

CHAPTER 45.

VETERANS' AFFAIRS, BENEFITS AND MEMORIALS.

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45.01 **Soldiers' memorial hall; providing rooms for.** It shall be the duty of the bureau of engineering to provide suitable rooms in the capitol and properly prepare them for the purpose of a memorial hall dedicated to the soldiers and sailors who served in Wisconsin commands in the civil war of 1861 to 1865 or any subsequent wars.

45.02 **Purpose of.** Said rooms when so set aside for the purpose indicated, shall be the headquarters of the Grand Army of the Republic, department of Wisconsin, and the United Spanish War Veterans, department of Wisconsin. The offices of the department commander, assistant adjutant general and assistant quartermaster-general of the Grand Army of the Republic, department of Wisconsin, shall be in said rooms.

45.03 **Stationery for headquarters.** The director of purchases shall furnish all stationery, pens, ink, printing and other supplies necessary for the proper use of the headquarters of the Grand Army of the Republic, on proper vouchers of the quartermaster-general of the Grand Army of the Republic. The director shall also furnish like materials for use of the headquarters of the United Spanish War Veterans, department of Wisconsin, on proper voucher of the department adjutant or quartermaster.

45.04 **Memorial hall; custodian; appointment; term; duties.** A custodian and superintendent of said memorial hall, who shall be an honorably discharged United States war veteran, shall be appointed by the Wisconsin department of veterans' affairs for a term of 4 years, whose duty shall be to take proper care of said memorial collection and to procure additions thereto and to so display them as to make them attractive and instructive to visitors to the state capitol. Such appointee shall not be subject to chapter 16.

History: 1951 c. 319 s. 231.

45.05 **County and municipal memorials.** (1) Any city council, village, town or county board may by gift, purchase, contract or condemnation acquire property, real or personal, for the purpose of providing, furnishing, constructing, erecting, repairing, maintaining, or conducting a suitable memorial to the memory of former residents thereof who lost their lives in the military or naval service of the state or of the United States, or to commemorate and honor the deeds of persons, residents thereof, or of the state or United States, who served the nation in any war, or other persons who rendered great state or national service, or to the memory of any president of the United States, or for a combination of any of such purposes, which are hereby declared to be public purposes.

(2) Such memorial shall be of such character as shall be determined by the governing body of such city, village, town or county, and without limitation because of enumeration, may comprise a public building, hospital, sanitarium, home for the aged or indigent, park, recreation facility, community forest or other suitable object having a public purpose.

(3) Any city council, town, village or county board may appropriate money and may levy a tax in order to acquire, pay for, construct, erect, furnish, equip, operate, repair, maintain or reconstruct a suitable memorial for the purpose or purposes provided in this section.

(4) Any city council or village, town or county board may authorize the use of any public property respectively of such city, village, town or county as a site for a memorial, and any county may authorize its public property to be so used by any city, village or town therein.

(5) Any city council, village, town or county board may by ordinance or contract provide for the management, control or operation of any memorial, and it may enter into a written lease, for a term not exceeding 25 years, with any duly chartered and incorporated veterans' organization established in said town, city or village, such lease to include provisions for the amount of rental and such conditions of public use as it may determine.

(6) Any county, city, village or town that has previously taken action toward the establishment of a monument or memorial under the statutes of 1943 or prior statutes may continue under such previously existing statutes or may proceed under this section.

Under an agreement which Milwaukee county, under authority of 45.055, entered into with a corporation organized for the purposes specified in 45.05 of constructing, maintaining and conducting a war-memorial project, the county was to acquire privately owned real estate and was to obtain the vacation of certain city streets, and the corporation was to erect on the site a veterans' building, an art gallery and audience halls at a total cost of \$5,000,000, to be raised by it, but the project was subject to abandonment in various contingencies; the development of the site for public use was so uncertain that the county's proposed condemnation, on the basis of such agreement, was not justified. *Schumm v. Milwaukee County*, 253 W 256, 45 NW (2d) 673.

