

2013 DRAFTING REQUEST

Bill

Received:	1/10/2014	Received By:	mgallagh
Wanted:	As time permits	Same as LRB:	
For:	Warren Petryk (608) 266-0660	By/Representing:	Marcie
May Contact:	Kathy Marschman, 266-2256	Drafter:	mgallagh
Subject:	Veterans - miscellaneous	Addl. Drafters:	
		Extra Copies:	MGG

Submit via email: **YES**
 Requester's email: **Rep.Petryk@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Various changes to the administrative rules of DVA.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 1/22/2014	wjackson 1/24/2014		_____			
/P1	rnelson 1/29/2014	csicilia 1/24/2014	rschlue 1/24/2014	_____	mbarman 1/24/2014		State
/P2	mgallagh 2/4/2014	wjackson 2/4/2014	rschlue 1/30/2014	_____	lparisi 1/30/2014		State

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/1	mgallagh 2/5/2014	wjackson 2/5/2014	jfrantze 2/4/2014	_____ _____	srose 2/4/2014		State
/2			rschluet 2/5/2014	_____ _____	srose 2/5/2014	srose 2/5/2014	State

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attest
2/6/14

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Handwritten signature and date: 2/5/14

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1 Wlj 2/4 wls [Signature] 2/4

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FE Sent For:

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Gallagher, Michael

From: Gibson-Glass, Mary
Sent: Friday, January 10, 2014 2:24 PM
To: Gallagher, Michael
Subject: FW: "Right the Rules" Legislation

From: Rainbolt, Marcie
Sent: Friday, January 10, 2014 2:23 PM
To: Gibson-Glass, Mary
Subject: RE: "Right the Rules" Legislation

No, the highlights were just for me indicating additional changes that were made.

Yes, the DVA is very willing and very helpful. The contact there is Kathy Marschman, 266-2256. I will let her know that you or Mike may be contacting her.

Thank you again!

Marcie Rainbolt

Office of Representative Petryk
103 West, State Capitol
(608) 266-0660

From: Gibson-Glass, Mary
Sent: Friday, January 10, 2014 2:20 PM
To: Rainbolt, Marcie
Subject: RE: "Right the Rules" Legislation

Marcie-

Mike Gallagher and I will be the drafters on this. I have two initial questions:

1. Parts of the attached documents are highlighted in yellow. Is the highlighting supposed to convey something to us as drafters?
2. If you are willing to have us contact DVA with any questions, it would be extremely helpful to have a single contact person. Please let us know your thoughts on that.

Thanks-

Mary Gibson-Glass
Senior Legislative Attorney
267 3215

From: Rainbolt, Marcie
Sent: Friday, January 10, 2014 2:08 PM
To: Gibson-Glass, Mary
Subject: "Right the Rules" Legislation

Mary,

Attached is the language I discussed on your voicemail for our "Right the Rules" legislation for DVA.

If you have any questions, please contact me.

Thank you,

Marcie Rainbolt

Office of Representative Petryk

103 West, State Capitol

(608) 266-0660

Wisconsin Department of Veterans Affairs
Proposed Changes to Administrative Code

CHAPTER VA 1 General

VA 1.11 Duties and responsibilities of the secretary. The administrative and executive duties of the department shall be vested in the secretary to be administered under the rules and regulations of the department ~~and subject to and in accordance with the policies established by the board.~~

(11) Present to the legislature all proposed legislation ~~recommended by the board~~ and shall make such reports to and appearances before the legislature on such other matters as it may request.

(13) ~~Make such regular reports to the board as the board may request.~~

(18) ~~If the secretary deems it appropriate to do so, or is directed by the board to do so, refer any problems arising from the discharge of the above duties to an appropriate committee or council appointed by the board for counsel and advice.~~

VA 1.18 Trust fund stabilization loans. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is greater than ~~40%~~ 15% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

CHAPTER VA 2 Emergency, Correspondence, and Part-Time Study, Retraining and Tuition and Fee Reimbursement Grants

Title. ~~Emergency, Correspondence and Part Time Study, Retraining and Tuition and Fee Reimbursement Grants~~ Assistance to Needy Veterans Grants, Veterans Tuition Reimbursement and Retraining Grants, and Tribal College Tuition Reimbursement Program

VA 2.01(2)(b) Grant applications/Eligibility. (b) *Eligibility.* 1. 'All applicants.' Except for applicants who are eligible under subd. 3., the applicant's income shall not exceed ~~430%~~ 180% of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence.... No payment shall be made by the department unless an itemized written invoice is received by the department within ~~30~~ 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits.

VA 2.01(3)(b) Subsistence aid. (b) *Subsistence aid.*... Applications may be made for any 30 day period within the ~~90~~ 120 days following the date of the verified loss of income... ~~No subsistence aid will be granted for any period prior to the date the application for subsistence aid is received...~~

~~**VA 2.02(3)(b) Pre-application.**~~

~~**VA 2.02(3)(b) (Note).** Pre-application forms may be obtained at the department's web site at <http://dva.state.wi.us>.~~

* **VA 2.03 Retraining Grants.** Move definitions from VA 9 to VA 2.03(1).

9.01(3) "Course of Instruction" → 2.03(1)(b)

9.01(5) "Earned Income" → 2.03(1)(c)

Wisconsin Department of Veterans Affairs
Proposed Changes to Administrative Rules

9.01(6) "FAO – Financial Aids Officer" → 2.03(1)(d)

9.01(14) "Unearned Income" → 2.03(1)(g)

9.01(16) "Unusual Expenses" → 2.03(1)(h)

Create VA 2.03(1)(em)

Move 9.03 and **create** 2.03(1)(em).

- * **VA 2.03(2) (b) Retraining grants. LIMITATIONS.** (b) *Amount of grant...* Except as provided in par. (h), need shall be determined by deducting 75% of earned income and all unearned income to be received by the applicant during the grant period, available liquid assets in excess of \$2,400 plus 6 months living expenses computed as set forth in ~~s. VA 9.03 sub. (1)(em)~~ held by the applicant at the time of application and all other financial aid which will be received by the applicant during the grant period from the amount needed during the grant period. The amount needed will be the sum of the amount shown on the standard student budget described in ~~s. VA 9.03 sub. (1)(em)~~ for the appropriate time period and for the appropriate number of family members plus the cost of tuition, fees, supplies and books as reported by the school for the courses to be taken during the grant period plus any unusual expenses reported by the applicant.

* **Create VA 2.06 Tribal College Tuition Reimbursement Program.**

(1) DEFINITIONS. In this section the following terms shall have the designated meanings:

- (a) "Department" means the Department of Veterans Affairs.
- (b) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.
- (c) "Tuition" has the meaning specified in s. 45.205 (1) (b), Stats.
- (d) "Undergraduate degree" means a bachelor's degree.
- (e) "Veteran" means a person who meets the requirements of s. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. An application shall be submitted on a form approved by the department. It may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. Applications shall be received by the department or an authorized agent no later than 60 days after the starting date of the course, term or semester for which reimbursement is requested. Applications are considered received if all student information is completed and a physical or electronic date stamp is affixed to the application. The tribal college veterans coordinator shall list the completion date of the semester, the cost of tuition, other assistance received or applied for by the applicant, the number of credits enrolled in during the semester, and the semester grade point average. Applications are considered complete when all required information has been provided and the completed application is submitted to the department manually or electronically. Completed applications submitted more than 60 days following the last day of the course, term or semester for which reimbursement is requested shall be denied unless good cause can be shown for the delay in submission.

(3) **LIMITATIONS.** (a) *Undergraduate enrollment.* Reimbursement may be made only if a representative of the tribal college certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

(b) *Veterans benefits.* A veteran may not receive reimbursement for any semester or course for which he or she is eligible for or received a grant under s. 321.40, Stats., or 10 USC 2007. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action which might disqualify him or her from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether he or she is entitled to reimbursement under this section.

(c) *Duplicate benefits.* Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions the veteran is entitled to receive under any other program.

(d) *Grade point average.* The department shall utilize the grade point average calculated and reported by the school.

CHAPTER VA 4 Primary Mortgage Loan Program

VA 4.01 (7) "Dependent child" means any natural child, any legally adopted child, or any stepchild of a veterans as defined in s. 45.71 (16) (a) an "eligible person" as defined in s. 45.33, Stats., who is at least 18 years of age and under the age of 26 if in full attendance at a recognized school of instruction or any age if incapable of self-support by reason of mental or physical disability.

VA 4.01 (16) "Veteran" means either a veteran as defined in s. 45.71 (16) (a) 45.01 (12), Stats., or as defined in S. 45.33.

VA 4.08 (1) (c) Primary Loan Program, eligibility. (c) If the applicant is a veteran who was a resident of the state of Wisconsin at time of entry into military service or has been a resident of this state for any consecutive ~~5-year~~ 12-month period after entry or reentry into service on active duty, the certificate of eligibility shall be issued for an indefinite period...

VA 4.09 (4) Secondary Loan Program. (4) **SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.** The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the mortgagor's equity in the property secured by the mortgage is verified by the department to be greater than ~~10%~~ 15% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria, and the repayment history for the 6 months immediately preceding the request has been satisfactory on the loan.

VA 4.14 (3) (c) 2 Home Improvement Loan Program. ... Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules, W-2s, and attachments.

VA 4.14 (3) (c) 6 Home Improvement Loan Program. Depreciation as listed on an applicant's federal tax return may be used as income ~~at the request of the applicant.~~

CHAPTER VA 5 Wisconsin Veterans Museum

VA 5.03 Director, duties and responsibilities. The director under the direction of the secretary shall operate and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes ~~and in accordance with the policies established by the board~~. The director shall:...

(3) Restore, preserve and safeguard all articles in the memorial collection. The director may not sell, mortgage, transfer or dispose of in any manner or remove from the museum, except for temporary purposes, any articles which are a part of the memorial collection, except that, upon the recommendation of the secretary ~~and the approval of the board~~, any duplicate articles or articles outside the field of the memorial collection may be sold or exchanged for the purpose of procuring additional materials for display.

(11) Prepare an annual report ~~to the board~~ on the operation of the museum and make such other reports as the secretary may require.

CHAPTER VA 6 Wisconsin Veterans Home

Title. Wisconsin Veterans ~~Home~~Homes

* **VA 6.01 Admission and care of members. (1) OBJECTIVE.** The department or its designated contractor shall maintain and operate the Wisconsin veterans homes and shall admit as members eligible veterans, their eligible spouses, surviving spouses and parents any of whose children died while serving in the armed forces of the United States, and shall ~~furnish~~ provide, make available, or ensure as payer of last resort for all members personal maintenance, medical and nursing care to include programs and facilities which promote comfort, recreation, well-being and rehabilitation.

VA 6.01(2) APPLICATION. No person shall be deemed admitted until such person has submitted an application on forms furnished by the home and such application has been approved by the commandant; however, the applicant may be granted conditional admission to facilitate timely placement pending completion of the full admission packet including a criminal background check. Each question must be fully and accurately answered and the completed application properly executed. Upon admission of the applicant as a member, the completed application shall be a valid and binding contract by and between the member and the home.

VA 6.01(3) EXHIBITS REQUIRED. (a) ~~Each application shall be accompanied by~~ The applicant shall provide all the following information with the application:

1. ~~a~~ A complete financial statement ~~of the applicant,~~
2. ~~a~~ A physician's report of physical examination ~~of the applicant, a certified copy of the applicant's birth certificate or other acceptable evidence relating to the applicant's birth, and,~~
3. An original or, certified copies or verifiable copy of reports of separation or discharges of the applicant or the veteran upon whose eligibility the applicant is relying for all periods of active service in the armed forces of the United States to establish eligibility under s. 45.51(2)(a), Stats. during one wartime period as enumerated in s. 45.01 (12), Stats., or which establish that the veteran was entitled to receive the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal or the

Wisconsin Department of Veterans Affairs
Proposed Changes to Administrative Rules

~~Vietnam Service Medal or served pursuant to section 1 of executive order 10957, or served under s. 45.01 (11), Stats., in Lebanon between August 1, 1982 and August 1, 1984, in Grenada between October 23, 1983 and November 21, 1983, in Panama or in a Middle East Crisis and, except in the case of a Wisconsin resident at the time of entry into active service or the spouse of such a veteran applicant, 1 an affidavit attesting to the applicant's Wisconsin residence.~~

(b) All exhibits ~~except other than~~ certified copies of reports of separation will be required of an applicant who applies for readmission more than 60 days after discharge, ~~but an affidavit in lieu of exhibits~~ Updates may be ~~accepted~~ requested from an applicant who applies for readmission within 60 days of discharge.

VA 6.01(4) SPOUSE. A veteran's spouse shall also ~~furnish~~ provide a certified copy of certificate of marriage to the veteran or other verifiable evidence of marriage.

~~*~~ VA 6.01(5) SURVIVING SPOUSE. The application of a veteran's surviving spouse shall be accompanied by a certified or verifiable copy of the certificate of marriage of the applicant to the eligible veteran and with a certified or verifiable copy of ~~such the eligible~~ veteran's death certificate.

VA 6.01(6) PARENT. The application of the parent of a ~~veteran child who died while serving in the armed forces of the United States~~ shall also be accompanied by ~~the certified copy of the public record of birth of the veteran through whom eligibility is claimed, and either a complete physician's report of physical examination of such veteran and a complete financial statement and 2 residence affidavits pertaining to such veteran or a~~ certified or verifiable copy of ~~such the~~ veteran's death certificate.

VA 6.01(11) CLOTHING AND COMFORT ITEMS. The department shall provide, make available, or ensure as payer of last resort ~~Clothing~~clothing, toiletries, and necessary aids to good grooming, including barber and beautician services, ~~shall be furnished to members as their needs may require.~~

VA 6.01(12) MEDICAL AND NURSING CARE. The department shall provide, make available, or ensure as payer of last resort ~~Medical~~medical and nursing care, including physician's services, nursing care, hospitalization, medications, special diets, dental care including dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary medical care services ~~will be furnished members as their needs may require.~~

VA 6.01(15) ADMISSION, DENIAL OR DEFERRAL. Notwithstanding the other provisions of this section, the department may defer or deny an applicant's admission to the home when the commandant determines that the home ~~will be~~ is unable to provide appropriate care

~~VA 6.02(12) Attend all meetings of the board and King committee and make monthly reports on the operation of the home.~~

VA 6.05(2) DISCIPLINARY ORDERS, REVIEW AND APPEAL. A member found guilty by the commandant under sub. (1) of an offense may be dishonorably discharged, given an enforced leave of absence for a period not exceeding 60 days, restricted to the home grounds or designated portions thereof, or disciplined in such other manner as the commandant deems just and proper... The member involved may, within 10 days of action by the secretary, appeal from the decision by the department ~~before the appropriate departmental committee. In these cases, recommendations by the committee shall be~~

~~submitted promptly to the board for review and final action on the appeal.~~ Upon application for review or appeal, the disciplinary order involved shall be stayed pending determination of the review or appeal.

VA 6.05(4) GRIEVANCE PROCEDURE. Any member having a grievance or complaint of any kind against the home or its management may present such grievance or complaint in writing to the commandant. In the event the member is not satisfied with action by the commandant upon such grievance or complaint the member may refer the matter to the secretary, and the commandant shall promptly transmit such grievance or complaint together with a written report of investigation and action thereon to the secretary. ~~In the event the member is not satisfied with action by the commandant and the secretary upon such grievance or complaint he or she may appeal the matter to the board.~~

~~**VA 6.06(5) RESIDENT EMPLOYEE POLICY.** The board shall establish by regulation the terms and conditions under which employees shall be required or permitted to live in quarters on the home grounds. Such regulations shall be published.~~

CHAPTER VA 7 Grants to Veterans Organizations

VA 7.05. Administration. ... When an application has been filed, if the secretary determines that the state veterans organization concerned has not adequately established its claim for a grant, the secretary may require additional information. Any state veterans organization dissatisfied with a determination of the secretary may appeal such determination ~~to the board~~ under the provisions of s. VA 1.03.

CHAPTER VA 8 County Veterans Service Grants

VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall be made by the county not later than ~~6 months after the start~~ May 15 of the ~~fiscal~~ calendar year for which the grant is claimed on forms prepared by the department....

~~**VA 8.04 Revision of standards.** No revision of minimum budget and operating standards shall be made by the department until proposed new standards have been reviewed by the county veterans' service officers' advisory council.~~

CHAPTER VA 9 Full-Time Educational Grants

~~**Chapter VA 9.**~~

CHAPTER VA 12 Personal Loan Program

VA 12.02 (3) (a) Income. Copies of check stubs from the applicant's employment for a ~~recent month~~ 30-day period dated within 3 months of the date of application.

VA 12.02 (3) (b) Income. Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules, W-2s, and attachments.

VA 12.02 (3) (f) Income. Depreciation as listed on an applicant's federal tax return may be used as income ~~at the request of the applicant.~~

VA 12.02 (9) Delinquent Support, Separate Maintenance Payments, Medical and Birth Expenses. ... If the applicant is in arrears or expenses exist, then a personal loan program may only be made to that applicant, if the amount necessary ~~for to satisfy~~ the arrearage or expense is ~~to be paid~~ from proceeds of the department's loan.

VA 12.02 (13) Subordination Agreement and Partial Release of Mortgage. SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the department verifies that the mortgagor's equity in the property secured by the mortgage is greater than ~~10%~~ 15% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria and the repayment history for the 6 months immediately preceding the request has been satisfactory.

VA 12.05(2) APPRAISALS. ~~If an appraisal is being used to determine the value an appraiser who is selected by the applicant and licensed by the Wisconsin department of safety and professional services, shall perform the appraisal and complete the appraisal forms prescribed by the department. The applicant is responsible for payment of the appraisal expenses. If an applicant wishes to provide a property appraisal, the appraiser must be licensed by the State of Wisconsin.~~

~~**VA 12.05 (2) (Note)** The form may be obtained from the Department at 30 W. Mifflin Street, Madison, Wisconsin 53707-7843.~~

CHAPTER VA 14 State Veterans Cemeteries

VA 14.02(1)(a) INTERMENT FEES. (a) Except as provided in sub. (2), No fee may be assessed for the interment of a veteran, guard or reserve member in a veterans' cemetery.

VA 14.02(1)(b) INTERMENT FEES. A fee may be assessed for the interment of a dependent child or a veteran's spouse or surviving spouse in a veterans cemetery. The fee shall not exceed the average cost of a casket burial, including the cost of opening and closing a grave site and setting a headstone, and administrative and equipment operation costs, as determined by the department based upon its costs. A fee may be assessed for the disinterment of an individual currently interred in a veterans cemetery. The fee shall not exceed the average cost to the department of disinterring an individual. The department may periodically adjust the fee, upon 30 days' notice, to reflect current costs. The department shall publish the notice and fee on its web site. The department may waive the fee for a veteran's spouse or surviving spouse who resides in a facility identified in s. 45.01 (12m) or 45.50, Stats., at the time of death, if the individual's estate is insufficient to pay the fee.

14.02(2) ASSESSMENTS. The department may assess the funeral director involved in an interment the amount necessary to reimburse the department for ~~the average cost of providing a columbarium niche or an in-ground container for the interment of remains or of providing and installing an outer burial container, whichever is applicable.~~ A funeral director may provide and install an outer burial container in lieu of paying that assessment. The department may periodically adjust the assessment, upon 30 days' notice, to reflect current costs. The department shall publish the notice and assessment on its web site.

CHAPTER VA 15 American Indian Veterans' Service Grants

VA 15.02 (1) APPLICATION. Application for American Indian grants shall be made by the governing body of a Wisconsin American Indian tribe or band not later than ~~June 30~~ May 15 of ~~each~~ the calendar year for which the grant is claimed, on forms prepared by the department.

VA 15.03 (1) Budget and operating standards. Shall ~~employ~~ appoint a ~~full-time~~ veterans' service officer who is a veteran and shall give the officer duties described in s. 45.80 (5), Stats., except that the officer shall report to the governing body of the tribe or band.

CHAPTER VA 17 Military Funeral Honors

Wisconsin Department of Veterans Affairs
Proposed Changes to Administrative Rules

VA.17.04 Military funeral honors at state veterans cemeteries. Military funeral honors shall be provided at a cemetery operated by the department under s. 45.51 or 45.61, Stats., unless a family directs the department not to perform any honors. The family shall be notified of the department's intent to provide military funeral honors when the burial arrangements are being made. ~~To the extent practicable, a military funeral honors team shall perform the honors. If requested by the family, a veterans' organization may assist the funeral honors team in providing honors or provide military funeral honors in lieu of a military funeral honors team.~~

a. If the veteran served on active duty, except service on active duty for training purposes, for 90 to 180 days, the veteran may be reimbursed for a maximum of 30 credits or 2 semesters, or an equivalent amount of credits or semesters if at a school other than an institution of higher education.

b. If the veteran served on active duty, except service on active duty for training purposes, for 181 to 730 days, the veteran may be reimbursed for a maximum of 60 credits or 4 semesters, or an equivalent amount of credits or semesters if at a school other than an institution of higher education.

c. If the veteran served on active duty, except service on active duty for training purposes, for more than 730 days, the veteran may be reimbursed for a maximum of 120 credits or 8 semesters, or an equivalent amount of credits or semesters if at a school other than an institution of higher education.

