

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

22 2. Under honorable conditions.

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

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

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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.

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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.

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (c) The department shall employ regional coordinators. The duties of a regional
21 coordinator shall include providing direct claims and benefit application assistance
22 to veterans. The regional coordinators shall coordinate claims and benefit
23 application assistance with the appropriate county veterans service officers to
24 maximize the level of assistance and benefits provided to veterans.

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

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

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

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

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

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

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

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

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

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

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

24 c. The power to lease or sublease from the nonprofit corporation, and to make
25 available for public use, any land, or any land and existing buildings conveyed or

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1 leased to such nonprofit corporation under subd. 1. a. and b., and any new buildings
2 erected upon such land or upon any other land owned by the nonprofit corporation,
3 upon the terms, conditions, and rentals, subject to available appropriations, as in the
4 judgment of the board are in the public interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **(12) GIFTS AND BEQUESTS.** (a) The department may receive gifts and bequests
24 in its name for the benefit of Wisconsin veterans and their dependents in accordance

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1 with policies adopted by the board. Moneys received shall be credited to the veterans
2 trust fund.

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

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

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

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

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

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

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

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

24 **(15) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS.** When a veteran or a
25 member of the veteran's family makes application for deferment of payment of

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

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

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

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1 both. The fine or imprisonment may be imposed in addition to the penalty provided
2 in par. (a).

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

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

11 a. The applicant did not report income amounts as required on the loan
12 application.

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

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

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

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

23 b. Require disclosure of any liability of more than \$500 incurred by the
24 applicant for less than fair consideration, within one year immediately prior to the

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1 loan application date. In determining the applicant's need for a loan, the department
2 shall not consider these liabilities to be liabilities of the applicant.

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

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

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

12 (17) LOAN REPAYMENTS. The department shall deposit all repayments of loans
13 and payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.356,
14 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

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

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

23 **45.04 Release of information and records.** (1) DEFINITIONS. In this section:

24 (a) "Duly authorized representative" means any person authorized in writing
25 by the veteran to act for the veteran, the veteran's guardian if the veteran is

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1 adjudicated incompetent, or a legal representative if the veteran is deceased. Where
2 for proper reason no representative has been or will be appointed, the veteran's
3 spouse, an adult child, or, if the veteran is unmarried, either parent of the veteran
4 shall be recognized as the duly authorized representative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (c) Procure additions to the memorial collection.

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

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

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

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

SUBCHAPTER II

EDUCATION AND TRAINING

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

12
13
14
15 *Definitions.* In this section:

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

17 2. “Full-time classroom study” means any of the following:

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

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

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

4 3. “Part-time classroom study” means any of the following:

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

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

12 c. Enrollment by any other eligible student in courses for which no more than
13 11 semester or the equivalent trimester or quarter credits will be given upon
14 satisfactory completion.

15 d. Study during a summer semester or session.

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

17 a. For the University of Wisconsin System, academic fees, as described in s.
18 36.27 (1), and segregated fees.

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

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

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

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

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

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

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

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

24 2. A statement that the veteran is not delinquent in child support or
25 maintenance payments and does not owe past support, medical expenses, or birth

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1 expenses, signed by the department of workforce development or its designee within
2 7 working days before the date of the application.

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

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

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

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

12 (b) *Program benefits*. 1. A veteran who meets the requirements under par. (a),
13 upon satisfactory completion of a full-time undergraduate semester in any
14 institution of higher education in this state, any school that is approved under s.
15 45.03 (11), any proprietary school that is approved under s. 39.90, or any institution
16 from which the veteran receives a waiver of nonresident tuition under s. 39.47, may
17 be reimbursed an amount not to exceed the total cost of the veteran's tuition minus
18 any grants or scholarships that the veteran receives specifically for the payment of
19 the tuition. Reimbursement is available only for tuition that is part of a curriculum
20 that is relevant to a degree in a particular course of study at the institution.

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

23 a. Be completed and received by the department no later than 60 days after the
24 completion of the semester. The department may accept an application received

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1 more than 60 days after the completion of the semester if the applicant shows good
2 cause for the delayed receipt.