45.052 Memorial corporations organized under 1919 act. (1) ADDITIONAL POWERS OF GOVERNING BODY. Any commission or board of trustees which governs a corporation organized to construct a memorial under s. 45.057 (5), statutes of 1919 to 1943 (created by ch. 598, laws of 1919, and repealed by ch. 301, laws of 1945), shall have the following powers in addition to those it now has:

(a) All powers vested in the members of such corporation by the articles of incorporations or bylaws, including the power to amend the articles of incorporation.

(b) The powers set forth in s. 181.04 and all other applicable provisions of ch. 181.

(c) It may convey any property under its control to any municipality and lease it back under terms agreed upon by the commission or board and the municipality.

(d) It shall have a membership composed of 5 residents of the city, village or town in which the memorial is located, one appointed by the common council of the city, village board or town board of said city, village or town, and 4 by the county judge of the county in which the memorial is located. The commission or board may appoint 2 additional members who are residents of this state. The terms of all members shall be 5 years.

(e) It may dissolve the corporation and dispose of the real and personal property of the corporation in a manner which it deems will best serve the purposes for which it was organized and the interests of the community.

(2) CONFIRMING EXISTENCE AND OPERATION. Notwithstanding the repeal of s. 45.057, statutes of 1943, by chapter 301, laws of 1945, the continuing existence of all commissions, boards and corporations organized under s. 45.057 (5) is affirmed, and the continuing operation of such commissions, boards and corporations is ratified as to the past and authorized in the future.

History: 1955 c. 141.

45.055 Joint memorials. Any city council or village, town or county board may contract with or make an appropriation, or both, to any other unit of government or to any nonprofit corporation without capital stock organized expressly for any of the purposes of section 45.05 or to any duly chartered and incorporated veterans' organization established in any such city, village, town or county, and for the purpose of raising funds for such memorial purposes or contributions, may levy taxes upon the taxable property of such unit of government not exceeding 5 mills on the dollar in all which said taxes may be spread over a period of 5 years, or to borrow money and issue the bonds of the respective municipalities therefor in the manner and under the regulations provided by chapter 67; provided that the facilities of such memorial are made available to the residents of the

governmental unit making such appropriation to the extent that the governing body of the governmental unit may require.

By granting statutory permission to municipal corporations to contract with non-profit corporations for the erection and maintenance of war memorials, the legislature did not give to municipalities condemnation rights which the municipality, acting alone, did not have. *Schumm v. Milwaukee County*, 258 W 256, 45 NW (2d) 673.

45.058 Memorials in populous counties. (1) Any county having a population of 500,000 or more may establish and maintain a memorial or memorials under ss. 45.05 and 45.055 by agreement between the county board of such county and any nonprofit private corporation without capital stock organized under the laws of this state (except as in this section provided) expressly for any of the purposes of s. 45.05 located in such county.

(2) The board of directors of such corporation shall be designated as the "memorial board", and its members shall be styled "trustees". The membership of the memorial board may include special members, who need not be members of the corporation.

(3) The memorial board shall consist of 15 members; of whom 8 may be special members to be elected as provided in this section; and the remaining members shall be elected from the membership of the corporation.

(4) Special members of the memorial board shall be elected by the county board of such county and consist of:

(a) Four members from the county board, and

(b) Four members elected from among the residents of the county.

(5) Terms of members of the memorial board shall be:

(a) For special members:

1. Members elected from the county board shall be elected at the first meeting of the county board following each county board general election and their terms shall commence on that date. They shall hold office during their terms on the county board and until their successors are elected and qualified.

2. Members elected from among the residents shall hold office for 4 years and until their successors are elected, except that the first 4 such members shall be chosen for 1, 2, 3 and 4 years, respectively.

3. Any vacancy in such special membership shall be filled by the county board for the unexpired term, and until a successor is elected and qualified.

