



IN: 1/22 By FR. 1/24
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-39550

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT** ..., relating to: rule-making procedures; powers and duties of the board
 2 of veterans affairs; reimbursement of veterans' tuition at tribal colleges;
 3 documentation for eligibility to veterans homes; operation of veterans homes;
 4 eligibility and procedural requirements for veterans home loans, veterans
 5 personal loans, county veterans service grants, and American Indian veterans
 6 grants; and funeral honors, burial, and disinterment of veterans.

Hand: head
STATUTORY TREATMENT

Analysis by the Legislative Reference Bureau

Current law sets forth a procedure for the promulgation of administrative rules (rules). Generally, that procedure consists of the following steps:

1. The agency planning to promulgate the rule prepares a statement of the scope of the proposed rule, which the governor and the agency head must approve before any state employee or official may perform any activity in connection with the drafting of the proposed rule.
2. The agency drafts the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, and submits those materials to the Legislative Council Staff for review.
3. Subject to certain exceptions, a public hearing is held on the proposed rule.
4. The final draft of the proposed rule is submitted to the governor for approval.
5. The final draft of the proposed rule, together with an economic impact analysis, plain language analysis, and fiscal estimate for the proposed rule, are

submitted to the legislature for review by one standing committee in each house and by the Joint Committee for Review of Administrative Rules. ✓

6. The proposed rule is filed with the Legislative Reference Bureau (LRB) for publication in the Wisconsin Administrative Code (code) and the Wisconsin Administrative Register (register), and, subject to certain exceptions, the rule becomes effective on the first day of the first month beginning after publication. ✓

Under this bill, if a bill ^{that} modifies or repeals a rule is enacted, the ordinary rule-making procedures under current law do not apply. Instead, the LRB must publish the modification or repeal in the code and the register, and the modification or repeal, subject to certain exceptions, takes effect on the first day of the first month beginning after publication. ✓

This bill makes a number of changes to the rules promulgated by the Department of Veterans Affairs (DVA), including the following: ✓

1. The bill eliminates references to the duties and powers of the board of veterans affairs (board) so that the rules relating to the duties and powers of the board conform with the statutes. 2011 Wisconsin Act 36 transferred some of the board's powers and duties to the secretary of veterans affairs. ✓

2. The bill creates rules that partially implement a veterans tribal college tuition reimbursement program created in 2013 Wisconsin Act 20. ✓

3. The bill changes certain eligibility requirements for subsistence payments to needy veterans, including changing the income eligibility level from 130 to 180 percent of the federal poverty level. ✓

4. The bill makes changes in the code relating to the eligibility for surviving parents children who died while in service so that the code conforms with the current statutes. ✓

5. The bill specifies that DVA is the payer of last resort for the costs of providing medical and nursing care and other types of care to persons residing in veterans homes when the costs are not paid for by the entity that operates the home or by third parties. ✓

6. The bill changes the types of information and documentation that must accompany an application to be admitted to veterans homes. ✓

7. The bill changes references to veterans homes in the rules from referencing a single home to referencing multiple homes. The current rules were written when there was only one veterans home in the state. ✓

8. The bill increases the current minimum equity a veteran must have in a property secured by a veterans home loan to permit the release of a portion of the property providing security from 10 percent to 15 percent of the property's value. ✓

9. The bill 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 five consecutive years to 12 consecutive months. ^{must} ✓

10. The bill 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 ✓

the 2 returns. including all schedules the currently required

TREATMENT OF ADMINISTRATIVE RULES GOVERNING THE DEPARTMENT OF VETERANS AFFAIRS

STEP

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11. The bill changes the date on which an application for a county veterans' service grant is due 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. ✓ (SP)

12. The bill 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. ✓

13. The bill changes the requirement that an applicant for a personal loan submit check stubs for a recent month within three months of the date of application to requiring the submittal of check stubs for a 30 day period within three months of the date of application. ✓

14. The bill 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 ^{the} currently requiring the ^{required} submission of those returns, if they use tax information to verify their income. ^{the applicant uses} ✓

15. The bill allows DVA 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 DVA of disinterring an individual. ✓

16. The bill removes the assessment by DVA 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. ^{each} ✓

17. The bill changes the date on which an application for an American Indian grant is due 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. ✓

18. The bill 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. ✓

19. The bill deletes the preference that military funeral honors be performed by a military funeral honors team. ✓

The bill also amends the statutes to specifically authorize DVA to enter into agreements with private entities to operate veterans homes. Under current law, DVA has the authority to enter such an agreement only for the home at Chippewa Falls. ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:
- 2 13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s.
- 3 227.265 affect the same unit of the Wisconsin administrative code without taking

SECTION 1

1 cognizance of the effect thereon of the other rules and if the legislative reference
2 bureau finds that there is no mutual inconsistency in the changes made by each such
3 rule, the legislative reference bureau shall incorporate the changes made by each
4 rule into the text of the unit and document the incorporation in a note to the unit.
5 For each such incorporation, the legislative reference bureau shall include in a
6 correction bill a provision formally validating the incorporation. Section 227.27 (2)
7 is not affected by printing decisions made by the legislative reference bureau under
8 this paragraph.

9 **SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

10 13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin
11 administrative code a note explaining any change made under par. (b) or (bm).

12 **SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13 13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not
14 apply to any change made by the legislative reference bureau under par. (b) or (bm).

15 **SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

16 13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a
17 record of each change made under par. (b) or (bm).

18 **SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

19 13.92 (4) (f) The legislative reference bureau shall notify the agency involved
20 of each change made under par. (b) or (bm).

21 **SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by 2013 Wisconsin Act 20,
22 is amended to read:

23 35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau
24 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the
25 preceding register, including emergency rules filed under s. 227.24 (3).

1 **SECTION 7.** 35.93¹ (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been
4 affected by rules filed with legislative reference bureau under s. 227.20 (1) or
5 modified under s. 227.265, in accordance with sub. (3) (e) 1.

6 **SECTION 8.** 35.93 (3)¹ of the statutes is amended to read:

7 35.93 (3) The legislative reference bureau shall compile and deliver to the
8 department for printing copy for a register which shall contain all the rules filed
9 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the
10 preceding issue of the register was made and those executive orders which are to be
11 in effect for more than 90 days or an informative summary thereof. The complete
12 register shall be compiled and published before the first day of each month and a
13 notice section of the register shall be compiled and published before the 15th day of
14 each month. Each issue of the register shall contain a title page with the name
15 “Wisconsin administrative register”, the number and date of the register, and a table
16 of contents. Each page of the register shall also contain the date and number of the
17 register of which it is a part in addition to the other necessary code titles and page
18 numbers. The legislative reference bureau may include in the register such
19 instructions or information as in the bureau’s judgment will help the user to correctly
20 make insertions and deletions in the code and to keep the code current. ✓

21 **SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin
22 Act 20, is amended to read:

23 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the
24 appropriate chapters of the Wisconsin administrative code each permanent rule filed
25 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265

1 and, for each chapter of the administrative code affected by a rule, do all of the
2 following:

3 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register
6 in accordance with the filing deadline for publication established in the rules
7 procedures manual published under s. 227.15 (7) or, in an end-of-month register
8 agreed to by the submitting agency and the legislative reference bureau, or, in the
9 case of a rule modified under s. 227.265, in the end-of-month register for the month
10 in which the bill modifying the rule is enacted. ↓

11 **SECTION 11.** 45.50 (2m) (c) of the statutes is amended to read:

