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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-Note

~~Change to /P2 if  
all \*\*\*\* Notes  
are not removed  
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1 AN ACT ~~to amend~~ 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 35.93 (2)  
2 (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.), 35.93 (3) (e) 1., 45.50 (2m)  
3 (c), 227.01 (13) (intro.), 227.11 (2) (intro.) and 227.27 (2); and **to create** 13.92  
4 (4) (bm) and 227.265 of the statutes; **relating to:** rule-making procedures;  
5 powers and duties of the board of veterans affairs; reimbursement of veterans'  
6 tuition at tribal colleges; documentation for eligibility to veterans homes;  
7 operation of veterans homes; eligibility and procedural requirements for  
8 veterans home loans, veterans personal loans, county veterans service grants,  
9 and American Indian veterans grants; and funeral honors, burial, and  
10 disinterment of veterans.

***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.

implementing

9. The bill reduces the period that a veteran must be a resident of this state for purposes of receiving a certificate of eligibility for a loan under the veterans home loan program from five consecutive years to 12 consecutive months.

10. The bill requires an applicant for the loan under the veterans home improvement loan program to submit copies of W-2s and attachments to federal and state income tax returns, in addition to the currently required submission of the returns, including all schedules.

11. The bill changes the date on which an application for a county veterans' service grant is due from not later than six months after the start of the fiscal year to not later than May 15 of the calendar year for which the grant is claimed.

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 required submission of those returns, if the applicant uses tax information to verify income.

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.

17. The bill changes the date on which an application for an American Indian grant is due from not later than June 30 of each 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.

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

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

13          13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin  
14          administrative code a note explaining any change made under par. (b) or (bm).

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

16          13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not  
17          apply to any change made by the legislative reference bureau under par. (b) or (bm).

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

19          13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a  
20          record of each change made under par. (b) or (bm).

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

1           13.92 (4) (f) The legislative reference bureau shall notify the agency involved  
2 of each change made under par. (b) or (bm).

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

5           35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau  
6 under s. 227.20 (1) or modified under s. 227.265 since the compilation of the  
7 preceding register, including emergency rules filed under s. 227.24 (3).

8           **SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by 2013 Wisconsin Act 20,  
9 is amended to read:

10          35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been  
11 affected by rules filed with legislative reference bureau under s. 227.20 (1) or  
12 modified under s. 227.265, in accordance with sub. (3) (e) 1.

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

14          35.93 (3) The legislative reference bureau shall compile and deliver to the  
15 department for printing copy for a register which shall contain all the rules filed  
16 under s. 227.20 or modified under s. 227.265 since the compilation of rules for the  
17 preceding issue of the register was made and those executive orders which are to be  
18 in effect for more than 90 days or an informative summary thereof. The complete  
19 register shall be compiled and published before the first day of each month and a  
20 notice section of the register shall be compiled and published before the 15th day of  
21 each month. Each issue of the register shall contain a title page with the name  
22 “Wisconsin administrative register”, the number and date of the register, and a table  
23 of contents. Each page of the register shall also contain the date and number of the  
24 register of which it is a part in addition to the other necessary code titles and page  
25 numbers. The legislative reference bureau may include in the register such

1 instructions or information as in the bureau's judgment will help the user to correctly  
2 make insertions and deletions in the code and to keep the code current.

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

5 35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the  
6 appropriate chapters of the Wisconsin administrative code each permanent rule filed  
7 with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265  
8 and, for each chapter of the administrative code affected by a rule, do all of the  
9 following:

10 **SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act  
11 20, is amended to read:

12 35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register  
13 in accordance with the filing deadline for publication established in the rules  
14 procedures manual published under s. 227.15 (7) ~~or~~, in an end-of-month register  
15 agreed to by the submitting agency and the legislative reference bureau, or, in the  
16 case of a rule modified under s. 227.265, in the end-of-month register for the month  
17 in which the bill modifying the rule is enacted.

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

19 45.50 (2m) (c) ~~For the Wisconsin Veterans Home at Chippewa Falls, in~~ In lieu  
20 of the department employing personnel as authorized under par. (b) and providing  
21 the maintenance and medical care as specified in par. (a), the department may enter  
22 into an agreement with a private entity to operate ~~the~~ a veterans home and perform  
23 such management and care using personnel employed by the private entity;.

24 **SECTION 12.** 227.01 (13) (intro.) of the statutes is amended to read:

1           227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy,  
2 or general order of general application which has the effect of law and which is issued  
3 by an agency to implement, interpret, or make specific legislation enforced or  
4 administered by the agency or to govern the organization or procedure of the agency.  
5 “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and  
6 s. 227.10 does not apply to, any action or inaction of an agency, whether it would  
7 otherwise meet the definition under this subsection, which:

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

9           227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency  
10 as follows:

11           **SECTION 14.** 227.265 of the statutes is created to read:

12           **227.265 Modification or repeal of rules.** If a bill to modify or repeal a rule  
13 is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply.  
14 Instead, the legislative reference bureau shall publish the modification, or in the  
15 Wisconsin administrative code and register as required under s. 35.93, and the  
16 modification or repeal shall take effect as provided in s. 227.22.