1m. For courses begun later than 10 years after the veteran's separation from the service, a veteran may not be reimbursed for more than 60 of the credits to which the veteran's eligibility is limited under subd. 1. and may not be reimbursed for more than 11 semester credits or equivalent trimester or quarter credits for any semester or session, other than a summer semester or session, regardless of the number of credits taken during that semester or session.

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

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

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

3. A veteran may not receive reimbursement under this subsection for any semester in which he or she is eligible for or received a grant under s. 321.40 or under 10 USC 2007.

4. A veteran may not receive reimbursement under this subsection for any semester in which the veteran fails to receive at least a 2.0 grade point average or an average grade of "C".

(e) *Disabled veteran eligibility.* A disabled veteran who meets the requirements under this subsection and whose disability is rated at 30% or more under 38 USC 1114 or 1134 may be reimbursed for up to 100% of the cost of tuition and fees, but that reimbursement is limited to 100% of the standard cost for a state resident for tuition and fees for an equivalent undergraduate course at the University of Wisconsin–Madison per course if the tuition and fees are for an undergraduate semester in any institution of higher education.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.
Cross-reference: See also ch. VA 2, Wis. adm. code.

45.205 Tuition reimbursement for students at tribal colleges. (1) DEFINITIONS. In this section:

(a) "Tribal college" means any of the following:

1. The College of Menominee Nation.
2. Lac Courte Oreilles Ojibwa Community College.

(b) "Tuition" means the amount charged to a student to enroll in a degree credit course. "Tuition" does not include fees or the cost of room and board, books, supplies, or equipment.

(2) TUITION REIMBURSEMENT PROGRAM. (a) *Application.* Any veteran enrolled in a tribal college may apply to the department for tuition reimbursement under this subsection on a form prescribed by the department. The application shall contain information, as

determined by the department, establishing the applicant's eligibility for tuition reimbursement under this subsection.

(b) *Eligibility.* A veteran is eligible for tuition reimbursement under this subsection if he or she meets all of the following conditions:

2. The veteran's annual household income does not exceed \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

3. The veteran is a resident of this state at the time of application under par. (a).

4. The veteran was a resident of this state at the time of his or her entry into service or was a resident of this state for any consecutive 12-month period after entry into service and before the date of application under par. (a). If a veteran who submits an application under par. (a) meets that consecutive 12-month residency requirement, the department may not require the veteran to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter for which that residency requirement applies.

5. The veteran does not have a bachelor's or higher degree from an institution of higher education, as defined in 20 USC 1001 (a).

(c) *Benefits.* 1. Subject to the limitations under par. (d), if a veteran submits an application under par. (a) and establishes his or her eligibility for tuition reimbursement under par. (b), the department shall reimburse the veteran for the total amount of his or her tribal college tuition from the appropriation under s. 20.485 (2) (km).

2. If in any fiscal year the total amount of reimbursement payments to be paid under subd. 1. exceeds the moneys available for the payments from the appropriation under s. 20.485 (2) (km), the department shall prorate the available moneys among the applicants for reimbursement in proportion to the approved reimbursement amounts.

(d) *Limitations.* 1. The department may not reimburse a veteran under this subsection for more than the following number of credits or semesters at a tribal college:

a. If the veteran served on active duty, except service on active duty for training purposes, for 90 to 180 days, 30 credits or 2 semesters.

b. If the veteran served on active duty, except service on active duty for training purposes, for 181 to 730 days, 60 credits or 4 semesters.

c. If the veteran served on active duty, except service on active duty for training purposes, for more than 730 days, 120 credits or 8 semesters, except that, for courses a veteran begins later than 10 years after the veteran's separation from service, the department may not reimburse a veteran for more than 60 credits or 4 semesters.

3. The department may not provide reimbursement under this subsection to a veteran who is delinquent in child support or maintenance payments or who owes past support, medical expenses, or birth expenses, as established by appearance of the veteran's name on the statewide support lien docket under s. 49.854 (2) (b), unless the veteran provides the department with one of the following:

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

b. A statement that the veteran is not delinquent in child support or maintenance payments and does not owe past support, medical expenses, or birth expenses, signed by the department of children and families or its designee within 7 working days before the date of the application under par. (a).

4. The department may not provide reimbursement under this subsection for any semester in which the veteran is eligible for or received a grant under s. 321.40 or under 10 USC 2007.

5. The department may not provide reimbursement under this subsection for any semester for which the veteran received reimbursement under s. 45.20.

6. The department may not provide reimbursement under this subsection for any semester in which the veteran fails to receive at least a 2.0 grade point average or an average grade of “C.”

7. The department shall reduce the reimbursement amount under par. (c) by the amount of any grant or scholarship the veteran receives specifically for the payment of college tuition.

(3) **RULES.** The department shall promulgate rules to implement this section.

History: 2013 a. 20.

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

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

(a) The veteran is enrolled in a training course in a technical college under ch. 38 or in a proprietary school in the state approved by the educational approval board under s. 38.50, other than a proprietary school offering a 4–year degree or 4–year program, or is engaged in a structured on–the–job training program that meets program requirements promulgated by the department by rule.

(b) The veteran meets the financial assistance criteria established under sub. (3) (c).

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

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

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

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

(a) Standard budgets for single and married veterans.

(b) Selection procedures.

(c) Uniform need determination procedures.

(d) Application procedures.

(e) Coordination with other occupational training programs.

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

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

History: 2005 a. 22, 25.

Cross–reference: See also ch. VA 2, Wis. adm. code.

SUBCHAPTER III

VETERANS HOUSING LOAN PROGRAM

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

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

History: 2005 a. 22.

45.31 Definitions. In this subchapter:

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

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

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

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

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

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

(4) “Closing costs” include:

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

(b) Attorney fees.

(c) Recording fees.

(d) Other costs authorized by the department.

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

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

(7) “Funds” include cash on hand and liquid investments owned by the veteran and his or her spouse, individually or jointly, unless the veteran and spouse are legally separated under s. 767.35 (1).

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

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

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

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

(12) “Manufactured home” means a manufactured home, as defined in s. 101.91 (2).

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

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Increases the current minimum equity a veteran must have in a property secured by a veterans home loan to permit the release a portion of the property providing security from 10% to 15% of the property's value.

Reduces the period of time that a veteran has to be a resident of this state for purposes of receiving a certificate of eligibility for a loan under the veteran home loan program from 5 consecutive years to 12 consecutive months.

Requires an applicant for the loan under the veterans home loan mortgage program to submit copies of W-2s and attachments to federal and state income tax returns, in addition to currently requiring the submission of those returns.

Changes the date that an application for a county veterans' service grant from not later than 6 months after the start of the fiscal year to not later than May 15 of the calendar year for which the grant is claimed.

Removes the requirement that no changes could be made in the minimum budget and operating standards for the county veterans' service grant program without first being reviewed by the veterans' service officers' advisory council.

Changes the requirement that an applicant for a personal loan submit check stubs for a recent month within 3 months of the date of application to requiring the submittal of check stubs for a 30 day period within 3 months of the date of application.

Requires an applicant for the loan under the personal loan program to submit copies of W-2s and attachments to federal and state income tax returns, in addition to currently requiring the submission of those returns, if they use tax information to verify their income.

Allows the department to assess a fee to disinter an individual who is currently interred in a veterans cemetery, but limits the fee to the average cost to the department of disinterring an individual.

Removes the assessment by the department from a funeral director involved in the burial of a veteran for the average cost of providing a columbarium niche or an in-ground container for the interment of cremains.

Changes the date that an application for an American Indian grant from not later than June 30 of the year to not later than May 15 of the calendar year for which the grant is claimed.

Removes the requirement that the governing body of an American Indian tribe or band employ a full-time veterans' service officer to be eligible for an American Indian grant.

Deletes the preference that military funeral honors be performed by a military funeral honors team.

2 insert bill:

1 **SECTION 1.** VA 1.11 (intro.) of the administrative code is amended to read:

2 VA 1.11 (intro.) The administrative and executive duties of the department
3 shall be vested in the secretary to be administered under the rules and regulations
4 of the department ~~and subject to and in accordance with the policies established by~~
5 ~~the board.~~ The secretary shall:

6 **SECTION 2.** VA 1.11 (11) of the administrative code is amended to read:

7 VA 1.11 (11) Present to the legislature all proposed legislation ~~recommended by~~
8 ~~the board~~ and shall make such reports to and appearances before the legislature on
9 such other matters as it may request.

10 **SECTION 3.** VA 1.11 (13) of the administrative code is repealed.

11 **SECTION 4.** VA 1.11 (18) of the administrative code is repealed.

12 **SECTION 5.** VA 1.18 of the administrative code is amended to read:

13 VA 1.18 The department may execute a subordination agreement or release a
14 portion of the property providing security for its mortgage on a loan under s. 45.356,
15 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is
16 greater than ~~10%~~ 15% of the property's value after the execution of the subordination
17 agreement or partial release, the applicant is current on the loan and the repayment
18 history for the 6 months immediately preceding the request has been satisfactory.

19 **SECTION 6.** VA 4.01 (7) of the administrative code is amended to read:

20 VA 4.01 (7) "Dependent child" means any natural child, any legally adopted
21 child, or any stepchild of a veteran ~~as defined in s. 45.71 (16) (a)~~ an "eligible person",
22 as listed in s. 45.33 (1), Stats., who is at least 18 years of age and under the age of
23 26 if in full attendance at a recognized school of instruction or any age if incapable
24 of self-support by reason of mental or physical disability.

25 **SECTION 7.** VA 4.01 (16) of the administrative code is amended to read:

1 VA 4.01 (16) "Veteran" means either a veteran as defined in s. 45.71 (16) (a),
2 Stats., or a ~~deceased veteran's unremarried surviving spouse or minor or dependent~~
3 ~~child who is a resident of and living in this state at the time of making application~~
4 ~~for a certificate of eligibility or a primary loan~~ person who is eligible for a loan under
5 s. 45.33, Stats.

6 **SECTION 8.** VA 4.08 (1) (c) of the administrative code is amended to read:

7 VA 4.08 (1) (c) If the applicant is a veteran who was a resident of the state of
8 Wisconsin at time of entry into military service or has been a resident of this state
9 for any consecutive ~~5-year~~ 12-month period after entry or reentry into service on
10 active duty, the certificate of eligibility shall be issued for an indefinite period. If the
11 applicant qualifies as a veteran by virtue of being the unremarried spouse of a
12 deceased veteran, the certificate shall become null and void upon the remarriage of
13 the applicant and shall so state upon its face.

14 **SECTION 9.** VA 4.09 (4) of the administrative code is amended to read:

15 VA 4.09 (4) **SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF**
16 **MORTGAGE.** The department may execute a subordination agreement or release
17 a portion of the property providing security for its mortgage if the mortgagor's equity
18 in the property secured by the mortgage is verified by the department to be greater
19 than ~~10%~~ 15% after the execution of the subordination agreement or partial release,
20 the applicant is current on the loan, the applicant meets current underwriting
21 criteria, and the repayment history for the 6 months immediately preceding the
22 request has been satisfactory on the loan.

23 **SECTION 10.** VA 4.14 (3) (c) 2. of the administrative code is amended to read:

24 VA 4.14 (3) (c) 2. A copy of the prior year's income tax returns except if the
25 applicant's employer, type of employment or method of compensation has changed.

1 Applicants verifying their income by the prior year's income tax returns shall submit
2 a complete copy of the state and federal tax return including all schedules, W-2s, and
3 attachments.

4 **SECTION 11.** VA 4.14 (3) (c) 6. of the administrative code is amended to read:

5 VA 4.14 (3) (c) 6. Depreciation as listed on an applicant's federal tax return may
6 be used as income ~~at the request of the applicant.~~

7 **SECTION 12.** VA 5.03 (intro.) of the administrative code is amended to read:

8 VA 5.03 (intro.) The director under the direction of the secretary shall operate
9 and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes ~~and in~~
10 ~~accordance with the policies established by the board.~~ The director shall:

11 **SECTION 13.** VA 5.03 (3) of the administrative code is amended to read:

12 VA 5.03 (3) Restore, preserve and safeguard all articles in the memorial
13 collection. The director may not sell, mortgage, transfer or dispose of in any manner
14 or remove from the museum, except for temporary purposes, any articles which are
15 a part of the memorial collection, except that, upon the recommendation of the
16 secretary ~~and the approval of the board,~~ any duplicate articles or articles outside the
17 field of the memorial collection may be sold or exchanged for the purpose of procuring
18 additional materials for display.

19 **SECTION 14.** VA 5.03 (11) of the administrative code is amended to read:

20 VA 5.03 (11) Prepare an annual report ~~to the board~~ on the operation of the
21 museum and make such other reports as the secretary may require.

22 **SECTION 15.** VA 7.05 of the administrative code is amended to read:

23 VA 7.05 Administration. The provisions of this chapter shall be administered
24 by the secretary, who shall determine the eligibility of a state veterans organization
25 for a grant and the amount of the grant for which it qualifies, and shall prescribe

1 uniform forms for reporting number of claims processed. When an application has
2 been filed, if the secretary determines that the state veterans organization concerned
3 has not adequately established its claim for a grant, the secretary may require
4 additional information. Any state veterans organization dissatisfied with a
5 determination of the secretary may appeal such determination ~~to the board~~ as
6 provided under s. VA 1.03.

7 **SECTION 16.** VA 8.02 (1) of the administrative code is amended to read:

8 VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall
9 be made by the county not later than ~~6 months after the start~~ May 15 of the fiscal
10 calendar year for which the grant is claimed on forms prepared by the department.
11 An application must be accompanied by a copy of the budget proposed for the county
12 veterans' service office for the fiscal year for which the grant is claimed. Application
13 shall be made annually, and the county must meet minimum budget and operating
14 standards established by the department for the county veterans' service office in
15 order to qualify for the initial grant and for each succeeding grant.

16 **SECTION 17.** VA 8.04 of the administrative code is repealed.

17 **SECTION 18.** VA 12.02 (3) (a) of the administrative code is amended to read:

18 VA 12.02 (3) (a) Copies of check stubs from the applicant's employment for a
19 ~~recent month~~ 30-day period dated within 3 months of the date of application.

20 **SECTION 19.** VA 12.02 (3) (b) of the administrative code is amended to read:

21 VA 12.02 (3) (b) A copy of the prior year's income tax returns except if the
22 applicant's employer, type of employment or method of compensation has changed.
23 Applicants verifying their income by the prior year's income tax returns shall submit
24 a complete copy of the state and federal tax return including all schedules, W-2s, and
25 attachments.

1 **SECTION 20.** VA 12.02 (3) (f) of the administrative code is amended to read:
2 VA 12.02 (3) (f) Depreciation as listed on an applicant's federal tax return may
3 be used as income ~~at the request of the applicant.~~

4 **SECTION 21.** VA 12.02 (9) of the administrative code is amended to read:
5 VA 12.02 (9) DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL AND
6 BIRTH EXPENSES. If the department has not received a certification under s. 49.854
7 (2) (b), Stats., that the applicant is delinquent in child support or maintenance
8 payments or owes past support, medical expenses or birth expenses, the applicant's
9 credit may be considered favorable if medical or birthing expenses do not exist or
10 payments for such expenses are being made in accordance with a court order and
11 child support and maintenance payments are current as of the date of approval of the
12 personal loan program loan by the department. Evidence that the applicant is
13 current shall be required if the child support or maintenance is not paid in the state
14 of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan
15 program loan may only be made to that applicant, if the amount necessary ~~for~~ to
16 satisfy the arrearage or expense is ~~to be~~ paid from proceeds of the department's loan.

17 **SECTION 22.** VA 12.02 (13) of the administrative code is amended to read:
18 VA 12.02 (13) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.
19 The department may execute a subordination agreement or release a portion of the
20 property providing security for its mortgage if the department verifies that the
21 mortgagor's equity in the property secured by the mortgage is greater than ~~10%~~ 15%
22 after the execution of the subordination agreement or partial release, the applicant
23 is current on the loan, the applicant meets current underwriting criteria and the
24 repayment history for the 6 months immediately preceding the request has been
25 satisfactory.

1 **SECTION 23.** VA 12.05 (2) of the administrative code is amended to read:

2 VA 12.05 (2) APPRAISALS. If an applicant wishes to provide a property appraisal
3 is being used to determine the value an appraiser who is selected by the applicant
4 and, the appraiser must be licensed by the state of Wisconsin department of safety
5 and professional services, shall perform the appraisal and complete the appraisal
6 form prescribed by the department. The applicant is responsible for payment of the
7 appraisal expenses.

8 **SECTION 24.** VA 12.05 (2) (note) of the administrative code is repealed.

9 **SECTION 25.** VA 14.02 (1) (a) of the administrative code is amended to read:

10 VA 14.02 (1) (a) No Except as provided in sub. (2), no fee may be assessed for
11 the interment of a veteran, guard or reserve member in a veterans cemetery.

 ****NOTE: The new cross reference is to sub. (2), but the term "fee" is not used in
that subsection, but is used in sub. (1) (b). Is the reference to sub. (2) correct, and if so,
the language in sub. (2) should be changed to use the term "fee" instead of "amount".

12 **SECTION 26.** 14.02 (1) (b) of the administrative code is amended to read:

13 14.02 (1) (b) A fee may be assessed for the interment of a dependent child or
14 a veteran's spouse or surviving spouse in a veterans cemetery. The fee shall not
15 exceed the average cost of a casket burial, including the cost of opening and closing
16 a grave site and setting a headstone, and administrative and equipment operation
17 costs, as determined by the department based upon its costs. A fee may be assessed
18 for the disinterment of an individual currently in a veterans cemetery. The fee shall
19 not exceed the average cost to the department of disinterring an individual. The
20 department may periodically adjust the fee, upon 30 days notice, to reflect current
21 costs. The department shall publish the notice and fee on its web site. The
22 department may waive the fee for a veteran's spouse or surviving spouse who resides

1 in a facility identified in s. 45.01 (12m) or 45.50, Stats., at the time of death, if the
2 individual's estate is insufficient to pay the fee.

3 **SECTION 27.** VA 14.02 (2) of the administrative code is amended to read:

4 VA 14.02 (2) ASSESSMENTS. The department may assess the funeral director
5 involved in an interment the amount necessary to reimburse the department for the
6 average cost of ~~providing a columbarium niche or an in-ground container for the~~
7 ~~interment of cremains or of~~ providing and installing an outer burial container,
8 ~~whichever is applicable.~~ A funeral director may provide and install an outer burial
9 container in lieu of paying that assessment. The department may periodically adjust
10 the assessment, upon 30 days notice, to reflect current costs. The department shall
11 publish the notice and assessment on its web site.

12 **SECTION 28.** VA 15.02 (1) of the administrative code is amended to read:

13 VA 15.02 (1) APPLICATION Application for American Indian grants shall be made
14 by the governing body of a Wisconsin American Indian tribe or band not later than
15 ~~June 30~~ May 15 of each the calendar year for which the grant is claimed, on forms
16 prepared by the department. An application shall be accompanied by a copy of the
17 budget proposed for the tribal veterans' service office for the fiscal year for which the
18 grant is claimed. Application shall be made annually. The tribe or band must agree
19 to meet minimum budget and operating standards established by the department for
20 the tribal veterans' service office in order to qualify for the initial grant and for each
21 succeeding grant.

22 **SECTION 29.** VA 15.03 (1) of the administrative code is amended to read:

23 VA 15.03 (1) Shall ~~employ a full-time~~ appoint a veterans' service officer who is
24 a veteran and shall give the officer duties described in s. 45.80 (5), Stats., except that
25 the officer shall report to the governing body of the tribe or band.

1 **SECTION 30.** VA 17.04 of the administrative code is amended to read:

2 **VA 17.04 Military funeral honors at state veterans cemeteries.** Military

3 funeral honors shall be provided at a cemetery operated by the department under s.

4 45.51 or 45.61, Stats., unless a family directs the department not to perform any

5 honors. The family shall be notified of the department's intent to provide military

6 funeral honors when the burial arrangements are being made. ~~To the extent~~

7 ~~practicable, a military funeral honors team shall perform the honors. If requested~~

8 ~~by the family, a veterans organization may assist the funeral honors team in~~

9 ~~providing honors or provide military funeral honors in lieu of a military funeral~~

10 ~~honors team.~~

****NOTE: There is a cross reference to a cemetery operated by the department under s. 45.51, but I do not see any language in s. 45.51 authorizing the department to operate a cemetery in that section. Shouldn't that reference be removed?

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RPN

CHAPTER VA 1 General

VA 1.11 Duties and responsibilities of the secretary. The administrative and executive duties of the department shall be vested in the secretary to be administered under the rules and regulations of the department ~~and subject to and in accordance with the policies established by the board.~~

(11) Present to the legislature all proposed legislation ~~recommended by the board~~ and shall make such reports to and appearances before the legislature on such other matters as it may request.