12 45.50 (2m) (c) ~~For the Wisconsin Veterans Home at Chippewa Falls, in~~ In lieu
13 of the department employing personnel as authorized under par. (b) and providing
14 the maintenance and medical care as specified in par. (a), the department may enter
15 into an agreement with a private entity to operate ~~the~~ a veterans home and perform
16 such management and care using personnel employed by the private entity;

17 **SECTION 12.** 227.01 (13) (intro.)[↓] of the statutes is amended to read:

18 227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,
19 or general order of general application which has the effect of law and which is issued
20 by an agency to implement, interpret, or make specific legislation enforced or
21 administered by the agency or to govern the organization or procedure of the agency.
22 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and
23 s. 227.10 does not apply to, any action or inaction of an agency, whether it would
24 otherwise meet the definition under this subsection, which:

25 **SECTION 13.** 227.11 (2) (intro.) of the statutes is amended to read:

1 227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency
2 as follows: ✓

3 SECTION 14. 227.265 ✓ of the statutes is created to read:

4 227.265 **Modification or repeal of rules.** If a bill to modify or repeal a rule
5 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.
6 Instead, the legislative reference bureau shall publish the modification, or in the
7 Wisconsin administrative code and register as required under s. 35.93, and the
8 modification or repeal shall take effect as provided in s. 227.22. ✓

9 SECTION 15. 227.27 (2) ✓ of the statutes is amended to read:

10 227.27 (2) The code shall be prima facie evidence in all courts and proceedings
11 as provided by s. 889.01, but this does not preclude reference to or, in case of a
12 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~
13 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy
14 of a rule shall also and in the same degree be prima facie evidence in all courts and
15 proceedings.

16 SECTION 16. VA 1.11 (intro.) ✓ of the administrative code is amended to read:

17 VA 1.11 (intro.) The administrative and executive duties of the department
18 shall be vested in the secretary to be administered under the rules and regulations
19 of the department ~~and subject to and in accordance with the policies established by~~
20 ~~the board.~~ ✓ The secretary shall: ✓

21 SECTION 17. VA 1.11 (11) of the administrative code is amended to read:

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

25 SECTION 18. VA 1.11 (13) of the administrative code is repealed.

INSIST 7-20

INSIST 7-25



B Trust fund stabilization loans.

1 SECTION 19. VA 1.11 (18) of the administrative code is repealed.

2 **B** SECTION 20. VA 1.18 of the administrative code is amended to read:

3 VA 1.18. The department may execute a subordination agreement or release a
4 portion of the property providing security for its mortgage on a loan under s. 45.356,
5 1995 Stats., if the mortgagor's equity in the property secured by the mortgage is
6 greater than ~~10%~~ 15 percent of the property's value after the execution of the
7 subordination agreement or partial release, the applicant is current on the loan and
8 the repayment history for the 6 months immediately preceding the request has been
9 satisfactory.

Chapter

10 SECTION 21. VA 2 (title) of the administrative code is amended to read:

→ VA 2 title

Chapter VA 2 **B**

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11 ~~EMERGENCY, CORRESPONDENCE, AND PART-TIME STUDY,~~
12 ~~RETRAINING AND TUITION AND FEE REIMBURSEMENT GRANTS TO~~
13 ~~NEEDY VETERANS, VETERANS TUITION REIMBURSEMENT AND~~
14 ~~RETRAINING GRANTS, AND REIMBURSEMENT OF VETERANS FOR~~
15 TRIBAL COLLEGE TUITION

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16 SECTION 22. VA 2.01 (2) (b) 1. of the administrative code is amended to read:

17 VA 2.01 (2) (b) 1. 'All applicants.' Except for applicants who are eligible under
18 subd. 3., the applicant's income shall ~~may not exceed 130%~~ 180 percent of the federal
19 poverty guidelines, in effect on the date the application arrives at the department's
20 central office, for the number of family members living in the primary residence. An
21 applicant may apply for subsistence aid, health care aid, or both. Applications
22 approved by the department shall have the balance of the maximum available aid
23 allocated towards each type of aid requested, unless the applicant indicates a lesser
24 amount in writing. Applications shall be denied if no unallocated funds are available
25 at the time of application. The department shall indicate on each description of

1 benefits the type of health care or subsistence aid authorized, the date the
 2 department confirmed that the applicant was eligible for the grant, a date 90
 3 calendar days from that date, the unallocated amount available for each type of aid
 4 and for the cumulative limits of this section, and the amount of aid being authorized.
 5 No more than one description of benefits may be outstanding at any time, except
 6 where all health care providers have submitted binding quotes prior to the issuance
 7 of more than one description of benefits, and are willing to accept payment from this
 8 program in full for any service rendered to the applicant in accordance with the
 9 description of benefits. The department shall pay the lesser of the actual cost of
 10 services invoiced or the binding quote submitted by the health care provider. No
 11 payment ~~shall~~ may be made by the department unless an itemized written invoice
 12 is received by the department within ~~30~~ 60 days of the expiration date, or any
 13 approved extension of that expiration date, as identified in the applicable description
 14 of benefits. Authorized applications for health care aid may not be withdrawn
 15 without the agreement of the provider of the health care aid.

16 **SECTION 23.** VA 2.01 (3) (b) of the administrative code is amended to read:

17 90-day VA 2.01 (3) (b) *Subsistence aid*. Subsistence aid is available for the ~~90-day~~^{↓ ↓}
 18 period following the date of the verified loss of income due to illness, injury, or a
 19 natural disaster. Applications may be made for any ~~30-day~~^{↓ ↓} 30-day period within the ~~90~~ 120
 20 days following the date of the verified loss of income. No more than ~~three 30-day~~ 3
 21 30-day periods of subsistence aid may be granted for any verified loss of income due
 22 to illness, injury, or natural disaster. ~~No subsistence aid will be granted for any~~
 23 ~~period prior to the date the application for subsistence aid is received.~~ Subsistence
 24 aid shall be limited to the difference between the amount of earned and unearned
 25 income available before the loss of income and the earned and unearned income

1 being received after the loss of income, subject to the limitations under s. 45.40 (1m)
2 (b) and (3), Stats. The applicant shall verify the loss of income by submitting
3 verification of income forms, certified public accounting statements, or any other
4 evidence as the department deems credible. Illness or injury ~~must~~ shall be verified
5 in writing on a form approved by the department. When the department has
6 evidence that the incapacitation will cause an income loss for 90 days or longer,
7 subsistence grants will be prorated for each of the ~~30-day~~ 30-day periods unless the
8 department determines that an alternate distribution of the grant would benefit the
9 applicant. If the loss of income is the result of alcohol or other drug abuse, the
10 applicant shall verify current participation in an approved treatment program.

11 ~~SECTION 24. VA 2.02 (3) (a) of the administrative code is renumbered VA 2.02~~
12 (3).

13 SECTION 25. VA 2.02 (3) (b) of the administrative code is repealed.

14 SECTION 26. VA 2.03 (1) (b) of the administrative code is amended to read:

15 VA 2.03 (1) (b) "Course of instruction" has the meaning specified in s. VA 9.01
16 (3) means any series of classroom or shop courses that have a unified purpose and
17 lead to a diploma or degree or to an occupational or vocational objective. ✓

18 SECTION 27. VA 2.03 (1) (c) of the administrative code is amended to read:

19 VA 2.03 (1) (c) "Earned income" has the meaning specified in s. VA 9.01 (5)
20 means all anticipated monthly and academic year take[⊖]home earnings from
21 employment, including armed forces reserve and national guard pay and
22 work-study pay, after all payroll deductions of the veteran and the veteran's spouse,
23 except payroll deductions for savings plans and payment of debts.