17           **SECTION 15.** 227.27 (2) of the statutes is amended to read:

18           227.27 (2) The code shall be prima facie evidence in all courts and proceedings  
19 as provided by s. 889.01, but this does not preclude reference to or, in case of a  
20 discrepancy, control over a rule filed with the legislative reference bureau ~~or the~~  
21 ~~secretary of state~~ under s. 227.20 or modified under s. 227.265, and the certified copy  
22 of a rule shall also and in the same degree be prima facie evidence in all courts and  
23 proceedings.

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

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

5 SECTION 17. VA 1.11 (2) of the administrative code is amended to read:

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

9 SECTION 18. VA 1.11 (11) of the administrative code is amended to read:

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

13 SECTION 19. VA 1.11 (13) of the administrative code is repealed.

14 SECTION 20. VA 1.11 (15) of the administrative code is amended to read:

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

19 SECTION 21. VA 1.11 (18) of the administrative code is repealed.

20 SECTION 22. VA 1.18 of the administrative code is amended to read:

21 **VA 1.18 Trust fund stabilization loans.** The department may execute a  
22 subordination agreement or release a portion of the property providing security for  
23 its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the  
24 property secured by the mortgage is greater than ~~10%~~ 15 percent of the property's  
25 value after the execution of the subordination agreement or partial release, the



1 applicant is current on the loan and the repayment history for the 6 months  
2 immediately preceding the request has been satisfactory.

3 **SECTION 23.** Chapter VA 2 (title) of the administrative code is amended to read:

4 **Chapter VA 2**

5 **EMERGENCY, CORRESPONDENCE, AND**

6 **PART-TIME STUDY, RETRAINING AND**

7 **TUITION AND FEE REIMBURSEMENT**

8 **GRANTS TO NEEDY VETERANS,**

9 **VETERANS TUITION REIMBURSEMENT**

10 **AND RETRAINING GRANTS, AND**

11 **REIMBURSEMENT OF VETERANS FOR**

12 **TRIBAL COLLEGE TUITION**

13 **SECTION 24.** VA 2.01 (2) (b) 1. of the administrative code is amended to read:

14 VA 2.01 (2) (b) 1. 'All applicants.' Except for applicants who are eligible under  
15 subd. 3., the applicant's income shall may not exceed 130% 180 percent of the federal  
16 poverty guidelines, in effect on the date the application arrives at the department's  
17 central office, for the number of family members living in the primary residence. An  
18 applicant may apply for subsistence aid, health care aid, or both. Applications  
19 approved by the department shall have the balance of the maximum available aid  
20 allocated towards each type of aid requested, unless the applicant indicates a lesser  
21 amount in writing. Applications shall be denied if no unallocated funds are available  
22 at the time of application. The department shall indicate on each description of  
23 benefits the type of health care or subsistence aid authorized, the date the  
24 department confirmed that the applicant was eligible for the grant, a date 90  
25 calendar days from that date, the unallocated amount available for each type of aid

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

13 **SECTION 25.** VA 2.01 (3) (b) of the administrative code is amended to read:

14 VA 2.01 (3) (b) *Subsistence aid.* Subsistence aid is available for the ~~90-day~~  
15 ~~90-day~~ period following the date of the verified loss of income due to illness, injury,  
16 or a natural disaster. Applications may be made for any ~~30-day~~ 30-day period within  
17 the ~~90~~ 120 days following the date of the verified loss of income. No more than ~~three~~  
18 ~~30-day~~ 3 30-day periods of subsistence aid may be granted for any verified loss of  
19 income due to illness, injury, or natural disaster. ~~No subsistence aid will be granted~~  
20 ~~for any period prior to the date the application for subsistence aid is received.~~  
21 Subsistence aid shall be limited to the difference between the amount of earned and  
22 unearned income available before the loss of income and the earned and unearned  
23 income being received after the loss of income, subject to the limitations under s.  
24 45.40 (1m) (b) and (3), Stats. The applicant shall verify the loss of income by  
25 submitting verification of income forms, certified public accounting statements, or

1 any other evidence as the department deems credible. Illness or injury ~~must~~ shall  
2 be verified in writing on a form approved by the department. When the department  
3 has evidence that the incapacitation will cause an income loss for 90 days or longer,  
4 subsistence grants will be prorated for each of the ~~30-day~~ 30-day periods unless the  
5 department determines that an alternate distribution of the grant would benefit the  
6 applicant. If the loss of income is the result of alcohol or other drug abuse, the  
7 applicant shall verify current participation in an approved treatment program.

8 **SECTION 26.** VA 2.02 (3) (b) of the administrative code is repealed.