(b) For elected members from the corporate membership: The terms of such trustees shall be for such numbers of years that those of an equal number, as nearly as may be, shall expire in 2, 3, and 4 years, and successive terms of 4 years each thereafter and until their successors are elected and qualified.

(6) The articles of incorporation of the corporation shall provide originally or by amendment, in addition to other necessary provisions, and as permitted by this section, for the classification of the members of the corporation, for the election of trustees proportionately from and by such classifications, for the terms of the members of the corporation and for the officers, their duties, and the terms thereof to be elected from the membership.

(7) Any such war memorial may be constructed upon any land ceded before July 15, 1953 by the state of Wisconsin to any municipality in this state notwithstanding any restrictions, limitations or conditions as to the nature of the use of any such land contained in the legislative act, granting the land to any such municipality, and notwithstanding such restrictions, limitations or conditions incorporated in any subsequent conveyance of said lands by such municipality.

(8) Any such war memorial may be constructed in any public park and the use of such park lands as a location for a war memorial shall not be deemed to be inconsistent with the use of the same for park purposes. However, no war memorial shall be constructed in a public park until the park commission or park board having jurisdiction of such park shall approve the same. The county board of any county may authorize the construction of a war memorial at different intervals of time if the proposed memorial consists of more than one building or structure and any county board subsequently elected shall carry into effect any contract authorized by s. 45.055 entered into on behalf of such county for the construction or maintenance of such a war memorial. The construction, maintenance and operation of a war memorial in a county park shall be subject to the jurisdiction of the county board and no part of the cost thereof shall be charged against the funds of the park commission or park board of such county.

History: 1953 c. 436; 1955 c. 661.

45.06 Rooms furnished by county or municipality. The action of any county board or municipality, or department thereof, in granting soldiers, sailors, marines and nurses who served the nation during any of its wars, any other civic, patriotic, educational

or historical society, rooms and space within public buildings for the establishment of memorial halls and museums, and occupancy thereof by its members, is hereby authorized and confirmed. Such county board or municipality is hereby empowered and authorized to permit the use and occupancy of such rooms and space for such term and subject to such conditions and provisions as may be by them imposed; provided, however, that any contract, lien or agreement between said county board, municipality or department thereof and any such organization now in force shall continue in force according to the terms thereof.

45.066 Memorial trees on highways. No person, firm or corporation shall cut or trim any tree planted along any federal or state trunk highway as a memorial to the soldiers and sailors of any war, without the written permission of the state highway commission. Violations of this section shall be punishable by a fine of not less than ten nor more than two hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment; provided, that nothing in this section shall interfere with the rights of abutting property owners in such trees.

45.10 County tax for needy soldiers, etc. (1) Every county board shall annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section, such tax to be levied and collected as other county taxes for the purpose of providing aid to needy soldiers, sailors or marines, who performed honorable military or naval service for the United States in time of war or during the Korean conflict between June 27, 1950 and January 31, 1955, the needy wives, widows, minor and dependent children of such soldiers, sailors and marines, and the needy parents of such soldiers, sailors or marines entitled to aid under ss. 45.10 to 45.185.

(2) The words "veteran", "soldier", "sailor", "marine" and "nurse" as used in this section and in sections 45.11, 45.12, 45.13, 45.14, 45.15, 45.43 and 45.44 shall apply with like force and effect to both male and female members of the army, navy, marine corps, coast guard and army and navy nurse corps.

History: 1955 c. 92, 202.

See note to 49.02, citing 39 Atty. Gen. 26. has returned to and presently is in the service of the United States army. 40 Atty. Gen. In case of need aid may be extended to family of honorably discharged soldier who 40.

45.11 Estimate of amount needed. The county veterans' service commission shall estimate the probable amount required under section 45.10 and shall file such estimate with the county board prior to the adoption of the budget at the November session.

45.12 County veterans' service commission. (1) Every county judge shall on or before the second Monday in December appoint 3 residents of the county, each of whom shall be an honorably discharged soldier, sailor or marine who performed military service for the United States in time of war, one of such appointees to serve 3 years, one to serve 2 years, and one to serve one year from the date of appointment, as the "County Veterans' Service Commission" of such county.

