



1995 ASSEMBLY BILL 706

November 29, 1995 - Introduced by Representatives MUSSER, BALDUS, ALBERS, BOYLE, OTTE, LORGE, GOETSCH, ZUKOWSKI, TURNER, PLACHE, RYBA, VRAKAS, SILBAUGH, DOBYNS, GROTHMAN, OURADA, RILEY, VANDER LOOP, WIRCH, KREUSER and POWERS, cosponsored by Senators ZIEN, FITZGERALD, SCHULTZ, RUDE, BRESKE, ANDREA, MOEN, WELCH, CLAUSING, BUETTNER and JAUCH. Referred to Committee on Veterans and Military Affairs.

1 **AN ACT to repeal** 45.358 (3) (d) and 45.76 (1) (c) 1. a. to d.; **to renumber** 45.35
2 (5) (a) to (h); **to renumber and amend** 45.35 (5) (intro.), 45.35 (5m), 45.71 (16)
3 (a) 1. to 10. and 45.76 (1) (c) 1. (intro.); **to consolidate, renumber and amend**
4 45.71 (16) (intro.) and (a) (intro.); **to amend** 45.01, 45.35 (5) (title), 45.37 (1a),
5 45.37 (3) (b), 45.396 (5), 45.42 (1), 45.42 (2), 45.43 (1) (a), 45.43 (6) (b), 45.71 (16)
6 (b) and (c), 45.73 (2), 45.74 (1) (intro.), 45.745 (1), 230.03 (14) (c) and 341.14 (6)
7 (a); **to repeal and recreate** 45.358 (3) (c); and **to create** 45.35 (5) (a) 1. (intro.)
8 and 2. (intro.), 45.35 (5m) (b) and 45.71 (16) (a) 1m. (intro.) and e. and 2m.
9 (intro.) of the statutes; **relating to:** eligibility for veterans programs.

Analysis by the Legislative Reference Bureau

Under current law, a veteran must be a resident of this state for 10 years to obtain benefits if he or she was not a resident at the time of entry or reentry into the armed forces. The bill reduces that period to 5 years and, if a veteran meets that criteria, the veteran does not have to reestablish that he or she meets the durational residency requirement when applying for other veteran benefits.

Current law includes as the dependent of a veteran, for eligibility purposes, any child of any age in full attendance at a school. This bill limits those children to children under the age of 26. Current law limits the reimbursement for correspondence courses or part-time classroom study to the costs of tuition, fees and books totaling no more than \$1,100. The bill permits a veteran to receive reimbursement, for correspondence courses or part-time classroom study, of a per-course amount not in excess of the average cost of a 3-credit course as a resident

undergraduate at the University of Wisconsin-Madison campus. The reimbursement is further limited per year to 5 times that average cost.

The bill removes the specific prohibition against using mortgage loan proceeds for home improvements to construct a deck, patio, fireplace or fencing or to obtain landscaping or appliances.

Current law generally limits those who may be appointed as county veterans' service officers (CVSO) or assistants to those Wisconsin residents who served in certain specified war periods or crises for 90 days. This bill allows any Wisconsin resident who served in the U.S. armed forces for any period of time to be a CVSO.

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

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

1 **SECTION 1.** 45.01 of the statutes is amended to read:

2 **45.01 Wisconsin veterans museum; space for.** The department of
3 administration shall provide suitable space for the purpose of a memorial hall,
4 designated as the Wisconsin veterans museum, dedicated to the men and women of
5 Wisconsin who served in the armed forces of the United States in the civil war of 1861
6 to 1865 or in any subsequent wars, as enumerated in s. 45.35 (5) ~~(a) to (g)~~ (f), or in
7 Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34, and the
8 department of veterans affairs shall operate and conduct the Wisconsin veterans
9 museum.

10 **SECTION 2.** 45.35 (5) (title) of the statutes is amended to read:

11 45.35 (5) (title) VETERAN DEFINED; BENEFIT.