9 **SECTION 27.** VA 2.03 (1) (b) of the administrative code is amended to read:

10 VA 2.03 (1) (b) “Course of instruction” ~~has the meaning specified in s. VA 9.01~~  
11 (3) means any series of classroom or shop courses that have a unified purpose and  
12 lead to a diploma or degree or to an occupational or vocational objective.

13 **SECTION 28.** VA 2.03 (1) (c) of the administrative code is amended to read:

14 VA 2.03 (1) (c) “Earned income” ~~has the meaning specified in s. VA 9.01 (5)~~  
15 means all anticipated monthly and academic year take-home earnings from  
16 employment, including armed forces reserve and national guard pay and  
17 work-study pay, after all payroll deductions of the veteran and the veteran’s spouse,  
18 except payroll deductions for savings plans and payment of debts.

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

20 VA 2.03 (1) (d) “FAO” ~~has the meaning specified in s. VA 9.01 (6)~~ means a  
21 school’s financial aids officer.

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

23 VA 2.03 (1) (g) “Unearned income” ~~has the meaning specified in s. VA 9.01 (14)~~  
24 means the estimated amount the veteran and spouse will receive during the  
25 academic year from VA educational assistance allowance (G.I. Bill) benefits,

**SECTION 30**

1 scholarships, fellowships, grants, tuition and fee waivers, all other definite awards  
2 other than loans, including amounts paid to the veteran or to the school on behalf of  
3 the veteran for vocational rehabilitation by the VA or any other agency, income from  
4 trusts or inheritances, unemployment compensation, worker's compensation, social  
5 security payments, net rentals from real estate, interest or dividend income, or other  
6 unearned income, but does not include disability compensation paid to the veteran  
7 by the VA for service-connected disabilities, armed forces disability retirement pay,  
8 or parental contributions.

9 **SECTION 31.** VA 2.03 (1) (h) of the administrative code is amended to read:

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

14 **SECTION 32.** VA 2.03 (2) (b) of the administrative code is amended to read:

15 VA 2.03 (2) (b) *Amount of grant.* Applicants who qualify for a retraining grant  
16 under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal  
17 to their need during the grant period or the statutory maximum grant, whichever is  
18 less. Except as provided in par. (h), need shall be determined by deducting ~~75%~~ 75  
19 percent of earned income and all unearned income to be received by the applicant  
20 during the grant period, available liquid assets in excess of \$2,400 plus 6 ~~months~~  
21 months' living expenses computed as set forth in s. VA ~~9.03~~ 2.04 held by the applicant  
22 at the time of application and all other financial aid which will be received by the  
23 applicant during the grant period from the amount needed during the grant period.  
24 The amount needed will be the sum of the amount shown on the standard student  
25 budget described in s. VA ~~9.03~~ 2.04 for the appropriate time period and for the

1 appropriate number of family members plus the cost of tuition, fees, supplies and  
2 books as reported by the school for the courses to be taken during the grant period  
3 plus any unusual expenses reported by the applicant.

4 SECTION 33. VA 2.06 of the administrative code is created to read:

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

6 In this section:

7 (a) "Tuition" has the meaning given in s. 45.205 (1) (b), Stats.

8 (b) "Undergraduate degree" means a bachelor's degree.

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

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

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

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

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

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

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

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

17 requested. The department shall consider an initial application received under this

18 paragraph once all required student information in the initial application is

19 completed and a physical or electronic date stamp is affixed to the application.

20 (b) The tribal college veterans coordinator shall list the completion date of the

21 semester, the cost of tuition, <sup>any</sup> other assistance received or applied for by the applicant,

22 the number of credits enrolled <sup>in</sup> during the semester, and the <sup>applicant's</sup> semester grade point

23 average. The department shall deny each application that is not completed within

24 60 days after the last day of the course, term, or semester for which reimbursement

25 is being requested unless the applicant shows good cause for the delay. An

in which the applicant

Complete an application submitted under par. (a) by verifying

the applicant's semester

1 application is considered completed under this paragraph once the department has  
2 received all of the information required for reimbursement.

~~\*\*\*\*NOTE: I tried to separate 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~~

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

7 undergraduate degree. bachelor's

~~\*\*\*\*NOTE: Can we eliminate the definition of "undergraduate degree" and just refer to a bachelor's degree? MPG~~

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

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

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

6 **SECTION 34.** VA 4.01 (7) of the administrative code is amended to read:

7 VA 4.01 (7) "Dependent child" means any natural child, any legally adopted  
8 child, or any stepchild of ~~a veteran as defined in s. 45.71 (16) (a)~~ an "eligible person,"  
9 as listed in s. 45.33 (1), Stats., who is at least 18 years of age and under the age of  
10 26 if in full attendance at a recognized school of instruction or any age if incapable  
11 of self-support by reason of mental or physical disability.

