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State of Wisconsin  
2013 - 2014 LEGISLATURE



Today  
LRB-3955/P2  
MPG/MGG/RPN:wj:rs  
stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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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., 227.01 (13)  
3 (intro.), 227.11 (2) (intro.) and 227.27 (2); and **to create** 13.92 (4) (bm) and  
4 227.265 of the statutes; **relating to:** rule-making procedures; powers and  
5 duties of the board of veterans affairs; reimbursement of veterans' tuition at  
6 tribal colleges; documentation for eligibility to veterans homes; operation of  
7 veterans homes; eligibility and procedural requirements for veterans home  
8 loans, veterans personal loans, county veterans service grants, and American  
9 Indian veterans grants; and funeral honors, burial, and disinterment of  
10 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 implementing 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 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.** 227.01 (13) (intro.) of the statutes is amended to read:

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

1           **SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

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

4           **SECTION 13.** 227.265 of the statutes is created to read:

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

10           **SECTION 14.** 227.27 (2) of the statutes is amended to read:

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

17           **SECTION 15.** Chapter VA 2 (title) of the administrative code is amended to read:

18                                   **Chapter VA 2**

19                                   ~~**EMERGENCY, CORRESPONDENCE, AND**~~

20                                   ~~**PART-TIME STUDY, RETRAINING AND**~~

21                                   ~~**TUITION AND FEE REIMBURSEMENT**~~

22                                   **GRANTS TO NEEDY VETERANS,**

23                                   **VETERANS TUITION REIMBURSEMENT**

24                                   **AND RETRAINING GRANTS, AND**

1                                   **REIMBURSEMENT OF VETERANS FOR**

2                                   **TRIBAL COLLEGE TUITION**

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

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

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

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

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

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

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

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

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

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

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

24           **VA 1.18 Trust fund stabilization loans.** The department may execute a  
25 subordination agreement or release a portion of the property providing security for



1 its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the  
2 property secured by the mortgage is greater than ~~10%~~ 15 percent of the property's  
3 value after the execution of the subordination agreement or partial release, the  
4 applicant is current on the loan and the repayment history for the 6 months  
5 immediately preceding the request has been satisfactory.

6 SECTION 23. VA 2.01 (2) (b) 1. of the administrative code is amended to read:

7 VA 2.01 (2) (b) 1. 'All applicants.' Except for applicants who are eligible under  
8 <sup>Plain</sup> subd. 3., the applicant's income shall ~~may~~ not exceed ~~130%~~ 180 percent of the federal  
9 poverty guidelines, in effect on the date the application arrives at the department's  
10 central office, for the number of family members living in the primary residence. An  
11 applicant may apply for subsistence aid, health care aid, or both. Applications  
12 approved by the department shall have the balance of the maximum available aid  
13 allocated towards each type of aid requested, unless the applicant indicates a lesser  
14 amount in writing. Applications shall be denied if no unallocated funds are available  
15 at the time of application. The department shall indicate on each description of  
16 benefits the type of health care or subsistence aid authorized, the date the  
17 department confirmed that the applicant was eligible for the grant, a date 90  
18 calendar days from that date, the unallocated amount available for each type of aid  
19 and for the cumulative limits of this section, and the amount of aid being authorized.  
20 No more than one description of benefits may be outstanding at any time, except  
21 where all health care providers have submitted binding quotes prior to the issuance  
22 of more than one description of benefits, and are willing to accept payment from this  
23 program in full for any service rendered to the applicant in accordance with the  
24 description of benefits. The department shall pay the lesser of the actual cost of  
25 services invoiced or the binding quote submitted by the health care provider. No

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payment ~~shall~~ may be made by the department unless an itemized written invoice is received by the department within ~~30~~ 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits. Authorized applications for health care aid may not be withdrawn without the agreement of the provider of the health care aid.