24 SECTION 28. VA 2.03 (1) (d) of the administrative code is amended to read:

1 VA 2.03 (1) (d) "FAO" [↓] has the meaning specified in s. VA 9.01 (6) means a
2 school's financial aids officer. ↓

3 **SECTION 29.** VA 2.03 (1) (g) of the administrative code is amended to read:

4 VA 2.03 (1) (g) "Unearned [↓] income" has the meaning specified in s. VA 9.01 (14)
5 means the estimated amount the veteran and spouse will receive during the
6 academic year from VA educational assistance allowance (G.I. Bill) benefits,
7 scholarships, fellowships, grants, tuition and fee waivers, all other definite awards
8 other than loans, including amounts paid to the veteran or to the school on behalf of
9 the veteran for vocational rehabilitation by the VA or any other agency, income from
10 trusts or inheritances, unemployment compensation, worker's compensation, social
11 security payments, net rentals from real estate, interest or dividend income, or other
12 unearned income, but does not include disability compensation paid to the veteran
13 by the VA for service-connected disabilities, armed forces disability retirement pay,
14 or parental contributions.

15 **SECTION 30.** VA 2.03 (1) (h) of the administrative code is amended to read:

16 VA 2.03 (1) (h) "Unusual expenses" has the meaning specified in s. VA 9.01 (16)
17 means monthly or academic year payments that a veteran will be required to make
18 on medical and dental expenses or alimony being paid under a final judgment or
19 decree of divorce. ↓

20 **SECTION 31.** VA 2.03 (2) (b) of the administrative code is amended to read:

21 VA 2.03 (2) (b) *Amount of grant.* Applicants who qualify for a retraining grant
22 under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal
23 to their need during the grant period or the statutory maximum grant, whichever is
24 less. Except as provided in par. (h), need shall be determined by deducting ~~75%~~ 75
25 percent of earned income and all unearned income to be received by the applicant

Months

1 during the grant period, available liquid assets in excess of \$2,400 plus 6 months
 2 living expenses computed as set forth in s. VA 9.03 2.04 held by the applicant at the
 3 time of application and all other financial aid which will be received by the applicant
 4 during the grant period from the amount needed during the grant period. The
 5 amount needed will be the sum of the amount shown on the standard student budget
 6 described in s. VA 9.03 2.04 for the appropriate time period and for the appropriate
 7 number of family members plus the cost of tuition, fees, supplies and books as
 8 reported by the school for the courses to be taken during the grant period plus any
 9 unusual expenses reported by the applicant.

SECTION 32. VA 2.06 of the administrative code is created to read:

VA 2.06 Tribal college tuition reimbursement program. (1) DEFINITIONS.

In this section:

(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 given in s. 45.205 (1) (b), Stats.

(d) "Undergraduate degree" means a bachelor's degree.

(e) "Veteran" has the meaning given in s. 45.01 (12), Stats.

(2) REIMBURSEMENT APPLICATION. (a) An applicant for tuition reimbursement

under this section shall submit an application on a form approved by the department.

The applicant may submit the application electronically, and the applicant shall

submit the application either directly to the department or through a county

veterans service officer or other agent authorized by the department. Each initial

application shall be received by the department or its designee no later than 60 days

after the starting date of the course, term, or semester for which reimbursement is

1 requested. The department shall consider an initial application received under this
2 paragraph [✓] once all required student information in the initial application is
3 completed and a physical or electronic date stamp is affixed to the application.

4 (b) The tribal college veterans coordinator shall list the completion date of the
5 semester, the cost of tuition, other assistance received or applied for by the applicant,
6 the number of credits enrolled in during the semester, and the semester grade point
7 average. The department shall deny each application that is not completed within
8 60 days after the last day of the course, term, or semester for which reimbursement
9 is being requested unless the applicant shows good cause for the delay. An
10 application is considered completed under this paragraph once the department has
11 received all of the information required for reimbursement.

****NOTE: I tried to separate ~~out~~ what appear to be two distinct stages in the application process described in the drafting instructions. I also edited the language to eliminate most of the passive construction in the drafting instructions. Please let me know if any of these changes are not consistent with your intent.

Also, what is the role of the tribal college veterans coordinator? Who is being required to complete the application here—the applicant or the tribal college veterans coordinator?

Finally, if you want to require DVA to employ a specific application process not already set forth in the statute, you may want to include that as a statutory change instead of a rule change. Note that 2013 Act 20, which created the tribal college tuition reimbursement program, requires DVA to promulgate rules to implement the program and authorizes DVA to promulgate emergency rules to implement the program. Do you still want to create these rules that partially implement the program? MPG ✓

12 (3) LIMITATIONS. (a) *Undergraduate enrollment.* The department may make
13 a reimbursement under this section only if a representative of the tribal college
14 certifies that the veteran was enrolled as an undergraduate during the semester for
15 which reimbursement is sought and that the veteran does not already have an
16 undergraduate degree.

****NOTE: Can we eliminate the definition of “undergraduate degree” and just refer to a bachelor’s degree? MPG ✓

1 (b) *Veterans benefits.* A veteran may not receive reimbursement for any
2 semester or course for which he or she is eligible ~~for~~ or received a grant under s.
3 321.40, Stats., or 10 USC 2007. A veteran who is eligible for but does not receive a
4 grant under s. 321.40, Stats., or 10 USC 2007 because the veteran fails to comply
5 with applicable procedural requirements for the grant or maintain the requisite
6 grade point average to receive the grant, or who takes any other action that prevents
7 the veteran from receiving the grant, is considered eligible for the grant for purposes
8 of this paragraph.

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

12 (d) *Grade point average.* The department shall utilize the grade point average
13 calculated and reported by the veteran's school.

14 **SECTION 33.** VA 4.01 (7) of the administrative code is amended to read:

15 VA 4.01 (7) "~~Dependent child~~" means any natural child, any legally adopted
16 child, or any stepchild of ~~a veteran as defined in s. 45.71 (16) (a) an "eligible person"~~ ^{Strike extra space} as listed in s. 45.33 (1), Stats., who is at least 18 years of age and under the age of
17 26 if in full attendance at a recognized school of instruction or any age if incapable
18 of self-support by reason of mental or physical disability.

20 **SECTION 34.** VA 4.01 (16) of the administrative code is amended to read:

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

1 **SECTION 35.** VA 4.08 (1) (c) of the administrative code is amended to read:

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

9 **SECTION 36.** VA 4.09 (4) [↓] of the administrative code is amended to read:

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

18 **SECTION 37.** VA 4.14 (3) (c) 2. [↓] of the administrative code is amended to read:

19 VA 4.14 (3) (c) 2. A copy of the prior year's income tax returns except if the
20 applicant's employer, type of employment or method of compensation has changed.
21 Applicants verifying their income by the prior year's income tax returns shall submit
22 a complete copy of the state and federal tax return including all schedules, W-2s, and
23 attachments.

24 **SECTION 38.** VA 4.14 (3) (c) 6. of the administrative code is amended to read:

SECTION 38

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

3 **SECTION 39.** VA 5.03 (intro.) of the administrative code is amended to read:

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

7 **SECTION 40.** VA 5.03 (3) of the administrative code is amended to read:

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

15 **SECTION 41.** VA 5.03 (11) of the administrative code is amended to read:

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

18 **SECTION 42.** Chapter VA 6 (title) of the administrative code is amended to read:

19 Center [Chapter VA 6 title] B WISCONSIN VETERANS HOME HOMES

20 **SECTION 43.** VA 6.01 (1) ~~of~~ ✓ the administrative code is amended to read:

21 VA 6.01 (1) OBJECTIVE. The department or its designated contractor under
22 § 45.50 (2m) (c), stats., shall maintain and operate the Wisconsin veterans ~~home~~
23 homes and shall admit as members eligible veterans; their eligible spouses,
24 surviving spouses, and parents; and eligible parents of any child who died while
25 serving in the armed forces of the United States. The department or its designated

1 contractor shall furnish provide directly to all members, or ensure that all members
 2 receive personal maintenance, ^{and} medical and nursing care to include, including
 3 programs and facilities which promote comfort, recreation, well-being and
 4 rehabilitation. The department shall be the payer of last resort for the personal
 5 maintenance care, medical and nursing care, programs, and facilities provided
 6 under this subsection and subs. (11) and (12) that are not paid for by the designated
 7 contractor or ^{3rd} ~~third~~ parties.

