

VA 164, 6, 8

Filed May 25, 1976
1:15 p.m. G. J. Jones

CERTIFICATE

STATE OF WISCONSIN)
)SS
DEPARTMENT OF VETERANS AFFAIRS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John R. Moses, Secretary of the State of Wisconsin, Department of Veterans Affairs, and custodian of the official records of said department, do hereby certify that the annexed amendments to rules and regulations pertaining to forms of application for benefits from the department, department loans, department grants, and the Wisconsin Veterans Home at King were duly approved and adopted by the Board of Veterans Affairs of the State of Wisconsin, Department of Veterans Affairs, on May 21, 1976, and will be effective July 1, 1976.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Wisconsin Veterans Home, King, Wisconsin, this 21st day of May, A.D., 1976.



JOHN R. MOSES, Secretary
STATE OF WISCONSIN,
DEPARTMENT OF VETERANS AFFAIRS

ORDER OF THE BOARD OF VETERANS AFFAIRS
OF THE STATE OF WISCONSIN, DEPARTMENT OF VETERANS
AFFAIRS, AMENDING, REPEALING AND RECREATING AND REPEALING RULES.

Pursuant to authority vested in the Board of Veterans Affairs, State of Wisconsin, Department of Veterans Affairs, by sections 45.28(1)(e), 45.35(3) and 45.73, Wis. Stats., and pursuant to Chapter 227, Wis. Stats., the Board of Veterans Affairs hereby repeals, amends, repeals and recreates and creates rules as follows:

VA 1.02 Application. An application for benefits from the department must be made on approved departmental forms, signed by an eligible dependent, or by the veteran and/or such other person as the department may require in connection with the specific benefit application involved. The department may require that a loan application or a credit instrument executed in connection with a loan be signed by the veteran's spouse only in a case where such requirement may legally be imposed under Wisconsin Administrative Code Section Bkg. 80.85 and under the provisions of the Equal Credit Opportunity Act and regulations adopted thereunder. It is unlawful for anyone to charge an applicant or spouse a commission for assisting them in completing or securing the approval of an application for benefits from the department.

VA 2.01(1) is amended to read:

VA 2.02 Educational grants. (1) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. Enrolled part-time classroom study or direct correspondence courses from any educational institution set forth in section 45.396, Wis. Stats., may be authorized and the veteran reimbursed in whole or in part by the department when such courses are related to such veteran's occupational, professional, or educational objectives, and to the extent that payment or reimbursement specifically for fees and textbooks is not available from any other source, or, in cases where reimbursement is not specifically for fees and textbooks, to the extent that such reimbursement is insufficient to cover all costs incurred in connection with such veteran's educational program, provided, however, that such reimbursement shall not exceed the cost of tuition, fees, and textbooks Part-time classroom study during a regular college semester, trimester or quarter shall be defined as enrollment by a graduate or professional student in courses for

which no more than 7, or enrollment by an undergraduate student in courses for which no more than 11 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion. Any veteran or eligible dependent who has obtained a master's degree or its equivalent shall not be eligible for grants under this section. Any veteran or eligible dependent who has obtained at least a baccalaureate degree or its equivalent but not a master's degree or its equivalent shall not be eligible for grants offered under this section if such veteran has remaining federal veterans administration education benefits. For the purpose of this subsection any student who has received a baccalaureate degree shall be deemed to be a graduate student whether such student is taking graduate or undergraduate courses.

VA 3.01 is amended to read:

VA 3.01 Objective. The department may loan to any veteran not more than the statutory limit from the Veterans Trust Fund to provide economic assistance for the purposes set forth in section 45.351(2), Wis. Stats., where the veteran's need is established to the satisfaction of the department and such veteran is unable to meet that need from available resources or credit upon manageable terms. A veteran's resources shall include, but not be limited to such veteran's "funds" as defined in s.45.71(7), Wis. Stats., but shall not include the funds of the veteran's spouse where the veteran is not required to and elects not to report the spouse's funds under the provisions of the Equal Credit Opportunity Act and regulations adopted thereunder.

VA 3.03(2) and (3) are repealed.

VA 3.03(7) is amended to read:

VA 3.03(7) REAL ESTATE LOANS. Such loans shall be made for repairing, adding to or completing the construction of a veteran's home or business property or for the construction of a garage. The department may make an economic assistance loan for repairing or adding to a veteran's home or for the construction of a garage which will complement a direct or secondary loan when the combination of such loans will exceed the statutory limit for a housing loan. No economic assistance loan for completing the construction of a veteran's home will be made to complement a department housing loan. Except as provided in subsection (10), no economic assistance loan may be made to provide all or any part of the down payment on home purchase involving the acquisition of real estate.

VA 3.05(3) is amended to read:

VA 3.05(3) CHILDREN'S EDUCATION. A loan to a veteran, to a veteran's surviving spouse, whether remarried or not, or to the surviving parent of a deceased veteran's children for the education of the veteran's child or children may be granted upon approval of the course or courses of instruction by the department.