12 **SECTION 35.** VA 4.01 (16) of the administrative code is amended to read:

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

18 **SECTION 36.** VA 4.08 (1) (c) of the administrative code is amended to read:

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

1           **SECTION 37.** VA 4.09 (4) of the administrative code is amended to read:

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

10           **SECTION 38.** VA 4.14 (3) (c) 2. of the administrative code is amended to read:

11           VA 4.14 (3) (c) 2. 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 39.** VA 4.14 (3) (c) 6. of the administrative code is amended to read:

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

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

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

23           **SECTION 41.** VA 5.03 (3) of the administrative code is amended to read:

24           VA 5.03 (3) Restore, preserve and safeguard all articles in the memorial  
25 collection. The director may not sell, mortgage, transfer or dispose of in any manner



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

6 **SECTION 42.** VA 5.03 (11) of the administrative code is amended to read:

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

9 **SECTION 43.** Chapter VA 6 (title) of the administrative code is amended to read:

10 **Chapter VA 6**

11 **WISCONSIN VETERANS HOME HOMES**

12 **SECTION 44.** VA 6.01 (1) of the administrative code is amended to read:

13 VA 6.01 (1) OBJECTIVE. The department or its designated contractor under s.  
14 45.50 (2m) (c), Stats., shall maintain and operate the Wisconsin veterans ~~home~~  
15 homes and shall admit as members eligible veterans; their eligible spouses,  
16 surviving spouses, and parents; and eligible parents of any child who died while  
17 serving in the armed forces of the United States. The department or its designated  
18 contractor shall furnish provide directly to all members, or ensure that all members  
19 receive, personal maintenance, and medical and nursing care to include, including  
20 programs and facilities which promote comfort, recreation, well-being, and  
21 rehabilitation. The department shall be the payer of last resort for the personal  
22 maintenance care, medical and nursing care, programs, and facilities provided  
23 under this subsection and subs. (11) and (12) that are not paid for by the designated  
24 contractor or 3rd parties.

**SECTION 45**

1           **SECTION 45.** VA 6.01 (2) of the administrative code is renumbered VA 6.01 (2)

2 (a) and amended to read:

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

11           **SECTION 46.** VA 6.01 (2) (b) of the administrative code is created to read:

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

14           **SECTION 47.** VA 6.01 (3) (title) of the administrative code is amended to read:

15           VA 6.01 (3) (title) ~~EXHIBITS~~ DOCUMENTS REQUIRED.

16           **SECTION 48.** VA 6.01 (3) (a) of the administrative code is renumbered VA 6.01

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

18           VA 6.01 (3) (a) (intro.) ~~Each~~ For the purpose of proving eligibility under s. 45.51  
19 (2), Stats., the applicant shall provide all of the following documents with the  
20 application ~~shall be accompanied by a:~~

21           1. A complete financial statement of the applicant,~~a.~~

22           2. A physician's report of physical examination of the applicant,~~a certified copy~~  
23 ~~of the applicant's birth certificate or other acceptable evidence relating to the~~  
24 ~~applicant's birth, and.~~

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

13           (b) All exhibits except documents required under par. (a), other than originals  
14 or certified or verifiable copies of reports of separation will, shall be required of an  
15 applicant who applies for readmission to a home more than 60 days after discharge  
16 but an affidavit in lieu of exhibits from the home. Updates of documents required  
17 under par. (a) may be accepted requested from an applicant who applies for  
18 readmission within 60 days of discharge.

19           **SECTION 49.** VA 6.01 (4) of the administrative code is amended to read:

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

24           **SECTION 50.** VA 6.01 (5) of the administrative code is amended to read:

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

6 SECTION 51. VA 6.01 (6) of the administrative code is amended to read:

7 VA 6.01 (6) PARENT. ~~The application of the~~ In addition to the information  
 8 required under sub. (3), an applicant who is a parent of a veteran or of a child who  
 9 died while serving in the armed forces of the United States shall also be accompanied  
 10 by the <sup>shall furnish a</sup> ~~certified copy of the public record of birth of the veteran through whom~~ <sup>PLAIN</sup>  
 11 eligibility is claimed, and either a complete physician's report of physical  
 12 examination of such veteran and a complete financial statement and 2 residence  
 13 affidavits pertaining to such veteran or ~~furnish~~ <sup>and</sup> a certified or verifiable copy of such  
 14 the veteran's or the child's death certificate.

\*\*\*NOTE: Because of the elimination of the requirement of a birth certificate under  
 VA 6.01 (3) and (6), there will be no proof of the relationship of the parent to the veteran  
 or child. OK? MGG

15 SECTION 52. VA 6.01 (8) of the administrative code is amended to read:

16 VA 6.01 (8) READMISSION. A former member may be readmitted to the a home  
 17 only if ~~a new application has been submitted~~ <sup>he or she submits a</sup> and <sup>the application is</sup> approved by the commandant on  
 18 the basis of the commandant's determination that the home ~~can~~ is able to provide  
 19 suitable appropriate care for the applicant. A former member who was given an  
 20 undesirable or dishonorable discharge may be readmitted only if the commandant  
 21 is satisfied that the conduct leading to such the discharge will not be repeated. The  
 22 commandant may also require that an applicant for readmission shall have paid all  
 23 moneys which the applicant owed to the home.

with the documents required under VA 6.01(3)(b) <sup>Sub.</sup>

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

1 SECTION 53. VA 6.01 (9) of the administrative code is amended to read:

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

5 SECTION 54. VA 6.01 (11) of the administrative code is amended to read:

6 VA 6.01 (11) ~~CLOTHING AND COMFORT ITEMS~~ PERSONAL MAINTENANCE. Clothing,  
7 The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall  
8 provide directly to all members, or ~~ensure~~ that all members receive, items for  
9 personal maintenance as their needs may require. These items shall include  
10 clothing, toiletries, and necessary aids to good grooming, including barber and  
11 beautician services, shall be furnished to members as their needs may require.