12 **SECTION 3.** 45.35 (5) (intro.) of the statutes is renumbered 45.35 (5) (a) (intro.)
13 and amended to read:

14 45.35 (5) (a) (intro.) "Veteran" as used in this chapter, except in s. 45.37 and
15 unless otherwise modified, means any person who has served on active duty under
16 honorable conditions in the U.S. armed forces or in forces incorporated as part of the

1 U.S. armed forces, except service on active duty for training purposes, and who meets
2 the following conditions:

3 1. a. Has served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis
4 under s. 45.34 ~~or whose service.~~

5 b. Was entitled ~~the veteran~~ to receive the armed forces expeditionary medal,
6 established by executive order 10977 on December 4, 1961, the Vietnam service
7 medal established by executive order 11231 on July 8, 1965, the navy expeditionary
8 medal or the marine corps expeditionary medal ~~or any person who served.~~

9 c. Has served for 90 days or more during a war period as enumerated under
10 ~~pars. (a) to (h)~~ par. (f) or under section 1 of executive order 10957 dated August 10,
11 1961, or if having served less than 90 days was honorably discharged for a
12 service-connected disability or for a disability subsequently adjudicated to have
13 been service connected or died in service, ~~who is either a resident of and living in this~~
14 ~~state at the time of making application or is deceased, and whose.~~

15 2. a. His or her selective service local board, if any, and home of record at time
16 of entry or reentry into active service as shown on the veteran's report of separation
17 from the U.S. armed forces for a qualifying period were in this state ~~or who was~~
18 ~~either;~~

19 b. Was a resident of this state at the time of entry or reentry into active duty
20 ~~or has.~~

21 c. Has been a resident of this state for at least ~~10~~ 5 years next preceding the
22 veteran's his or her application or death. If a person meets this criteria when
23 applying for a benefit under this chapter for which there is a durational residency
24 requirement, the department may not require the person to establish that he or she

1 meets this criteria when he or she later applies for any other benefit under this
2 chapter.

3 (b) If the person had more than one qualifying term of service under par. (a) 1.,
4 at least one term of service must have been under honorable conditions or have been
5 terminated by an honorable discharge for the purpose of establishing eligibility
6 under this section and s. 45.37 (1a).

7 (c) Veterans who are otherwise eligible and who are serving on active duty in
8 the U.S. armed forces need not be living in this state on date of application to qualify
9 for benefits from the department.

10 (d) The benefits available to veterans are also available to the unremarried
11 surviving spouses and minor or dependent children of deceased veterans if the
12 unremarried surviving spouses or minor or dependent children are residents of and
13 living in this state at the time of making application.

14 (e) Any person whose service on active duty with the U.S. armed forces or in
15 forces incorporated as part of the U.S. armed forces makes the person eligible for
16 general U.S. department of veterans affairs benefits shall be deemed to have served
17 under honorable conditions for the purpose of this subsection and s. 45.37 (1a).

18 (f) The following are designated as war periods:

19 **SECTION 4.** 45.35 (5) (a) to (h) of the statutes are renumbered 45.35 (5) (f) 1. to
20 8.

21 **SECTION 5.** 45.35 (5) (a) 1. (intro.) and 2. (intro.) of the statutes are created to
22 read:

23 45.35 (5) (a) 1. (intro.) The person is a resident of and living in this state at the
24 time of making application, or is deceased, and meets one of the following conditions:

1 2. (intro.) The person is a resident of and living in this state at the time of
2 making application or is deceased, and meets one of the following conditions:

3 **SECTION 6.** 45.35 (5m) of the statutes is renumbered 45.35 (5m) (a), and 45.35
4 (5m) (a) 2., as renumbered, is amended to read:

5 45.35 **(5m)** (a) 2. Any child of the veteran under 18 years of age, or under the
6 age of 26 if in full attendance at a recognized school of instruction, or of any age if
7 incapable of self-support by reason of mental or physical disability. “Child” as used
8 in this section means any natural child, any legally adopted child, any stepchild or
9 child if a member of the veteran’s household or any nonmarital child if the veteran
10 acknowledges paternity or the same has been otherwise established.

11 **SECTION 7.** 45.35 (5m) (b) of the statutes is created to read:

12 45.35 **(5m)** (b) For purposes of defining “dependent” under this subsection,
13 “veteran” includes a person who served on active duty under conditions other than
14 dishonorable in the U.S. armed forces or in forces incorporated as part of the U.S.
15 armed forces, who was a resident of this state at the time of entry or reentry into
16 active duty and who died while on active duty if that death was not the result of the
17 veteran’s wilful misconduct.

18 **SECTION 8.** 45.358 (3) (c) of the statutes, as created by 1995 Wisconsin Act 27,
19 is repealed and recreated to read:

20 45.358 **(3)** (c) A person who meets the criteria under s. 45.37 (15) (a) or (b).