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

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

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

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

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

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

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

23 (c) *Limitations.* 1. A veteran is not eligible for reimbursement under this
24 subsection for more than 120 credits or 8 full semesters of full-time study at any
25 institution of higher education in this state, 60 credits or 4 full semesters of full-time

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1 study at any institution of higher education in this state that offers a degree upon
2 completion of 60 credits, or an equivalent amount of credits at a school that is
3 approved under s. 45.03 (11), at a proprietary school that is approved under s. 39.90,
4 or at an institution where he or she is receiving a waiver of nonresident tuition under
5 s. 39.47.

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

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

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

10 1. A veteran.

11 2. An unremarried surviving spouse or minor or dependent child of a deceased
12 veteran.

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

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

6 a. The part–time classroom study is not offered within 50 miles of the person’s
7 residence by any school or institution under sub. (2) and the educational institution
8 from which the study is offered is located not more than 50 miles from the boundary
9 line of this state.

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

11 3. Enrolled part–time classroom study or direct correspondence courses from
12 a qualified educational institution may be authorized and the person reimbursed in
13 part by the department when the courses are related to one’s occupational,
14 professional, or employment objectives, and to the extent that payment or
15 reimbursement is not available from any other sources, or, in cases where
16 reimbursement is not specifically for tuition, to the extent that the reimbursement
17 is insufficient to cover all educational costs.

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

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

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

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

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

9 **45.21 Retraining assistance program. (1) AMOUNT AND APPLICATION.** The
10 department may pay a veteran not more than \$3,000 for retraining to enable the
11 veteran to obtain gainful employment. The department shall determine the amount
12 of the payment based on the veteran's financial need. A veteran may apply for aid
13 to the county veterans service officer of the county in which the veteran is living. The
14 department may, on behalf of a veteran who is engaged in a structured on-the-job
15 training program and who meets the requirements under sub. (2), make a payment
16 under this subsection to the veteran's employer.

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

19 (a) The veteran is enrolled in a training course in a technical college under ch.
20 38 or in a proprietary school in the state approved by the educational approval board
21 under s. 39.90, other than a proprietary school offering a 4-year degree or 4-year
22 program, or is engaged in a structured on-the-job training program that meets
23 program requirements promulgated by the department by rule.

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

25 (3) (c).

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

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

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

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

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

14 (b) Selection procedures.

15 (c) Uniform need determination procedures.

16 (d) Application procedures.

17 (e) Coordination with other occupational training programs.

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

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

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SUBCHAPTER III

VETERANS HOUSING LOAN PROGRAM

1
2
3 **45.30 Purpose. (1) LEGISLATIVE FINDINGS.** It is determined that veterans, who
4 have sacrificed in the service of their country valuable years of their lives and
5 considerable earning potential, constitute a readily identifiable and particularly
6 deserving segment of this state's population. It is further determined that by making
7 additional housing funds available to eligible veterans, limited private home loan
8 funds will be more readily available to all. It is further determined that the loan
9 programs established under this subchapter are special purpose credit programs for
10 an economically disadvantaged class of persons for the purposes of 15 USC
11 1691-1691f.

12 **(2) LEGISLATIVE INTENT.** This subchapter is created principally to enable the
13 state and the authority to exercise their borrowing power to increase those funds
14 available for loans providing for the purchase or construction of private housing,
15 without requiring down payments beyond the reach of families of modest means. It
16 is the intent of the legislature that the department in its administration of this
17 subchapter avoid the duplication of those administrative services available through
18 private lending institutions, utilizing the administrative services of such
19 institutions to the maximum extent consistent with the purposes of this subchapter.

20 **45.31 Definitions.** In this subchapter:

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

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

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

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

3 (2) “Authority” means the Wisconsin Housing and Economic Development
4 Authority.

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

7 (4) “Closing costs” include:

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

9 (b) Attorney fees.

10 (c) Recording fees.

11 (d) Other costs authorized by the department.

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

14 (6) “Federal Home Loan Mortgage Corporation” means the corporation created
15 under 12 USC 1451 to 1459.

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

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

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

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

3 (11) “Insurer” means any insurer authorized to do business in this state.