12 SECTION 55. VA 6.01 (12) of the administrative code is amended to read:

13 VA 6.01 (12) MEDICAL AND NURSING CARE. ~~Medical~~ The department or its  
14 designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all  
15 members, or ~~ensure~~ that all members receive, medical and nursing care, as their  
16 needs may require. Medical and nursing care includes physician's services, nursing  
17 care, hospitalization, medications, special diets, dental care including dental  
18 prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary  
19 medical care services will be furnished members as their needs may require.

20 SECTION 56. VA 6.01 (15) of the administrative code is amended to read:

21 VA 6.01 (15) ADMISSION, DENIAL, OR DEFERRAL. Notwithstanding ~~the other~~  
22 ~~provisions of this section~~ sub. (1), the department may defer or deny an applicant's

1 admission to ~~the a~~ home when the commandant determines that the home ~~will be~~ is  
2 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**

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

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

10 **SECTION 58.** VA 6.01 (17) of the administrative code is amended to read:

11 VA 6.01 (17) DEFINITION -- "PUBLISHED". For the purposes of this chapter,  
12 "published" means printing of regulations, making them available to members,  
13 employees, and visitors, and posting them on a bulletin board in a public place on the  
14 ~~home~~ grounds of a home.

15 **SECTION 59.** VA 6.02 (intro.) of the administrative code is amended to read:

16 **VA 6.02 Duties and responsibilities of the commandant.** (intro.) The  
17 commandant of a veterans home, under the direction of the secretary, shall operate  
18 the ~~Wisconsin veterans~~ home pursuant to Wisconsin Statutes and in accordance with  
19 ~~the policies established by the board~~ department. The commandant shall:

20 **SECTION 60.** VA 6.02 (12) of the administrative code is repealed.

21 **SECTION 61.** VA 6.03 (1) of the administrative code is amended to read:

22 VA 6.03 (1) DRIVER'S LICENSE REQUIRED. No person may operate any motor  
23 vehicle on any roadway, or driveway or in any parking lot of ~~the a~~ home unless the

AM

motor

1 person holds a valid and current operator's license or unless he or she is exempt from  
 2 the requirement that ~~such a~~ an operator's license be held in order to operate a motor  
 3 vehicle on the highways of this state, ~~and no.~~ No person may operate a motor vehicle  
 4 ~~anywhere on the home grounds of a home except on a roadway, or driveway or in a~~  
 5 parking lot. Members using power wheelchairs are exempt from the requirements  
 6 of this subsection.

\*\*\*\* NOTE: Since the ban is only on motorized vehicles, it is only necessary to exempt only motorized vehicles.

7 SECTION 62. VA 6.03 (2) of the administrative code is amended to read:

8 VA 6.03 (2) VEHICLE LICENSE REQUIRED. No person may operate any motor  
 9 vehicle on any roadway, or driveway, or in any parking lot of the a home unless the  
 10 vehicle has been properly registered or unless it is exempt from the requirement that  
 11 the vehicle be registered in order that it may be operated on the highways of this  
 12 state. Members using power wheelchairs are exempt from the requirements of this  
 13 subsection.

14 SECTION 63. VA 6.03 (4) of the administrative code is amended to read:

15 VA 6.03 (4) DUMPING PROHIBITED. The dumping of any waste, trash, debris, or  
 16 other rubbish on the ~~home grounds of a home~~ or along the ~~home grounds~~ any  
 17 lakeshore on or abutting the grounds of a home is prohibited, except in disposal areas  
 18 designated by the commandant or elsewhere - as may be specifically designated by the  
 19 commandant.

20 SECTION 64. VA 6.03 (5) of the administrative code is amended to read:

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

24 SECTION 65. VA 6.03 (6) of the administrative code is amended to read:

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↑  
B

1 VA 6.03 (6) WILDLIFE MOLESTATION PROHIBITED. The removal, destruction, or  
2 molestation of any wildlife within the boundaries of the ~~home~~ grounds of a home is  
3 prohibited except as may be authorized by the commandant.

