

# State of Wisconsin



2003 Senate Bill 170

Date of enactment: **November 21, 2003**

Date of publication\*: **December 8, 2003**

## 2003 WISCONSIN ACT 83

**AN ACT** to repeal 45.25 (2) (b), 45.396 (7) (a) 1. and 2. and 230.36 (2m) (a) 19.; to renumber and amend 45.396 (7) (a) (intro.); to amend 21.49 (3) (a), 25.36 (1), 28.035 (3) (a), 45.001 (4) (a) 1. c., 45.25 (2) (intro.) and (a), 45.25 (2) (c), 45.25 (2) (d), 45.25 (2) (e), 45.25 (3) (a), 45.25 (4) (a), 45.25 (4) (b), 45.25 (4) (c), 45.351 (1j), 45.356 (2), 45.356 (3), 45.356 (8), 45.358 (1) (b), 45.396 (5) (a), 45.71 (2), 45.71 (16) (a) 2m. (intro.), 45.79 (2) (a), 45.79 (2) (b) and 341.14 (6) (a); and to create 21.49 (4) (c), 45.001 (5) (j), 45.25 (3) (d), 45.35 (20), 45.35 (22), 45.35 (23), 45.356 (10), 45.356 (11), 45.356 (12), 45.79 (5) (a) 11., 45.79 (7) (a) 12., 45.79 (13) and 71.03 (7) (d) of the statutes; relating to: the Veterans Mortgage Loan Program, veterans tuition and fee reimbursement, benefits to persons who served in Operation Iraqi Freedom, authority for the Department of Veterans Affairs to acquire a headquarters building and museum, departmental delivery of services to veterans, veterans personal loans, eligibility for burial at a veterans cemetery, part-time study grants for veterans, housing loans for veterans, mortgage loan repayment fund, grants to county veteran service offices, national guard tuition grants, granting rule-making authority, and making an appropriation.

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

**SECTION 1.** 21.49 (3) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

21.49 (3) (a) Any eligible guard member upon satisfactory completion of a full-time or part-time course in a qualifying school is eligible for a tuition grant equal to 100% of the actual tuition charged by the school or 100% of the arithmetic average of maximum resident undergraduate tuitions tuition charged by the 4-year institutions in the University of Wisconsin System Wisconsin-Madison for a comparable number of credits, whichever amount is less.

**SECTION 2.** 21.49 (4) (c) of the statutes is created to read:

21.49 (4) (c) No guard member may receive a grant under sub. (3) for any semester in which he or she received a grant under s. 45.25.

**SECTION 3.** 25.36 (1) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used for the lending of money to the mortgage loan repayment fund under s. 45.35 (22) and for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (vy), (vz), (w), (z), and (zm), 45.014, 45.25, 45.35 (23), 45.351 (1), 45.353, 45.356, 45.357, 45.396, 45.397, and 45.43 (7) and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

the post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on, and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid as expenses for, interest on, and repayment of veterans personal loans; the net proceeds from the sale of mortgaged properties related to veterans personal loans; all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance purchased with moneys in the veterans trust fund; all moneys received from the state investment board under s. 45.356 (9) (b); all moneys received from the veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts of money received by the board of veterans affairs for the purposes of this fund.

**SECTION 4.** 28.035 (3) (a) of the statutes is amended to read:

28.035 (3) (a) The written lease entered into between the Wisconsin state department of the American Legion and the department of natural resources dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force for an additional 10 years, and may be renewed for additional 10-year periods thereafter, notwithstanding the expiration of the term expressed therein, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 maintains on such property structures which were constructed prior to May 31, 1956, at the expense of the Wisconsin state department of the American Legion or any such post, for the purpose of the rehabilitation, restoration or recreation of veterans and their dependents of the Spanish-American war, the Philippine insurrection, the Mexican border service, World Wars I and II, the Korean conflict, the Vietnam war, the Iraq war and Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34.

**SECTION 4m.** 45.001 (4) (a) 1. c. of the statutes is amended to read:

45.001 (4) (a) 1. c. Has served for 90 days or more during a war period or under section 1 of executive order 10957 dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.

**SECTION 5.** 45.001 (5) (j) of the statutes is created to read:

45.001 (5) (j) Iraq War: Between March 19, 2003, and the ending of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom, as established by the department by rule.