21 **SECTION 9.** 45.358 (3) (d) of the statutes, as created by 1995 Wisconsin Act 27,
22 is repealed.

23 **SECTION 10.** 45.37 (1a) of the statutes is amended to read:

24 45.37 **(1a)** DEFINITION OF VETERAN. “Veteran” as used in this section means any
25 person who served on active duty under honorable conditions in the U.S. armed

1 forces or in forces incorporated as part of the U.S. armed forces who was entitled to
2 receive the armed forces expeditionary medal, established by executive order 10977
3 on December 4, 1961, the Vietnam service medal established by executive order
4 11231 on July 8, 1965, the navy expeditionary medal or the marine corps
5 expeditionary medal or who served in Grenada, Lebanon, Panama, Somalia or a
6 Middle East crisis under s. 45.34 or any person who served for at least one day during
7 a war period, as defined in s. 45.35 (5) ~~(a) to (h)~~ (f) or under section 1 of executive order
8 10957, dated August 10, 1961, and who was officially reported missing in action, or
9 killed in action or who died in service, or who was discharged under honorable
10 conditions therefrom after 90 days or more of active service, or if having served less
11 than 90 days was honorably discharged for a service-connected disability or for a
12 disability subsequently adjudicated to have been service connected, or who died as
13 a result of service-connected disability.

14 **SECTION 11.** 45.37 (3) (b) of the statutes is amended to read:

15 45.37 **(3)** (b) *Nonresident.* A veteran who was not a resident of this state at the
16 time of enlistment or induction into service but who is otherwise qualified for
17 membership may be admitted if the veteran has been a resident of this state for the
18 10 5 years next preceding the date of application. If a person meets this criteria when
19 applying for a benefit under this chapter for which there is a durational residency
20 requirement, the department may not require the person to establish that he or she
21 meets this criteria when he or she later applies for any other benefit under this
22 chapter.

23 **SECTION 12.** 45.396 (5) of the statutes is amended to read:

24 45.396 **(5)** The reimbursement per course may not exceed the average cost of
25 tuition, fees and textbooks a 3-credit undergraduate course at the University of

1 Wisconsin-Madison charged to a resident, and the reimbursement to a veteran shall
2 also be limited to a maximum of \$300 per course and \$1,100 5 times that average cost
3 per fiscal year.

4 **SECTION 13.** 45.42 (1) of the statutes is amended to read:

5 45.42 (1) The department may compile a record of the burial places within the
6 state of persons who served in the U.S. armed forces in time of war as defined in s.
7 45.35 (5) ~~(a) to (h)~~ (f) or in Grenada, Lebanon, Panama, Somalia or a Middle East
8 crisis under s. 45.34, or under section 1 of executive order 10957, dated August 10,
9 1961, or whose service entitled them to receive the armed forces expeditionary
10 medal, established by executive order 10977 on December 4, 1961, the Vietnam
11 service medal established by executive order 11231 on July 8, 1965, the navy
12 expeditionary medal or the marine corps expeditionary medal. The record, so far as
13 practicable, may indicate the name of each person; the service in which engaged; the
14 appropriate designation of armed forces unit; the rank and period of service; the
15 name and location of the cemetery or other place in which the body is interred; the
16 location of the grave in the cemetery or other place; and the character of headstone
17 or other marker, if any, at the grave.

18 **SECTION 14.** 45.42 (2) of the statutes is amended to read:

19 45.42 (2) The department may have blank forms prepared whereby the
20 information required for the record may be transmitted to it and may distribute the
21 forms to county veterans' service officers. The county veterans' service officer within
22 whose county and cemetery or burial place is located in which are interred the bodies
23 of persons who served in the U.S. armed forces in time of war as defined in s. 45.35
24 (5) ~~(a) to (h)~~ (f) or in Grenada, Lebanon, Panama, Somalia or a Middle East crisis
25 under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961,

1 or whose service entitled them to receive the armed forces expeditionary medal,
2 established by executive order 10977 on December 4, 1961, the Vietnam service
3 medal established by executive order 11231 on July 8, 1965, the navy expeditionary
4 medal or the marine corps expeditionary medal shall submit the facts required for
5 such record to the department on the forms provided by it, if so requested by the
6 department.