(2) Such commission shall be organized by the election of one of their number as chairman. Said judge after the expiration of the terms of those first appointed shall annually appoint one person as a member of such commission for the term of 3 years. He shall require each member of the commission and the county veterans' service officer to execute to the county an individual surety bond, with sufficient sureties to be approved by the county judge, each such bond to be in an amount equal to the tax levied in the current year for expenditure by the commission. Each such bond shall be filed with the county clerk.

History: 1955 c. 312.

45.13 Records of meetings and investigations kept by service officer. The county veterans' service officer shall serve as executive secretary of the county veterans' service commission and all necessary investigations to determine eligibility for aid under section 45.10 shall be made by him or under his direction when so requested by the commission. The county service officer in making such investigation may use such facilities for investigating as shall be made available by the county board of such county.

45.14 Commission, examination, aid. Such commission shall meet at the courthouse or at such other place as the county board shall designate on or before the first Monday of January in each year and at such other times as may be necessary. The commission may furnish aid to any person within s. 45.10 if the right of such person to aid shall be established to its satisfaction. The secretary of the commission shall make and deposit with the county clerk a list containing the name, place of residence and the amount to be paid each such person, which shall be signed by the chairman and secretary. The total disbursements made by the commission shall not exceed the amount collected from the tax levied. When such lists are filed the county clerk shall issue an order

upon the county treasurer for the sum designated therein in each case and deliver it to the person entitled thereto. The commission may furnish aid in a different manner than by supplying money. The commission may request the county clerk to issue an order upon the county treasurer to a purveyor of services or commodities for the purchase of such services or commodities or the commission may furnish such supplies as it deems best. The commission shall make a detailed report to the county board at each annual session thereof showing the amount expended.

History: 1955 c. 92, 202.

45.15 Commission, compensation. The county board shall allow the members of the commission a reasonable rate of compensation for services and actual expenses incurred in the performance of their duties to be determined pursuant to section 59.15. The county board may provide for the employment of clerical assistance to the commission.

Compensation of members of county veterans' service commission is fixed at the discretion of the county board. 40 Atty. Gen. 496.

45.16 Burial allowance for veterans. Each county veterans' service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any veteran who served in any war of the United States or in the Korean conflict and who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for disability incurred in line of duty, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances which would distress his family to pay the expenses of such burial, at an expense to the county of not more than \$150 in addition to the burial allowance payable under laws administered by the veterans administration.

History: 1957 c. 247.

45.17 Investigation and report. It shall also be the duty of such officers before assuming such charge and expense to make a careful inquiry into and examination of all the circumstances in any such case for the purpose of ascertaining the existence of either of the facts required by the preceding section, and they shall also report the same to the county clerk of their county, setting forth the fact that they found the family of such deceased person in indigent circumstances and all the facts on which they based their action, together with the name, rank and command to which he belonged, the date of death, the place where buried, his occupation while living and an itemized statement of the expenses of such burial.

45.18 Order for expenses; headstone. It is the duty of the chairman of the board and the clerk of such county on the receipt of such report to draw an order on the county treasurer for the amount of expenses so incurred, payable to the person designated in the report as being entitled thereto. The county veterans' service officer of each county shall, upon the death and burial of any such veteran residing therein at the time of his death, make application to the proper authorities for a suitable headstone as provided for by act of congress, and at the expense of the county cause the same to be placed at the head of his grave.

History: 1957 c. 247.

45.185 Care of soldiers' graves. (1) Every town board, village board, or common council of every city shall at all times see that the graves and tombstones of all members of the armed forces of the United States, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the wives or widows of all such soldiers, sailors or marine members, receive proper and decent care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where the said graves are located, except where suitable care is otherwise provided. The amount of expense so charged the county for such care shall not exceed the charge made for the care of other graves in the same cemetery.