**SECTION 24.** VA 2.01 (3) (b) of the administrative code is amended to read:

VA 2.01 (3) (b) *Subsistence aid*. Subsistence aid is available for the ~~90-day~~ 90-day period following the date of the verified loss of income due to illness, injury, or a natural disaster. Applications may be made for any ~~30-day~~ 30-day period within the ~~90~~ 120 days following the date of the verified loss of income. No more than ~~three~~ 3 ~~30-day~~ 30-day periods of subsistence aid may be granted for any verified loss of income due to illness, injury, or natural disaster. ~~No subsistence aid will be granted for any period prior to the date the application for subsistence aid is received.~~ Subsistence aid shall be limited to the difference between the amount of earned and unearned income available before the loss of income and the earned and unearned income being received after the loss of income, subject to the limitations under s. 45.40 (1m) (b) and (3), Stats. The applicant shall verify the loss of income by submitting verification of income forms, certified public accounting statements, or any other evidence as the department deems credible. Illness or injury ~~must~~ shall be verified in writing on a form approved by the department. When the department has evidence that the incapacitation will cause an income loss for 90 days or longer, subsistence grants will be prorated for each of the ~~30-day~~ 30-day periods unless the department determines that an alternate distribution of the grant would benefit the applicant. If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify current participation in an approved treatment program.

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

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

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

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

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

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

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

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

16           VA 2.03 (1) (g) “Unearned income” ~~has the meaning specified in s. VA 9.01 (14)~~  
17           means the estimated amount the veteran and spouse will receive during the  
18           academic year from VA educational assistance allowance (G.I. Bill) benefits,  
19           scholarships, fellowships, grants, tuition and fee waivers, all other definite awards  
20           other than loans, including amounts paid to the veteran or to the school on behalf of  
21           the veteran for vocational rehabilitation by the VA or any other agency, income from  
22           trusts or inheritances, unemployment compensation, worker’s compensation, social  
23           security payments, net rentals from real estate, interest or dividend income, or other  
24           unearned income, but does not include disability compensation paid to the veteran

1 by the VA for service-connected disabilities, armed forces disability retirement pay,  
2 or parental contributions.

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

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

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

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

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

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

25 In this section:

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

2 (b) “Veteran” has the meaning given in s. 45.01 (12), Stats.

3 (2) REIMBURSEMENT APPLICATION. (a) An applicant for tuition reimbursement  
4 under this section shall submit an application on a form approved by the department.  
5 The applicant may submit the application electronically, and the applicant shall  
6 submit the application either directly to the department or through a county  
7 veterans service officer or other agent authorized by the department. Each initial  
8 application shall be received by the department or its designee no later than 60 days  
9 after the starting date of the course, term, or semester for which reimbursement is  
10 requested. The department shall consider an initial application received under this  
11 paragraph once all required student information in the initial application is  
12 completed and a physical or electronic date stamp is affixed to the application.

13 (b) The tribal college veterans coordinator shall complete an application  
14 submitted under par. (a) by verifying the applicant’s semester completion date and  
15 cost of tuition, any other assistance received or applied for by the applicant, the  
16 number of credits in which the applicant enrolled during the semester, and the  
17 applicant’s semester grade point average. The department shall deny each  
18 application that is not completed within 60 days after the last day of the course, term,  
19 or semester for which reimbursement is being requested unless the applicant shows  
20 good cause for the delay. An application is considered completed under this  
21 paragraph once the department has received all of the information required for  
22 reimbursement.

23 (3) LIMITATIONS. (a) *Undergraduate enrollment.* The department may make  
24 a reimbursement under this section only if a representative of the tribal college  
25 certifies that the veteran was enrolled as an undergraduate during the semester for

1 which reimbursement is sought and that the veteran does not already have a  
2 bachelor's degree.

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

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

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

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

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

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

23 VA 4.01 (16) "Veteran" means either a veteran as defined in s. 45.71 (16) (a)  
24 45.01 (12), Stats., or a ~~deceased veteran's unremarried surviving spouse or minor or~~  
25 ~~dependent child who is a resident of and living in this state at the time of making~~

1 ~~application for a certificate of eligibility or a primary loan~~ person who is eligible for  
2 a loan under s. 45.33, Stats.