8 **SECTION 44.** VA 6.01 (2) of the administrative code is renumbered VA 6.01 (2)

9 (a) and amended to read:

10 VA 6.01 (2) (a) ~~No~~ Except as provided in par. (b), no person shall may be
 11 admitted until such to a home unless the person has submitted an application on
 12 forms furnished by the home and such the application has been approved by the
 13 commandant. Each question must shall be fully and accurately answered and the
 14 completed application shall be properly executed. An applicant ^{shall} ~~must~~ authorize the
 15 department to conduct a background check of his or her criminal record. Upon
 16 admission of the applicant as a member, the completed application shall be a valid
 17 and binding contract by and between the member and the home.

18 **SECTION 45.** VA 6.01 (2) (b) ^{of} ~~of~~ the administrative code is created to read:

19 VA 6.01 (2) (b) A person may be admitted into a home on a conditional basis
 20 pending the completion of the processing of his or her application.

21 **SECTION 46.** VA 6.01 (3) (title) of the administrative code is amended to read:

22 VA 6.01 (3) (title) EXHIBITS DOCUMENTS REQUIRED.

23 **SECTION 47.** VA 6.01 (3) (a) of the administrative code is renumbered VA 6.01

24 (3) (a) (intro.) and amended to read:

SECTION 47

1 VA 601 ^{5.}(3) (a) (intro.) ~~Each~~ [^] For the purpose of proving eligibility under 45.51
 2 (2) stats., the applicant shall provide all of the following documents with the
 3 application [^] ~~shall be accompanied by a:~~ ✓

- 4 1. A complete financial statement of the applicant, a. ✓
 5 2. A physician's report of physical examination ^{plain space} ~~of the applicant,~~ a certified copy
 6 of the applicant's birth certificate or other acceptable evidence relating to the
 7 applicant's birth, and, ✓

8 3. An original or a certified copies or verifiable copy of reports each report of
 9 separation or discharges discharge of the applicant or the veteran upon whose
 10 eligibility the applicant is relying for all periods of active service in the armed forces
 11 of the United States during one wartime period as enumerated in s. 45.01 (12), Stats.,
 12 or which establish that the veteran was entitled to receive the Armed Forces
 13 Expeditionary Medal, the Navy Expeditionary Medal, the Marine Corps
 14 Expeditionary Medal or the Vietnam Service Medal or served pursuant to section 1
 15 of executive order 10957, or served under s. 45.01 (11), Stats., in Lebanon between
 16 August 1, 1982 and August 1, 1984, in Grenada between October 23, 1983 and
 17 November 21, 1983, in Panama or in a Middle East Crisis and, except in the case of
 18 a Wisconsin resident at the time of entry into active service or the spouse of such a
 19 veteran applicant, 1 affidavit attesting to the applicant's Wisconsin residence, ^{plain}

20 (b) All ~~exhibits~~ [↓] except documents required under par. (a), other than originals
 21 or certified or verifiable copies of reports [↓] of separation will, shall be required of an
 22 applicant who applies for readmission to a home more than 60 days after discharge
 23 but an affidavit in lieu of exhibits from the home. Updates of documents required
 24 under par. (a) may be accepted requested from an applicant who applies for
 25 readmission within 60 days of discharge.

SECTION 48. VA 6.01 (4) of the administrative code is amended to read:

VA 6.01 (4) SPOUSE. ~~A veteran's~~ ^{stroke extra space} In addition to the documents required under sub. (3), an applicant who is a spouse of a veteran shall also furnish a certified copy of his or her certificate of marriage to the veteran or any other verifiable evidence of marriage that is acceptable to the department.

SECTION 49. VA 6.01 (5) of the administrative code is amended to read:

VA 6.01 (5) SURVIVING SPOUSE. ~~The application of a veteran's~~ In addition to the documents required under subs. (3) and (4), an applicant who is a surviving spouse of a veteran shall be accompanied by a certified copy of the certificate of marriage of the applicant to the eligible veteran and with furnish a certified or verifiable copy of such the veteran's death certificate.

SECTION 50. VA 6.01 (6) of the administrative code is amended to read:

VA 6.01 (6) PARENT. ~~The application of the~~ ^{plain space} In addition to the information required under sub. (3), an applicant who is a parent of a veteran or of a child who died while ^{e. Serving} ~~serve~~ 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 furnish a certified copy or verifiable copy of such the veteran's or the child's death certificate.

****NOTE: VA 6.01 (6) only covers parents of a child who died in service. Do you want a separate provision for a parent of a veteran? Also, because of the elimination of the requirement of a birth certificate under Va 6.01 (3), there will be no proof of the relationship of the parent to the veteran or child. OK? MGG

SECTION 51. VA 6.01 (8) of the administrative code is amended to read:

VA 6.01 (8) READMISSION. A former member may be readmitted to the a home only if a new application has been submitted and approved by the commandant on

SECTION 51

1 the basis of the commandant's determination that the home [✓] can is able to provide
 2 suitable appropriate care for the applicant. A former member who was given an
 3 undesirable or dishonorable discharge may be readmitted only if the commandant
 4 is satisfied that the conduct leading to ~~such~~ the discharge will not be repeated. The
 5 commandant may also require that an applicant for readmission shall have paid all
 6 moneys which the applicant owed to the home. [✓]

****NOTE: I amended various provisions throughout chapter VA 6 to make it clear
 that the provisions applied to all of the veterans homes. MGG [✓]

7 **SECTION 52.** VA 6.01 (9) of the administrative code is amended to read:

8 VA 6.01 (9) DEPENDENTS OF MEMBERS. Nonmember dependents of members may
 9 not be quartered or maintained at ~~the~~ a home, [✓] except under the policy for guests
 10 established by the commandant.

11 **SECTION 53.** VA 6.01 (11) of the administrative code is amended to read:

12 VA 6.01 (11) ~~CLOTHING AND COMFORT ITEMS PERSONAL MAINTENANCE.~~ Clothing,
 13 The department or its designated contractor under s. 45.50 (2m) (c), [✓] stats., shall
 14 provide directly to all members, or ensure that all members [✓] (of homes) receive, items
 15 for personal maintenance as their needs may require. These items shall include
 16 [✓] ~~clothing,~~ toiletries, and necessary aids to good grooming, including barber and beautician
 17 services, [✓] shall be furnished to members as their needs may require.

18 **SECTION 54.** VA 6.01 (12) of the administrative code is amended to read:

19 VA 6.01 (12) MEDICAL AND NURSING CARE. ~~Medical~~ The department or its
 20 designated contractor under ^{S.} 45.50 (2m) (c), [✓] stats., shall provide directly to all
 21 members, or [✓] insure that all members [✓] (of homes) receive, medical and nursing care,
 22 as their needs may require. Medical and nursing care includes physician's services,
 23 nursing care, hospitalization, medications, special diets, dental care including

1 dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and
2 ancillary medical care services ~~will be furnished members as their needs may~~
3 ~~require.~~ ✓

4 **SECTION 55.** VA 6.01 (15) of the administrative code is amended to read:

5 VA 6.01 (15) ADMISSION, DENIAL, OR DEFERRAL. Notwithstanding ~~the other~~
6 ~~provisions of this section sub. (1),~~ the department may defer or deny an applicant's
7 admission to ~~the~~ a home when the commandant determines that the home ~~will be~~ is
8 unable to provide appropriate care to the applicant.