4 (12) “Manufactured home” means a structure, as defined by the Federal Home
5 Loan Mortgage Corporation, which meets or exceeds the statutory size under s.
6 348.07 (2).

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

8 (a) Required payments on principal and interest.

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

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

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

12 **45.32 Powers of the department.** With respect to loans made by and
13 mortgages and mortgage notes executed or properties mortgaged to the department
14 or to authorized lenders under this subchapter, the department may do any of the
15 following:

16 (1) Execute necessary instruments.

17 (2) Collect interest and principal.

18 (3) Compromise indebtedness due on mortgage notes.

19 (4) Sue and be sued.

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

22 (a) Acquire or take possession of the mortgaged property and in so doing the
23 department may accept voluntary surrender and conveyance of title to the property
24 in full satisfaction of a mortgage debt or may bid for and purchase the property at
25 a sheriff’s sale or replevin the property.

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

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

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

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

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

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

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

16 (9) Upon application by the mortgagor and agreement in writing executed by
17 the parties:

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

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

23 **45.33 Eligibility and disqualifying factors.** (1) ELIGIBLE PERSONS. Subject
24 to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

25 (a) A veteran.

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

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

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

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

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

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

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

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

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

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

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

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

12 **45.34 Uses for loan proceeds. (1) MORTGAGE LOAN PROGRAM.** An authorized
13 lender may, with the approval of the department, make loans under s. 45.37 for any
14 of the following purposes:

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

16 1. A manufactured home or real property on which a manufactured home is to
17 be situated, but only if the eligible person has available and applies on the total cost
18 of the property, an amount equivalent to at least 15 percent of the total cost. This
19 15 percent requirement does not apply to a disabled veteran.

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

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

23 (c) A loan of not more than \$25,000 to improve a home, including the
24 construction of a garage or the removal or other alteration of existing improvements

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1 that were made to improve the accessibility of a home for a permanently and totally
2 disabled individual.

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

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

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

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

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

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

6 **45.35 Contribution.** No loan may be made under this subchapter unless, in
7 addition to the closing costs that the person may be required to pay, the person has
8 available, and applies on the total cost of the property for which the loan is made, an
9 amount equivalent to at least 5% of the total cost. The amount may consist of money
10 or other assets, including equity in real property. This section does not apply to a
11 permanently and totally disabled veteran.

12 **45.36 Manner of repayment. (1) MONTHLY PAYMENTS; RIGHT TO PREPAY.** Each
13 loan made under this subchapter shall be repaid in monthly installments with the
14 option to pay additional sums. Any additional payments must be paid on the regular
15 installment payment date.

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

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

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

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

24 **45.37 Mortgage loan program. (1) LOANS AUTHORIZED.** An authorized lender
25 or a county veterans service officer may, as agent for and with the approval of the

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1 department, make loans to eligible persons for qualified purposes in the manner
2 provided under this section.

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

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

12 **(3) LOANS TO BE SECURED.** (a) Each loan made under this section, except a loan
13 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c), shall be evidenced by
14 a promissory installment note and secured by a mortgage on the real estate in respect
15 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified
16 under s. 45.34 (1) (c) shall be evidenced by a promissory installment note and shall
17 be secured by a guarantor or by a mortgage on the real estate in respect to which the
18 loan is granted. Any loan having as its source funds provided under sub. (6) (a) and
19 secured by a mortgage shall have the mortgage name the department as mortgagee
20 and payee. Any loan having as its source funds provided under sub. (6) (b) and
21 secured by a mortgage shall have the mortgage name the authorized lender involved
22 as mortgagee and payee, and such mortgage and note shall be assigned by the
23 authorized lender to the authority immediately upon execution. A mortgage
24 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have
25 priority over all liens against the mortgaged premises and the buildings and

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1 improvements to the buildings, except tax and special assessment liens filed after
2 the recording of the mortgage. A mortgage securing a loan made for a purpose
3 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum
4 equity in the property, as established by the department by rule.

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

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

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

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

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

22 (c) Loans made pursuant to this section shall not be subject to s. 138.05,
23 138.051, or 138.052, except that a loan originated under this section after May 3,
24 1996, is subject to s. 138.052 (5).