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

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

11 **SECTION 36.** VA 4.09 (4) of the administrative code is amended to read:

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

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

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

1           **SECTION 38.** VA 4.14 (3) (c) 6. of the administrative code is amended to read:  
2           VA 4.14 (3) (c) 6. Depreciation as listed on an applicant’s federal tax return may  
3 be used as income ~~at the request of the applicant.~~

4           **SECTION 39.** VA 5.03 (intro.) of the administrative code is amended to read:  
5           VA 5.03 (intro.) The director under the direction of the secretary shall operate  
6 and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes ~~and in~~  
7 ~~accordance with the policies established by the board.~~ The director shall:

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

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

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

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

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

20                               **Chapter VA 6**

21                                       **WISCONSIN VETERANS HOME HOMES**

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

23           VA 6.01 (1) **OBJECTIVE.** The department or its designated contractor under s.  
24 45.50 (2m) (c), Stats., shall maintain and operate the Wisconsin veterans ~~home~~  
25 homes and shall admit as members eligible veterans<sub>;</sub>; their eligible spouses,



1 surviving spouses, and parents,; and eligible parents of any child who died while  
2 serving in the armed forces of the United States. The department or its designated  
3 contractor shall furnish provide directly to all members, or ensure that all members  
4 receive, personal maintenance, and medical and nursing care to include, including  
5 programs and facilities which promote comfort, recreation, well-being, and  
6 rehabilitation. The department shall be the payer of last resort for the personal  
7 maintenance care, medical and nursing care, programs, and facilities provided  
8 under this subsection and subs. (11) and (12) that are not paid for by the designated  
9 contractor or 3rd parties.

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

11 (a) and amended to read:

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

20 SECTION 45. VA 6.01 (2) (b) of the administrative code is created to read:

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

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

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

1           **SECTION 47.** VA 6.01 (3) (a) of the administrative code is renumbered VA 6.01  
2 (3) (a) (intro.) and amended to read:

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

6           1. A complete financial statement of the applicant, a

7           2. A physician's report of physical examination of the applicant, a certified copy  
8 of the applicant's birth certificate or other acceptable evidence relating to the  
9 applicant's birth, and.

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

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

1 under par. (a) may be ~~accepted~~ requested from an applicant who applies for  
2 readmission within 60 days of discharge.

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

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

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

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

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

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

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

24 VA 6.01 (8) READMISSION. A former member may be readmitted to ~~the~~ a home  
25 only if ~~a~~ he or she submits a new application ~~has been submitted~~ with the documents

1 required under sub. (3) (b) and the application is approved by the commandant on  
2 the basis of the commandant's determination that the home can is able to provide  
3 suitable appropriate care for the applicant. A former member who was given an  
4 undesirable or dishonorable discharge may be readmitted only if the commandant  
5 is satisfied that the conduct leading to such the discharge will not be repeated. The  
6 commandant may also require that an applicant for readmission shall have paid all  
7 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

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

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

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

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

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

21 VA 6.01 (12) ~~MEDICAL AND NURSING CARE.~~ Medical The department or its  
22 designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all  
23 members, or shall ensure as payer of last resort that all members receive, medical

1 and nursing care, as their needs may require. Medical and nursing care includes  
2 physician's services, nursing care, hospitalization, medications, special diets, dental  
3 care including dental prosthesis, eye glasses, braces, hearing aid batteries and  
4 repairs, and ancillary medical care services will be furnished members as their needs  
5 may require.

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

7 VA 6.01 (15) ADMISSION, DENIAL, OR DEFERRAL. Notwithstanding ~~the other~~  
8 ~~provisions of this section sub. (1),~~ the department may defer or deny an applicant's  
9 admission to ~~the a~~ home when the commandant determines that the home ~~will be is~~  
10 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

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

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

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

19 VA 6.01 (17) DEFINITION — "PUBLISHED". For the purposes of this chapter,  
20 "published" means printing of regulations, making them available to members,  
21 employees, and visitors, and posting them on a bulletin board in a public place on the  
22 home grounds of a home.