**SECTION 6.** 45.25 (2) (intro.) and (a) of the statutes, as affected by 2003 Wisconsin Act 33, are amended to read:

45.25 (2) ELIGIBILITY. (intro.) ~~An individual~~ A veteran is eligible for the tuition reimbursement program if he or she meets all of the following criteria:

(a) The annual income of the individual veteran and his or her spouse does not exceed the amount under s. 45.396 (7) (a).

**SECTION 7.** 45.25 (2) (b) of the statutes is repealed.

**SECTION 8.** 45.25 (2) (c) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

45.25 (2) (c) The individual veteran applies for the tuition reimbursement program for courses begun within 10 years after separation from the service.

**SECTION 9.** 45.25 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

45.25 (2) (d) The individual veteran is a resident at the time of application for the tuition reimbursement program and was a Wisconsin resident at the time of entry or reentry into service or was a resident for any consecutive 12-month period after entry or reentry into service and before the date of his or her application. If a person applying for a benefit under this section meets the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets that residency requirement when he or she later applies for any other benefit under this chapter that requires that residency.

**SECTION 10.** 45.25 (2) (e) of the statutes is amended to read:

45.25 (2) (e) The individual veteran is enrolled for at least 12 credits during the semester for which reimbursement is sought.

**SECTION 11.** 45.25 (3) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

45.25 (3) (a) Except as provided in par. (am), ~~an individual~~ a veteran who meets the requirements under sub. (2), upon satisfactory completion of a full-time undergraduate semester in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any proprietary school that is approved under s. 45.54, or any institution from which the individual veteran receives a waiver of nonresident tuition under s. 39.47, may be reimbursed an amount not to exceed the total cost of the ~~individual's~~ veteran's tuition minus any grants or scholarships, ~~including those made under s. 21.49,~~ that the individual veteran receives specifically for the payment of the tuition, or the standard cost of tuition for a state resident for an equivalent undergraduate semester at the University of Wisconsin-Madison, whichever is less. Reimbursement is available only for tuition that is part of a curriculum that is relevant to a degree in a particular course of study at the institution.

**SECTION 12.** 45.25 (3) (d) of the statutes is created to read:

45.25 (3) (d) Reimbursement of tuition and fees for a course may be provided at an institution or school under

par. (a) other than the one from which the veteran is receiving his or her degree if all of the following apply:

1. The curriculum at the institution or school consists only of courses necessary to complete a degree in a particular course of study.

2. The course is accepted as transfer credits at the institution or school listed under par. (a) from which the veteran is receiving his or her degree but is not available at that institution or school.

**SECTION 13.** 45.25 (4) (a) of the statutes is amended to read:

45.25 (4) (a) ~~An individual~~ A veteran is not eligible for reimbursement under sub. (2) for more than 120 credits or 8 full semesters of full-time study at any institution of higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full semesters of full-time study at any institution of higher education, as defined in s. 45.396 (1) (a), in this state that offers a degree upon completion of 60 credits, or an equivalent amount of credits at a school that is approved under s. 45.35 (9m), at a proprietary school that is approved under s. 45.54, or at an institution where he or she is receiving a waiver of nonresident tuition under s. 39.47.

**SECTION 14.** 45.25 (4) (b) of the statutes is amended to read:

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

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

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

**SECTION 15.** 45.25 (4) (c) of the statutes is amended to read:

45.25 (4) (c) ~~An individual~~ A veteran may not receive reimbursement under sub. (2) for any semester in which he or she received a grant under s. ~~21.49~~ 45.396.

**SECTION 16.** 45.35 (20) of the statutes is created to read:

45.35 (20) DEPARTMENT HEADQUARTERS AND MUSEUM. The department may acquire by gift, purchase, or condemnation property for the purposes of providing a headquarters and museum building for the department.

**SECTION 17.** 45.35 (22) of the statutes is created to read:

45.35 (22) FUND TRANSFER. The department may loan money from the veterans trust fund to the veterans mortgage loan repayment fund to fund loans under s. 45.79.

**SECTION 18.** 45.35 (23) of the statutes is created to read:

45.35 (23) LOAN GUARANTEE. The department may provide a loan guarantee for multifamily transitional housing for homeless veterans.