7 **SECTION 15.** 45.43 (1) (a) of the statutes is amended to read:

8 45.43 (1) (a) Except as provided under par. (b), the county board shall elect a
9 county veterans' service officer who shall be a Wisconsin resident who served on
10 active duty under honorable conditions in the U.S. armed forces or in forces
11 incorporated as part of the U.S. armed forces, ~~except service on active duty for~~
12 ~~training purposes, for 90 days or more in time of war as set forth in s. 45.35 (5) (a)~~
13 ~~to (h) or, if having served less than 90 days, was honorably discharged for a~~
14 ~~service-connected disability or for a disability subsequently adjudicated to have~~
15 ~~been service-connected; who served in Grenada, Lebanon, Panama, Somalia or a~~
16 ~~Middle East crisis under s. 45.34; who served under section 1 of executive order~~
17 ~~10957 dated August 10, 1961; or whose service entitled the veteran to receive the~~
18 ~~armed forces expeditionary medal established by executive order 10977 on~~
19 ~~December 4, 1961, the Vietnam service medal established by executive order 11231~~
20 ~~on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary~~
21 medal.

22 **SECTION 16.** 45.43 (6) (b) of the statutes is amended to read:

23 45.43 (6) (b) Except as provided under par. (c), the county board may appoint
24 assistant county veterans' service officers who shall be Wisconsin residents who
25 served on active duty under honorable conditions in the U.S. armed forces or in forces

1 incorporated as part of the U.S. armed forces, ~~except service on active duty for~~
2 ~~training purposes, for 90 days or more in time of war as set forth in s. 45.35 (5) (a)~~
3 ~~to (h) or, if having served less than 90 days, was honorably discharged for a~~
4 ~~service-connected disability or for a disability subsequently adjudicated to have~~
5 ~~been service-connected; who served in Grenada, Lebanon, Panama, Somalia or a~~
6 ~~Middle East crisis under s. 45.34; who served under section 1 of executive order~~
7 ~~10957 dated August 10, 1961; or whose service entitled the veteran to receive the~~
8 ~~armed forces expeditionary medal established by executive order 10977 on~~
9 ~~December 4, 1961, the Vietnam service medal established by executive order 11231~~
10 ~~on July 8, 1965, the navy expeditionary medal or the marine corps expeditionary~~
11 ~~medal.~~

12 **SECTION 17.** 45.71 (16) (intro.) and (a) (intro.) of the statutes are consolidated,
13 renumbered 45.71 (16) (a) (intro.) and amended to read:

14 45.71 (16) (a) (intro.) "Veteran" means: ~~(a) Any~~ any person who has served
15 on active duty under honorable conditions in the U.S. armed forces or in forces
16 incorporated as part of the U.S. armed forces, except service on active duty for
17 training purposes, and who is meets the following conditions:

18 1m. a. Is entitled to receive the armed forces expeditionary medal, established
19 by executive order 10977 on December 4, 1961, the Vietnam service medal
20 established by executive order 11231 on July 8, 1965, the navy expeditionary medal
21 or the marine corps expeditionary medal ~~or who served.~~

22 b. Has served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis
23 under s. 45.34 ~~or any person who served.~~

24 c. Has served for 90 days or more during a war period as enumerated under
25 ~~subds. 1. to 9. par. (am)~~ or under section 1 of executive order 10957, dated August 10,

1 1961, except service on active duty for training purposes, or if having served less than
2 90 days was honorably discharged for a service-connected disability or for a
3 disability subsequently adjudicated to have been service-connected or died in
4 service, ~~or who served.~~

5 d. Has served on active duty for more than 6 months during the period between
6 February 1, 1955, and August 4, 1964, and was honorably discharged, ~~and who has.~~

7 2m. a. Has been a resident of this state for at least 5 years next preceding an
8 application or death ~~or who was.~~ If a person meets this criteria when applying for
9 a benefit under this chapter for which there is a durational residency requirement,
10 the department may not require the person to establish that he or she meets this
11 criteria when he or she applies for any other benefit under this chapter.

12 b. Was a resident of this state at the time of enlistment or induction into service
13 ~~and is either a resident of and living in this state at the time of making application~~
14 ~~or is deceased.~~

15 (af) If the person had more than one qualifying term of service, at least one term
16 of service must have been under honorable conditions or have been terminated by an
17 honorable discharge.

18 (aj) Veterans who are otherwise eligible and who are serving on active duty in
19 the U.S. armed forces need not be living in this state on date of application to qualify
20 for a loan under this chapter.