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

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

5           **SECTION 59.** VA 6.02 (12) of the administrative code is repealed.

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

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

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

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

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

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

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

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

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

10          **SECTION 64.** VA 6.03 (6) of the administrative code is amended to read:

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

14          **SECTION 65.** VA 6.03 (7) of the administrative code is amended to read:

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

18          **SECTION 66.** VA 6.03 (8) of the administrative code is amended to read:

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

22          **SECTION 67.** VA 6.03 (9) of the administrative code is amended to read:

23          VA 6.03 (9) CANVASSING, PEDDLING, AND SOLICITING. Canvassing, peddling, or  
24 soliciting is prohibited on the grounds or in the buildings of ~~the a~~ a home, except that  
25 the commandant may authorize home posts and chapters of veterans organizations

1 and their auxiliaries to conduct ~~fund-raising~~ fundraising activities at designated  
2 times and places, and to solicit membership. The A commandant of a home may  
3 authorize and establish conditions for solicitations at the home by other charitable  
4 organizations.

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

6 VA 6.03 (10) LAKESHORE USE. Except as specifically authorized by the  
7 commandant of a home, use of the ~~home~~ lakeshore, beaches, piers, or boating and  
8 swimming facilities on or abutting the grounds of the home by persons other than  
9 members and employees or guests of members or employees is prohibited. Use of  
10 such facilities shall be at the risk of the individuals using them and shall be limited  
11 to daylight hours.

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

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

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

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

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

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



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

2           VA 6.04 (5) ADMINISTRATION OF ~~MEMBERS~~ MEMBERS' PERSONAL FINANCES. Members  
3           of a home shall be permitted to receive, disburse, and manage their personal finances  
4           as long as they are capable of doing so. Upon determination by the medical staff that  
5           a member is unable to manage funds wisely, the commandant of the home shall  
6           automatically assume control over the member's funds and prepare a letter setting  
7           forth ~~such the~~ the determination and assumption of control, ~~copies a copy~~ a copy of which shall  
8           be mailed to any relatives concerned and to the secretary of the department.  
9           Immediately upon assumption of control over a member's funds by the commandant,  
10          they shall be deposited in a personal account in the ~~home~~ administrative office of the  
11          home, and withdrawals from ~~such the~~ the account shall be confirmed by the  
12          commandant or the commandant's designee. Relatives and friends of members  
13          whose funds are under the control of the commandant may not be permitted to  
14          receive or disburse these members' funds or exercise control over their funds unless  
15          specifically authorized by appropriate court order.

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

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

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

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

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

24          VA 6.04 (14) GIFT OF PROPERTY BY A MEMBER. A gift of property by a member of  
25          a home shall be invalid unless physical possession of the property is transferred to

**SECTION 75**

1 the donee at the time the gift is made and ~~unless~~ the property is removed from the  
2 premises of the home before the death of the member. A gift of property by a member  
3 during the member's lifetime with the understanding that the member may retain  
4 physical possession of ~~such~~ the property until the member's death or a gift of property  
5 which is to take effect upon the death of the member donor is invalid.

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

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

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

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

1 of the charge or charges placed against the member. ~~No member may be given a~~  
2 ~~dishonorable discharge or disciplined in any way for the offense without a hearing~~  
3 ~~before the commandant at a time and place to be fixed by the commandant.~~ A  
4 summary of evidence introduced, and the findings and the decision of the  
5 commandant shall be filed in each case.