***NOTE: I did not include a reference to VA 6.01 (8) in the above provision because
VA 6.01 (8) has the same grounds for denial for readmission. **MGG**

9 **SECTION 56.** VA 6.01 (16) of the administrative code is amended to read:

10 VA 6.01 (16) CHARGES FOR CARE AND MAINTENANCE. Charges for care and
11 maintenance shall be computed every January for the various categories of care
12 provided by ~~the~~ a home. The computations shall be based upon the estimated costs
13 of care to be incurred by the home for the succeeding annual period. The department
14 may update charges in July to reflect changes in costs during the year. Charges shall
15 be made for actual care and maintenance provided to a member.

16 **SECTION 57.** VA 6.01 (17) of the administrative code is amended to read:

17 VA 6.01 (17) DEFINITION -- "PUBLISHED". For the purposes of this chapter,
18 ^{fix} "published" means printing of regulations, making them available to members,
19 employees and visitors, and posting them on a bulletin board in a public place on the
20 ~~home~~ ^s grounds of a home. ✓

21 **SECTION 58.** VA 6.02 (intro.) of the administrative code is amended to read:

22 ^(B) VA 6.02 ^(B) (intro.) DUTIES AND RESPONSIBILITIES OF THE COMMANDANT. The
23 commandant of a veterans home, under the direction of the secretary, shall operate

SECTION 58

1 the ~~Wisconsin~~ veterans home pursuant to ~~Wisconsin~~ Statutes and in accordance with
2 the policies established by the ~~board~~ department. The commandant shall:

3 SECTION 59. ^{VA} 6.02 (12) of the administrative code is repealed.

4 SECTION 60. VA 6.03 (1) of the administrative code is amended to read:

5 VA 6.03 (1) DRIVER'S LICENSE REQUIRED. No person may operate any motor
6 vehicle on any roadway; ^{or} driveway ^{in any} or parking lot of ~~the~~ ^a home unless the person holds
7 a valid and current operator's license or unless he or she is exempt from the
8 requirement that ~~such a~~ an operator's license be held in order to operate a motor
9 vehicle on the highways of this state, ~~and no.~~ No person may operate a motor vehicle
10 anywhere on the ~~home~~ ^{home} grounds of a home except on a roadway; or driveway or in a
11 parking lot. Members using power wheelchairs are exempt from the requirements
12 of this subsection.

13 SECTION 61. VA 6.03 (2) of the administrative code is amended to read:

14 VA 6.03 (2) VEHICLE LICENSE REQUIRED. No person may operate any motor
15 vehicle on any roadway; or driveway; or in any parking lot of ~~the~~ ^a home unless the
16 vehicle has been properly registered or unless it is exempt from the requirement that
17 the vehicle be registered in order that it may be operated on the highways of this
18 state. Members using power wheelchairs are exempt from the requirements of this
19 subsection.

20 SECTION 62. VA 6.03 (4) of the administrative code is amended to read:

21 VA 6.03 (4) DUMPING PROHIBITED. The dumping of any waste, trash, debris, or
22 other rubbish on the ~~home~~ ^{home} grounds of a home or along ~~the home grounds~~ any
23 lakeshore on or abutting the grounds of a home is prohibited, except in disposal areas
24 designated by the commandant or elsewhere as may be specifically designated by the
25 commandant.

1 **SECTION 63.** VA 6.03 (5) of the administrative code is amended to read:

2 VA 6.03 (5) REMOVING PROPERTY PROHIBITED. The removal of any shrubs, trees,
3 plants, wood, rocks, earth, or other natural products or materials from the ~~home~~
4 grounds [✓] of a home is prohibited except as may be authorized by the commandant.

5 **SECTION 64.** VA 6.03 (6) [✓] of the administrative code is amended to read:

6 VA 6.03 (6) WILDLIFE MOLESTATION PROHIBITED. The ~~removal~~, destruction or
7 molestation of any wildlife within the boundaries of the ~~home~~ grounds ^{explain space} of a home is
8 prohibited except as may be authorized by the commandant.

9 **SECTION 65.** VA 6.03 (7) [✓] of the administrative code is amended to read:

10 VA 6.03 (7) DAMAGING PROPERTY. The defacing of, damage to, or wanton
11 destruction of any structures, buildings, improvements, shrubs, trees, or plants on
12 the ~~home~~ grounds [✓] of a home is prohibited.

13 **SECTION 66.** VA 6.03 (8) [✓] of the administrative code is amended to read:

14 VA 6.03 (8) ~~DRUNKENNESS~~ INTOXICATION PROHIBITED. Any person who is found
15 in an intoxicated condition on the ~~home~~ grounds of a home may be subject to arrest
16 and prosecution.

17 **SECTION 67.** VA 6.03 (9) [✓] of the administrative code is amended to read:

18 VA 6.03 (9) CANVASSING, PEDDLING, AND SOLICITING. Canvassing, peddling, or
19 soliciting is prohibited on the grounds or in the buildings of the ~~the~~ [✓] a home, except that
20 the commandant may authorize home posts and chapters of veterans organizations
21 and their auxiliaries to conduct [↓] ~~fund raising~~ [↓] fundraising activities at designated times and
22 places, and to solicit membership. [✓] The A commandant of a home may authorize and
23 establish conditions for solicitations at the [✓] home by other charitable organizations.

24 **SECTION 68.** VA 6.03 (10) of the administrative code is amended to read:

SECTION 68

plain

1 VA 6.03 (10) LAKESHORE USE. Except as specifically authorized by ^{plain} (the) (a)
2 commandant [✓] of a home, use of the [✓] home lakeshore, beaches, piers, or boating and
3 swimming facilities on or abutting the grounds of the home by persons other than
4 members and employees or guests of members or employees is prohibited. Use of
5 such facilities shall be at the risk of the individuals using them and shall be limited
6 to daylight hours.

7 SECTION 69. VA 6.03 (11) of the administrative code is amended to read:

8 VA 6.03 (11) CAMPING AND PICNICKING. Camping on the ~~home~~ grounds [✓] of a home
9 is prohibited. Picnicking may be authorized by the commandant of a home on the
10 home's grounds in areas specifically designated by the commandant as picnic
11 grounds. The commandant shall establish rules governing permitted picnic hours,
12 the disposal of garbage and other refuse, and ~~such~~ any other matters [↓] as ~~may be~~
13 deemed that the commandant determines to be necessary.