VA 4.03(2) is amended to read:

VA 4.03(2) LOAN REPAYMENT RECORD. The department will not issue a certificate of eligibility to a veteran or approve a secondary loan to a veteran who is in default on an economic assistance loan. Unless approved by the secretary or approved pursuant to guidelines established by him, an application for an economic assistance loan, a secondary loan or for a certificate of eligibility from a person whose repayment record on a department loan has been unsatisfactory shall be summarily denied on the basis of such record.

VA 4.05(5) (c) and (d) are repealed and recreated to read:

VA 4.05(5) (c) Part-time or overtime pay, unemployment compensation, and the income of veteran or the veteran's spouse will be considered "income" only if acceptable, independent evidence is submitted to substantiate the regular and dependable nature thereof. The adjusted gross income the veteran is receiving from his regular work must, in all cases, be verified by employer's verification or as provided in sub. (a) and, if the income of the veterans spouse, or part-time income is verified, such income shall be evaluated by the same standards as are used in the evaluation of the veteran's income. Except as provided in sub. (b) the entire amount of adjusted gross income verified and found to be regular and dependable must be considered "income".

VA 4.05(5) (d) Child support payments, separate maintenance payments, or alimony shall be considered as income to the extent that they are likely to be received consistently. Applicants must be advised that income from such sources need not be revealed if they do not desire to have such income considered in conjunction with their applications for department loans.

VA 4.05(5)(e) is amended to read:

VA 4.05(5)(e) The income of a veteran who is required by court order to make alimony or child support payments may, upon the veteran's request, be reduced by the amount of such required payments and only remaining income shall be considered "income" in such cases. If such request is not made, such payments shall be considered in computing the veteran's debt servicing payments.

VA 4.05(7)(b) is amended to read:

VA 4.05(7)(b) Spouse's debts. The independent debts of a veteran's spouse may be included in the veteran's total indebtedness only in cases where such inclusion is permitted under Equal Credit Opportunity Act regulations. Joint debts must be included in the veteran's total indebtedness.

VA 4.08(5), (7), (8) and (9) are amended to read:

VA 4.08(5) SUBMISSION TO THE DEPARTMENT. All applications approved by authorized lenders shall be submitted to the department for review and approval or denial. Immediately upon approval of an application the department shall notify the authorized lender involved and, as soon as possible thereafter, shall send a commitment letter to the authorized lender, with which the department shall return the application committing the department to transfer funds as provided under section 45.79(5)(a)4, Wis. Stats., subject to such funds being made available to the department. Purchase or refinance loan commitments will expire 6 months from date of issuance and construction loan commitments will expire 12 months from date of issuance, but may be extended at the discretion of the department.

(7) WARRANTY. As soon as practicable after the closing of a purchase or refinance loan or after the first disbursement of funds in a construction loan the authorized lender will transmit the executed mortgage note, summary of closing worksheet and warranty to the department. The authorized lender will also transmit the executed mortgage and assignment of mortgage to the department for transmittal to the authority if the authority is providing the funds for the loan and so requires. The warranty shall be made on a form furnished by the department and shall contain information sufficient to enable the department to determine that a valid first lien which complies with the requirements of all federal and state laws exists in favor of the authority or of the department on the

mortgaged premises and that the mortgagor has obtained, or in the case of construction loans will obtain, adequate fire and extended coverage insurance on the mortgaged premises and will contain such other information as the department requires.

(8) SERVICING AGREEMENTS. (a) General. Servicing agreements shall set forth in detail the servicing powers and responsibilities of authorized lenders, shall require such lenders to remit principal payments and interest payments, except for the portion thereof constituting the authorized lender's servicing fee, to the department or the authority at least twice monthly, as soon as possible following the 15th day after such lender's last business or computer day of the month or whenever payments received total \$5,000, whichever is sooner, and shall specify the manner in which the authorized lenders shall report on loan collections.

(b) Fees and expenses. Servicing agreements shall specifically empower authorized lenders to collect and retain late charges, NSF check charges, partial release fees, and amounts representing expenditures made by them with respect to mortgages executed or properties mortgaged to the department or to such lenders or to the authority for which they have not been reimbursed by the department. Late charges, NSF check charges and partial release fees not collected by such lenders from veteran borrowers, in addition to required principal, interest and escrow payments, may not be deducted from such payments, charged to the department or the authority or added to mortgage loan balances. Such agreements shall specify the items for which authorized lenders may incur reimbursable expenses and the terms and conditions under which the department will pay such expenses.

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

VA 4.08(10) CONSUMER LAWS. Notwithstanding any contrary provisions of the Wisconsin Statutes, the Wisconsin Administrative Code, of contracts and servicing agreements entered into between the department and lenders or of the department's lenders manual, lenders shall take such actions as they deem necessary to comply with federal and state consumer laws and regulations and laws and regulations in the nature thereof including, but not limited to, Regulation B under the Equal Credit Opportunity Act, and shall be responsible for defending any suits brought for non-compliance therewith and liable for any damages awarded for such non-compliance.