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

7 VA 6.05 (2) DISCIPLINARY ORDERS, REVIEW, AND APPEAL. A member found guilty  
8 by ~~the~~ a commandant under sub. (1) of an offense may be dishonorably discharged,  
9 given an enforced leave of absence for a period not exceeding 60 days, restricted to  
10 ~~the home grounds of the home~~ or designated portions thereof parts of the grounds,  
11 ~~or disciplined in such~~ any other manner as the commandant ~~deems~~ determines to be  
12 just and proper. Upon written application by the member involved within 10 days  
13 of issuance of a disciplinary order by the commandant, the secretary shall review any  
14 discharge, enforced leave of absence, restriction, or other disciplinary action ordered  
15 by the commandant, and shall confirm, modify, or reverse the order. The member  
16 involved may, within 10 days of action by the secretary, ~~appeal from the decision by~~  
17 ~~the department before the appropriate departmental committee.~~ In these cases,  
18 ~~recommendations by the committee shall be submitted promptly to the board for~~  
19 ~~review and final action on the appeal.~~ Upon application for review or appeal file a  
20 request for a hearing under s. 227.42, Stats. If a request for hearing is filed, the  
21 disciplinary order involved shall be stayed pending determination ~~of the review or~~  
22 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

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

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

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

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

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

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

1 member's home county for assistance, and may delay granting an honorable  
2 discharge until proper facilities for his or her care and travel are assured.

3 **SECTION 82.** VA 6.05 (6) of the administrative code is amended to read:

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

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

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

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

20 VA 6.05 (8) LEAVES OF ABSENCE. Leaves of absence may be granted by the  
21 commandant of a home for a period of not to exceed 60 days during a calendar year,  
22 but may be extended by the secretary if circumstances warrant. Payments to the  
23 state, as required by s. 45.51 (7), Stats., shall continue during the period of absence.  
24 The home will not be responsible for any expense incurred by ~~members~~ a member  
25 while absent from the home except for emergency medical expenses authorized by

1 a ~~home~~ home's physician, ~~providing~~ provided notice is given to the home within 24  
2 hours of the onset of the emergency. Quarters will not be reserved during any  
3 absence unless ~~such~~ the absence is authorized by the commandant.

4 **SECTION 85.** VA 6.05 (9) of the administrative code is amended to read:

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

10 **SECTION 86.** VA 6.06 (5) of the administrative code is repealed.

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

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

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

22 VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall  
23 be made by the county not later than ~~6 months after the start~~ May 15 of the fiscal

1 calendar year for which the grant is claimed on forms prepared by the department.  
2 An application must be accompanied by a copy of the budget proposed for the county  
3 veterans' service office for the fiscal year for which the grant is claimed. Application  
4 shall be made annually, and the county must meet minimum budget and operating  
5 standards established by the department for the county veterans' service office in  
6 order to qualify for the initial grant and for each succeeding grant.

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

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

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

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

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

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

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

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

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

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

24 VA 12.02 (9) DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL  
25 AND BIRTH EXPENSES. If the department has not received a certification under s.

**SECTION 95**

1 49.854 (2) (b), Stats., that the applicant is delinquent in child support or maintenance  
2 payments or owes past support, medical expenses or birth expenses, the applicant's  
3 credit may be considered favorable if medical or birthing expenses do not exist or  
4 payments for such expenses are being made in accordance with a court order and  
5 child support and maintenance payments are current as of the date of approval of the  
6 personal loan program loan by the department. Evidence that the applicant is  
7 current shall be required if the child support or maintenance is not paid in the state  
8 of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan  
9 program loan may ~~only~~ be made to that applicant, only if the amount necessary ~~for~~  
10 to satisfy the arrearage or expense is ~~to be~~ paid from proceeds of the department's  
11 loan.