(2) It shall also be the duty of such bodies to report to the county clerk of their respective counties, on or before September 1 of each year, the respective locations of the graves so taken care of by them, together with the name and command to which every such member of the armed forces of the United States, including women's auxiliary organizations created by act of Congress belonged, his or her rank at the date of death, and the amount claimed for such care for a fiscal year from July 1 to June 30.

(3) It shall be the duty of the chairman of the board and the clerk of such county, upon receipt of such report, to draw an order on the county treasurer for the amount of the expenses so incurred, payable to the person or persons designated in said report as entitled thereto.

45.20 Temporary aid to soldiers, sailors and marines, and their dependents. Temporary aid shall be given, granted, furnished and provided, according to ch. 49, to and for any honorably discharged indigent soldier, sailor or marine of any war of the United States or the Korean conflict and the indigent wife, widow or minor child of any such, without requiring the removal of any such person to any county home, but such temporary aid shall not continue longer than 3 months at any one time or in any one year unless the authorities charged with the relief of the poor shall determine otherwise.

History: 1955 c. 92, 202.

Benefits for needy veterans are available to those meeting the conditions contained in 45.35 (5a). (Korean conflict.) 41 Atty. Gen. 132. such authorities of the county or municipality as are charged with responsibility for administering relief under 49.02 and 49.03. 45.20 does not apply to, or limit, aid which a county may provide under 45.10 and 45.14. 41 Atty. Gen. 187.

45.21 Registration of certificate of discharge. Every person who served in the armed forces of the United States including nurses and members of the women's auxiliary military organizations created by the congress, in World War I, World War II, the Civil War, Spanish-American War, or who has served in the armed forces of the United States at any time, and who has been honorably discharged or given a certificate of service or relieved from active service may cause to be recorded with the register of deeds of some county within this state, in a suitable book to be provided by the county for that purpose, his or her certificate of discharge or release, said certificate to be accessible only to such veteran, his dependents, the county veterans' service officer, Wisconsin department of veterans' affairs, or any person with written authorization from the veteran or his dependents to see said certificate. The register of deeds so recording such certificate shall make no charge for such service, except that in counties where the register of deeds is under the fee system and not paid a fixed salary he shall be paid a fee of 25 cents, by the county, for each certificate so recorded. The record of any such certificate heretofore made is hereby legalized.

History: 1955 c. 248.

45.276 Service memorial institutes. (1) There shall be erected and equipped in connection with the medical school of the university and the Wisconsin general hospital institutes for the advancement and utilization of knowledge of medicine and hygiene including rehabilitation, to be known as "Service Memorial Institutes."

(2) Such institutes shall be a memorial to those who served the state and nation in the World War. The regents of the university shall erect at an appropriate place in said institutes a suitable tablet stating the source of the funds from which the institutes were erected and equipped and such other statements as they may deem appropriate.

(3) The institutes may be utilized for the scientific, educational and social work of the medical school and hospital, for the work of the state laboratory of hygiene, for the work of the state psychiatric institute, the laboratory of the state toxicologist, and for similar work established or to be established for the promotion of the health of the people of the state and the advance of the knowledge of medicine and hygiene, including methods of rehabilitation.

45.277 Hospital care; charge for. The rate of charges for services rendered patients at the Wisconsin general hospital or in the service memorial institutes under section 45.38 (1) shall in no case exceed the rate of charges determined by the board of regents for similar care rendered public patients under section 142.07. Members of the medical, surgical and laboratory staffs of the Wisconsin general hospital and the service memorial institutes shall not receive any special compensation for services rendered such patients.