(13) ~~Make such regular reports to the board as the board may request.~~

(18) ~~If the secretary deems it appropriate to do so, or is directed by the board to do so, refer any problems arising from the discharge of the above duties to an appropriate committee or council appointed by the board for counsel and advice.~~

VA 1.18 Trust fund stabilization loans. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is greater than ~~40%~~ 15% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

MPC-CHAPTER VA 2 Emergency, Correspondence, and Part-Time Study, Retraining and Tuition and Fee Reimbursement Grants

~~Title. Emergency, Correspondence and Part Time Study, Retraining and Tuition and Fee Reimbursement Grants Assistance to Needy Veterans Grants, Veterans Tuition Reimbursement and Retraining Grants, and Tribal College Tuition Reimbursement Program~~

VA 2.01(2)(b) Grant applications/Eligibility. (b) *Eligibility.* 1. 'All applicants.' Except for applicants who are eligible under subd. 3., the applicant's income shall not exceed ~~430%~~ 180% of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence.... No payment shall be made by the department unless an itemized written invoice is received by the department within ~~30~~ 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits.

VA 2.01(3)(b) Subsistence aid. (b) *Subsistence aid.*... Applications may be made for any 30 day period within the ~~90~~ 120 days following the date of the verified loss of income... ~~No subsistence aid will be granted for any period prior to the date the application for subsistence aid is received...~~

~~Delete~~ VA 2.02(3)(b) Pre-application.

~~Delete~~ VA 2.02(3)(b) (Note). ~~Pre-application forms may be obtained at the department's web site at <http://dva.state.wi.us>.~~

VA 2.03 Retraining Grants. Move definitions from VA 9 to VA 2.03(1).

9.01(3) "Course of Instruction" → 2.03(1)(b)

9.01(5) "Earned Income" → 2.03(1)(c)

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9.01(6) "FAO – Financial Aids Officer" → 2.03(1)(d)

9.01(14) "Unearned Income" → 2.03(1)(g)

9.01(16) "Unusual Expenses" → 2.03(1)(h)

Create VA 2.03(1)(em)

Move 9.03 and create 2.03(1)(em).

VA 2.03(2) (b) Retraining grants. LIMITATIONS. (b) *Amount of grant...* Except as provided in par. (h), need shall be determined by deducting 75% of earned income and all unearned income to be received by the applicant during the grant period, available liquid assets in excess of \$2,400 plus 6 months living expenses computed as set forth in ~~s. VA 9.03 sub. (1)(em)~~ held by the applicant at the time of application and all other financial aid which will be received by the applicant during the grant period from the amount needed during the grant period. The amount needed will be the sum of the amount shown on the standard student budget described in ~~s. VA 9.03 sub. (1)(em)~~ for the appropriate time period and for the appropriate number of family members plus ~~the cost of tuition, fees, supplies and books as reported by the school for the courses to be taken during the grant period plus~~ any unusual expenses reported by the applicant.

Create VA 2.06 Tribal College Tuition Reimbursement Program.

(1) DEFINITIONS. In this section the following terms shall have the designated meanings:

- (a) "Department" means the Department of Veterans Affairs.
- (b) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.
- (c) "Tuition" has the meaning specified in s. 45.205 (1) (b), Stats.
- (d) "Undergraduate degree" means a bachelor's degree.
- (e) "Veteran" means a person who meets the requirements of s. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. An application shall be submitted on a form approved by the department. It may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, either manually or electronically. Applications shall be received by the department or an authorized agent no later than 60 days after the starting date of the course, term or semester for which reimbursement is requested. Applications are considered received if all student information is completed and a physical or electronic date stamp is affixed to the application. The tribal college veterans coordinator shall list the completion date of the semester, the cost of tuition, other assistance received or applied for by the applicant, the number of credits enrolled in during the semester, and the semester grade point average. Applications are considered complete when all required information has been provided and the completed application is submitted to the department manually or electronically. Completed applications submitted more than 60 days following the last day of the course, term or semester for which reimbursement is requested shall be denied unless good cause can be shown for the delay in submission.

(3) LIMITATIONS. (a) *Undergraduate enrollment.* Reimbursement may be made only if a representative of the tribal college certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

(b) *Veterans benefits.* A veteran may not receive reimbursement for any semester or course for which he or she is eligible for or received a grant under s. 321.40, Stats., or 10 USC 2007. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action which might disqualify him or her from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether he or she is entitled to reimbursement under this section.

(c) *Duplicate benefits.* Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions the veteran is entitled to receive under any other program.

(d) *Grade point average.* The department shall utilize the grade point average calculated and reported by the school.

RPN

CHAPTER VA 4 Primary Mortgage Loan Program

VA 4.01 (7) "Dependent child" means any natural child, any legally adopted child, or any stepchild of a ~~veterans as defined in s. 45.71 (16) (a)~~ an "eligible person" as defined in s. 45.33, Stats., who is at least 18 years of age and under the age of 26 if in full attendance at a recognized school of instruction or any age if incapable of self-support by reason of mental or physical disability.

VA 4.01 (16) "Veteran" means either a veteran as defined in s. ~~45.71 (16) (a)~~ 45.01 (12), Stats., or as defined in S. 45.33.

VA 4.08 (1) (c) **Primary Loan Program, eligibility.** (c) If the applicant is a veteran who was a resident of the state of Wisconsin at time of entry into military service or has been a resident of this state for any consecutive ~~5-year~~ 12-month period after entry or reentry into service on active duty, the certificate of eligibility shall be issued for an indefinite period...

VA 4.09 (4) **Secondary Loan Program. (4) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.** The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the mortgagor's equity in the property secured by the mortgage is verified by the department to be greater than ~~10%~~ 15% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria, and the repayment history for the 6 months immediately preceding the request has been satisfactory on the loan.

VA 4.14 (3) (c) **2 Home Improvement Loan Program.** ... Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules, W-2s, and attachments.

VA 4.14 (3) (c) **6 Home Improvement Loan Program.** Depreciation as listed on an applicant's federal tax return may be used as income ~~at the request of the applicant.~~

CHAPTER VA 5 Wisconsin Veterans Museum

RPN

VA 5.03 Director, duties and responsibilities. The director under the direction of the secretary shall operate and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes ~~and in accordance with the policies established by the board.~~ The director shall:...

(3) Restore, preserve and safeguard all articles in the memorial collection. The director may not sell, mortgage, transfer or dispose of in any manner or remove from the museum, except for temporary purposes, any articles which are a part of the memorial collection, except that, upon the recommendation of the secretary ~~and the approval of the board,~~ any duplicate articles or articles outside the field of the memorial collection may be sold or exchanged for the purpose of procuring additional materials for display.

(11) Prepare an annual report ~~to the board~~ on the operation of the museum and make such other reports as the secretary may require.

MGG

CHAPTER VA 6 Wisconsin Veterans Home

Title. Wisconsin Veterans ~~Home~~Homes

VA 6.01 Admission and care of members. (1) OBJECTIVE. The department or its designated contractor shall maintain and operate the Wisconsin veterans homes and shall admit as members eligible veterans, their eligible spouses, surviving spouses and parents any of whose children died while serving in the armed forces of the United States, and shall ~~furnish provide, make available, or ensure as payer of last resort~~ for all members personal maintenance, medical and nursing care to include programs and facilities which promote comfort, recreation, well-being and rehabilitation.

VA 6.01(2) APPLICATION. No person shall be deemed admitted until such person has submitted an application on forms furnished by the home and such application has been approved by the commandant; ~~however, the applicant may be granted conditional admission to facilitate timely placement pending completion of the full admission packet including a criminal background check.~~ Each question must be fully and accurately answered and the completed application properly executed. Upon admission of the applicant as a member, the completed application shall be a valid and binding contract by and between the member and the home.

VA 6.01(3) EXHIBITS REQUIRED. (a) ~~Each application shall be accompanied by~~ The applicant shall provide all the following information with the application:

1. ~~a~~ A complete financial statement of the applicant,
2. ~~a~~ A physician's report of physical examination of the applicant, ~~a certified copy of the applicant's birth certificate or other acceptable evidence relating to the applicant's birth, and,~~
3. An original or, certified copies or verifiable copy of reports of separation or discharges of the applicant or the veteran upon whose eligibility the applicant is relying for all periods of active service in the armed forces of the United States to establish eligibility under s. 45.51(2)(a), Stats. during one wartime period as enumerated in s. 45.01 (12), Stats., or which establish that the veteran was entitled to receive the Armed Forces Expeditionary Medal, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal or the

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~~Vietnam Service Medal or served pursuant to section 1 of executive order 10957, or served under s. 45.01 (11), Stats., in Lebanon between August 1, 1982 and August 1, 1984, in Grenada between October 23, 1983 and November 21, 1983, in Panama or in a Middle East Crisis and, except in the case of a Wisconsin resident at the time of entry into active service or the spouse of such a veteran applicant, an affidavit attesting to the applicant's Wisconsin residence.~~

(b) All exhibits ~~except other than~~ certified copies of reports of separation will be required of an applicant who applies for readmission more than 60 days after discharge, ~~but an affidavit in lieu of exhibits~~ Updates may be ~~accepted~~ requested from an applicant who applies for readmission within 60 days of discharge.

VA 6.01(4) SPOUSE. A veteran's spouse shall also ~~furnish~~ provide a certified copy of certificate of marriage to the veteran or other verifiable evidence of marriage.

VA 6.01(5) SURVIVING SPOUSE. The application of a veteran's surviving spouse shall be accompanied by a certified or verifiable copy of the certificate of marriage of the applicant to the eligible veteran and with a certified or verifiable copy of ~~such the eligible~~ veteran's death certificate.

VA 6.01(6) PARENT. The application of the parent of a ~~veteran child who died while serving in the armed forces of the United States~~ shall also be accompanied by ~~the certified copy of the public record of birth of the veteran through whom eligibility is claimed, and either a complete physician's report of physical examination of such veteran and a complete financial statement and 2 residence affidavits pertaining to such veteran or~~ a certified or verifiable copy of ~~such the~~ veteran's death certificate.

VA 6.01(11) CLOTHING AND COMFORT ITEMS. The department shall provide, make available, or ensure as payer of last resort ~~Clothing~~clothing, toiletries, and necessary aids to good grooming, including barber and beautician services, ~~shall be furnished to members as their needs may require.~~

VA 6.01(12) MEDICAL AND NURSING CARE. The department shall provide, make available, or ensure as payer of last resort ~~Medical~~medical and nursing care, including physician's services, nursing care, hospitalization, medications, special diets, dental care including dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary medical care services ~~will be furnished members as their needs may require.~~

VA 6.01(15) ADMISSION, DENIAL OR DEFERRAL. Notwithstanding the other provisions of this section, the department may defer or deny an applicant's admission to the home when the commandant determines that the home ~~will be~~ is unable to provide appropriate care

~~VA 6.02(12) Attend all meetings of the board and King committee and make monthly reports on the operation of the home.~~

VA 6.05(2) DISCIPLINARY ORDERS, REVIEW AND APPEAL. A member found guilty by the commandant under sub. (1) of an offense may be dishonorably discharged, given an enforced leave of absence for a period not exceeding 60 days, restricted to the home grounds or designated portions thereof, or disciplined in such other manner as the commandant deems just and proper... The member involved may, within 10 days of action by the secretary, appeal from the decision by the department ~~before the appropriate departmental committee. In these cases, recommendations by the committee shall be~~

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~~submitted promptly to the board for review and final action on the appeal.~~ Upon application for review or appeal, the disciplinary order involved shall be stayed pending determination of the ~~review or appeal.~~

VA 6.05(4) GRIEVANCE PROCEDURE. Any member having a grievance or complaint of any kind against the home or its management may present such grievance or complaint in writing to the commandant. In the event the member is not satisfied with action by the commandant upon such grievance or complaint the member may refer the matter to the secretary, and the commandant shall promptly transmit such grievance or complaint together with a written report of investigation and action thereon to the secretary. ~~In the event the member is not satisfied with action by the commandant and the secretary upon such grievance or complaint he or she may appeal the matter to the board.~~

~~**VA 6.06(5) RESIDENT EMPLOYEE POLICY.** The board shall establish by regulation the terms and conditions under which employees shall be required or permitted to live in quarters on the home grounds. Such regulations shall be published.~~

RPN **CHAPTER VA 7 Grants to Veterans Organizations**

VA 7.05. Administration. ...When an application has been filed, if the secretary determines that the state veterans organization concerned has not adequately established its claim for a grant, the secretary may require additional information. Any state veterans organization dissatisfied with a determination of the secretary may appeal such determination ~~to the board~~ under the provisions of s. VA 1.03.

RPN **CHAPTER VA 8 County Veterans Service Grants**

VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall be made by the county not later than ~~6 months after the start~~ May 15 of the fiscal calendar year for which the grant is claimed on forms prepared by the department....

~~**VA 8.04 Revision of standards.** No revision of minimum budget and operating standards shall be made by the department until proposed new standards have been reviewed by the county veterans' service officers' advisory council.~~

RPN **CHAPTER VA 9 Full-Time Educational Grants**

~~**Chapter VA 9.**~~

RPN **CHAPTER VA 12 Personal Loan Program**

VA 12.02 (3) (a) Income. Copies of check stubs from the applicant's employment for a ~~recent month~~ 30-day period dated within 3 months of the date of application.

VA 12.02 (3) (b) Income. Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules, W-2s, and attachments.

VA 12.02 (3) (f) Income. Depreciation as listed on an applicant's federal tax return may be used as income ~~at the request of the applicant.~~

VA 12.02 (9) Delinquent Support, Separate Maintenance Payments, Medical and Birth Expenses. ...If the applicant is in arrears or expenses exist, then a personal loan program loan may only be made to that applicant, if the amount necessary ~~for to satisfy~~ the arrearage or expense is ~~to be paid~~ from proceeds of the department's loan.

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VA 12.02 (13) Subordination Agreement and Partial Release of Mortgage. SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the department verifies that the mortgagor's equity in the property secured by the mortgage is greater than ~~10%~~ 15% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria and the repayment history for the 6 months immediately preceding the request has been satisfactory.

VA 12.05(2) APPRAISALS. ~~If an appraisal is being used to determine the value an appraiser who is selected by the applicant and licensed by the Wisconsin department of safety and professional services, shall perform the appraisal and complete the appraisal forms prescribed by the department. The applicant is responsible for payment of the appraisal expenses. If an applicant wishes to provide a property appraisal, the appraiser must be licensed by the State of Wisconsin.~~

X
RPN ~~Delete VA 12.05 (2) (Note) The form may be obtained from the Department at 30 W. Mifflin Street, Madison, Wisconsin 53707-7843.~~

CHAPTER VA 14 State Veterans Cemeteries

VA 14.02(1)(a) INTERMENT FEES. (a) Except as provided in sub. (2), ~~None~~ fee may be assessed for the interment of a veteran, guard or reserve member in a veterans' cemetery.

VA 14.02(1)(b) INTERMENT FEES. A fee may be assessed for the interment of a dependent child or a veteran's spouse or surviving spouse in a veterans cemetery. The fee shall not exceed the average cost of a casket burial, including the cost of opening and closing a grave site and setting a headstone, and administrative and equipment operation costs, as determined by the department based upon its costs. A fee may be assessed for the disinterment of an individual currently interred in a veterans cemetery. The fee shall not exceed the average cost to the department of disinterring an individual. The department may periodically adjust the fee, upon 30 days' notice, to reflect current costs. The department shall publish the notice and fee on its web site. The department may waive the fee for a veteran's spouse or surviving spouse who resides in a facility identified in s. 45.01 (12m) or 45.50, Stats., at the time of death, if the individual's estate is insufficient to pay the fee.

14.02(2) ASSESSMENTS. The department may assess the funeral director involved in an interment the amount necessary to reimburse the department for ~~the average cost of providing a columbarium niche or an in-ground container for the interment of remains or of providing and installing an outer burial container, whichever is applicable.~~ A funeral director may provide and install an outer burial container in lieu of paying that assessment. The department may periodically adjust the assessment, upon 30 days' notice, to reflect current costs. The department shall publish the notice and assessment on its web site.

RPN **CHAPTER VA 15 American Indian Veterans' Service Grants**

VA 15.02 (1) APPLICATION. Application for American Indian grants shall be made by the governing body of a Wisconsin American Indian tribe or band not later than ~~June 30~~ May 15 of ~~each~~ the calendar year for which the grant is claimed, on forms prepared by the department.

VA 15.03 (1) Budget and operating standards. Shall ~~employ~~ appoint a ~~full-time~~ veterans' service officer who is a veteran and shall give the officer duties described in s. 45.80 (5), Stats., except that the officer shall report to the governing body of the tribe or band.

RPN **CHAPTER VA 17 Military Funeral Honors**

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VA.17.04 Military funeral honors at state veterans cemeteries. Military funeral honors shall be provided at a cemetery operated by the department under s. 45.51 or 45.61, Stats., unless a family directs the department not to perform any honors. The family shall be notified of the department's intent to provide military funeral honors when the burial arrangements are being made. ~~To the extent practicable, a military funeral honors team shall perform the honors. If requested by the family, a veterans' organization may assist the funeral honors team in providing honors or provide military funeral honors in lieu of a military funeral honors team.~~

Chapter VA 1

GENERAL

VA 1.01	Liberal statutory construction.	VA 1.11	Duties and responsibilities of the secretary.
VA 1.02	Application.	VA 1.12	Applicant and income limitations.
VA 1.03	Procedure for appeals by applicants for benefits.	VA 1.13	Discrimination prohibited.
VA 1.04	Benefits to those who qualify.	VA 1.14	Lebanon withdrawal.
VA 1.05	Cooperation with other agencies.	VA 1.15	Definitions.
VA 1.06	Definition—"veteran".	VA 1.16	Veteran-owned business.
VA 1.07	Strike relief not temporary aid.	VA 1.17	Economic assistance loans.
VA 1.08	False statements.	VA 1.18	Trust fund stabilization loans.
VA 1.09	Reduced payments because of return to service.	VA 1.19	Cancellation of indebtedness.
VA 1.10	Release of information and records.		

Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected under s. 13.92 (4) (b) 7., Stats.

VA 1.01 Liberal statutory construction. The department of veterans affairs shall administer the provisions of ch. 45, Stats., in an expeditious and liberal manner, resolving all reasonable doubt in favor of the veteran, to the end that available benefits are provided to veterans and their eligible dependents as promptly and effectively as possible.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, October, 1967, No. 142, eff. 11-1-67.

VA 1.02 Application. An application for benefits from the department must be made on approved departmental forms, signed by an eligible dependent, or by the veteran and/or such other person as the department may require in connection with the specific benefit application involved. The department may require that a loan application or a credit instrument executed in connection with a loan be signed by the veteran's spouse only in a case where such requirement may legally be imposed under s. DFI-WCA 1.85, and under the provisions of the Equal Credit Opportunity Act and regulations adopted thereunder. It is unlawful for anyone to charge an applicant or spouse a commission for assisting them in completing or securing the approval of an application for benefits from the department.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr., Register, November, 1971, No. 191, eff. 12-1-71; am. Register, August, 1972, No. 200, eff. 9-1-72; am. Register, July, 1976, No. 247, eff. 8-1-76; correction made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1998, No. 511; correction made under s. 13.92 (4) (b) 7., Stats., Register June 2010 No. 654.

VA 1.03 Procedure for appeals by applicants for benefits. (1) **APPEALABLE ACTIONS.** Any applicant for any benefit available through the department may appeal from a decision of the department concerning any such application. Any applicant for benefits whose benefits have been suspended pursuant to s. 45.03 (16), Stats., may appeal such suspension.

(2) **APPLICATIONS PENDING APPEAL FOR DENIAL OF SUSPENSION OF BENEFITS.** During the pendency of an appeal of a suspension of benefits from the department, no decision shall be issued by the department concerning any of the appellant's applications for benefits from the department which were pending in the department at the time of the decision to suspend benefits, or which are submitted by the applicant during the pendency of the appeal even if the decision is not related to the matter being appealed. If the final decision in the appeal affirms the suspension of benefits, any of the appellant's applications shall be denied by the department. If the final decision in the appeal reverses the suspension of benefits, the department shall then determine whether or not the applications should be approved.

(3) **TIME AND MANNER FOR FILING APPEAL.** An appeal shall be in writing and shall be filed with the state of Wisconsin, Department of Veterans Affairs, 30 W. Mifflin St., Madison, WI 53703. An appeal must be received by the department within 60 calendar

days after the date of the department decision appealed. Any questions about time computations for procedural matters shall be resolved by reference to s. 801.15 (1), Stats.

(4) **CONDUCT OF HEARING.** The hearing on the appeal shall be held before a hearing examiner designated by the secretary. The hearing examiner shall have the powers enumerated under s. 227.46, Stats. The department shall present evidence first unless the hearing examiner varies the order of proceeding in the interest of obtaining the most cogent presentation of the case. An appellant may appear in person, with or without counsel, or by counsel or other agent of the appellant's choice.