21 (am) The following are designated as war periods:

22 **SECTION 18.** 45.71 (16) (a) 1. to 10. of the statutes are renumbered 45.71 (16)
23 (am) 1. to 10., and 45.71 (16) (am) 9., as renumbered, is amended to read:

1 45.71 (16) (am) 9. Vietnam war: Between August 5, 1964, and a date of
2 termination to be established by the legislature January 1, 1977, excepting service
3 on active duty for training purposes only.

4 **SECTION 19.** 45.71 (16) (a) 1m. (intro.) and e. and 2m. (intro.) of the statutes are
5 created to read:

6 45.71 (16) (a) 1m. (intro.) The person meets one of the following conditions:

7 e. Is entitled to receive veteran benefits from the U.S. department of veterans
8 affairs.

9 2m. (intro.) The person is either a resident of and living in this state at the time
10 of making application, or is deceased, and meets one of the following conditions:

11 **SECTION 20.** 45.71 (16) (b) and (c) of the statutes are amended to read:

12 45.71 (16) (b) An unremarried spouse of a deceased veteran shall be considered
13 a veteran under this subchapter.

14 (c) A minor or dependent child of a deceased veteran shall be considered a
15 veteran under this subchapter.

16 **SECTION 21.** 45.73 (2) of the statutes is amended to read:

17 45.73 (2) ALLOCATION OF LIMITED LOAN RESOURCES. If the department estimates
18 that applications for loans under this subchapter will exceed the moneys available
19 for such loans, the department shall give priority to the most necessitous cases and
20 take all action necessary to spread the available moneys among the maximum
21 possible number of veterans. The board of veterans affairs shall establish procedures
22 whereby veterans of the Vietnam war, as defined in s. 45.71 (16) (a) ~~(am)~~ 9., receive
23 first priority.

24 **SECTION 22.** 45.74 (1) (intro.) of the statutes is amended to read:

1 45.74 (1) ANNUAL INCOME LIMITATION. (intro.) For persons identified under s.
2 45.79 (7) (c) 1. ~~and 2.~~, the annual income of the person or both the person and the
3 person's spouse exceeds whichever of the following applies:

4 **SECTION 23.** 45.745 (1) of the statutes is amended to read:

5 45.745 (1) ANNUAL INCOME LIMITATION. For persons identified under s. 45.79 (7)
6 (c) 1. ~~and 2.~~, the annual income of the person or both the person and the person's
7 spouse does not exceed 140% of the amount specified under s. 45.74 (1).

8 **SECTION 24.** 45.76 (1) (c) 1. (intro.) of the statutes is renumbered 45.76 (1) (c)
9 1. and amended to read:

10 45.76 (1) (c) 1. A loan of not more than \$15,000 to improve a home, including
11 construction of a garage ~~but not including any of the following:~~

12 **SECTION 25.** 45.76 (1) (c) 1. a. to d. of the statutes are repealed.

13 **SECTION 26.** 230.03 (14) (c) of the statutes is amended to read:

14 230.03 (14) (c) A person who served on active duty under honorable conditions
15 in the U.S. armed forces for at least one day during a war period, as defined in s. 45.35
16 (5) ~~(a) to (h)~~ (f) or under section 1 of executive order 10957 dated August 10, 1961.

17 **SECTION 27.** 341.14 (6) (a) of the statutes is amended to read:

18 341.14 (6) (a) Upon application to register an automobile or station wagon or
19 a motor truck or dual purpose farm truck which has a gross weight of not more than
20 8,000 pounds by any person who was a member of any of the U.S. armed services and
21 who was held as a prisoner of war during any of the conflicts described in s. 45.35 (5)
22 ~~(b) to (g)~~ (f) 2. to 8. or in Grenada, Lebanon, Panama, Somalia or a Middle East crisis
23 under s. 45.34, and upon submission of a statement from the U.S. department of
24 veterans affairs certifying that the person was a prisoner of war during one of the
25 conflicts described in s. 45.35 (5) ~~(b) to (g)~~ (f) 2. to 8. or in Grenada, Lebanon, Panama,

1 Somalia or a Middle East crisis under s. 45.34, the department shall issue to the
2 person a special plate which is colored red, white and blue and which has the words
3 “ex-prisoner of war” placed on the plate in the manner designated by the
4 department.

5

(END)