4 **SECTION 66.** VA 6.03 (7) of the administrative code is amended to read:

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

8 **SECTION 67.** VA 6.03 (8) of the administrative code is amended to read:

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

12 **SECTION 68.** VA 6.03 (9) of the administrative code is amended to read:

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

20 **SECTION 69.** VA 6.03 (10) of the administrative code is amended to read:

21 VA 6.03 (10) LAKESHORE USE. Except as specifically authorized by the  
22 commandant of a home, use of the ~~home~~ lakeshore, beaches, or boating and  
23 swimming facilities on or abutting the grounds of the home by persons other than  
24 members and employees or guests of members or employees is prohibited. Use of



1 such facilities shall be at the risk of the individuals using them and shall be limited  
2 to daylight hours.

3 **SECTION 70.** VA 6.03 (11) of the administrative code is amended to read:

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

10 **SECTION 71.** VA 6.03 (12) of the administrative code is amended to read:

11 VA 6.03 (12) FIREARMS. The carrying or use of firearms within the limits of ~~the~~  
12 a home, except by firing squads or for police or military purposes, is prohibited unless  
13 authorized by the commandant of the home.

14 **SECTION 72.** VA 6.04 (1) of the administrative code is amended to read:

15 VA 6.04 (1) RULES AND REGULATIONS. Members of a home shall obey all rules of  
16 the home and all rules and regulations prescribed by the commandant of the home.

17 **SECTION 73.** VA 6.04 (5) of the administrative code is amended to read:

18 VA 6.04 (5) ADMINISTRATION OF ~~MEMBERS~~ MEMBERS' PERSONAL FINANCES. Members  
19 of a home shall be permitted to receive, disburse, and manage their personal finances  
20 as long as they are capable of doing so. Upon determination by the medical staff that  
21 a member is unable to manage funds wisely, the commandant of the home shall  
22 automatically assume control over the member's funds and prepare a letter setting  
23 forth ~~such~~ the determination and assumption of control, ~~copies~~ a copy of which shall  
24 be mailed to any relatives concerned and to the secretary of the department.  
25 Immediately upon assumption of control over a member's funds by the commandant,

1 they shall be deposited in a personal account in the ~~home~~ administrative office of the  
2 home, and withdrawals from ~~such~~ the account shall be confirmed by the  
3 commandant or the commandant's designee. Relatives and friends of members  
4 whose funds are under the control of the commandant may not be permitted to  
5 receive or disburse these members' funds or exercise control over their funds unless  
6 specifically authorized by appropriate court order.

7 **SECTION 74.** VA 6.04 (9) of the administrative code is amended to read:

8 VA 6.04 (9) DISPOSAL OF CLOTHING PROHIBITED. A member ~~shall~~ of a home may  
9 not sell, give away, throw away ~~nor~~, or destroy clothing issued by the home.

10 **SECTION 75.** VA 6.04 (10) of the administrative code is amended to read:

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

14 **SECTION 76.** VA 6.04 (14) of the administrative code is amended to read:

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

22 **SECTION 77.** VA 6.04 (15) of the administrative code is amended to read:

23 VA 6.04 (15) LOAN OF PROPERTY TO MEMBER. Property loaned to a member of a  
24 home by a nonmember ~~must~~ shall be declared to be loaned property at the time its  
25 possession is transferred to the member, ~~and the~~. The nonmember loaning the

1 property to the member ~~must~~ shall at ~~such~~ the time of the loan file a sales slip,  
2 invoice, or other evidence of ownership with the ~~home~~ office of the home and shall  
3 affix an identifying tag to the loaned property ~~which~~. The tag ~~must~~ shall remain  
4 affixed to ~~such~~ the property during the term of the member's stay at the home. Any  
5 property not so identified ~~will be deemed~~ shall become the property of the member  
6 upon death, and ~~will~~ shall be distributed to the state.

7 **SECTION 78.** VA 6.05 (1) of the administrative code is amended to read:

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

22 **SECTION 79.** VA 6.05 (2) of the administrative code is amended to read:

23 VA 6.05 (2) DISCIPLINARY ORDERS, REVIEW, AND APPEAL. A member found guilty  
24 by ~~the~~ a commandant under sub. (1) of an offense may be dishonorably discharged,  
25 given an enforced leave of absence for a period not exceeding 60 days, restricted to

1 the ~~home~~ grounds of the home or designated ~~portions thereof~~ parts of the grounds,  
2 or disciplined in ~~such~~ any other manner as the commandant ~~deems~~ determines to be  
3 just and proper. Upon written application by the member involved within 10 days  
4 of issuance of a disciplinary order by the commandant, the secretary shall review any  
5 discharge, enforced leave of absence, restriction, or other disciplinary action ordered  
6 by the commandant, and shall confirm, modify, or reverse the order. The member  
7 involved may, within 10 days of action by the secretary, ~~appeal from the decision by~~  
8 ~~the department before the appropriate departmental committee.~~ In these cases,  
9 ~~recommendations by the committee shall be submitted promptly to the board for~~  
10 ~~review and final action on the appeal.~~ Upon application for review or appeal file a  
11 request for a hearing under s. 227.42, Stats. If a request for hearing is filed, the  
12 disciplinary order involved shall be stayed pending ~~determination of the review or~~  
13 appeal the final decision by the department.