(5) **EVIDENCE.** In accordance with s. 227.45, Stats., the hearing examiner shall not be bound by common law or statutory rules of evidence. Parties may stipulate to some or all of the facts, and the hearing examiner may base the proposed decision upon the stipulation. All exhibits shall be marked and made available for inspection by the opposing party before being shown to a witness, unless the exhibit shall have been marked and a copy made available to the opposing party prior to hearing.

(6) **RECORD OF APPEAL.** A stenographic, electronic, or other record of the hearing shall be kept, and shall be transcribed at the request of any party. Such transcription shall be at the department's expense if the purpose for transcription is deemed reasonable to the department's or hearing examiner's satisfaction. Copies of the tape recordings, transcripts, or other record shall be furnished to any party upon request at the cost of production to the department, except that copies may be provided free of charge to parties who can demonstrate that they are indigent.

(7) **PROPOSED DECISION.** The hearing examiner shall issue a proposed written decision to the secretary, including findings of fact, conclusions of law, order and opinion pursuant to s. 227.46 (2), Stats. The proposed decision shall be served on all parties at least 20 calendar days before it is submitted to the secretary for final decision unless the 20 calendar day period is waived by all parties. Each party adversely affected may file objections to the proposed decision, briefly stating the reasons and authorities for each objection, and may file a brief and present oral argument to the secretary at the time scheduled for a hearing.

(8) **FINAL DECISION.** The secretary shall issue in writing the final decision, findings of fact, and conclusion of law. The board shall be furnished with a copy of the final decision, findings of fact and conclusions of law and a brief explanation of the case involved.

(9) **PETITION FOR REHEARING.** A party aggrieved by a final decision may petition the secretary for rehearing pursuant to s. 227.49, Stats. Any other party shall have 20 days from the date the petition for rehearing is mailed to them at their last known address to file a reply to the petition.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr., Register, January, 1984, No. 337, eff. 2-1-84; am. (4) to (7) and (9), Register, February, 1989, No. 398, eff. 3-1-89; am. (7) to (9), Register, May, 1990, No. 413, eff. 6-1-90; correction in (3) made under s. 13.93 (2m) (b) 6., Stats., Register, June, 1992, No. 438.

VA 1.04 Benefits to those who qualify. The department shall give assistance to all resident ex-servicepersons and their dependents in all matters connected with the securing of any aid or benefit which may be due them under federal or state law by reason of service in the armed forces of the United States. Financial aid from the department shall not be extended to veterans or dependents when the need for the aid arises or results from the willful misconduct of the veteran or the beneficiary.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, October, 1967, No. 142, eff. 11-1-67; am. Register, August, 1993, No. 452, eff. 9-1-93.

VA 1.05 Cooperation with other agencies. In addition to coordinating the activities of all state agencies relating to the medical, educational, economic or vocational rehabilitation of veterans and their dependents, the department shall cooperate with all federal, state, county or other agencies whose functions include rehabilitation of veterans.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, October, 1967, No. 142, eff. 11-1-67.

VA 1.06 Definition—"veteran". For the purposes of this chapter and ch. VA 2, except as provided in s. VA 2.04, "veteran" shall mean either a veteran as defined in s. 45.01 (12), Stats., or a deceased veteran's unremarried widow or widower or minor or dependent child who is a resident of and living in this state at the time of making application for benefits.

Note: Section VA 2.04 was repealed eff. 2-1-06.

Note: See s. 45.01 (12), Stats.

History: Cr. Register, October, 1967, No. 142, eff. 11-1-67; am. Register, June, 1970, No. 174, eff. 7-1-70; am. Register, September, 1978, No. 273, eff. 10-1-78; am. Register, April, 1986, No. 364, eff. 5-1-86; am. Register, January, 1995, No. 469, eff. 2-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1999, No. 521; correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.

VA 1.07 Strike relief not temporary aid. Aid for direct strike relief does not fall within the definition of temporary aid.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65.

VA 1.08 False statements. (1) **SUSPENSION OF BENEFITS.** (a) *Investigation and suspension.* When it appears that a false statement has been made in connection with an application for benefits from the department, the department shall use such means of investigating such apparent false statement as it deems advisable. In any case where the department finds after investigation that any applicant for benefits from the department has willfully made or caused to be made, or conspired, combined, aided or assisted in, agreed to, arranged for, or in any wise procured the making of a false or fraudulent affidavit, declaration, certificate, statement or other writing, it may suspend all benefits available to such applicant from the department.

(c) *Reinstatement of benefits.* The department after investigation may reinstate benefits. If the department shall find that an application for reinstatement is made without sufficient cause to justify reinstatement it shall deny the same.

(2) **CRIMINAL PROSECUTION.** In proper cases, where the department is satisfied that a false statement has been made in connection with an application for benefits, it may forward the relevant facts to the appropriate district attorney for necessary action pursuant to s. 45.03 (16) (b), Stats.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr., Register, August, 1972, No. 200, eff. 9-1-72; r. (1) (b), Register, January, 1984, No. 337, eff. 2-1-84; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364.

VA 1.09 Reduced payments because of return to service. When a veteran has returned to military service and desires either a reduction in monthly payments or a deferment of payments, the department can properly act upon an application for reduction or deferment when the following statements are submitted:

(1) A statement from the veteran which discloses present income and demonstrates that the income has been materially decreased by virtue of military service, and

(2) A statement by the county veterans service officer concerned that an investigation indicates that the application is justified and should be approved.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; corrections made under s. 13.93 (2m) (b) 4. and 5., Stats., Register, February, 1989, No. 398.

VA 1.10 Release of information and records. All records and papers of the department or of a county veterans service office, hereinafter in this section referred to as service office, are to be utilized in a manner to best serve the public interest, but the veteran's right of privacy as to information pertaining to military or naval service and to confidential information contained in applications for benefits will be respected.

(1) **VETERANS ADMINISTRATION RECORDS AND SEPARATION DOCUMENTS.** Notwithstanding anything to the contrary contained in subs. (4) through (13) separation documents and copies thereof evidencing service in the armed forces of the United States and records and papers in the possession of the department or service office which are released to the department or service office by or from the veterans administration or which contain information provided by the veterans administration are confidential. Release of information from such documents, records or papers may be made only as provided in s. 45.04 (2) and (3), Stats. The department may, however, confirm the veteran status of a person where such confirmation will assist the person in obtaining benefits.

(2) **PERSONNEL RECORDS.** Employee personnel records and information contained therein, the release of which would affect the morale, efficiency or discipline of members of the department will not be released.

(3) **RECORDS ARE CONFIDENTIAL.** Records pertaining to any application for benefits, whether pending or adjudicated, will be deemed confidential and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in subs. (4) through (15), and any person making application for benefits shall hereinafter be referred to as the applicant.

(4) **DISCLOSURE OF INFORMATION TO AN APPLICANT OR DULY AUTHORIZED REPRESENTATIVE.** An applicant may not have access to department records concerning himself or herself pertaining to an application for benefits from the department, but information from official records may be disclosed to an applicant or his or her duly authorized representative as to matters concerning the applicant.

(5) **PERSONS AUTHORIZED TO REPRESENT APPLICANTS.** "Duly authorized representative" shall be defined as any person authorized in writing by the applicant to act for him or her, or his or her legally constituted representative if the applicant is incompetent or deceased. Where for proper reason no representative has been or will be appointed, his or her spouse, an adult child or if the applicant is unmarried, either of his or her parents shall be recognized as the duly authorized representative of the applicant.

(6) **DISCLOSURE OF MEDICAL INFORMATION.** (a) *To veterans.* Information contained in medical records pertaining to applications for benefits from the department which are on file with the department or service office may be released to the veteran upon request, except information contained in the medical record which would prove injurious to his or her physical or mental health, in which case information will be released only to a duly authorized representative.

(b) *To physicians and hospitals.* Information contained in medical records of veterans and beneficiaries pertaining to medical history, diagnosis, findings, or treatment contained in applications for benefits from the department may be disclosed directly to physicians and hospitals upon written request and the submission of a written authorization from the veteran or beneficiary, or, in the event he or she is incompetent, from his or her duly authorized representative. This information will be released only with the consent of the patient and on the condition that it is to be treated as a privileged communication. However, the information may be released without the consent of the veteran or his or her represen-

tative when a written request for the information is received from the United States department of veterans affairs, the United States public health service, the superintendent of a state hospital, a commissioner or head of a state department of mental hygiene, or head of a state, county or city health department.

(7) DISCLOSURE OF LOAN INFORMATION. Information contained in loan files, information pertaining to action taken by the department on loan applications, or loan status information may be made available to any party having a security interest in the property securing such loans or any party under contract with either the department or the department of administration to pursue collection of delinquent department loans. Any party receiving information shall maintain the confidentiality of the information. Loan status information that is readily accessible from current department computer tapes on any loans on which balances are due and owing the department may be made available to a consumer reporting agency, as defined in 15 USC 1681a(f).

(8) DISCLOSURE TO GOVERNMENTAL AGENCIES AND SCHOOLS. Information contained in department or service office files pertaining to applications for benefits from the department which is required for official use by any agency of the United States government, by any agency of the state of Wisconsin, by any law enforcement or social service agency of any Wisconsin county or municipality, or by any school participating in the department's grants programs, may be furnished in response to official requests in accordance with the provision of pars. (a) to (c). Such requests must include information as to the purpose for which the information is to be used.

(a) Information relevant to a determination of the amount of benefits, if any, for which veterans and their eligible dependents may be entitled, information which is requested on their behalf or information which is requested for the purpose of assisting them in obtaining rights and benefits to which they may be entitled, may be released in response to official written or oral requests.

(b) Information which identifies individual veterans or their dependents, and which is requested for purposes other than those set forth in par. (a), may be released only upon receipt of an official written request. Within 5 working days after response to such a written request, the department or service office will make a reasonable effort to contact the individual concerning whom the request has been made and notify the individual of the request for information and provide the individual with a statement of the action taken on such request.

(c) The department may routinely furnish information to other agencies which does not identify individual veterans or dependents.

(9) DISCLOSURE TO STATE LEGISLATORS. Individual members of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested, orally or in writing, on behalf of the veterans or their dependents or for the purpose of assisting them to obtain the rights and benefits to which they may be entitled. Committees of the senate and assembly may be furnished such information contained in department or service office files which pertains to applications for benefits from the department as may be requested for official use.

(10) DISCLOSURE TO COUNTY VETERANS SERVICE OFFICERS. A county veterans service officer may be permitted to inspect records pertaining to any application for benefits in which such officer may be involved or may be furnished information or exhibits from such an application or the payment status or the payment history pertinent to department loans upon the condition that only such information contained therein or furnished therefrom as may be properly disclosed will be disclosed to the applicant only or, if the applicant is incompetent, the applicant's legally constituted representative. The department shall inform a county veterans service officer whose office is involved in an application for bene-

fits of information necessary to complete such application and of action taken by the department thereon.

(11) DISCLOSURE TO AUDITORS. Department records and files shall be made available for inspection by, and information contained in department files shall be made available to, the legislative audit bureau or the legislative fiscal bureau in accordance with ss. 13.94 (1) to (4) and 13.95 (1) and (2), Stats., or to independent auditors only for statistical or audit reporting purposes upon the condition that information reported by such auditors or bureaus will not identify any specific individual by name or be reported in such manner as to clearly identify a specific individual.

(12) APPLICATION STATUS INFORMATION. Information on the status of an application for a department benefit, or for the establishment of eligibility for a department benefit, may be released to a party having an interest in the veteran or dependent obtaining the benefit applied for or establishing eligibility to apply for a specific department benefit, or to a person who is calling on behalf of an applicant for a department benefit.

(13) RELEASE OF INFORMATION TO AUTHORIZED LENDERS. All information and exhibits in the possession of the department pertaining to primary mortgage loan applications or primary mortgage loans may be released to authorized lenders servicing, closing or processing the applications or loans involved.

(15) JUDICIAL PROCEEDINGS. When records pertaining to any application for benefits are requested for use in any judicial proceedings, they will be released only upon service of a proper subpoena and upon the condition that they will be returned upon conclusion of such proceedings.

(16) ADDRESSES OF APPLICANTS. Addresses of applicants for benefits from the department which are contained in department or service office records will not be furnished, except as provided in subs. (5) through (15). When an address is requested by a person to whom it may not be furnished, the person making the written request will be informed that correspondence enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon and bearing sufficient postage to cover mailing costs, will be forwarded by the department or service office to such addressee's last known address. At the time the correspondence is forwarded, the return address of only the department or service office will be placed on the envelope. If such forwarded mail is returned to the department or service office as not deliverable, the original sender will be notified thereof, but the envelope will be retained by the department or service office. In no case will letters be forwarded for the purposes of debt collection, canvassing, or harassment. This section shall not apply to the furnishing of addresses by service officers to the department or vice versa.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. intro. par., r. and recr. (1), am. (4), (6), (7), (8), (9), (12), r. (13), Register, October, 1967, No. 142, eff. 11-1-67; am. (7), Register, June, 1970, No. 174, eff. 7-1-70; am. (7) and (10), Register, November, 1971, No. 191, eff. 12-1-71; am. (1), (3), (6) (b), (9) and (10), r. and recr. (8), renum. (11) and (12) to be (15) and (16), cr. (11), (12) and (13), am. (16), Register, November, 1980, No. 299, eff. 12-1-80; am. (7), Register, September, 1990, No. 417, eff. 10-1-90; am. (4), (5), (6) (b), (13), Register, August, 1993, No. 452, eff. 9-1-93; correction in (intro.) and (6) (a) made under s. 13.93 (2m) (b) 5., Stats., Register, August, 1993, No. 452; am. (7), Register, May, 1999, No. 521, eff. 6-1-99; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.

VA 1.11 Duties and responsibilities of the secretary.

The administrative and executive duties of the department shall be vested in the secretary to be administered under the rules and regulations of the department and subject to and in accordance with the policies established by the board. The secretary shall:

(1) Employ a commandant for each Wisconsin veterans home, designate an employee of the department as deputy secretary, and appoint such persons as may be necessary to carry out the functions of the department. A person who is employed as a commandant or as an administrator of the division of homes on or after January 1, 2011, shall be licensed as a nursing home administrator

under ch. 456, Stats., or shall obtain that licensure within 90 days of beginning employment as a commandant or an administrator.

(2) Administer and supervise all programs of the department, and shall serve as an ex-officio member of all advisory, standing and special committees appointed by the board, unless specifically exempted.

(3) Coordinate the activities of the department with all state agencies performing functions relating to services available to veterans so as to make the benefits available as promptly and effectively as possible.

(4) Administer the program for temporary emergency grants to prevent want and distress and the program for educational grants for veterans.

(5) Administer the economic assistance and housing loan programs for veterans.

(7) Compile a record of the burial places within the state of persons who served in the armed forces of the United States in time of war, who were called into service in the 1961 Berlin crisis call-up, whose service entitled them to receive either the armed forces expeditionary medal, the navy expeditionary medal, the marine corps expeditionary medal or the Vietnam service medal, or who served in Lebanon, Grenada, Panama or a Middle East Crisis under s. 45.01 (11), Stats.

(9) Direct the operation of the Wisconsin veterans museum so as to make the memorial collection instructive and attractive to visitors to the state capitol and shall directly supervise the curator of the museum.

(10) Formulate and present the department's budget to the legislature.

(11) Present to the legislature all proposed legislation recommended by the board and shall make such reports to and appearances before the legislature on such other matters as it may request.

(12) Supervise all funds of the department, see that proper records are kept, and account for all funds disbursed for any reason whatsoever.

(13) Make such regular reports to the board as the board may request.

(14) Conduct an adequate program of public relations for the department.

(15) Make and establish rules and regulations necessary to carry out the statutes pursuant to the policies established by the board, and make such publication and distribution of these rules and regulations as the secretary may deem necessary.

(16) Attempt to obtain full collection of all loans and may take all available legal steps to effect collection provided, however, that the secretary shall have the authority to approve compromise settlements in appropriate cases and write-off loans which the department deems uncollectible.

(17) Administer the functions of the department in a careful and businesslike manner.

(18) If the secretary deems it appropriate to do so, or is directed by the board to do so, refer any problems arising from the discharge of the above duties to an appropriate committee or council appointed by the board for counsel and advice.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. intro. par. (4), (5), r. (6), am. (7), Register, October, 1967, No. 142, eff. 11-1-67; am. (9), Register, November, 1971, No. 191, eff. 12-1-71; am. Register, January, 1984, No. 337, eff. 2-1-84; am. (1), (2) and (7), Register, April, 1986, No. 364, eff. 5-1-86; am. (9), Register, June, 1992, No. 438, eff. 7-1-92; am. (7), Register, August, 1993, No. 452, eff. 9-1-93; CR 09-092: am. (1), r. (8) Register June 2010 No. 654, eff. 7-1-10.

VA 1.12 Applicant and income limitations. (1) NUMBER OF APPLICANTS. The department will not accept more than 2 applicants for any department loan and will not accept more than 2 signers as makers on credit instruments to be executed in connection with such loans. Guarantors will not be accepted by the department for the purpose of making housing loan applications creditworthy.

(2) INCLUSION OF INCOME. A person's income shall not be deemed to be available as regular and dependable for the purposes of s. 45.31 (10), Stats., unless such person is the veteran applicant or is a co-applicant who is either residing with the veteran applicant or who will jointly own and occupy the homestead to be purchased or constructed by the veteran applicant with the assistance of a department loan.

(3) CO-APPLICANTS. Subject to the provisions of subs. (1) and (2), the department shall consider the income, assets and debts of any applicant who is willing to sign all required credit instruments to be executed in connection with the loan for which application has been made and upon whom a complete application has been submitted to the department for the purposes of ss. 45.31 (10) and 45.40, Stats., for the purpose of determining the creditworthiness of the application and for the purpose of determining its compliance with the provisions of s. 45.33 (2) (a) 1., Stats. An application must always be completed on the veteran applicant.

(4) Notwithstanding the provisions of subs. (1) to (3), if a veteran applicant is married and not separated or in the process of obtaining a divorce, such applicant's spouse shall be a co-applicant for any department loan and must complete and sign the loan application and all credit instruments required to be executed in conjunction with the loan. If a veteran applicant is separated or in the process of obtaining a divorce, such veteran's spouse shall not be required to be a co-applicant for loan under subch. III of ch. 45, Stats., and such spouse's income, assets and debts shall not be considered by the department. In order to be considered "separated" for the purposes of this subsection, a veteran and spouse must either be legally separated or must have been living in different dwellings for at least 3 months immediately next preceding the veteran's application for a loan. In order to be considered in the process of obtaining a divorce for the purposes of this subsection, a petition for a divorce of the veteran and spouse must have been filed with a court.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; r. (4), Register, December, 1979, No. 288, eff. 1-1-80; cr. (4), Register, February, 1981, No. 302, eff. 3-1-81; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1986, No. 364; r. (5), Register, July, 1998, No. 511, eff. 8-1-98; corrections in (2) to (4) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, June, 2001, No. 546.

VA 1.13 Discrimination prohibited. Discrimination against properly qualified persons in the provision of veterans assistance under ch. 45, Stats., on the basis of age, race, creed, color, disability, sex, national origin or ancestry, sexual orientation, political affiliation or beliefs or arrest or conviction records, is prohibited, and except that all persons employed by the department shall if possible be veterans as defined in s. 45.01 (12), Stats., and that preference shall be given to disabled veterans, discrimination against qualified persons in the employment of staff on the basis of age, race, creed, color, disability, sex, national origin or ancestry, sexual orientation, political affiliation or beliefs or arrest or conviction records is prohibited.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76; r. and recr., Register, December, 1979, No. 288, eff. 1-1-80; am. Register, August, 1993, No. 452, eff. 9-1-93; correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.

VA 1.14 Lebanon withdrawal. The date of withdrawal of U.S. armed forces from Lebanon is established as August 1, 1984 for the purposes of s. 45.01 (11), Stats.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86.

VA 1.15 Definitions. For the purposes of this chapter and chs. VA 2 to 9:

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

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

(3) "Secretary" means the secretary of the department of veterans affairs.

History: Cr. Register, April, 1986, No. 364, eff. 5-1-86; cr. (3), Register, February, 1989, No. 398, eff. 3-1-89; correction made under s. 13.93 (2m) (b) 1., Stats., Register, June, 2001, No. 546.

VA 1.16 Veteran-owned business. Upon the written request of an owner, the department shall certify as a veteran-owned business a small business, as defined in s. 16.75 (4) (c), Stats., whenever the business is at least 51% owned by one or more veterans, as defined in s. 45.01 (12), Stats. An owner shall submit evidence of the ownership interest and veteran status of each owner with the written request for certification.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94; correction made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568.

VA 1.17 Economic assistance loans. (1) SATISFACTION OF LOAN UPON VETERAN'S DEATH. If a veteran who has obtained a loan under s. 45.351 (2), 1995 Stats., dies before completing repayment, the department shall satisfy the loan.