VA 4.09(8)(c) is amended to read:

VA 4.09(8)(c) When the department is notified of the cancellation, lapse or non-renewal of a fire and extended coverage, homeowners or fire and windstorm insurance policy insuring a property in which it has a mortgage interest, the veteran involved shall be notified that it is such veteran's responsibility to obtain and pay for adequate insurance coverage and shall be instructed to submit a memorandum of such insurance coverage to the department and, until such memorandum is received, the department shall insure its interest in such property with the state insurance fund and may charge the account of each veteran involved not to exceed \$2.00 per month to offset the cost of state insurance and administrative expenses incurred in connection with the administration of this paragraph.

The caption of Chapter 6 is amended to read:

WISCONSIN VETERANS HOME

VA 6.01(1), (2), (3), (4), (5), (6), (7), and (13) are amended to read:

VA 6.01 Admission and care of members. (1) OBJECTIVE. The department shall maintain and operate the Wisconsin Veterans Home and shall admit as members eligible veterans, their eligible spouses, surviving spouses and parents, and shall furnish all members complete personal maintenance and medical care to include programs and facilities which promote comfort, recreation, well-being and rehabilitation.

(2) APPLICATION. No person shall be admitted until such person has submitted an application on forms furnished by the Home and such application has been approved by the commandant. Each question must be fully and accurately answered and the completed application properly executed. Upon admission of the applicant as a member, the

completed application shall be a valid and binding contract by and between the member and the Home.

(3) EXHIBITS REQUIRED. Each application must be accompanied by a complete financial statement of the applicant, a physician's report of physical examination of the applicant, and original or certified copies of reports of separation or discharges of the applicant or the veteran upon whose eligibility the applicant is relying for all periods of active service in the armed forces of the United States during one wartime period as enumerated in section 45.35(5) (a) through (g), Wis. Stats., or which establish that the veteran was entitled to receive either the Armed Forces Expeditionary Medal or the Vietnam Service Medal or served pursuant to section 1 of executive order 10957, and, except in the case of a veteran applicant who was a Wisconsin resident at the time of entry into active service or the spouse of such a veteran applicant, 2 affidavits attesting to the applicant's Wisconsin residence. All exhibits except certified copies of reports of separation will be required of an applicant who applies for readmission more than 60 days after discharge, but an affidavit in lieu of exhibits may be accepted from an applicant who applies for readmission within 60 days of discharge.

(4) SPOUSE. A veteran's spouse shall also furnish a certified copy of certificate of marriage to the veteran.

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

(6) PARENT. The application of the parent of a veteran shall also be accompanied by the certified copy of the public record of birth of the veteran through whom eligibility is claimed, and either a complete physician's report of physical examination of such veteran and a complete financial statement and 2 residence affidavits pertaining to such veteran or a certified copy of such veteran's death certificate.

(7) ELIGIBILITY, DETERMINATION OF. If the applicant or the county veterans service officer assisting the applicant with the application requests a review of a determination of ineligibility, the matter shall be referred to the secretary for review.

(13) ASSETS. Prior to admission, applicants must turn over all assets in excess

of the maximum assets which may be retained under the provisions of ss. 49.45 and 49.46, Wis. Stats., and rules adopted thereunder, to the state in prepayment for care and maintenance actually provided by the Home during their period of residence.

Property or any interest therein conveyed or disposed of by the applicant within 5 years immediately prior to application for admission by gift or for less than adequate consideration shall be considered assets upon admission to the extent of the value of the gift or to the extent consideration therefor was inadequate, unless such assets were conveyed to the state or unless it is determined by the department that the conveyance or disposal of such assets had no relation to prospective entrance into the Home. An applicant's just and legal debts will be taken into consideration for the purpose of determining the amount of excess assets due the state.

VA 6.01(15), is repealed.

VA 8.01 is amended to read:

VA 8.01 Classes of counties. Counties shall be divided into 8 county veterans' service officer pay range classes, based upon state pay schedule no. 16 for general non-represented administrative and management positions. These classes shall be determined by the general population of the county as based upon the latest census compiled by the bureau of census, as follows:

	<u>Population Range</u>	<u>Pay Range</u>
Class I	under 5,000	16-06
Class II	5,000 to 12,499	16-07
Class III	12,500 to 19,999	16-08
Class IV	20,000 to 44,999	16-10
Class V	45,000 to 74,999	16-12
Class VI	75,000 to 149,999	16-13
Class VII	150,000 to 499,999	16-14
Class VIII	over 500,000	16-15

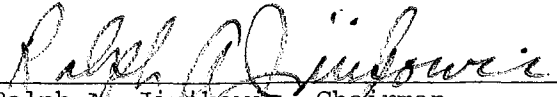
VA 9.01(10) is amended to read:

VA 9.01(10) "Income" means the total of 75% of "earned income", 20% of "savings" over \$500, and all "unearned income" less "unusual expenses".

The rules, amendments, repeals and recreations and repeals contained herein

shall take effect on July 1, 1976, pursuant to s. 227.026(1), Wis. Stats.

Dated at King, Wisconsin the 21st
day of May, 1976.

 (SEAL)
Ralph A. Jirikowic, Chairman
Board of Veterans Affairs
State of Wisconsin,
Department of Veterans Affairs