14 SECTION 70. VA 6.03 (12) of the administrative code is amended to read:

15 VA 6.03 (12) FIREARMS. The carrying or use of firearms within the limits of the
16 ^{plain space} a home, except by firing squads or for police or military purposes, is prohibited unless
17 authorized by the commandant ^{ma} of the home. ✓ (STET)

18 SECTION 71. VA 6.04 (1) of the administrative code is amended to read:

19 VA. 604 (1) RULES AND REGULATIONS. Members ^{of} or a home shall obey all rules of
20 the home and all rules and regulations prescribed by the commandant of the home. ✓

21 SECTION 72. VA 6.04 (5) of the administrative code is amended to read:

22 VA 6.04 (5) ADMINISTRATION OF ~~MEMBERS~~ MEMBERS' PERSONAL FINANCES. Members
23 [↓] of a home shall be permitted to receive, disburse and manage their personal finances
24 as long as they are capable of doing so. Upon determination by the medical staff that
25 a member is unable to manage funds wisely, the commandant of the home shall

1 automatically assume control over the member's funds and prepare a letter setting
2 forth ~~such the~~ determination and assumption of control, ~~copies a copy~~ of which shall
3 be mailed to any relatives concerned and to the secretary of the department.
4 Immediately upon assumption of control over a member's funds by the commandant,
5 they shall be deposited in a personal account in the ~~home~~ administrative office of the
6 home, and withdrawals from ~~such the~~ account shall be confirmed by the
7 commandant or the commandant's designee. Relatives and friends of members
8 whose funds are under the control of the commandant may not be permitted to
9 receive or disburse these members' funds or exercise control over their funds unless
10 specifically authorized by appropriate court order.

11 SECTION 73. VA 6.04 (9) of the administrative code is amended to read:

12 VA 6.04 (9) DISPOSAL OF CLOTHING PROHIBITED. A member shall of a home may
13 not sell, give away, throw away ~~not, or~~ destroy clothing issued by the home.

14 SECTION 74. VA 6.04 (10) of the administrative code is amended to read:

15 VA 6.04 (10) ALCOHOLIC BEVERAGES PROHIBITED. Members of a home may not
16 bring any alcoholic beverages onto the ~~home~~ grounds of the home or keep ~~such~~
17 alcoholic beverages in their quarters.

18 SECTION 75. VA 6.04 (14) of the administrative code is amended to read:

19 VA 6.04 (14) GIFT OF PROPERTY BY A MEMBER. A gift of property by a member of
20 a home shall be invalid unless physical possession of the property is transferred to
21 the donee at the time the gift is made and ~~unless~~ the property is removed from the
22 premises of the home before the death of the member. A gift of property by a member
23 during the member's lifetime with the understanding that the member may retain
24 physical possession of ~~such the~~ property until the member's death or a gift of property
25 which is to take effect upon the death of the member donor is invalid.

SECTION 76

1 **SECTION 76.** VA 6.04 (15) of the administrative code is amended to read:

2 VA 6.04 (15) LOAN OF PROPERTY TO MEMBER. Property loaned to a member of a
3 home by a nonmember ~~must~~ shall be declared to be loaned property at the time its
4 possession is transferred to the member, ~~and the~~ ^{the} ~~The~~ nonmember loaning the
5 property to the member ~~must~~ shall at ~~such~~ ^{the} time ~~of the loan~~ [^] file a sales slip, invoice,
6 or other evidence of ownership with the ~~home~~ office of the home and shall affix an
7 identifying tag to the loaned property ~~which.~~ The tag ~~must~~ shall remain affixed to
8 ~~such~~ the property during the term of the member's stay at the home. Any property
9 not so identified ~~will be deemed~~ shall become the property of the member upon death,
10 and ~~will~~ shall be distributed to the state.

11 **SECTION 77.** VA 6.05 (1) of the administrative code is amended to read:

12 VA 6.05 (1) DISCIPLINARY PROCEDURE FOR SERIOUS ~~OFFENCES~~ OFFENSES. ~~The~~ Each
13 home shall maintain a complete record of each offense by a member of the home for
14 which the member could be given a dishonorable discharge under sub. (7), showing
15 the name of the offender, date and place of the offense, and the nature of the offense.
16 Each member charged with such an offense shall be furnished with a copy of the
17 charge or charges placed against the member. No member may be given a
18 dishonorable discharge or disciplined in any way for the offense without a hearing
19 before the commandant of the home at a time and place to be fixed by the
20 commandant. Each member charged with an offense shall be furnished with a copy
21 of the charge or charges placed against the member. ~~No member may be given a~~
22 ~~dishonorable discharge or disciplined in any way for the offense without a hearing~~
23 ~~before the commandant at a time and place to be fixed by the commandant.~~ A
24 summary of evidence introduced, and the findings and the decision of the
25 commandant shall be filed in each case.

*may file a request
for a hearing under S. 227.42*

stats

SECTION 78. VA 6.05 (2) of the administrative code is amended to read:

VA 6.05 (2) DISCIPLINARY ORDERS, REVIEW, AND APPEAL. A member found guilty by the a 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 of the home or designated portions thereof parts of the grounds, or disciplined in ~~such~~ any other manner as the commandant ~~deems~~ determines to be just and proper. Upon written application by the member involved within 10 days of issuance of a disciplinary order by the commandant, the secretary shall review any discharge, enforced leave of absence, restriction or other disciplinary action ordered by the commandant, and shall confirm, modify or reverse the order. The member

PLAIN

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.~~

If a request for hearing is filed

Pending the final decision by the department

changes above

***NOTE: Please review the above provisions to ensure it complies with your intent.

RPN

INSERT 27-16

SECTION 79. VA 6.05 (3) of the administrative code is amended to read:

VA 6.05 (3) OFF-LIMITS. The commandant of a home may prohibit any member of the home from entering any tavern or establishment in the vicinity of the home and may declare any such establishment off-limits to any ~~or all members~~ member if such action is necessary for the maintenance of discipline and control.

SECTION 80. VA 6.05 (4) of the administrative code is amended to read:

SECTION 80

1 VA 6.05 (4) GRIEVANCE PROCEDURE. Any member ~~having~~ [✓] of a home who has a
2 grievance or complaint of any kind against the home or its management may present
3 ~~such~~ the grievance or complaint in writing to the commandant of the home. [↓] ~~In the~~
4 ^{of the home.} event [^] ~~If~~ the member is not satisfied with action by the commandant ~~upon such~~ on the
5 grievance or complaint, the member may refer the matter to the secretary, and the
6 commandant shall promptly transmit ~~such~~ the grievance or complaint together with
7 a written report of investigation and action ~~thereon~~ on the grievance or complaint
8 to the secretary. ~~In the event the member is not satisfied with action by the~~
9 ~~commandant and the secretary upon such grievance or complaint, he or she may~~
10 ~~appeal the matter to the board.~~ ^{de}

11 SECTION 81. VA 6.05 (5) of the administrative code is amended to read:

12 VA 6.05 (5) HONORABLE DISCHARGE. A member [✓] of a home may receive an
13 honorable discharge from membership at the home upon application, provided that
14 he or she has paid all money due the home, and has accounted for all property issued
15 that is not suitable for reissue, that no disciplinary action has been currently
16 imposed or is pending against the member, and that he or she is able to exercise
17 sound judgment in planning and providing for his or her own physical welfare. When
18 a member requires special living or travel facilities or is unable to exercise sound
19 judgment in planning for his or her own physical welfare, the commandant of the
20 home may refer the request for discharge to the county veterans service officer in the
21 member's home county for assistance, and may delay granting an honorable
22 discharge until proper facilities for his or her care and travel are assured.

23 SECTION 82. VA 6.05 (6) [↓] of the administrative code is amended to read:

24 VA 6.05 (6) UNDESIRABLE DISCHARGE. A member [✓] of a home may be given an
25 undesirable discharge if an obligation to the home is not paid within 60 days of the

1 date of the member's or personal representative's receipt of a billing statement from
2 the home or if the member leaves the home without satisfying the conditions for an
3 honorable discharge.