(2) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.351 (2), 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is greater than 10% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

(3) DEFERMENT OF PAYMENTS. Where a veteran who is enrolled in a full-time course of instruction, as verified by the educational institution in which the veteran is enrolled, or in a part-time course of instruction only in cases described in this subsection, applies for deferment of the obligation to commence or continue to make payments on a loan, under s. 45.351 (2), 1995 Stats., the department may grant a deferment if the installments on such loans are less than 90 days delinquent at the time of approval of the deferment and, in the case of a guaranteed loan, if the guarantors consent in writing to the deferment. A deferment may not exceed one year and may not extend more than 3 months beyond the anticipated completion date of the veteran's educational objective but a veteran may qualify for additional deferments if eligible for such deferments under the provisions of this subsection at the time of application. The department may grant deferments to a veteran enrolled in a part-time study course of instruction because such veteran is disabled or unable due to physical or mental disability to enroll in a full-time course of instruction, is a graduate student who has completed the course of work required for a degree but must complete a thesis requirement, or is in the

final semester or term of an educational program and needs less than full-time study to meet graduation requirements. Participation in a medical internship program shall be deemed to be enrollment in a full-time course of instruction for the purposes of this subsection.

History: Cr. Register, July, 1998, No. 511, eff. 8-1-98.

VA 1.18 Trust fund stabilization loans. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is greater than 10% of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

History: Cr. Register, July, 1998, No. 511, eff. 8-1-98.

VA 1.19 Cancellation of indebtedness. (1) CRITERIA. The department may cancel indebtedness and forego collection action on a loan provided under s. 45.356, 1995 Stats., s. 45.80, 1981 Stats., and s. 45.42, Stats., if any of the following apply:

(a) The obligated parties on the note are deceased and claims on the estates have failed to produce any payments.

(b) The obligated parties on the note are unlocatable as documented by non-productive skip tracing efforts.

(c) The obligated parties on the note are discharged in bankruptcy and have not reaffirmed the debt.

(d) Interstate restrictions prevent collection.

(e) The obligated parties on the note have established through the submission of adequate documentation that the parties are unable to pay or that continued collection activity would jeopardize collection of other department loans.

(f) The financial benefit to the department of pursuing collection activity does not exceed the cost of pursuing the debt.

(2) REEVALUATION. Except as provided in s. VA 1.17 (1), the department may reinstate the indebtedness and collection activity based upon a change in the circumstances of an obligated party.

(3) ADMINISTRATIVE REVIEW. Any department decision under this section is subject to appeal under s. VA 1.03.

History: Cr. Register, May, 1999, No. 521, eff. 6-1-99; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535.

Chapter VA 4

PRIMARY MORTGAGE LOAN PROGRAM

VA 4.01	Definitions.	VA 4.09	Secondary loan program.
VA 4.02	Manufactured home loans.	VA 4.10	Acceleration.
VA 4.03	General loan policy.	VA 4.11	Procedure for suspension of builders, authorized lenders and appraisers.
VA 4.05	Financial requirements.	VA 4.12	Omissions and material errors as grounds for suspension of authorized lenders.
VA 4.06	Property qualifications.	VA 4.13	Primary loan forbearance.
VA 4.07	Appraisals.	VA 4.14	Home improvement loan program.
VA 4.08	Primary loan program.		

Note: Chapter VA 4 as it existed on October 31, 1974 was repealed and a new chapter VA 4 was created, Register, October, 1974, No. 226, effective November 1, 1974. Chapter VA 4 as it existed on May 31, 2000 was repealed and a new chapter VA 4 was created, Register, May, 2000, No. 533, effective June 1, 2000.

Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 4.01 Definitions. In this chapter the terms defined in s. 45.31, Stats., have the meanings designated and the statutory definitions are incorporated by reference. The federal regulations and guidelines issued by the Fannie Mae Program may be applied in conjunction with the provisions of this chapter where there is no conflict. The following terms shall have the meanings designated:

(1) "Adequate housing" means a structurally sound housing accommodation ready for immediate occupancy, sufficient in size to accommodate the applicant and the applicant's dependents, with electrical amperage of at least 100 amperes, heating and sanitary facilities, all of which are in good condition of repair.

(2) "Annual income" means "current monthly income" multiplied by 12.

(3) "Applicant" means a person who applies for a loan certificate of eligibility or a veteran who applies for a housing loan under subch. III of ch. 45, Stats. The term "applicant" also means the applicant and co-applicant, if there is a co-applicant, unless the context clearly limits the meaning to the applicant only.

(4) "Basement survey" means the placement of stakes delineating, by survey, the perimeter of the proposed basement within the lot upon which an applicant's housing accommodation will be constructed. A basement constructed pursuant to a survey must comply with sideyard, setback and other applicable requirements.

(5) "Co-applicant" means any person who is eligible to apply and does apply with an applicant for a housing loan.

(6) "Current monthly income" means an applicant's current monthly adjusted gross income at the time of application, or in appropriate cases 1/12 of an applicant's annual income computed on the basis of the applicant's current adjusted gross income at the time of application.

(7) "Dependent child" means any natural child, any legally adopted child, or any stepchild of a veteran as defined in s. 45.71 (16) (a), Stats., who is at least 18 years of age and under the age of 26 if in full attendance at a recognized school of instruction or any age if incapable of self-support by reason of mental or physical disability.

Note: Section 45.71 (16), Stats., no longer exists since the repeal and recreation of ch. 45, Stats., by 2005 Wis. Act 22.

(8) "Housing accommodation" means the building in which the applicant will live. In the case of condominiums, the applicant's dwelling unit, but not the appertaining land, is included.

(9) "Lender" means either an "authorized lender" or "primary lender" or both.

(10) "Mortgagee" means the department or the authority.

(11) "Mortgagor" means a successful housing loan applicant named in a mortgage or a chattel security agreement or the co-applicant spouse of a successful applicant.

(12) "Primary loan" means a housing loan under s. 45.37, Stats.

(13) "Property" means the housing accommodation, garage, land and any other non-housing improvements, the purposes for which a housing loan may be made.

(14) "Residence" means the fixed primary housing accommodation of an applicant situated on an amount of land reasonably necessary to maintain the housing accommodation's basic livability. The applicant must occupy or intend to occupy the residence.

(15) "Secondary loan" means a housing loan under s. 45.352, 1971 Stats., or s. 45.80, 1989 Stats.

(16) "Veteran" means either a veteran as defined in s. 45.71 (16) (a), Stats., or a deceased veteran's unremarried surviving spouse or minor or dependent child who is a resident of and living in this state at the time of making application for a certificate of eligibility or a primary loan.

Note: Section 45.71 (16), Stats., no longer exists since the repeal and recreation of ch. 45, Stats., by 2005 Wis. Act 22.

(17) "Work credit" or "sweat equity" means actual labor performed by the applicant and does not include the cost or value of materials used.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.02 Manufactured home loans. (1) SECURITY. No loan may be made under this section for the purchase of a manufactured home unless the loan is secured by both a first mortgage and a chattel security agreement on the manufactured home itself and the home is affixed to a permanent foundation.

(2) **REPAYMENT OF LOANS.** All loans on manufactured homes will be amortized on a monthly payment basis and may have a maximum repayment term of 12 years.

(3) **ITEMS EXCLUDED FROM COST.** Furniture and appliances, moving and utility hookup expenses and taxes included as a part of the purchase price of the manufactured home and skirting and tie-downs shall be considered a part of the total cost of the manufactured home for the purposes of ss. 45.33 and 45.35, Stats. The furniture and appliances shall be included in the chattel security agreement. Furniture and appliances which are not fixtures shall be separately valued and shall be paid for by the applicant and be conveyed by separate bill of sale at the time of the closing.

(4) **REGISTRATION.** All manufactured homes upon which primary loans are made must be registered with the department of transportation.

(5) **CONSENT TO REMOVAL.** No manufactured home upon which a primary loan has been made may be moved from the site of original hookup without the consent of the authorized lender and the department and no manufactured home upon which a sec-

ondary loan has been made may be moved from the site of original hookup without the consent of the department.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.03 General loan policy. (1) LOAN REPAYMENT RECORD. The department may not issue a certificate of eligibility to an applicant or approve a loan to an applicant who is delinquent on a loan from the department.

(2) CONSTRUCTION TAKEOUT LOAN. (a) A primary loan may be made to replace a loan, the purpose of which was construction of a residence, including garage and the acquisition of land, if the original term of the loan did not exceed 24 months, or if the renegotiated term of the loan does not exceed 24 months and terminates within 24 months of the closing date of the original loan.

(b) Applications for loans on residences where construction has not been completed shall be processed under sub. (4), except that the contract may have multiple payments to the contractor and escrows are not permitted.

(3) CONSTRUCTION LOANS. (a) Construction loans may be made for a term not exceeding 29 years and 4 months, in addition to the construction period not exceeding 8 months.

(b) The applicant may not act as the applicant's own general contractor. Unless the applicant's occupation is directly related to the task involved, the applicant cannot perform any construction tasks other than painting and staining. The general contractor must warrant all work performed by the applicant.

(c) On construction loans, payment on principal may be waived for up to 8 months. However, payment of interest and 1/12 of the estimated annual taxes and insurance premiums must be made monthly. The interest will be charged on principal actually disbursed during the previous month based on the number of days of usage and billed as of the first of the month.

(d) Construction contracts shall be written on a firm price basis. No cost adjustment clause is permitted. Change orders in construction contracts may be permitted only with the approval of the authorized lender and if the applicant deposits the full cost of the change order with the lender prior to the change taking place.

(e) Construction loan agreements shall be completed on closing of all construction loans.

(f) When required, all building permits, septic adequacy reports and well drilling permits must be obtained prior to the advance of any primary loan funds by the authorized lender. The lender shall retain copies of all permits and tests in the loan file. All percolation tests, when required, shall be completed prior to the approval of the application.

(g) The following documents shall be submitted to the department with every construction loan application:

1. Offer to purchase vacant land or deed showing ownership of vacant land.
2. Construction contract.
3. Signed cost breakdown.
4. Specifications.
5. Building plans.

(h) A basement survey is required in connection with every construction loan before closing. The lender may waive a basement survey under the following circumstances: the lender obtains a certificate from the local building inspector or zoning authority indicating that the proposed basement is located within the bounds of the described property, is in compliance with all applicable side yard and set back requirements and has a proper elevation. The authorized lender shall agree to sign the lender's warranty on the basis of the certificate.

(i) There must be a general contractor who shall warrant in writing against defects in materials and workmanship for a period of not less than one year from the date of completion.

(j) The lender shall approve the builder's qualifications and credit and require evidence that the builder carries or that the

applicant will carry builder's risk insurance. The insurance shall be on a standard form 17c or a comparable form and shall include fire and extended coverage, vandalism and collapse coverage. If theft coverage is available, it is recommended that this coverage be carried also. The policy shall name the builder or mortgagor as the insured with a loss payable clause in favor of the mortgagee. The original policy shall be retained by the lender with a memorandum copy to the mortgagor. The mortgagor shall obtain a general liability policy naming the mortgagor as the insured. This policy shall remain in effect until completion of construction.

(k) Authorized lenders shall establish that the builder is credit-worthy.

(L) Certificates of satisfactory completion of each stage of construction completed shall be submitted to and retained by the lender, signed by the builder and mortgagor prior to disbursement of any additional funds. Lender or its agent shall inspect completed work prior to any draw and retain a copy of the inspection report on file.

(m) Lien waivers shall be obtained. If any question arises concerning the adequacy of the lien waivers, the waivers shall be cleared through a title company.

(n) All down payment monies received by any of the parties to the construction transaction shall be deposited with the lender. The amounts that are necessary for closing shall be disbursed at closing. Monies not disbursed at closing shall be retained by the lender in an escrow account until the next draw is requested by the builder. No housing loan proceeds may be disbursed until all of the down payment monies have been fully expended. Advances prior to completion may equal 80% of the cost of completed construction unless the cost breakdown shows profit as a separate entry, in which case 100% of the cost of completed construction may be disbursed. Disbursements may not exceed 75% of the total committed primary loan funds until after final inspection. Funds remaining after each and every draw shall be sufficient to complete the construction. Advances shall be made on construction completed, in place, and inspected by the lender or agent using guidelines approved by the department. Advances may take place at any of the following times:

1. Upon purchase of the lot, if not already owned by the mortgagor.
2. Upon completion of the footings and foundation.
3. When the roof is on, the house is enclosed, and all other work is roughed in to include electrical, plumbing, heating and carpentry including windows and doors.
4. After final inspection. Minor items that do not affect livability or work prevented because of weather related circumstances may be incomplete provided the lender establishes an adequate escrow of at least one and one-half times the cost to complete the items.

(o) Landscaping is not required, other than rough grading and backfilling.

(p) Painting of the exterior of the housing accommodation and garage, if not pre-finished, is required. At least one coat of finish on the interior woodwork, kitchen and bathroom walls is required. A finished product, such as hardwood properly sealed, tile or carpeting, is required on all floors. Access walks and driveways must be completed.

(q) In primary loan applications work credits and sweat equity may be allowed only after the applicant evidences that the down payment is unborrowed funds and that the applicant has adequate funds for closing and moving expenses. The primary loan shall be the total cost of the construction minus the down payment. The work credits and sweat equity shall be deducted from the loan principal amount after the construction has been completed. An authorized lender may waive firm price contracts for labor for required painting if all of the following occur:

1. The authorized lender obtains an agreement from the general contractor stating that should painting become necessary, the

contractor shall do such painting at no expense to the mortgagor, authorized lender or the department;

2. The contract and supporting documents include a firm price for all painting materials required; and

3. The authorized lender and general contractor agree not to authorize occupancy by the mortgagor until the required painting and other sweat equity tasks are completed.

(r) Plans and specifications for any unusual type of construction shall be submitted to the department prior to loan processing by the lender.

(4) PURCHASE LOANS FOR A HOUSING ACCOMMODATION TO BE CONSTRUCTED. (a) A purchase loan for a housing accommodation and, if applicable, a garage to be constructed, may be made for a term not exceeding 360 months.

(b) The loan documents shall be submitted to the department as an application for purchase of a completed housing accommodation and, if applicable, a garage.

(c) The housing accommodation and garage shall be fully constructed not more than 8 months from the date of commitment.

(d) A single payment construction contract for a complete, finished, firm price, warranted housing accommodation shall be submitted in all cases, with any of the following:

1. An offer to purchase the land on which the housing accommodation is to be constructed, if the land is owned by the builder or a third party; or

2. A copy of the recorded deed, if the land is owned by the applicant.

(e) Work credit may be agreed to between the applicant and the builder in order to arrive at a reduced sale price or a reduced contract-to-construct price to the applicant, but the amount of the loan applied for shall not include the value of the work credit agreed to so as to result in payment to the applicant for the work credit. No part of the required downpayment can be made up of the value of the work credit. No payment for work credit shall be made to the applicant by either the lender or builder.

(f) The appraisal submitted to the department shall be based upon the value of the property after completion of construction in accordance with the plans and specifications.

(g) Upon completion of construction, the general contractor shall warrant, in writing, against defects in materials and workmanship for a period of not less than one year from the date of completion.

(h) Lien waivers shall be obtained and submitted to the lender upon completion.

(i) The housing accommodation and garage, if applicable, shall be fully completed. Final inspection shall be made by an appropriate inspector prior to closing.

(j) A single disbursement by the department may be made only upon compliance with all of the foregoing requirements. Minor items that do not affect livability or work prevented because of weather related circumstances may be incomplete provided the lender establishes an adequate escrow of at least one and one-half times the cost to complete the items.

(5) SECOND APPLICATIONS. (a) When an applicant for a certificate of eligibility remains obligated to the department on either a secondary loan or another primary loan and the applicant is otherwise qualified for the certificate, a conditional certificate of eligibility shall be prepared authorizing application for a primary loan subject to the requirement that the existing secondary or primary loan be fully paid prior to or at the time of closing of the primary loan.

(b) If an applicant failed to repay a department loan in a timely manner or quitclaimed real estate back to the department in lieu of foreclosure within the 5 years preceding application for a second certificate of eligibility, the applicant is ineligible to receive a second certificate of eligibility or a primary housing loan unless

the applicant can establish strong offsetting characteristics. The department may consider whether or not the department incurred a loss as a result of the quitclaim and whether a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

(6) SURVEY. Where the legal description of the property is in metes and bounds, a survey, or copy of a survey, clearly delineating a single perimeter of the entire plot and location of any existing or proposed improvements is required in connection with a primary loan, unless it is determined by the department that there is no dispute as to the location of the improvements within the perimeter. In these cases, a surveyor's or professional engineer's letter is required.

(7) FLOODPLAIN. Life of loan flood certifications are required for loan applications. If the property is in a 100 year floodplain, flood insurance shall be obtained on the property and shall be available at the time of closing. The property is deemed to be in a 100 year floodplain only if the buildings thereon are in the 100 year floodplain.

(8) WELLS AND SEPTIC SYSTEMS. (a) An application for a purchase or construction loan involving property with a well, with a community water supply that is not municipally operated or with private septic disposal system shall include any of the following:

1. A well agreement.

2. A safe water report from a laboratory certified by the state of Wisconsin.

3. Percolation tests for construction loans.

4. Other documentation showing an adequate sewage disposal system.

(b) Housing loans may not be approved for the purchase of or construction of housing accommodations on properties if the septic disposal systems are gas fired or chemical toilets are utilized.

(9) SEPARATE HOUSING ACCOMMODATIONS. The department may not approve a housing loan to an applicant and co-applicant for a duplex or a multiple unit housing accommodation if the applicant and co-applicant are occupying or intend to occupy separate dwelling units, even though both are veterans.

(10) TERM. The amortization period of a housing loan may not exceed 30 years.

(11) BUSINESS USE. Except for a housing loan for a purpose designated in s. 45.34 (1) (c), Stats., the department may not approve a housing loan for a residence, other than a multi-family residence which may be financed under sub. (12), in which it is reasonably expected that more than 15% of the total area is to be used in a trade or business.

(12) MULTI-FAMILY RESIDENCE. Except for a housing loan for a purpose designated in s. 45.34 (1) (c), Stats., the department may not approve a housing loan for a multi-family residence unless the housing accommodation has four units or less, the applicant intends to occupy one unit of the housing accommodation and the housing accommodation was first occupied as a residence at least 5 years before the mortgage is executed.

(13) PRIOR FINANCING. Except for a housing loan for a purpose designated in s. 45.34 (1) (c), Stats., the department may not approve a housing loan for an applicant who had a mortgage or any other secured financing on the housing accommodation, while using the housing accommodation as a residence, whether or not paid off, at any time prior to the execution of the mortgage.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00; CR 05-008: am. (2) Register May 2005 No. 593, eff. 6-1-05.

VA 4.05 Financial requirements. (1) VETERAN'S CONTRIBUTION. If the applicant's contribution required under s. 45.35, Stats., or any closing costs and moving expenses as the applicant may be required to pay, has been or is to be acquired by borrowing, other than from a government sponsored program, a program approved by the department or from the applicant's own assets, the application shall not be approved. The applicant must be

financially able with the aid of the housing loan applied for to complete the purchase, construction or improvement and to pay all required closing and moving expenses. When the sales price, construction cost or total cost exceeds the value pursuant to s. VA 4.07 (2), the applicant's contribution required under s. 45.35, Stats., will be increased by the excess. Work credits, rent credits or other reductions of the price of the property being acquired by an applicant may be allowed but only after the applicant establishes that a 5% down payment has been made from the applicant's own funds. Mortgage funds may not be utilized to pay closing costs. Applicants shall submit verifications of all deposits in excess of \$100 which will constitute a portion of their contribution.

(2) **OTHER OWNED REAL ESTATE.** All or any portion of or interest in other owned real estate, assigned to or encumbered in favor of the department in connection with primary loans, may be released pursuant to s. VA 4.08 (9).

(3) **PERSONAL PROPERTY.** The cost of any personal property included in a construction or improvement contract shall be paid by the applicant. The payment may not constitute part of the applicant's equity in the property. Carpeting, built-ins, fixtures or other items permanently affixed to the structure may not be considered personal property. No personal property may be financed with primary housing loans.

(4) **EMPLOYMENT.** The applicant shall have stable employment and sufficient income and financial stability to assure repayment according to the terms of the loan. In the case of a primary loan, income and employment that is not maintained at closing as stated on the application shall result in the authorized lender canceling the loan commitment.

(5) **LIABILITIES.** To determine whether the level of indebtedness is excessive, the department and authorized lender shall analyze the stated purposes for which an applicant's debts were incurred, the total amount of the indebtedness in relation to income, and the applicant's record of meeting past financial obligations. The purpose for which all debts were incurred shall be stated on the application. If the department or authorized lender determines the accumulated indebtedness indicates financial instability or the amount of monthly payments will impair the applicant's ability to make shelter cost payments and meet ordinary living expenses, the loan application shall be denied. Accumulation of net worth may be considered to be an indication of creditworthiness.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.06 Property qualifications. (1) GENERAL. The department may approve a housing loan only on a housing accommodation which is determined to be adequate housing, either at the time of loan closing or after the completion of the improvements or rehabilitation to be completed with the assistance of a housing loan. If the property has any deficiencies, it may be considered adequate housing if the lender has established an adequate escrow of the sellers funds. The housing accommodation must be located in Wisconsin. The housing accommodation shall be occupied by the applicant as the applicant's and dependent's residence.