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

14 **SECTION 80.** VA 6.05 (3) of the administrative code is amended to read:

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

19 **SECTION 81.** VA 6.05 (4) of the administrative code is amended to read:

20 VA 6.05 (4) GRIEVANCE PROCEDURE. Any member ~~having of a home who has a~~  
21 grievance or complaint of any kind against the home or its management may present  
22 ~~such~~ the grievance or complaint in writing to the commandant. ~~In the event of the~~  
23 home. If the member is not satisfied with action by the commandant ~~upon such on~~

1 ~~the grievance or complaint, the member may refer the matter to the secretary, and~~  
2 ~~the commandant shall promptly transmit such the grievance or complaint together~~  
3 ~~with a written report of investigation and action ~~thereon~~ on the grievance or~~  
4 ~~complaint to the secretary. In the event the member is not satisfied with action by~~  
5 ~~the commandant and the secretary upon such grievance or complaint he or she may~~  
6 ~~appeal the matter to the board.~~

7 **SECTION 82.** VA 6.05 (5) of the administrative code is amended to read:

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

19 **SECTION 83.** VA 6.05 (6) of the administrative code is amended to read:

20 VA 6.05 (6) UNDESIRABLE DISCHARGE. A member of a home may be given an  
21 undesirable discharge if an obligation to the home is not paid within 60 days of the  
22 date of the member's or personal representative's receipt of a billing statement from  
23 the home or if the member leaves the home without satisfying the conditions for an  
24 honorable discharge.

25 **SECTION 84.** VA 6.05 (7) of the administrative code is amended to read:

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

10 **SECTION 85.** VA 6.05 (8) of the administrative code is amended to read:

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

20 **SECTION 86.** VA 6.05 (9) of the administrative code is amended to read:

21 VA 6.05 (9) LEAVES OF ABSENCE, MEDICAL. Leaves of absence from a home will  
22 be granted to veteran members while undergoing treatment in a veterans  
23 administration hospital, or in another authorized hospital, and to non-veteran  
24 members while in any hospital or sanatorium away from the home, ~~and this.~~ This  
25 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

1           **SECTION 87.** VA 6.06 (5) of the administrative code is repealed.

2           **SECTION 88.** VA 7.05 of the administrative code is amended to read:

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

12           **SECTION 89.** VA 8.02 (1) of the administrative code is amended to read:

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

21           **SECTION 90.** VA 8.04 of the administrative code is repealed.

22           **SECTION 91.** VA 9 (title) and VA 9.01, 9.02, 9.04 and 9.05 of the administrative  
23 code are repealed.

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

1 SECTION 92. VA 9.03 of the administrative code is renumbered VA 2.04.

2 SECTION 93. VA 12.02 (3) (a) of the administrative code is amended to read:

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

5 SECTION 94. VA 12.02 (3) (b) of the administrative code is amended to read:

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

11 SECTION 95. VA 12.02 (3) (f) of the administrative code is amended to read:

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

14 SECTION 96. VA 12.02 (9) of the administrative code is amended to read:

15 VA 12.02 (9) DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL  
16 AND BIRTH EXPENSES. If the department has not received a certification under s.  
17 49.854 (2) (b), Stats., that the applicant is delinquent in child support or maintenance  
18 payments or owes past support, medical expenses or birth expenses, the applicant's  
19 credit may be considered favorable if medical or birthing expenses do not exist or  
20 payments for such expenses are being made in accordance with a court order and  
21 child support and maintenance payments are current as of the date of approval of the  
22 personal loan program loan by the department. Evidence that the applicant is  
23 current shall be required if the child support or maintenance is not paid in the state



1 of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan  
2 program loan may ~~only~~ be made to that applicant, only if the amount necessary ~~for~~  
3 to satisfy the arrearage or expense is ~~to be~~ paid from proceeds of the department's  
4 loan.

5 **SECTION 97.** VA 12.02 (13) of the administrative code is amended to read:

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

14 **SECTION 98.** VA 12.05 (2) of the administrative code is amended to read:

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

21 **SECTION 99.** VA 12.05 (2) (note) of the administrative code is repealed.

22 **SECTION 100.** VA 13.01 (5) of the administrative code is repealed.

\*\*\*\*NOTE: I repealed this definition and the definition under VA 18.01 (2) instead  
of adding the home at Chippewa Falls to avoid amending this in the future if a new home  
is established. OK?