4 **SECTION 83.** VA 6.05 (7) of the administrative code is amended to read:

5 VA 6.05 (7) DISHONORABLE DISCHARGE. A member [✓] of a home may be given a
6 dishonorable discharge for frequent or habitual intoxication;; for willful
7 disobedience of proper orders;; for failure to maintain restrictions imposed as a
8 disciplinary measure;; for habitual use of profane, obscene or abusive language;; for
9 defacing the defacement of, damage to, or destruction of any structures, buildings,
10 improvements, shrubs, trees, or plants on the ~~home~~ grounds, of the home;[✓] for
11 unauthorized discharge of firearms within the limits of the home;; for assault on
12 another person;; for theft;; for committing any other crime;; or for immoral or
13 indecent conduct. ✓

14 **SECTION 84.** VA 6.05 (8) of the administrative code is amended to read:

15 VA 6.05 (8) LEAVES OF ABSENCE. Leaves of absence may be granted by the
16 commandant [✓] of a home for a period of not to exceed 60 days during a calendar year,
17 but may be extended by the secretary if circumstances warrant. Payments to the
18 state, as required by s. 45.51 (7), Stats., shall continue during the period of absence.
19 The home will not be responsible for any expense incurred by ~~members~~ a member
20 while absent from the home except for emergency medical expenses authorized by
21 a ~~home~~ home's physician, ~~providing~~ provided notice is given to the home within 24
22 hours ^{plain} of the onset of the emergency. Quarters will not be reserved during any
23 absence unless ~~such~~ the absence is authorized by the commandant.

24 **SECTION 85.** VA 6.05 (9) [✓] of the administrative code is amended to read:

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1 VA 6.05 (9) LEAVES OF ABSENCE, MEDICAL. Leaves of absence from a home will
 2 be granted to veteran members while undergoing treatment in a veterans
 3 administration hospital, or in another authorized hospital, and to non-veteran
 4 members while in any hospital or sanatorium away from the home, and this ⁽⁶⁾ This
 5 leave shall not be charged to the ^{60-day} ~~60-day~~ annual allowance.

****NOTE: I can find no reference to this annual allowance in the statutes or code.
 Do you want to include language in this draft that establishes this allowance? MGG ✓

6 **SECTION 86.** ^{VA} 6.06 (5) of the administrative code is repealed.

7 **SECTION 87.** VA 7.05 of the administrative code is amended to read:

8 ^(B) VA 7.05 Administration. The provisions of this chapter shall be administered
 9 by the secretary, who shall determine the eligibility of a state veterans organization
 10 for a grant and the amount of the grant for which it qualifies, and shall prescribe
 11 uniform forms for reporting number of claims processed. When an application has
 12 been filed, if the secretary determines that the state veterans organization concerned
 13 has not adequately established its claim for a grant, the secretary may require
 14 additional information. Any state veterans organization dissatisfied with a
 15 determination of the secretary may appeal such determination ~~to the board~~ as
 16 provided under s. VA 1.03.

17 **SECTION 88.** VA 8.02 (1) of the administrative code is amended to read:

18 VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall
 19 be made by the county not later than ~~6 months after the start~~ May 15 of the fiscal
 20 calendar year for which the grant is claimed on forms prepared by the department.
 21 An application must be accompanied by a copy of the budget proposed for the county
 22 veterans' service office for the fiscal year for which the grant is claimed. Application
 23 shall be made annually, and the county must meet minimum budget and operating

1 standards established by the department for the county veterans' service office in
2 order to qualify for the initial grant and for each succeeding grant.

3 **SECTION 89.** VA 8.04 of the administrative code is repealed.

4 **SECTION 90.** VA 9 (title) and VA 9.01, 9.02, 9.04 and 9.05 of the administrative
5 code are repealed.

****NOTE: Does VA 9 implement a program that no longer exists, making VA 9
obsolete? MPG ✓

6 **SECTION 91.** VA 9.03 of the administrative code is renumbered VA 2.04. ✓

7 **SECTION 92.** VA 12.02 (3) (a) ✓ of the administrative code is amended to read:

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

10 **SECTION 93.** VA 12.02 (3) (b) ✓ of the administrative code is amended to read:

11 VA 12.02 (3) (b) A copy of the prior year's income tax returns except if the
12 applicant's employer, type of employment or method of compensation has changed.
13 Applicants verifying their income by the [↑]prior year's income tax returns shall submit
14 a complete copy of the state and federal tax return including all schedules, W-2s, and
15 attachments.

16 **SECTION 94.** VA 12.02 (3) (f) ✓ of the administrative code is amended to read:

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

19 **SECTION 95.** VA 12.02 (9) ✓ of the administrative code is amended to read:

20 VA 12.02 (9) ^(R)DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL AND
21 BIRTH EXPENSES. If the department has not received a certification under s. 49.854
22 (2) (b), Stats., that the applicant is delinquent in child support or maintenance
23 payments or owes past support, medical expenses or birth expenses, the applicant's

SECTION 95

1 credit may be considered favorable if medical or birthing expenses do not exist or
2 payments for such expenses are being made in accordance with a court order and
3 child support and maintenance payments are current as of the date of approval of the
4 personal loan program loan by the department. Evidence that the applicant is
5 current shall be required if the child support or maintenance is not paid in the state
6 of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan
7 program loan may ~~only~~ be made to that applicant, if the amount necessary ^{only} for to
8 satisfy the arrearage or expense is ~~to be~~ paid from proceeds of the department's loan.

9 SECTION 96. VA 12.02 (13) [✓] of the administrative code is amended to read:

10 VA 12.02 (13) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.

11 The department may execute a subordination agreement or release a portion of the
12 property providing security for its mortgage if the department verifies that the
13 mortgagor's equity in the property secured by the mortgage is greater than 10% 15
14 percent after the execution of the subordination agreement or partial release, the
15 applicant is current on the loan, the applicant meets current underwriting criteria
16 and the repayment history for the 6 months immediately preceding the request has
17 been satisfactory.

18 SECTION 97. VA 12.05 (2) [✓] of the administrative code is amended to read:

19 VA 12.05 (2) APPRAISALS. If an ^{plain space} applicant wishes to provide a property appraisal
20 is being used to determine the value an appraiser who is selected by the applicant
21 and, the appraiser must be licensed by the state of Wisconsin ^{plain space} department of safety
22 and professional services, shall perform the appraisal and complete the appraisal
23 form prescribed by the department. The applicant is responsible for payment of the
24 appraisal expenses. [✓]

25 SECTION 98. VA 12.05 (2) (note) [✓] of the administrative code is repealed.

1 SECTION 99. VA 14.02 (1) (a) of the administrative code is amended to read:
2 VA 14.02 (1) (a) ~~No~~ Except as provided in sub. (2), no fee may be assessed for
3 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". RPN ✓

4 SECTION 100. ^{VA} 14.02 (1) (b) of the administrative code is amended to read:

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

16 ~~SECTION #~~ RP; ~~130~~ VA 13.01 (5)

17 SECTION 101. VA 14.02 (2) of the administrative code is amended to read:

18 VA 14.02 (2) ASSESSMENTS. The department may assess the funeral director
19 involved in an interment the amount necessary to reimburse the department for the
20 average cost of ~~providing a columbarium niche or an in-ground container for the~~
21 ~~interment of cremains or of providing and installing an outer burial container,~~
22 ~~whichever is applicable.~~ A funeral director may provide and install an outer burial
23 container in lieu of paying that assessment. The department may periodically adjust

and the definition under VA 18.01 (2). ~~OK?~~

① **** NOTE: I repealed this definition instead of adding the home at Chippewa Falls to avoid amending this in the future to include if a new home is established. OK?

move the hand-written material to 14.1

use action: CODE: repeal

SECTION 101

1 the assessment, upon 30 days notice, to reflect current costs. The department shall
2 publish the notice and assessment on its web site.