(2) **SUB-STANDARD HOUSING ACCOMMODATIONS.** The department may not approve applications for housing loans to purchase substandard housing accommodations, temporary dwellings, or housing accommodations not meeting minimum requirements of health and sanitation, such as garages, basements, or cottages inadequately converted for permanent occupancy.

(3) **LOTS.** The department may not approve an application to purchase a housing accommodation situated on a lot deemed to be of inadequate size.

(4) **PROPERTY ANALYSIS.** The department shall use federal regulations and guidelines issued by the Fannie Mae Program for evaluating properties. Loans may not be approved on properties that fail to meet the standards and the standards and guidelines

shall be used for determining the maximum number of years for which loans will be made on properties offered as security.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.07 Appraisals. (1) GENERAL. Except in the case of applications for loans made for the purposes set forth in s. 45.34 (1) (c), Stats., appraisals shall be submitted with all housing loan applications.

(2) **USE OF APPRAISALS.** Appraisals shall be used to determine whether the properties so appraised adequately secure proposed housing loans, but the appraisals are advisory only. The department may determine the value of properties for its purposes by means of property inspection by department representatives, by obtaining appraisal reports at its own expense, or by such other means as it deems practical.

(3) **APPRAISERS.** The secretary may designate appraisers in any county for the protection of veterans and the department.

(4) **DISINTEREST.** The appraiser may not have an interest in the property to be purchased or constructed, or be employed by the lender, except under exceptional circumstances with prior approval of the department.

(5) **MISCELLANEOUS REQUIREMENTS.** (a) The appraiser shall consider and comment upon encroachments, easements, code violations or variances.

(b) Construction loans in a floodplain may not be approved unless the plans and specifications comply with the requirements of ch. NR 116.

(c) The appraiser may evaluate personal property if personal property of value is included in the property to be purchased or constructed.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.08 Primary loan program. (1) CERTIFICATE OF ELIGIBILITY. (a) Except in the cases of applications for loans made for the purposes set forth in s. 45.34 (1) (c), Stats., an application for issuance of a certificate of eligibility shall be submitted to the department through the applicant's county veterans service officer and shall be in the same form as an application for the establishment of eligibility for general benefits from the department but shall contain a specific request for issuance of the certificate. In the case of an application for a loan for the purposes set forth in s. 45.34 (1) (c), Stats., the department may not issue a separate certificate of eligibility but shall certify an applicant as eligible prior to approving the application.

(b) A certificate of eligibility may be issued only to an applicant whose previous transactions with the department would in no way bar approval of another loan by the department.

(c) If the applicant is a veteran who was a resident of the state of Wisconsin at time of entry into military service or has been a resident of this state for any consecutive 5-year period after entry or reentry into service on active duty, the certificate of eligibility shall be issued for an indefinite period. If the applicant qualifies as a veteran by virtue of being the unremarried spouse of a deceased veteran, the certificate shall become null and void upon the remarriage of the applicant and shall so state upon its face.

(d) If the original certificate has been lost and the applicant is still an eligible veteran at time of application for reissue, a certificate of eligibility may be reissued.

(2) **CONTRACTS.** No lender may process a mortgage loan application until the lender has entered into a contract with the department. The contract shall delineate or include reference to the responsibilities of the authorized lenders and other matters set forth in s. 45.37 (5) (a) 1., Stats., shall vest authorized lenders with such powers as the department deems necessary to enable them to properly carry out their servicing responsibilities, shall specify the minimum number of days notice to the department of anticipated closing or first disbursement dates, and shall specifically require such lenders to execute warranties and servicing agreements in

connection with primary loans closed by them. The provisions of the warranties and agreements shall be deemed to be incorporated into the contract.

(3) APPLICATION. Application for a primary loan shall be made through the authorized lender of the applicant's choice. The application shall be completed on forms prescribed by the department, and shall include the applicant's certificate of eligibility, a fact-built credit report, appraisal report, employment and deposit verifications and, if appropriate, plans, specifications, a construction contract, a survey, water analysis report, purchase agreement, and such other instruments and exhibits as the authorized lender deems necessary to complete the application.

(4) DENIAL BY AUTHORIZED LENDER. If at any time during the course of the development or evaluation of an application for a loan, the authorized lender determines that the application does not meet the requirements set forth in this chapter and subch. III of ch. 45, Stats., or that it would not approve a loan to the applicant under its normal underwriting standards because the property to be acquired does not meet its minimum or Fannie Mae minimum property standards or because the applicant does not meet its credit standards, the authorized lender shall inform the applicant that the application will be submitted to the department with a recommendation that it be denied and provide the reasons for the recommendation. Incomplete applications denied by authorized lenders shall not be forwarded to the department but the department shall promptly be notified in writing of the denials. Completed applications shall not be denied by the lender but will be forwarded to the department and the department will approve or deny the application.

(5) SUBMISSION TO THE DEPARTMENT. All applications approved by authorized lenders shall be submitted to the department for review and approval or denial. A loan application which has been submitted but which is found to lack the necessary information or documentation for the department to approve a loan, shall be denied, unless the lender corrects the deficiency within 60 days after notice of the deficiency by the department to the lender. Immediately upon approval of an application the department shall send a commitment letter to the authorized lender, committing the department to transfer funds as provided under s. 45.37 (5) (a) 4., Stats., subject to such funds being made available to the department. Loan commitments will expire 6 months from date of issuance, commitments for the purchase of a housing accommodation to be constructed (PC) and construction takeout loans (TO) will expire 8 months from the date of issuance, and construction (C) loan commitments will expire 12 months from the date of issuance. Commitments may be extended at the discretion of the department.

(6) CONSTRUCTION LOANS. Construction loan funds shall be disbursed on the basis of guidelines set forth in s. VA 4.03 (3).

(7) WARRANTY. AS soon as practicable after the closing of a loan or after the first disbursement of funds in a construction loan the authorized lender shall transmit the executed mortgage note, summary of closing worksheet, mortgagor's affidavit and lender's warranty to the department. The lender's warranty shall be made on a form furnished by the department and shall contain information sufficient to enable the department to determine that a valid first lien complying with the requirements of all federal and state laws, exists in favor of the authority or of the department on the mortgaged premises and that the mortgagor has obtained, or in the case of construction loans will obtain, adequate fire and extended coverage insurance on the mortgaged premises. The lender's warranty will also contain such other information as the department requires from time to time.

(8) SERVICING AGREEMENTS. Servicing agreements shall specifically empower authorized lenders to collect and retain late charges, NSF check charges, partial release fees, and amounts representing expenditures made by them with respect to mortgages executed or properties mortgaged to the department or to the lend-

ers or to the authority for which they have not been reimbursed by the department. Late charges, NSF check charges and partial release fees not collected by such lenders from mortgagors, in addition to required principal, interest and escrow payments, may not be deducted from such payments, charged to the department or the authority or added to mortgage loan balances. The agreements shall specify the items for which authorized lenders may incur reimbursable expenses and the terms and conditions under which the department may pay such expenses.

(9) PARTIAL RELEASES. An authorized lender may, with the consent of the department, release a portion of the property mortgaged to it or the department or the authority under a primary loan if the release of such property will not unduly diminish the value of the remainder of the property. The authorized lender shall require that any funds received by a mortgagor from the sale of property released be applied to reduction of the mortgage loan balance unless it is proposed that a part or all of such funds will be used to improve the property, in which case the authorized lender may approve and supervise the disbursement of funds for improvements.

(10) CONSUMER LAWS. Notwithstanding any provisions of the department's lender's manual, subch. III of ch. 45, Stats., or this chapter or contracts and servicing agreements entered into between the department and the lender, the lender shall comply with all applicable federal statutes and regulations and state statutes and rules. The lender shall defend any suits brought for non-compliance and shall be liable for any damages awarded for the non-compliance.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.09 Secondary loan program. (1) TITLE EVIDENCE AND PROPERTY INSURANCE. When the department is notified of the cancellation, lapse or non-renewal of a fire and extended coverage, homeowners or fire and windstorm insurance policy insuring a property in which it has a mortgage interest, or when the mortgagor fails to obtain and pay for this insurance in an amount at least equal to appraised value of the improvements at time of application on property mortgaged to the department, the mortgagor involved shall be notified that it is such mortgagor's responsibility to obtain and pay for adequate insurance coverage and shall be instructed to submit a memorandum of such insurance coverage to the department. Until the memorandum is received, the department shall insure its interest in the property with the state insurance fund.

(2) PAYMENT DISTRIBUTION. Payments shall be applied first to interest, then to mortgage cancellation life insurance premiums, and then to principal.

(3) REDUCTION IN MONTHLY PAYMENTS. The terms of the contract between the mortgagor and the department shall be complied with by the mortgagor after the note and mortgage have been executed, but the department may change the time and manner of repaying the obligation at the request of the mortgagor when a change is justified by circumstances not in existence at the time the loan was made.

(4) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the mortgagor's equity in the property secured by the mortgage is verified by the department to be greater than 10% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria, and the repayment history for the 6 months immediately preceding the request has been satisfactory on the loan.

(5) RELEASE OF SATISFACTION. The department's satisfaction of mortgage, the mortgage and mortgage note may not be released for a period of 3 weeks following receipt of final payment, unless final payment is received in the form of cash, bank draft bank

money order, cashier's check, certified check, savings and loan or building and loan association check, credit union check, insurance check, finance company check, mortgage banker's check, or real estate broker's or attorney's trust account check.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00; CR 05-008: am. (4) Register May 2005 No. 593, eff. 6-1-05.

VA 4.10 Acceleration. (1) **FALSE STATEMENT BY APPLICANT.** Whenever it is determined that an applicant has obtained any department loan through fraud, misrepresentation, or through concealment of a material fact, the mortgage note may be accelerated and full payment demanded.

(2) **TRANSFER OF POSSESSION.** The department or authorized lender may accelerate the mortgage note and require that the mortgage loan be paid in full when a mortgagor transfers physical possession of the mortgaged premises, without the lender's prior written consent. The mortgage shall provide for such acceleration.

(3) **SALE OF PROPERTY.** Subject to the provisions of s. 45.36 (2) (a) and (b), Stats., the department or authorized lender shall accelerate a mortgage note and require that the mortgage loan be paid in full when the mortgagor completes a sale of the housing accommodation mortgaged to the department.

(4) **DEFAULT.** If a mortgagor is in default in loan repayments or has substantially breached mortgage covenants, the department may accelerate a secondary loan mortgage note and, with the department's consent, the authorized lender may accelerate a primary loan mortgage note.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.11 Procedure for suspension of builders, authorized lenders and appraisers. Upon determination by the department that adequate cause exists for the suspension of a builder, authorized lender or appraiser from participation in the housing loan programs, the department shall do all of the following:

(1) **NOTICE OF SUSPENSION.** Notice of suspension signed by the secretary shall be sent by the department to the affected party by certified mail, return receipt requested. The notice of suspension shall outline the reasons for the act of suspension and the effective date of suspension and inform the affected party that the party may file a written request with the department for a hearing.

(2) **NOTICE OF HEARING.** If a written request for a hearing filed with the department by the affected party meets the requirements of s. 227.42 (1) (a) to (d), Stats., and if the request is not denied by the department under s. 227.42 (2), Stats., the hearing granted by the department shall be treated as a "class 3 proceeding" as defined in s. 227.01 (3) (c), Stats., and written notice complying with s. 227.44 (2), Stats., shall be sent to the affected party by certified mail, return receipt requested, at least 10 days prior to the date of hearing.

(3) **CONDUCT OF HEARING.** The hearing shall be held before a hearing examiner designated by the secretary. The hearing examiner has the powers enumerated under s. 227.46, Stats. Every party to the hearing shall be afforded adequate opportunity to present evidence and to rebut evidence presented or offer countervailing evidence. A stenographic, electronic or other record shall be made of the hearing. The record shall be transcribed by the department, and free copies of the written transcript may be provided to any party in interest upon request.

(4) **FINAL DECISIONS.** Under s. 227.46 (3), Stats. the department may, by order, direct that the hearing examiner's decision be the final decision of the department. Alternatively, the decision of a majority of officials of the department appointed by the secretary shall be final. Whether the hearing examiner's decision, or the decision of the officials appointed by the secretary is final, the decision shall be based solely on the evidence presented at the hearing and on matters officially noticed. The decision shall be based on the standard of substantial evidence. It shall be in writing and contain findings of fact and conclusions of law. The findings

of fact shall treat each material issue of fact. The final decision shall be served by personal delivery or mailing to each party to the hearing or to the party's attorney of record.

(5) **PETITION FOR REHEARING.** Any party who deems itself aggrieved by a final decision may within 20 days after entry of the order set forth in such final decision, file with the department a written petition for rehearing specifying in detail the grounds for the relief sought and supporting authorities. The department may also order a rehearing on its own motion within 20 days after a final order. The filing of a petition for rehearing shall not delay or suspend the effective date of the final order. The final order shall continue in effect unless the petition for rehearing is granted or until the order is superseded, modified, or set aside as provided by law.

(6) **DISPOSITION OF PETITION.** A rehearing will be granted only on the basis of some material error of law, some material error of fact or discovery of new evidence sufficient to reverse or modify the final order which could not have been previously discovered by due diligence. The department may enter an order with reference to the petition for rehearing without a hearing, and shall take final action on the petition within 20 days after it is filed.

(7) **APPEAL TO BOARD.** (a) Upon the denial of a petition for rehearing by the department, an affected party may appeal to the board of veterans affairs within 20 days. The board of veterans affairs shall hear and act upon the appeal within 60 days after submission. If the affected party which is aggrieved by the final decision of the department does not appeal to the board of veterans affairs, the party is deemed to have exhausted all administrative remedies.

(b) If the affected party which is aggrieved by the final decision in the department exercises the option to appeal to the board of veterans affairs and the appeal is denied by the board of veterans affairs, the affected party is deemed to have exhausted all administrative remedies.

(c) In all cases in which the affected party who is aggrieved by the final decision of the department exercises the option to appeal to the board of veterans affairs and the appeal is granted by the board of veterans affairs, the board of veterans affairs shall make the final decision. This decision may affirm, reverse, change, modify or suspend the proposed final decision of the department.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.12 Omissions and material errors as grounds for suspension of authorized lenders. (1) **GROUND FOR SUSPENSION.** The department may suspend any authorized lender who makes excessive omissions or material errors on loan application packages the authorized lender submits to the department.

An error is material if it prevents, or would prevent if the loan application package were not subsequently withdrawn, the correct processing to final determination of the loan application package as submitted. A loan application package is any loan application together with all supporting documents required by the department which is submitted to the department for processing, whether or not the loan application package is subsequently withdrawn before final determination by the department. For purposes of this section, an appeal of a loan denial is a new and separate loan application package.

(2) **NOTICE OF EXCESSIVE OMISSIONS AND MATERIAL ERRORS.** The department shall give notice to any authorized lender who has submitted loan application packages with excessive accumulated omissions and material errors that the authorized lender may be suspended if the lender fails to properly complete loan application packages submitted thereafter. At the request of any authorized lender, the department shall instruct the authorized lender as to how to properly complete loan application packages.

(3) **PROCEDURE FOR SUSPENSION.** If the secretary determines that an authorized lender, who has been given notice pursuant to sub. (2), has made excessive accumulated omissions and material

errors on loan application packages it has submitted after receiving the notice, the secretary may give notice to the lender that the lender is temporarily suspended from originating primary housing loans. The notice of temporary suspension shall be sent by certified mail, return receipt requested. The notice of temporary suspension is effective 5 days after it is mailed, except for applications which the authorized lender commenced processing prior to the effective date of the temporary suspension. The notice of temporary suspension shall also contain notice of a hearing on indefinite suspension from participation in the primary housing loan program. The hearing shall be treated as a "class 3 proceedings" defined in s. 227.01 (3) (c), Stats. The hearing shall be conducted pursuant to s. VA 4.11 (3). The temporary suspension shall be effective until a final decision is reached following the hearing, pursuant to s. VA 4.11 (4). A party aggrieved by a final decision may petition for rehearing pursuant to s. VA 4.11 (5) and (6), and may appeal to the board of veterans affairs pursuant to s. VA 4.11 (7).

(4) REINSTATEMENT. An authorized lender permanently suspended for making excessive accumulated omissions and material errors on loan application packages it has submitted after receiving the notice set forth in sub. (3), may make application to the department for reinstatement to the department's list of authorized lenders at any time after 6 months from the effective date of the permanent suspension. The application shall include the lender's proposal for elimination of omissions and material errors on future loan application packages. The department, after investigation and evaluation of the lender's application, may reinstate the lender to the department's list of authorized lenders. If the department finds that an application for reinstatement is made without sufficient cause to justify reinstatement, it shall deny reinstatement.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.13 Primary loan forbearance. (1) DEFINITIONS. In this section the following terms shall have the meanings designated:

(a) "Agreement" means an oral or written agreement to pay the delinquency owing on a primary housing loan over a period of time so that the loan may be brought current in accordance with the provisions of the mortgage and mortgage note.

(b) "Forbearance" means suspension of the acceleration of the balance due on a primary housing loan on the basis of the compliance of the mortgagor with the terms of an agreement.

(2) EXCLUSIVE REMEDIES. The forbearance provisions contained in this section are the exclusive remedies of primary loan mortgagors under s. 45.32 (9), Stats.

(3) REQUEST FOR FORBEARANCE. A written request for forbearance shall be submitted to the department by a primary loan mortgagor through the authorized lender servicing the loan. This request shall set forth the anticipated duration of the delinquency, the terms under which the delinquency will be repaid and the reasons for the delinquency. If the mortgagor receives rental income from the property mortgaged to the department, the mortgagor must agree in writing to assign this rental income to the department to be applied toward primary loan payments due until the loan is brought current. Full written financial disclosure may be required of a mortgagor in any case where the authorized lender or the department determines that the disclosure is necessary to enable the department to make a determination on the mortgagor's request for forbearance. Failure of the mortgagor to provide the disclosure in a timely manner are grounds for denial of forbearance.

(4) APPROVAL BY DEPARTMENT. (a) The department may approve an agreement if the information contained in the written request for the agreement establishes to the department's satisfaction that the delinquency will be made up within a temporary period acceptable to the department and that the mortgagor will

probably be able to comply with the terms and conditions of the proposed agreement.

(b) The department may not approve an agreement if the mortgagor has been in default prior to the inception of the delinquency to which the agreement is to relate unless the mortgagor is able to establish to the satisfaction of the department that the previous default resulted from unusual and unforeseeable circumstances or is able to provide additional security for the primary loan either in the form of a guaranty of part or all of the balance due on the loan or in the form of a mortgage on other Wisconsin real property in which the owners have sufficient equity.

(c) The department may not approve an agreement if the delinquency to which the agreement is to relate was primarily the result of financial mismanagement by the mortgagor unless it is determined by the department that the agreement will probably result in the loan being brought current in accordance with the terms of the agreement.

(5) FORM OF AGREEMENT. An agreement shall be in writing if the delinquency will not be fully repaid within 6 months from the date the agreement is entered into. The department may, however, enter into an oral agreement if the delinquency will be fully repaid under the terms of the agreement within 6 months from the date of the agreement.

(6) MODIFICATION OF AGREEMENT. Upon the request of the mortgagor or the mortgagor's representative, the department may modify or consent to the modification of the terms of an agreement. Any modification shall be in writing and shall be signed by the mortgagor. Not more than one modification to an agreement may be approved unless the department determines that extenuating circumstances necessitate a subsequent modification and that the current market value of the property mortgaged to the department is sufficient to warrant subsequent modification.

(7) FAILURE TO KEEP AGREEMENT. If the mortgagor fails to make payments required by the agreement and the department determines that modification of the agreement is not warranted, the department may notify the mortgagor that the agreement has been terminated and accelerate the primary loan balance.

Note: A special forbearance/repayment agreement form is required in connection with the creation of s. VA 4.13. A copy of this form is available at the department of veterans affairs.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00.

VA 4.14 Home improvement loan program.

(1) APPLICATION. This section applies only to the program under s. 45.34 (1) (c), Stats. This section applies in conjunction with other provisions of this chapter, except that the provisions of s. VA 4.03 (3) do not apply to this section. This section supercedes any inconsistent provision of this chapter with respect to the program under s. 45.34 (1) (c), Stats.

(2) DEFINITIONS. In this subsection:

(a) "Date of application" means the date a complete loan application with supporting documents is received by the department.

(b) "Loan" means a home improvement loan as authorized by s. 45.34 (1) (c), Stats., for the purpose of this subchapter.

(c) "Total debt payments" means $\frac{1}{12}$ of an applicant's monthly [annual] housing expense and monthly repayments required on debts with 13 or more remaining monthly payments due at the time of application for a home improvement loan program loan. "Total debt payments" includes 5% of the applicant's total indebtedness on which regular monthly payments are not required except when the applicant has sufficient verified assets to repay the indebtedness.

Note: It is the intent of the department to use $\frac{1}{12}$ of the annual housing expense rather than monthly as sub. (2) (c) reads.