12 **SECTION 96.** VA 12.02 (13) of the administrative code is amended to read:

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

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

21 **SECTION 97.** VA 12.05 (2) of the administrative code is amended to read:

22 VA 12.05 (2) APPRAISALS. If an applicant wishes to provide a property appraisal  
23 is being used to determine the value an appraiser who is selected by the applicant  
24 and, the appraiser must be licensed by the state of Wisconsin department of safety  
25 and professional services, shall perform the appraisal and complete the appraisal



1 ~~form prescribed by the department. The applicant is responsible for payment of the~~  
2 ~~appraisal expenses.~~

3 SECTION 98. VA 12.05 (2) (note) of the administrative code is repealed.

4 SECTION 99. VA 13.01 (5) of the administrative code is repealed.

5 SECTION 100. VA 14.02 (title) of the administrative code is amended to read:

6 VA 14.02 Interment and disinterment fees and assessments.

7 SECTION 101. VA 14.02 (1) (intro.) of the administrative code is amended to  
8 read: member in a veterans cemetery. The  
department may

9 VA 14.02 (1) INTERMENT AND DISINTERMENT FEES. (intro.) The department may  
10 not assess a fee for the interment of a veteran, guard, or reserve  
11 assess the following fee for each interment or disinterment at a veterans cemetery:

11 SECTION 102. VA 14.02 (1) (a) of the administrative code is repealed.

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

I repealed s. 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 s VA 14.02, perhaps sub. (3), that says what s. VA 14.02 (1) (a) currently says, and perhaps titled "No fee assessed for certain interments."

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

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

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

**SECTION 103**

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.~~

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)

Mike

**Section 23:** Pg 9, ln 8 and pg 10, ln 1, restore "shall".

Rationale/Response to Drafter's Note: This language was included in the rule several years ago due to the significant fiscal impact "may" was having on the Department given the requirement under s. 45.03(14), Stats., and VA 1.01, which require our benefit analysts to interpret the Chapter liberally. The discretion in using the term "may" in these instances was specifically changed to the term "shall" to eliminate the discretionary nature of the term, and was successful in mitigating the fiscal impact. This language also has important precedential value in how we analyze and administer benefits under Chp. 45, Stats.

We also note, that it appears that the case cited is not directly on point with regard to the existing language in the rule; first, with regard to **VA 2.01(2)(b)(1), LRB-3955/P2 page 10, line 1**, where the term "not" is not present in the rule (as cited in the case) and additionally, the subject of the rule is not a person (as is in the case cited) – rather – the subject is a "payment." Further, with respect to **VA 2.01(2)(b)(1), LRB-3955/P2 page 9, line 8**, the subject of the rule likewise does not refer to a "subject person" – rather – it refers to an applicant's "income." The *Milwaukee Alliance* case refers to the "shall vs. may" language in context relative to a subject "person;" and as such, it is our opinion that this case is not applicable and that the facts of the case versus the language of our existing rule are clearly distinguishable.

We recommend based on the significant fiscal impact that this recommendation would have (and has had) on our Department, the fact that the Department specifically made this change in the past, and the fact that our Department relies on this non-discretionary language as precedent in its benefits determinations, that the term "shall" remain in place.

RPN ✓

**Section 102:** Pg 33. Renumber VA 14.02(1)(a) as VA 14.02(3) titled, "No fee assessed for certain interments."

RPN ✓

**Section 103:** Pg 33, ln 15, delete "average".

✓ MGB

**Section 107:** Do not repeal VA 18.01(2).

Rationale: Employees at Chippewa Falls are not included in the stipend program under VA 18. Repealing 18.01(2) would require us to amend 18.02.

Mike -

Can you insert this page (p 33) in the draft?  
The draft is in your electronic mailbox.

Mary

**Section 23:** Pg 9, ln 8 and pg 10, ln 1, restore “shall”.

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We recommend based on the significant fiscal impact that this recommendation would have (and has had) on our Department, the fact that the Department specifically made this change in the past, and the fact that our Department relies on this non-discretionary language as precedent in its benefits determinations, that the term “shall” remain in place.

**Section 102:** Pg 33. Renumber VA 14.02(1)(a) as VA 14.02(3) titled, “No fee assessed for certain interments.”

**Section 103:** Pg 33, ln 15, delete “average”.

**Section 107:** Do not repeal VA 18.01(2).

Rationale: Employees at Chippewa Falls are not included in the stipend program under VA 18. Repealing 18.01(2) would require us to amend 18.02.

Mike I am done