3 **SECTION 102.** VA 15.02 (1) of the administrative code is amended to read:

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

13 **SECTION 103.** VA 15.03 (1) of the administrative code is amended to read:

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

17 **SECTION 104.** VA 17.04 of the administrative code is amended to read:

18 **VA 17.04 Military funeral honors at state veterans cemeteries.** Military
19 funeral honors shall be provided at a cemetery operated by the department under s.
20 45.51 or 45.61, Stats., unless a family directs the department not to perform any
21 honors. The family shall be notified of the department's intent to provide military
22 funeral honors when the burial arrangements are being made. ~~To the extent~~
23 ~~practicable, a military funeral honors team shall perform the honors. If requested~~
24 ~~by the family, a veterans organization may assist the funeral honors team in~~

1 ~~providing honors or provide military funeral honors in lieu of a military funeral~~
2 ~~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? **RPN**

3 **SECTION 105. Effective dates.** This act takes effect on the day after
4 publication, except as follows:

5 (1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1.
6 of the statutes takes effect on January 1, 2015.

7 (END)

SECTION # . RP; VA 18.01 (2)

Use
action:
*CODE:
repeal

d-note

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3955/P1insmp
MPG:.....

1 INSERT 7-20 ✕

2 **SECTION 1.** VA 1.11 (2) of the administrative code is amended to read:

3 VA 1.11 (2) Administer and supervise all programs of the department, ~~and shall~~
4 ~~serve as an ex-officio member of all advisory, standing and special committees~~
5 ~~appointed by the board, unless specifically exempted.~~

6 END INSERT 7-20

7 INSERT 7-25 ✕

8 **SECTION 2.** VA 1.11 (15) of the administrative code is amended to read:

9 VA 1.11 (15) Make and establish rules and regulations necessary to carry out
10 the statutes pursuant to the policies established by the board department, and make
11 such publication and distribution of these rules and regulations as the secretary may
12 deem necessary.

13 END INSERT 7-25

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3955/?insMGG
MGG:.....

27-16
Insert ~~34~~-16

****NOTE: A decision by the secretary in the provision above would be subject to the contested case provisions under subch. III or ch. 227. Therefore, I rewrote this provision to include terminology used in ch. 227.

↑ stats

↑ stats

MGG

(B)

Handwritten annotations include a circled bubble containing '↑ stats' with an arrow pointing to the word 'provision' in the note. Below the note, the word 'MGG' is written with an arrow pointing to the word 'rewrote'. Below 'MGG' is a circled 'B' with an arrow pointing to the word 'provision'. To the left of the note, the words '↑ stats' are written with an arrow pointing to the word 'provision'.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3955/Pdn
MPG/MGG/RPN:/.....

WJ

Date

Senator Petryk:

Please review this draft carefully to ensure that it is consistent with your intent.

There are a number of embedded notes in this draft to assist you in your review. ^e because

We have added the requirement that a fiscal estimate be prepared due to the fact that ^e the statutes are being amended to grant DVA authorization to enter into an agreement to have a private entity operate the other two veterans home. ^

Also ^I in addition to the other changes to administrative rules in the draft, we have included technical changes where the rules were clearly not in conformity with LRB drafting conventions.

Finally, given the time constraints for this draft, we have not examined every change to the administrative rules requested in the drafting instructions to determine whether the change may conflict with current statutes. Generally, when an agency promulgates a rule that conflicts with the statutes, the statutes control.

Please do not hesitate to contact us with any questions.

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Please review S. 13. 94(1)(dp) and let us know if you want any changes in this provision.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3955/Pdn
MPG/MGG/RPN:wlj:rs

January 24, 2014

Senator Petryk:

Please review this draft carefully to ensure that it is consistent with your intent.

There are a number of embedded notes in this draft to assist you in your review.

We have added the requirement that a fiscal estimate be prepared because the statutes are being amended to grant DVA authorization to enter into an agreement to have a private entity operate the other two veterans home.

Please review s. 13.94 (1) (dp) and let us know if you want any changes in this provision. In addition to the other changes to administrative rules in the draft, we have included technical changes where the rules were clearly not in conformity with LRB drafting conventions.

Finally, given the time constraints for this draft, we have not examined every change to the administrative rules requested in the drafting instructions to determine whether the change may conflict with current statutes. Generally, when an agency promulgates a rule that conflicts with the statutes, the statutes control.

Please do not hesitate to contact us with any questions.

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MB

for/P2

1/29 conv. w/ K Marshman

take out 45.50 (2m) (c) treatment in stats.

leave ref. ~~to~~ 45.50 (2m) (c) on VA 6.01 - intend

to only K at Chip Falls.

feels no conflict betw/ rule + stat -

will be read to ~~not~~ coincide

MBV ✓

Section 11: Delete this provision from the bill. We do not want to amend Stats. 45.50(2m)(c) in this bill.

MPG ✓

Section 24: Restore "shall" (pg 9, ln 15 and pg 10, ln 8).

Section 33: ✓

MPG ✓

- Question for MPG – What portion of the program do you feel has not been addressed in this set of rules?
- Regarding your question about tribal college veterans coordinator:
 - o The role is to validate the information regarding the amount of tuition paid, grade point average, and any other tuition assistance offered to the student, as the reimbursement is not allowed to duplicate other tuition payment.
 - o The tribal college veterans coordinator is required to complete and submit the application following the conclusion of the semester.

RPN ✓

Section 35: Line 13, replace 45.71(16)(a) with 45.01(12).

MBG ✓

Section 48: Lines 2-3, retain (do not strike) "or the veteran upon whose eligibility the applicant is relying".

MBG ✓

Section 51: Lines 9-11, retain (do not strike) "also be accompanied by the certified copy of the public record of birth of the veteran through whom eligibility is claimed".

MBV ✓

Section 52: Line 16, before "A" insert, "Subject to VA 6.01(3)(b),".

MBV ✓

Section 54: Line 8, after "or" insert "shall"; after "ensure" insert "as the payer of last resort".

MBV ✓

Section 55: Line 15, after "or" insert "shall"; after "ensure" insert "as the payer of last resort".

MBV ✓

Section 61: Line 3, after "vehicle" insert "except authorized maintenance vehicles and equipment".

RPN ✓

Section 101: Line 1, replace "fee" with "additional cost".

RPN ✓

Section 103: Line 19, delete "average".

? Title is "fees", not costs. (i) Intro says to just may assess to following "fee"! then (1)(a) say no fee may be assessed for. why have (1)(a)

RPN ✓

Section 106: Retain reference to Stats. 45.51 because s. 45.51(11) allows the specific use of a deceased member's funds for the funeral and interment as provided in the body of s. 45.61.

?? RPN

Section 107: Do not repeal VA 18.01(2). The contract employees at Chippewa Falls are currently not included in the stipend program of VA 18.

✓ Not RPN ↑

✓ MBG

Gallagher, Michael

From: Marschman, Kathy <Kathy.Marschman@dva.wisconsin.gov>
Sent: Tuesday, January 28, 2014 4:17 PM
To: Gallagher, Michael; Gibson-Glass, Mary
Cc: Rainbolt, Marcie
Subject: LRB-3955
Attachments: LRB 3955, Response to LRB.docx

Michael and Mary,

DVA has reviewed LRB-3955/P1. I have attached the recommended changes to the /P1. Please contact me if you have questions.

Marcie, thank you for the opportunity to review and comment.

Kathy Marschman

Assistant Deputy Secretary
Wisconsin Department of Veterans Affairs
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608.266.2256

Kathy.Marschman@dva.wisconsin.gov

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