(3) APPLICATION REQUIREMENTS. (a) The applicant's eligibility to participate in the program shall be established prior to the approval of the loan by the department.

(b) An application for a loan shall be on a form approved by the department and shall include documentation of income, verification of adequate security and other items as may be required by the department. An application shall be signed by the applicant or submitted electronically after obtaining a valid log-on ID and password. Applications for loans by applicants who are married and not separated or in the process of obtaining a divorce shall be completed and signed by the applicant's spouse. If the application is submitted electronically, the spouse does not need to sign the application. Applications may be prepared with the assistance of and submitted through the office of a county veterans service officer or other representative as approved by the department or may be submitted directly to the department. Loan applications that are not complete may not be accepted by the department. A loan application which has been accepted by the department, but which is determined to lack the necessary information or documentation for the department to approve a loan, shall be denied, unless the applicant corrects the deficiency within 30 days' notice of the deficiency by the department to the county veterans service office or to the applicant.

(c) An applicant's current monthly income shall be verified. Acceptable verification of current monthly income may be any of the following:

1. Copies of check stubs from the applicant's employment for a recent month within 3 months of the date of application.

2. A copy of the prior year's income tax returns except if the applicant's employer, type of employment or method of compensation has changed. Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules.

3. An award letter or copy of a check of unemployment compensation. Unemployment compensation may be considered income when it is received for regular or seasonal layoffs from the applicant's current employment.

4. A business plan and professionally prepared profit and loss statement of income to be derived by an applicant from a new business which the applicant is establishing or an existing business the applicant is purchasing.

5. A profit and loss statement for at least 6 of the 12 months immediately preceding the loan application date of the income of a self employed applicant.

6. Depreciation as listed on an applicant's federal tax return may be used as income at the request of the applicant.

(d) All loans shall be amortized on a monthly basis and the term of the loan shall be at least 1 year and may not exceed 15 years. The department may set loan amortization terms based upon the loan amount.

(e) If an applicant's total debt payments exceed 35% of the applicant's current monthly income, the application shall be denied unless the applicant has a history of excellent debt service combined with either a demonstrated ability to accumulate savings, at least 15% equity in real estate or such other factors as the department finds to be relevant to the applicant's ability and motivation to make higher debt service payments.

(f) The department shall consider the income, assets and debts of a co-applicant.

(4) SECURITY REQUIRED. (a) *Guarantors.* The department may accept as adequate security the guarantee of home improvement loan program loan promissory notes by creditworthy and financially acceptable guarantors who are not the spouse of the applicant and who are Wisconsin residents. Guarantors are subject to the same underwriting criteria as the applicant and the department may request verification of information submitted.

There must be at least 1 guarantor on guaranteed home improvement loan promissory notes. No employee of the department, no county veterans service officer and no other person in any way connected with the administrative duties of the department or serving in an advisory capacity thereto may be accepted as guarantor on any loan unless the applicant is a member of the guarantor's immediate family. Any other Wisconsin resident who is determined by the department to be financially responsible and whose joining in the obligation provides adequate security may be accepted as a guarantor.

(b) *Real estate security.* The department may accept the primary residence of the applicant as security if the applicant presents evidence of at least 10% equity therein after the home improvement loan program loan has been made. Possession of merchantable title to the primary residence by the applicant is required. If the title to the primary residence is held in more than one name, all parties with an interest in the real estate shall sign the mortgage.

(c) *Appraisals.* 1. If an appraisal is being used to determine the value an appraiser, selected by the applicant and licensed by the Wisconsin department of safety and professional services, shall perform the appraisal and complete the appraisal form prescribed by the department. The appraisal may include the value added by the improvements or one half of the cost of the proposed improvements may be added to an appraisal that does not include the value for the improvements. The applicant is responsible for payment of the appraisal expenses.

2. If the applicant submits an appraisal the appraisal is advisory only. The department may consider age of the appraisal, equity established by the appraisal, condition of the property or market value established by the appraisal in evaluating the appraisal submitted. The department may determine the value of properties for its purposes by means of property inspection by department representatives, by obtaining appraisal reports at its own expense, or by such other means as it may deem practical.

(d) *Alternate value establishment.* The department may accept the current equalized assessed value or fair market value as stated on the last year's property tax statement plus one half of the cost of the proposed improvements as the cost and value of the residence for all purposes. In order to establish the value of the proposed improvement for the purpose of determining the increased equity value, the applicant shall submit a description of the project and estimates for the work or an appraisal that incorporates the proposed improvements.

(e) *Letter title report.* A letter title report completed by a licensed title company or a licensed attorney, or an individual authorized by the department and subject to restrictions imposed by the department, verifying the nature and amount of all mortgages, liens, and other claims outstanding against the applicant's primary residence where the applicant offers a residence as security for a home improvement loan program loan is required.

(f) *Subordination agreement and partial release of mortgage.* The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the department verifies that the mortgagor's equity in the property secured by the mortgage is greater than 10% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria, and the repayment history for the 6 months immediately preceding the request has been satisfactory on the loan.

History: Cr. Register, May, 2000, No. 533, eff. 6-1-00; CR 05-008: am. (1), (2) (a), (3) (b) and (d), (4) (a), (c) 1. and (d) to (f), r. (3) (g) Register May 2005 No. 593, eff. 6-1-05; correction in (4) (c) 1. made under s. 13.92 (4) (b) 6., Stats., Register February 2012 No. 674.

Chapter VA 5

WISCONSIN VETERANS MUSEUM

VA 5.01 Objective.
VA 5.02 Primary field.

VA 5.03 Director, duties and responsibilities.

VA 5.01 Objective. The department shall maintain a museum designated as the Wisconsin veterans museum and dedicated to the soldiers and sailors who served in Wisconsin commands in the Civil War of 1861 to 1865 and persons from Wisconsin who served in the U.S. armed forces in any subsequent wars. The department shall use the museum to provide a suitable place for the collection, care, management and display of the battle flags of Wisconsin units in the Civil War and the Spanish American War and the war relics, books and mementos of the memorial collection of the Wisconsin veterans museum.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, April, 1986, No. 364, eff. 5-1-86; am. Register, January, 1990, No. 409, eff. 2-1-90; am. Register, June, 1992, No. 438, eff. 7-1-92.

VA 5.02 Primary field. If space for display covering the Civil War and any subsequent wars shall be inadequate, the primary field of the memorial collection shall be the Civil War and the Spanish American War, and all materials in the memorial collection not related to such wars or in duplication of materials in the collection related to such wars may be made available on loan to the museum at the Wisconsin veterans home for veterans at King, or to other public museums.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; r. and recr. Register, April, 1986, No. 364, eff. 5-1-86.

VA 5.03 Director, duties and responsibilities. The director under the direction of the secretary shall operate and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes and in accordance with the policies established by the board. The director shall:

(1) Have charge and custody of the battle flags of Wisconsin Units in the Civil War and the Spanish American War and the war relics, books and mementos of the memorial collection of the Wisconsin veterans museum.

(2) Identify and prepare and maintain a current catalog of all articles in the memorial collection and all acquisitions thereto.

(3) Restore, preserve and safeguard all articles in the memorial collection. The director may not sell, mortgage, transfer or dispose of in any manner or remove from the museum, except for

temporary purposes, any articles which are a part of the memorial collection, except that, upon the recommendation of the secretary and the approval of the board, any duplicate articles or articles outside the field of the memorial collection may be sold or exchanged for the purpose of procuring additional materials for display.

(4) Procure by loan, gift, exchange or purchase additions to the memorial collection as may be necessary in order to develop a representative museum collection depicting and commemorating the service of Wisconsin men and women in the nation's wars.

(5) Display the memorial collection so as to make it instructive and attractive to visitors.

(6) Permit research to be conducted upon any materials in the memorial collection, whether on display or in storage, which is consistent with the preservation and safeguarding of such materials.

(7) Permit visitors to the museum to view the exhibits and displays of the memorial collection and provide information regarding the historical significance of the military service and the events they depict.

(8) Take such steps as may be necessary to protect visitors and the memorial collection from persons who would interfere with the peaceful enjoyment of the museum and the memorial collection including their ejection.

(9) Protect the memorial collection from theft or vandalism and report promptly to the secretary and the police any evidence of theft or vandalism.

(10) Keep records on all matters affecting the museum and the memorial collection, including acquisitions, articles borrowed or loaned for research or display, and visitors to the museum.

(11) Prepare an annual report to the board on the operation of the museum and make such other reports as the secretary may require.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. (1), (5), (11) and (12), Register, October, 1967, No. 142, eff. 11-1-67; r. and recr. Register, April, 1986, No. 364, eff. 5-1-86; am. (5) and (9), Register, January, 1990, No. 409, eff. 2-1-90; am. (intro.), (1), (3), (7), (8), (10) and (11), Register, June, 1992, No. 438, eff. 7-1-92; am. (intro.), (3) and (7), Register, August, 1993, No. 452, eff. 9-1-93.

Chapter VA 7

GRANTS TO VETERANS ORGANIZATIONS

VA 7.01 Definitions.
VA 7.02 Limitations.
VA 7.03 Eligibility.

VA 7.04 Application.
VA 7.05 Administration.

VA 7.01 Definitions. In this chapter the following terms shall have the designated meanings:

(1) "State veterans organization" means a state of Wisconsin organization or department of a national veterans organization, which national organization is incorporated by an act of congress.

(2) "Regional office" means the United States department of veterans affairs regional office in Milwaukee, Wisconsin.

(3) "Moneys paid to employees" means salaries and travel expenses paid by "state veterans organizations" to employees engaged in veterans claims service and maintained by them at the "regional office".

(4) "Grant" means a grant under s. 45.41, Stats., to a "state veterans organization".

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, eff. 9-1-93; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

VA 7.02 Limitations. A grant will be made only to a state veterans organization and will be based solely upon moneys paid to employees by such state veterans organization. No state veterans organization shall receive a grant larger than the amount of moneys paid to employees by such state veterans organization.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, December, 1965, No. 120, eff. 1-1-66.

VA 7.03 Eligibility. Only a state veterans organization which has by itself, or with the financial assistance of its national organization, maintained a full time service office at the regional office for at least 5 years during the 10-year period immediately next preceding its application may be eligible for a grant. In order to be eligible for a grant, a state veterans organization must submit with its initial application sufficient evidence to establish that it or its national organization has maintained a full time service office at the regional office without interruption for at least 5 years during the 10-year period immediately preceding such application. Subsequent applications for grants must be accompanied by affidavits by the adjutant or principal officer of the state veterans organization concerned stating that a full time service office has been maintained at the regional office for the entire year for which

application for payment of the grant is made.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, December, 1965, No. 120, eff. 1-1-66; am. Register, June, 1970, No. 174, eff. 7-1-70.

VA 7.04 Application. Applications by a state veterans organization shall be filed annually with the department for periods commencing on the 1st day of April in each year and ending on the 31st day of March of the year in which they are filed. An application shall consist of evidence of eligibility and of the following exhibits:

(1) A financial statement, including a report of all income and expenses of the state veterans organization, covering the last completed fiscal year of such state veterans organization.

(2) A statement of moneys paid to employees by such state veterans organization covering the year for which application for a grant is made, which statement must be certified as correct by a Wisconsin certified public accountant and sworn to as correct by the adjutant or principal officer of the state veterans organization.

(3) A report of the number of veterans' claims processed by employees maintained at the regional office by the state veterans organization either solely or in combination with its national organization covering the year for which application for a grant is made.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, December, 1965, No. 120, eff. 1-1-66.

VA 7.05 Administration. The provisions of this chapter shall be administered by the secretary, who shall determine the eligibility of a state veterans organization for a grant and the amount of the grant for which it qualifies, and shall prescribe uniform forms for reporting number of claims processed. When an application has been filed, if the secretary determines that the state veterans organization concerned has not adequately established its claim for a grant, the secretary may require additional information. Any state veterans organization dissatisfied with a determination of the secretary may appeal such determination to the board.

History: Cr. Register, March, 1965, No. 111, eff. 4-1-65; am. Register, December, 1965, No. 120, eff. 1-1-66; am. Register, October, 1967, No. 142, eff. 11-1-67; am. Register, June, 1970, No. 174, eff. 7-1-70; am. Register, April, 1986, No. 364, eff. 5-1-86; correction made under s. 13.93 (2m) (b) 5., Stats., Register, April, 1986, No. 364.

Chapter VA 8

COUNTY VETERANS' SERVICE GRANTS

VA 8.02 Application, report and eligibility.
VA 8.03 Budget and operating standards.

VA 8.04 Revision of standards.
VA 8.05 Use of grants for salary supplements.

VA 8.01 Classes of counties. **History:** Cr. Register, December, 1973, No. 216, eff. 1-1-74; am. Register, July, 1976, No. 247, eff. 8-1-76; am. Register, December, 1979, No. 288, eff. 1-1-80; am. Register, February, 1989, No. 398, eff. 3-1-89; am. Register, August, 1993, No. 452, eff. 9-1-93; **CR 07-022: r. Register July 2007 No. 619, eff. 8-1-07.**

VA 8.02 Application, report and eligibility.

(1) **APPLICATION.** Application for county veterans' service grants shall be made by the county not later than 6 months after the start of the fiscal year for which the grant is claimed on forms prepared by the department. An application must be accompanied by a copy of the budget proposed for the county veterans' service office for the fiscal year for which the grant is claimed. Application shall be made annually, and the county must meet minimum budget and operating standards established by the department for the county veterans' service office in order to qualify for the initial grant and for each succeeding grant.

(2) **REPORT.** For the initial application, a copy of the last report, if any, to the county board or county clerk covering operation of the county veterans' service office and county veterans service commission shall be submitted with the application, and when such report for the fiscal year immediately preceding the fiscal year for which the grant is claimed has been completed it shall also be submitted to the department. For subsequent applications, a report on county veterans' service office operations shall be submitted on uniform report forms established by the department as soon as completed. The department shall establish a standard system for evaluating the various types of veterans' service work performed by county veterans' service offices, including applications submitted for state and federal benefits, travel in veterans' service work, veterans service commission activity, etc.

(3) **ELIGIBILITY.** Only a county which meets minimum budget and operating standards established by the department and which chooses any new county veterans service officer elected after August 5, 1973, from a list of candidates certified by the director of the state bureau of personnel or appoints such service officer under ch. 63, Stats., may be eligible for a grant. No grant shall be disbursed until the report required and a certified copy of the budget adopted by the county board for county veterans' service

office operation for the fiscal year for which the grant is claimed have been received by the department.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74; am. (1), Register, December, 1979, No. 288, eff. 1-1-80.

VA 8.03 Budget and operating standards. In order to qualify for a county veterans' service grant, a county:

(2) Shall provide sufficient staff to permit adequate service to its veterans and, if it is not required that full time or part-time staff be hired in addition to the county veterans' service officer to provide such service, shall keep the county veterans' service office open and staffed during normal county working hours by providing staff from full time county offices who will receive telephone and personal inquiries in the absence of the county veterans' service officer during such hours.

(3) Shall authorize sufficient travel by the county veterans' service officer and service office staff to permit adequate service to the county's veterans, including out-of-county travel to hospitals, offices of veterans' agencies and veterans' service conferences, institutes, and workshops, and shall provide for equitable allowance or reimbursement for such travel at the same rate other county employees are paid.

(4) Shall authorize sufficient supplies and services to permit adequate service to the county's veterans, including telephone expenses.

(5) Shall provide adequate service to the county's veterans through the county veterans' service office.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74; am. (1), Register, January, 1990, No. 409, eff. 2-1-90; **CR 07-022: r. (1) Register July 2007 No. 619, eff. 8-1-07.**

VA 8.04 Revision of standards. No revision of minimum budget and operating standards shall be made by the department until proposed new standards have been reviewed by the county veterans' service officers' advisory council.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74.

VA 8.05 Use of grants for salary supplements. A county may use all or any part of its county veterans' service grant to supplement its salary payments to its county veterans' service officer or service office staff or for other budgeted expenses of the county veterans' service office.

History: Cr. Register, December, 1973, No. 216, eff. 1-1-74.

Chapter VA 12

PERSONAL LOAN PROGRAM

VA 12.01 Definitions.
VA 12.02 General loan policy.
VA 12.03 Security required.

VA 12.05 Real estate valuation.
VA 12.06 Educational loans.

Note: Chapter VA 12 was created as an emergency rule effective August 24, 1993. Chapter VA 12 was repealed and recreated by emergency rule effective October 17, 1997. Chapter VA 12 as it existed on April 30, 1998, was repealed and a new chapter VA 12 was created effective May 1, 1998.

Note: 2005 Wis. Act 22 repealed and recreated Ch. 45, Stats. Cross-references to Ch. 45, Stats., were corrected by the revisor under s. 13.93 (2m) (b) 7., Stats.

VA 12.01 Definitions. In this chapter:

(1) "Annual income" means current monthly income multiplied by 12.

(2) "Annual shelter payment" means the total annual payments anticipated for rental of living quarters, or if the applicant is the owner of a homestead, principal and interest payments on all loans against the homestead and real estate taxes and hazard insurance payments on the homestead, and the owner's share of expenses for the common elements. "Annual shelter payment" includes monthly mobile home parking fees if the homestead is a mobile home located on land not owned by the applicant and includes holding tank pumping fees if the applicant's homestead has a septic disposal system which relies on a holding tank.

(3) "Applicant" means a person who is eligible and applies for a loan under s. 45.42, Stats. The term "applicant" also means the applicant and co-applicant, if there is a co-applicant, unless the context clearly limits the meaning to the applicant only.

(4) "Co-applicant" means either the spouse of an applicant who applies with that applicant for a loan or a person, other than a spouse of the applicant, who is eligible for a loan under s. 45.42, Stats., and who chooses to apply with the applicant.

(5) "Current monthly income" means all of the applicant's regular and dependable adjusted gross income, converted to a monthly amount.

(6) "Date of application" means the date a loan application, as determined under s. VA 12.02 (2), is accepted by the department.

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

(8) "Educational loan" means a personal loan program loan in which payments are deferred under the provisions of s. VA 12.06.

(9) "Personal loan program loan" or "loan" means a loan approved under s. 45.42, Stats. and this chapter.

(10) "Total debt payments" means 1/2 of an applicant's annual shelter payment and monthly repayments required on debts with 13 or more remaining monthly payments due at the time of application for a personal loan program loan. "Total debt payments" includes 5% of the applicant's total indebtedness on which regular monthly payments are not required except when the applicant has sufficient verified assets to repay the indebtedness.

(11) "Unremarried spouse" means an applicant whose basis of eligibility is marriage to a veteran at the time of the veteran's death.

History: Cr. Register, April, 1998, No. 508, eff. 5-1-98.

VA 12.02 General loan policy. (1) ELIGIBILITY. The applicant's eligibility to participate in the program shall be established prior to the approval of the loan by the department.

(2) **LOAN APPLICATION.** An application for a loan shall be on a form approved by the department and shall include documentation of income, verification of adequate security and other items as may be required by the department. An application shall be signed by the applicant or submitted electronically after obtaining

a valid log-on ID and password. Applications for loans by applicants who are married and not separated or in the process of obtaining a divorce shall be completed and signed by the applicant's spouse. If the application is submitted electronically, the spouse does not need to sign the application. Applications may be prepared with the assistance of and submitted through the office of a county veterans service officer or other representative as approved by the department or may be submitted directly to the department. Loan applications that are not complete will not be accepted by the department. A loan application which has been accepted by the department, but which is determined to lack the necessary information or documentation for the department to approve a loan, shall be denied, unless the applicant corrects the deficiency within 30 days' notice by the department to the county veterans service office or the applicant.

(3) **INCOME.** An applicant's current monthly income shall be verified. Acceptable verification of current monthly income may be:

(a) Copies of check stubs from the applicant's employment for a recent month within 3 months of the date of application.

(b) A copy of the prior year's income tax returns except if the applicant's employer, type of employment or method of compensation has changed. Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules.

(c) An award letter or copy of a check of unemployment compensation. Unemployment compensation may be considered income when it is received for regular or seasonal layoffs from the applicant's current employment.

(d) A business plan and professionally prepared profit and loss statement of income to be derived by an applicant from a new business which the applicant is establishing or an existing business the applicant is purchasing.

(e) A profit and loss statement for at least 6 of the 12 months immediately preceding the loan application date of the income of a self employed applicant.

(f) Depreciation as listed on an applicant's federal tax return may be used as income at the request of the applicant.

(g) An award letter or recent copy of a check from the United States department of veterans affairs for compensation or pension benefits.

(4) **TERM OF LOAN.** All loans, except loans for which an educational deferment is authorized under s. VA 12.06 (1), shall be amortized on a monthly basis and the term of the loan shall be at least 1 year and may not exceed 10 years. The department may set amortization terms based upon the loan amount. Loans for which an educational deferment has been authorized shall have a maximum amortization term of 5 years.