**SECTION 19.** 45.351 (1j) of the statutes is amended to read:

45.351 (1j) HEALTH CARE AID GRANTS. The department may grant to any veteran or dependents such temporary health care aid as the department considers advisable to prevent want or distress. Health care aid to meet medical or hospital bills under this subsection is limited to a payment of up to \$5,000 per veteran or dependent for a 12-month period beginning with the first day of care for which the person seeks reimbursement under this subsection. The department may ~~not give prior authorization for the payment of health care aid under this subsection but~~ may issue a certificate of entitlement stating that a veteran or dependent is eligible for a health care aid grant under this subsection if the treatment is received within a time period that the department promulgates by rule. The department may not grant health care aid to pay for care provided to the veteran or dependent before the time period identified in the certificate of entitlement, except for emergency care as determined by the department if the application for the health care aid is submitted within 90 days after the emergency care ends. Health care aid may be used to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse. The department may not grant health care aid under this subsection unless the aid recipient's health care provider agrees to accept, as full payment for the medical treatment for which the aid is to be granted, the amount of the grant, the amount of the recipient's health insurance or other 3rd-party payments, if any, and the amount that the department determines the aid recipient is capable of paying. The department may not grant health care aid under this subsection if the combined liquid assets of the applicant for aid, and of the veteran and veteran's dependents who are living in the same household with the applicant, are in excess of \$1,000.

**SECTION 20.** 45.356 (2) of the statutes is amended to read:

45.356 (2) The department may lend a veteran, a veteran's unremarried surviving spouse, or a deceased veteran's child not more than ~~\$15,000~~ \$25,000, or a lesser amount established by the department ~~by rule, for the~~

purchase of a mobile home, business, or business property, the education of the veteran or the veteran's spouse or children, the payment of medical or funeral expenses, the payment under sub. (6) (c), or the consolidation of debt under sub. (10). The department may prescribe loan conditions, but the term of the loan may not exceed 10 years. The department shall ensure that the proceeds of any loan made under this section shall first be applied to pay any delinquent child support or maintenance payments and then to pay any past support, medical expenses, or birth expenses.

**SECTION 21.** 45.356 (3) of the statutes is amended to read:

45.356 (3) The department may lend not more than ~~\$15,000~~ \$25,000, or a lesser amount established by the department ~~by rule under sub. (10)~~, to a veteran's remarried surviving spouse or to the parent of a deceased veteran's child for the education of a child.

**SECTION 22.** 45.356 (8) of the statutes is amended to read:

45.356 (8) No person may receive a loan under this section in an amount that, when added to the balance outstanding on the person's existing loans under s. 45.351 (2), 1995 stats., and s. 45.356, 1995 stats., would result in a total indebtedness to the department of more than ~~\$15,000, or a lesser amount as established by the department by rule~~ \$25,000.

**SECTION 23.** 45.356 (10) of the statutes is created to read:

45.356 (10) Subject to the limit established in subs. (2) and (3), the department may periodically adjust the maximum loan amount based upon financial market conditions, funds available, needs of the veterans trust funds, or other factors that the department considers relevant.

**SECTION 24.** 45.356 (11) of the statutes is created to read:

45.356 (11) The department may periodically adjust the interest rates for loans made under this section, which may vary based upon the term of the loan, the type of security offered, the method of payment, or other factors that the department considers relevant.

**SECTION 25.** 45.356 (12) of the statutes is created to read:

45.356 (12) Each loan made under this section, except a loan of \$5,000 or less made to an applicant whose total indebtedness for loans made under this section is \$5,000 or less, shall be evidenced by a promissory note and secured by a mortgage on real estate located in this state. A loan of \$5,000 or less made to an applicant whose total indebtedness for loans made under this section is \$5,000 or less shall be evidenced by a promissory note and secured by a guarantor or by a mortgage on real estate located in this state. A mortgage securing a loan made under this section is acceptable if the applicant has equity in the property subject to the mortgage equal to or

exceeding a minimum amount that the department establishes by rule.

**SECTION 26.** 45.358 (1) (b) of the statutes is amended to read:

45.358 (1) (b) "Veteran" means a person who has served on active duty, ~~except service on active duty for training purposes~~, in the U.S. armed forces.