23 **SECTION 101.** VA 14.02 (1) (a) of the administrative code is amended to read:

1 VA 14.02 (1) (a) ~~No~~ Except as provided in sub. (2), no fee may be assessed for  
2 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

3 **SECTION 102.** VA 14.02 (1) (b) of the administrative code is amended to read:

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

lh sent  
34-15  
16

KPN →

**SECTION 103.** VA 14.02 (2) of the administrative code is amended to read:

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

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 104.** 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  
5 made by the governing body of a Wisconsin American Indian tribe or band not later  
6 than ~~June 30~~ May 15 of each the calendar year for which the grant is claimed, on  
7 forms prepared by the department. An application shall be accompanied by a copy  
8 of the budget proposed for the tribal veterans' service office for the fiscal year for  
9 which the grant is claimed. Application shall be made annually. The tribe or band  
10 must agree to meet minimum budget and operating standards established by the  
11 department for the tribal veterans' service office in order to qualify for the initial  
12 grant and for each succeeding grant.

13 **SECTION 105.** 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 106.** 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.~~

X  
\*\*\*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 107. VA 18.01 (2) of the administrative code is repealed.~~

4 **SECTION 108. Effective dates.** This act takes effect on the day after  
5 publication, except as follows:

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

8 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3955/P2inMGG  
MGG:.....

1           **Insert 20-14**

2           VA 6.01 (6) PARENT. ~~The application of the~~ In addition to the information  
3           required under sub<sup>G</sup>(3), an applicant who is a parent of a veteran or of a child who  
4           died while serving in the armed forces of the United States shall also be accompanied  
5           by the furnish a certified or verifiable copy of the public record of birth of the veteran  
6           or child through whom eligibility is claimed, ~~and either a complete physician's report~~  
7           ~~of physical examination of such veteran and a complete financial statement and 2~~  
8           ~~residence affidavits pertaining to such veteran or~~ and a certified or verifiable copy  
9           of such the veteran's or the child's death certificate.

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3955/P2rmins  
MPG/MGG/RPN:wlj:rs

insert 34-15 rpn:

SECTION 1. VA 14.02 (title) of the administrative code is amended to read:

**VA 14.02 Interment and disinterment fees and assessments.**

~~SECTION 2. VA 14.02 (1) (title) of the administrative code is amended to read:~~

~~VA 14.02 (1) INTERMENT AND DISINTERMENT FEES.~~

SECTION 3. VA 14.02 (1) (intro.) of the administrative code is amended to read:

VA 14.02 (1) (intro.) The department may assess the following fee for each interment or disinterment at a veterans cemetery:

SECTION 4. VA 14.02 (1) (a) of the administrative code is repealed.

\*\*\*\*NOTE: I made a number of changes in your suggested language dealing with VA 14.02. I changed the titles because the section applies to both interments and disinterments.

I repealed VA 14.02 (1) (a) because it talks about not assessing a fee, while this section is about when the department may assess a fee, so it is unnecessary. If you want to be clear that the department may not assess a fee for the interment of a veteran, then a separate section could be created, or a subsection could be created under VA 14.02, perhaps ~~as a~~ (3) that says what 14.02 (1) (a) says, perhaps titled "No fee assessed for certain interments".

I did not add the suggested language to VA 14.02 (1) (b) because that language is already in VA 14.02 (1) (c).

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

(P1) e P2  
LRB-3955/rdn  
MPG/MGG/RPN:wls/rs

Date

Stays

Senator Petryk:

I did not make the change requested for page 9, line 15, and page 10, line 8: request to restore "shall not" instead of using "may not." Section 2.01 (8) of our drafting manual provides, "Use 'no person may' or 'a person may not' to forbid behavior. 'No person shall' could be interpreted to mean 'no person is required to.' See *Milwaukee Alliance v. Elections Board*, 106 Wis. 2d 593, 609 (1982)." In that court case, the state supreme court was addressing language changes that had been made to the state constitution. The court found that changing "no person shall" to "no person may" did not change the meaning or substance but reflected the current view of the proper use of language in legal drafting. Using the affirmative "shall" with a negative subject (no person) or with the word "not" literally negates the obligation to act but not the permission to act. "No person may" or "a person may not," on the other hand, negates the permission and, according to the court, is the stronger prohibition. Please let me know if you have any questions.

Thank you.

Michael Gallagher  
Legislative Attorney  
Phone: (608) 267-7511  
E-mail: michael.gallagher@legis.wisconsin.gov

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

LRB-3955/P2dn  
MPG/MGG/RPN:wlj:rs

January 30, 2014

Senator Petryk:

I did not make the change requested for page 9, line 15, and page 10, line 8: request to restore "shall not" instead of "may not." Section 2.01 (8) of our drafting manual provides, "Use 'no person may' or 'a person may not' to forbid behavior. 'No person shall' could be interpreted to mean 'no person is required to.' See *Milwaukee Alliance v. Elections Board*, 106 Wis. 2d 593, 609 (1982)." In that court case, the state supreme court was addressing language changes that had been made to the state constitution. The court found that changing "no person shall" to "no person may" did not change the meaning or substance but reflected the current view of the proper use of language in legal drafting. Using the affirmative "shall" with a negative subject (no person) or with the word "not" literally negates the obligation to act but not the permission to act. "No person may" or "a person may not," on the other hand, negates the permission and, according to the court, is the stronger prohibition. Please let me know if you have any questions.

Thank you.

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