(5) **LOAN CHECKS.** Loan checks shall be made payable to the applicant except where the department determines payment to a specific party is required to ensure compliance with s. 45.42, Stats., and this chapter. Checks shall not be released until the department has received all necessary documentation and all requirements set forth in the department's commitment letter have been complied with to the satisfaction of the department. The department shall issue checks in whole number amounts and may

adjust the loan amount requested by the applicant to a whole number.

(6) DELINQUENCY IN DEPARTMENT LOANS. The department shall not approve a loan to an applicant who is delinquent on another loan from the department. The department may authorize a loan to an applicant who has failed to pay a prior loan from the department in compliance with a repayment agreement if the applicant establishes that a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

(8) BAD CREDIT PRACTICES. Applications from applicants who have failed to pay their obligations in compliance with a repayment agreement or have quitclaimed real estate to a lender in lieu of foreclosure within the last 5 years shall be denied unless such applications show strong off-setting characteristics. The department may consider whether the lender did not incur a loss as a result of the quitclaim and whether a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

(9) DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL AND BIRTH EXPENSES. If the department has not received a certification under s. 49.854 (2) (b), Stats., that the applicant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses, the applicant's credit may be considered favorable if medical or birthing expenses do not exist or payments for such expenses are being made in accordance with a court order and child support and maintenance payments are current as of the date of approval of the personal loan program loan by the department. Evidence that the applicant is current shall be required if the child support or maintenance is not paid in the state of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan program loan may only be made to that applicant, if the amount necessary for the arrearage or expense is to be paid from proceeds of the department's loan.

(10) TOTAL DEBT PAYMENTS. Where an applicant's total debt payments exceed 35% of the applicant's current monthly income the application shall be denied unless the applicant has a history of excellent debt service combined with either a demonstrated ability to accumulate savings, at least 15% equity in real estate or such other factors as the department finds to be relevant to the applicant's ability and motivation to make higher debt service payments.

(11) LIABILITIES. To determine whether the level of indebtedness is excessive, the department may analyze the stated purposes for which an applicant's debts were incurred, the total amount of the indebtedness in relation to income, and the applicant's record of meeting past financial obligations. The purpose for which all debts were incurred shall be stated by the applicant. If the department determines the accumulated indebtedness indicates financial instability or the amount of monthly payments will impair the applicant's ability to make debt service payments and meet ordinary living expenses, the loan application shall be denied. Accumulation of net worth may be considered an indication of creditworthiness.

(12) BANKRUPTCY, COLLECTION ACCOUNTS, JUDGMENTS AND LIENS. Applications from applicants currently under federal bankruptcy proceedings shall be denied. Any application from an applicant who has been subject to bankruptcy proceedings or to liens and judgments within the 5 years immediately preceding the application, shall be examined carefully and the circumstances fully analyzed to determine whether the applicant is creditworthy and has demonstrated financial recovery. A copy of the petition, schedules of debts and discharge in bankruptcy along with the applicant's signed statement of the reason for such bankruptcy shall be submitted with the loan application. Proceeds of the loan may be used to pay collection accounts, judgments, and liens when approved by the department. No loan shall be approved

where a collection account, judgment or lien would remain unsatisfied after distribution of the loan proceeds.

(13) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the department verifies that the mortgagor's equity in the property secured by the mortgage is greater than 10% after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria and the repayment history for the 6 months immediately preceding the request has been satisfactory.

(14) CO-APPLICANTS. The department shall consider the income, assets and debts of a co-applicant.

(16) INDEBTEDNESS OF MARRIED VETERANS. Eligible veterans who are married to each other may have indebtedness to the department in an amount up to \$50,000 under the personal loan program and total indebtedness to the department up to \$50,000 under the personal loan program, the economic assistance loan program under s. 45.351 (2), 1995 Stats., and the veterans trust fund stabilization loan program under s. 45.356, 1995 Stats., subject to the indebtedness limitations for an individual veteran delinquent at s. 45.42 (2) and (7), Stats.

Note: The department will publish the current maximum loan amount on its web site.

History: Cr. Register, April, 1998, No. 508, eff. 5-1-98; am. (7), cr. (16), Register, July, 2000, No. 535, eff. 8-1-00; correction in (9) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 2000, No. 535; emerg. am (7) and (16), eff. 8-5-02; CR 02-130: am. (7) and (16), cr. (17) Register April 2003 No. 568, eff. 5-1-03; correction in (9) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; CR 05-008: am. (2), (4), (6), (13), and (16), cr. (3) (g), r. (7), (15) and (17) Register May 2005 No. 593, eff. 6-1-05.

VA 12.03 Security required. (1) GUARANTORS. The department may accept as adequate security the guarantee of personal loan program loan promissory notes by creditworthy and financially acceptable guarantors who are not the spouse of the applicant and who are Wisconsin residents. Guarantors are subject to the same underwriting criteria as the applicant and the department may request verification of information submitted. There must be at least 1 guarantor on guaranteed personal loan program loan promissory notes. No employee of the department, no county veterans service officer and no other person in any way connected with the administrative duties of the department or serving in an advisory capacity thereto may be accepted as guarantor on any loan unless the applicant is a member of the guarantor's immediate family. Any other Wisconsin resident who is determined by the department to be financially responsible and whose joining in the obligation provides adequate security may be accepted as a guarantor.

(2) REAL ESTATE SECURITY. The department may accept real estate as security if the real estate is located in Wisconsin and the applicant submits evidence of at least 10% equity therein after the personal loan program loan has been made. Possession of merchantable title to the real estate by the applicant prior to the closing is required. When the title to the property is held in more than one name all parties with an interest in the real estate shall sign the mortgage.

(3) SECURITY ON TRIBAL OR BAND LAND OR WITH A TRIBAL OR BAND GUARANTEE. In lieu of obtaining security for a personal loan program under sub. (1) or (2), the department may enter into a security agreement, enforceable and permissible under state and federal law, with an applicant and a federally recognized American Indian tribe or band in this state, whenever the applicant resides on any tribal or band land, and the security offered is the land or a guarantee by the tribe or band.

History: Cr. Register, April, 1998, No. 508, eff. 5-1-98; CR 05-008: am. (1), cr. (3) Register May 2005 No. 593, eff. 6-1-05.

VA 12.04 Interest rates. History: Cr. Register, April, 1998, No. 508, eff. 5-1-98; CR 02-130: am. (1) Register April 2003 No. 568, eff. 5-1-03; CR 05-008: r. Register May 2005 No. 593, eff. 6-1-05.

VA 12.05 Real estate valuation. (1) GENERAL. The department may accept the current equalized assessed full market value or fair market value as stated on the prior year's property tax statement as the value of the property for all purposes.

(2) APPRAISALS. If an appraisal is being used to determine the value an appraiser who is selected by the applicant and licensed by the Wisconsin department of safety and professional services, shall perform the appraisal and complete the appraisal form prescribed by the department. The applicant is responsible for payment of the appraisal expenses.

Note: The form may be obtained from the Department at 30 W. Mifflin Street, Madison, Wisconsin 53707-7843.

(3) USE OF APPRAISALS. If the applicant submits an appraisal the appraisal is advisory only. The department may consider age of the appraisal, equity established by the appraisal, condition of the property or market value established by the appraisal in evaluating the appraisal submitted. The department may determine the value of properties for its purposes by means of property inspection by department representatives, by obtaining appraisal reports at its own expense, or by such other means as it may deem practical.

History: Cr. Register, April, 1998, No. 508, eff. 5-1-98; CR 05-008: am. (2) Register May 2005 No. 593, eff. 6-1-05; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register February 2012 No. 674.

VA 12.06 Educational loans. (1) DEFERMENT OF PAYMENTS. Subject to sub. (2), where an applicant who is enrolled in a full-time study course of instruction, as verified by the educational institution in which the applicant is enrolled, or in a part-time study course of instruction only in cases described in this subsection applies for deferment of the obligation to commence or

continue to make payments on a loan, the department may grant a deferment if the installments on such loan are less than 90 days delinquent at the time of approval of the deferment and, in the case of a guaranteed loan, if the guarantors consent in writing to the deferment. A deferment may not exceed 1 year and may not extend more than 3 months beyond the anticipated completion date of the applicant's educational objective but an applicant may qualify for additional deferments if eligible for such deferments under the provisions of this subsection at the time of application therefor. The department may grant deferments to an applicant enrolled in a part-time course of instruction because such applicant is disabled or unable due to physical or mental disability to enroll in a full-time course of instruction, is a graduate student who has completed the course of work required for a degree but must complete a thesis requirement, or is in the final semester or term of an educational program and needs less than full-time study to meet graduation requirements. Participation in a medical internship program is deemed to be enrollment in a full-time course of instruction for the purposes of this subsection.

(2) LIMITATIONS ON DEFERMENT. Payments may be deferred on only one department loan under s. 45.351 (2), 1995 Stats., and s. 45.42, Stats. at the same time. Indebtedness on a deferred loan may not exceed \$5,000. Additional deferments under sub. (1) may not exceed a total of 5 years.

(3) UNDERWRITING CRITERIA. The criteria contained in s. VA 12.02 (10) or (11) do not apply to the underwriting of an educational loan if the applicant is a full-time student and qualifies for a deferment under sub. (1).

History: Cr. Register, April, 1998, No. 508, eff. 5-1-98; CR 05-008: am. (2) and (3) Register May 2005 No. 593, eff. 6-1-05.

Chapter VA 14

STATE VETERANS CEMETERIES

VA 14.01 Definitions.

VA 14.02 Interment fees and assessments.

VA 14.01 Definitions. In this chapter, the following terms shall have the designated meanings:

- (1) "Department" means the department of veterans affairs.
- (2) "Dependent child" has the meaning given in s. 45.01, Stats.
- (3) "Funeral director" has the meaning given in s. 445.01 (5), Stats.
- (4) "Guard or reserve member" has the meaning given in s. 45.61 (2) (d), Stats.
- (5) "Outer burial container" has the meaning given in s. 157.061 (11g), Stats.
- (6) "Veteran" has the meaning given in s. 45.01 (12), Stats.
- (7) "Veterans cemetery" means a cemetery operated by the department under the authority of s. 45.51 or 45.61, Stats.

History: Cr. Register, August, 1996, No. 488, eff. 9-1-96; corrections in (2), (4), (6), (7) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

VA 14.02 Interment fees and assessments.

(1) **INTERMENT FEES.** The department may assess the following fee for each interment at a veterans cemetery:

(a) No fee may be assessed for the interment of a veteran, guard or reserve member in a veterans cemetery.

(b) A fee may be assessed for the interment of a dependent child or a veteran's spouse or surviving spouse in a veterans cemetery. The fee shall not exceed the average cost of a casket burial, including the cost of opening and closing a grave site and setting

a headstone, and administrative and equipment operation costs, as determined by the department based upon its costs. The department may periodically adjust the fee, upon 30 days notice, to reflect current costs. The department shall publish the notice and fee on its web site. The department may waive the fee for a veteran's spouse or surviving spouse who resides in a facility identified in s. 45.01 (12m) or 45.50, Stats., at the time of death, if the individual's estate is insufficient to pay the fee.

(c) A fee may be assessed for the disinterment of an individual currently interred in a veterans cemetery. The fee shall not exceed the average cost to the department of disinterring an individual. The department may periodically adjust the fee, upon 30 days notice, to reflect its current costs. The department shall publish the notice and fee on its web site.

(2) **ASSESSMENTS.** The department may assess the funeral director involved in an interment the amount necessary to reimburse the department for the average cost of providing a columbarium niche or an in-ground container for the interment of cremains or of providing and installing an outer burial container, whichever is applicable. A funeral director may provide and install an outer burial container in lieu of paying that assessment. The department may periodically adjust the assessment, upon 30 days notice, to reflect current costs. The department shall publish the notice and assessment on its web site.

History: Cr. Register, August, 1996, No. 488, eff. 9-1-96; CR 04-126: am. (1) (a), (b) and (2), cr. (1) (c) Register March 2005 No. 591, eff. 4-1-05; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

Chapter VA 15

AMERICAN INDIAN VETERANS' SERVICE GRANTS

VA 15.01 Recognized tribes.
VA 15.02 Application, report and eligibility.

VA 15.03 Budget and operating standards.
VA 15.04 Use of grants for salary supplements.

VA 15.01 Recognized tribes. Wisconsin American Indian tribes and bands are defined as the eleven following federally recognized tribes and bands in Wisconsin: the Bad River Band; Forest County Potawatomi Tribe; Ho-Chunk Nation; Lac Courte Oreilles Band; Lac du Flambeau Band; Menominee Tribe; Oneida Tribe; Red Cliff Band; Sokaogon (Mole Lake) Band; St. Croix Band; Stockbridge-Munsee Tribe.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

VA 15.02 Application, report and eligibility.
(1) APPLICATION. Application for American Indian grants shall be made by the governing body of a Wisconsin American Indian tribe or band not later than June 30 of each year for which the grant is claimed, on forms prepared by the department. An application shall be accompanied by a copy of the budget proposed for the tribal veterans' service office for the fiscal year for which the grant is claimed. Application shall be made annually. The tribe or band must agree to meet minimum budget and operating standards established by the department for the tribal veterans' service office in order to qualify for the initial grant and for each succeeding grant.

(2) REPORT. A copy of the last report, if any, to the governing body of the tribe or band covering operation of the tribal veterans' service office shall be submitted with the initial grant application. Any report for the fiscal year for which the initial grant is claimed shall also be submitted to the department upon its completion. For subsequent applications, a report on tribal veterans' service office operations shall be submitted on uniform forms established by the department as soon as completed. The department shall establish a standard system for evaluating the various types of tribal veterans' service work performed by the tribal veterans' service office, including tribal members or other federally recognized American Indians referred to county veterans' service offices for applications submitted for state and federal benefits, travel in tribal veterans' service work, inter-tribal veterans' service activities, etc.

(3) ELIGIBILITY. Only a governing body of a tribe or band that meets minimum budget and operating standards established by the department and that chooses any new tribal veterans' service officer after August 1, 2000 who is a veteran as defined in s. 45.01 (12), Stats., is eligible for a grant. No grant shall be disbursed until the report required and a certified copy of the budget adopted by the governing body of the tribe or band for the tribal veterans' ser-

vice office operation for the fiscal year for which the grant is claimed have been received by the department. In those cases where a federally recognized tribe or band also has status as a county, the governing body of the tribe or band may apply for a grant under this chapter or for a county veterans' service grant under ch. VA 8 but is not eligible for a grant under both chapters.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2003 No. 568; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

VA 15.03 Budget and operating standards. In order to qualify for an American Indian veterans' service grant, the governing body of the tribe or band:

(1) Shall employ a full time veterans' service officer who is a veteran and shall give the officer duties described in s. 45.80 (5), Stats., except that the officer shall report to the governing body of the tribe or band.

(2) Shall provide sufficient staff to permit adequate service to tribal veterans. If it is not required that full or part time staff be hired in addition to the tribal veterans' service officer, the governing body of the tribe or band shall keep the tribal veterans' service office open and staffed during normal tribal or band working hours by providing staff from full time tribal or band offices who will receive telephone and personal inquiries in the absence of the tribal veterans' service officer during such hours.

(3) Shall authorize sufficient supplies, office space, and services to permit adequate service to the tribal veterans, including telephone expenses.

(4) Shall authorize sufficient travel by the tribal veterans' service office staff to permit adequate service to the tribal veterans, including travel to offices of veterans' agencies, veterans' service conferences, institutes and workshops and shall provide equitable allowance or reimbursement for such travel at the same rate other tribal employees are paid.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

VA 15.04 Use of grants for salary supplements. An American Indian tribe or band may use all or part of its veterans' service grant to supplement its salary payments to its tribal veterans' service officer or service office staff or for other budgeted expenses of the tribal veterans' service office.

History: Cr. Register, July, 2000, No. 535, eff. 8-1-00.

Chapter VA 17

MILITARY FUNERAL HONORS PROGRAM

VA 17.01	Definitions.	VA 17.05	Eligibility, reimbursement and training and certification for providing military funeral honors.
VA 17.02	Process for arranging military funeral honors.	VA 17.06	Military funeral honors coin.
VA 17.03	Provision of military funeral honors.		
VA 17.04	Military funeral honors at state veterans cemeteries.		

VA 17.01 Definitions. In this chapter:

- (1) "Department" means the department of veterans affairs.
- (2) "Military funeral honors coin" means a coin created by the department for presentation with a flag during military funeral honors.
- (3) "Military funeral honors team" means a team of individuals employed by the department for the purpose of providing military funeral honors.
- (4) "Veterans organization" means a local unit of a member organization of the council of veterans programs, as identified in s. 15.497 (2), Stats.

History: CR 03-110: cr. Register March 2004 No. 579, eff. 4-1-04.

VA 17.02 Process for arranging military funeral honors. Except as provided under s. VA 17.04, a funeral director or a family member may initiate a request for military funeral honors by contacting the department. Upon verification of the individual's eligibility through a review of the individual's discharge documents or other trustworthy documentation, the department shall coordinate the provision of military funeral honors under s. VA 17.03.

Note: Military funeral honors may be requested by contacting the department at (877) 944-6667.

History: CR 03-110: cr. Register March 2004 No. 579, eff. 4-1-04.

VA 17.03 Provision of military funeral honors. The following types of honors may be rendered for a deceased veteran:

(1) **BASIC HONORS.** The department shall arrange for the attendance at a funeral of at least 2 uniformed service representatives. At least one of these representatives shall be from the branch of service of the deceased. Taps shall be sounded and a flag shall be folded and presented to the next of kin. Taps may be sounded in person or with the aid of an electronic device provided by a military funeral honors team, military service personnel, or a veterans organization.

(2) **FULL HONORS.** Upon the request of the family and when available, the department shall arrange for a firing detail of at least three individuals in addition to the honors provided under sub. (1).

History: CR 03-110: cr. Register March 2004 No. 579, eff. 4-1-04.

VA 17.04 Military funeral honors at state veterans cemeteries. Military funeral honors shall be provided at a cemetery operated by the department under s. 45.51 or 45.61, Stats., unless a family directs the department not to perform any honors. The family shall be notified of the department's intent to provide military funeral honors when the burial arrangements are being made. To the extent practicable, a military funeral honors team shall perform the honors. If requested by the family, a veterans organization may assist the funeral honors team in providing honors or provide military funeral honors in lieu of a military funeral honors team.

History: CR 03-110: cr. Register March 2004 No. 579, eff. 4-1-04; correction made under s. 13.92 (4) (b) 7., Stats., Register March 2013 No. 687.

VA 17.05 Eligibility, reimbursement and training and certification for providing military funeral honors.

(1) **ELIGIBILITY.** In order to receive reimbursement for providing military funeral honors, a veterans organization shall do all of the following:

(a) Complete and file with the department a Taxpayer Identification Number Verification Form.

(b) Submit a request for reimbursement on a form developed by the department, within 90 days of providing military funeral honors.

Note: Taxpayer identification number verification forms and stipend reimbursement forms may be obtained at no charge from the State of Wisconsin, Department of Veterans Affairs, 30 West Mifflin Street, PO Box 7843, Madison, Wisconsin 53707-7843 or by calling (877) 944-6667.

(2) **REIMBURSEMENT.** (a) Reimbursement to veterans organizations for providing military funeral honors shall be as follows:

1. If a single veterans organization provides basic honors, \$25.

2. If a single veterans organization provides full honors, \$50.

3. If 2 or more veterans organizations participate in providing full honors and one of the organizations provides a firing detail, \$50. The organizations may request that the department split the reimbursement.

4. If 2 or more veterans organizations participate in providing basic honors, \$25. Payment shall be to one veterans organization, as determined by the department.

(b) A veterans organization may not receive an honorarium or donation or request payment from the funeral home or the family for military funeral honors for which reimbursement is sought under this section.

(c) Notwithstanding par. (a) the department may not reimburse a veterans organization if federal funding is available to reimburse the veterans organization for providing military funeral honors. The veterans organization shall request reimbursement from federal sources. If a veterans organization receives federal funding for providing military funeral honors at one funeral in a day, the department may reimburse the organization for the provision of military funeral honors at any additional funerals on that day.

Note: Information regarding federal funding sources for military funeral honors may be obtained by contacting the department at (877) 944-6667.

(3) **TRAINING AND CERTIFICATION.** Effective July 1, 2004, a veterans organization shall satisfactorily complete or be scheduled for a training and certification program approved by the department to be eligible to receive reimbursement for providing funeral honors. As a continuing condition of eligibility for reimbursement, a veterans organization having a 60% or greater turnover in personnel in a 12 month period or identified by the department as failing to meet minimal requirements in the provision of military funeral honors shall undergo and successfully complete a refresher training program approved by the department.

History: CR 03-110: cr. Register March 2004 No. 579, eff. 4-1-04.

VA 17.06 Military funeral honors coin. At the request of a veterans organization, the department may authorize a veterans organization to present a military funeral honors coin to the family in conjunction with the provision of military funeral honors under the following circumstances:

(1) A veteran organization shall be scheduled or have satisfactorily completed the funeral honors training and certification program approved by the department.

(2) A veterans organization shall agree to purchase the coins directly from the vendor approved by the department or from the department.

History: CR 03-110; cr. Register March 2004 No. 579, eff. 4-1-04.