**SECTION 27.** 45.396 (5) (a) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

45.396 (5) (a) Except as provided in par. (b), the amount of the reimbursement may not exceed the total cost of the ~~individual's~~ veteran's tuition or the standard cost for a state resident for tuition for an equivalent undergraduate course at the University of Wisconsin-Madison per course, whichever is less, minus any grants or scholarships that the veteran receives specifically for the payment of tuition and may not be provided to ~~an individual~~ a veteran more than 4 times during any consecutive 12-month period.

**SECTION 28.** 45.396 (7) (a) (intro.) of the statutes is renumbered 45.396 (7) (a) and amended to read:

45.396 (7) (a) No veteran may receive a grant under this section if the department determines, ~~after disregarding any payment described under s. 45.85, 1997 stats.~~, that the income of the veteran and his or her spouse exceeds ~~\$500~~ \$50,000 plus \$1,000 for each dependent in excess of 2 dependents ~~plus whichever of the following applies:~~

**SECTION 29.** 45.396 (7) (a) 1. and 2. of the statutes are repealed.

**SECTION 31.** 45.71 (2) of the statutes is amended to read:

45.71 (2) "Authorized lender" means any lender or servicer authorized under s. 45.79 (5) (a) 5. to make or service loans under s. 45.79.

**SECTION 32.** 45.71 (16) (a) 2m. (intro.) of the statutes is amended to read:

45.71 (16) (a) 2m. (intro.) The person is ~~either~~ a resident of and living in this state at the time of making application, is serving on active duty in the U.S. armed forces at the time of making application, or is deceased, and meets one of the following conditions:

**SECTION 33.** 45.79 (2) (a) of the statutes is amended to read:

45.79 (2) (a) *Application and content.* Applications for loans under this section for a purpose specified in s. 45.76 (1) (a), (b), or (d) shall be made to an authorized lender and applications for loans under this section for a purpose specified under s. 45.76 (1) (c) shall may be made to the department or to a county veterans' service officer on forms approved by the department and signed by the applicant. If the applicant is married and not separated or in the process of obtaining a divorce, the applicant's spouse also shall sign the application.

**SECTION 34.** 45.79 (2) (b) of the statutes is amended to read:

45.79 (2) (b) *Certification by department.* The applicant shall may apply directly to the department or through a county veterans' service officer for certification of eligibility as a veteran.

**SECTION 35.** 45.79 (5) (a) 11. of the statutes is created to read:

45.79 (5) (a) 11. Enter into contracts with persons other than authorized lenders for the servicing of loans made under this section.

**SECTION 36.** 45.79 (7) (a) 12. of the statutes is created to read:

45.79 (7) (a) 12. To make payments of obligations arising from the acquisition of a headquarters and museum building for the department under s. 45.35 (20).

**SECTION 37.** 45.79 (13) of the statutes is created to read:

45.79 (13) REPAYMENT OF LOAN. Any money appropriated or transferred by law from the veterans mortgage loan repayment fund for purposes other than those listed in sub. (7), other than moneys made temporarily available to other funds under s. 20.002 (11), shall be repaid from the general fund with interest at a rate of 5% per year from the the date of the appropriation or transfer to the date of repayment.

**SECTION 38.** 71.03 (7) (d) of the statutes is created to read:

71.03 (7) (d) For taxable years beginning after December 31, 2002, and before January 1, 2005, for per-

sons who served in support of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom in the United States, or for persons who qualify for a federal extension of time to file under 26 USC 7508, who served outside the United States because of their participation in Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom in the Iraqi Freedom theater of operations.

**SECTION 39.** 230.36 (2m) (a) 19. of the statutes is repealed.

**SECTION 40.** 341.14 (6) (a) of the statutes is amended to read:

341.14 (6) (a) Upon application to register an automobile or a motor truck or dual purpose farm truck that has a gross weight of not more than 8,000 pounds by any person who was a member of any of the U.S. armed services and who was held as a prisoner of war during any of the conflicts described in s. 45.001 (5) ~~(b)-(i)~~ or in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East crisis under s. 45.34, and upon submission of a statement from the U.S. department of veterans affairs certifying that the person was a prisoner of war during one of the conflicts described in s. 45.001 (5) ~~(b)-(i)~~ or in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East crisis under s. 45.34, the department shall issue to the person a special plate that is colored red, white, and blue and that has the words "ex-prisoner of war" placed on the plate in the manner designated by the department.