45.30 Commitment of insane veteran. (1) Whenever it appears that any veteran is eligible for treatment in a United States veterans' facility and commitment is necessary for the proper care and treatment of such veteran, any court of record of the county in which the veteran is found may, upon receipt of a certificate of eligibility from the veterans' administration, after adjudging the veteran insane in accordance with law, direct such veteran's commitment to the veterans' administration for hospitalization in a United States veterans' facility. Upon admission to any such facility, the veteran shall be subject to the rules and regulations of the veterans' administration. The chief officer of such facility is vested with the same powers exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention, transfer or parole of the veteran committed. Notice of pending commitment proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied. The commitment of a veteran to a veterans' facility within this state by a judge of or a court of record of another state under a similar provision of law has the same force and effect as if such commitment were made by a court of this state. After a

veteran has been legally committed to any hospital or asylum for the insane in this state the superintendent of such hospital or asylum in any county having a population of 500,000 or more or the state department of public welfare when the commitment has been made to any other such hospital or asylum, upon receipt of a certificate of eligibility from the veterans' administration evidencing the right of such veteran to be admitted to a veterans' facility, may transfer such veteran to such facility and the cost of the veterans' transportation, together with that of any necessary attendant, shall be a proper charge against such veteran's care in such institution. After such transfer the powers granted by this section to the superintendent of such veterans' facility shall be applicable. Any veteran transferred as provided in this subsection shall be deemed committed to the veterans' administration pursuant to the original commitment.

(2) Before adjudging a veteran insane in accordance with law, the court, upon the receipt of a certificate of eligibility from the veterans' administration, may commit such veteran to a veterans' administration facility to be detained for a reasonable length of time, to be fixed by the court, for the purpose of observation. Whenever an application to determine insanity is made in the manner prescribed by s. 51.01, the court shall make such inquiry as may be necessary and proper to ascertain whether the alleged insane person is eligible for treatment in a veterans' administration facility, and shall notify the Wisconsin department of veterans' affairs of the pendency of such action and of the commitment.

History: 1951 c. 701; 1953 c. 409; 1955 c. 506.

45.35 Wisconsin department of veterans' affairs. (1) The legislature declares that it is the policy of the state to give health, educational and economic assistance to veterans of the armed forces of the United States in World War II and the Korean conflict, and their dependents, who are bona fide residents of this state as defined in sub. (5a) (f) and (g), such assistance to be to such extent and under such conditions as is determined by the board within the limitations hereinafter set forth. A liberal construction of this section is intended.

(2) There is created a Wisconsin department of veterans' affairs consisting of a board of veterans' affairs, a director and administrative staff. The board shall consist of the governor and 6 members, 4 of whom shall be United States war veterans, (one of such 4 shall be a Spanish-American war veteran) appointed by the governor by and with the advice and consent of the senate.

(3) Of the 6 members appointed, 2 shall serve for terms expiring March 1, 1945, 2 shall serve for terms expiring March 1, 1947, and 2 shall serve for a term expiring March 1, 1949, or until their successors are appointed and qualify. Upon the expiration of such initial terms successors shall be appointed for terms of 6 years each. Members shall receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(4) The functions of the board shall be policy forming. It shall elect one of its members chairman and one secretary. The board may prescribe rules and regulations governing its procedure as they deem necessary to carry out the purposes of this chapter and the powers and duties conferred upon them hereby. The state chief engineer shall assign adequate office space in the capitol building for the department and its administrative staff. The records and files of the adjutant general and of any other state department or officer shall, upon request, be made available to the board.

(5) The administrative functions of the department shall be in charge of a director appointed by the governor by and with the consent of the senate for an indefinite term and not subject to chapter 16. The director shall appoint pursuant to chapter 16 such persons as may be necessary to carry out the policy of the board and shall designate a suitable person in the employ of the department as his deputy to act in his name, place and stead during the absence or disability of the director. He shall also appoint with the approval of the board a custodian and superintendent of memorial hall pursuant to section 45.04.

(5a) "Veteran" as used in this chapter, except in ss. 45.045 (4), 45.21 and 45.30 and unless otherwise restricted, means any person who served under honorable conditions in the active military or naval service of the United States for 90 days or more during a war period, as enumerated below, or if having served less than 90 days was honorably discharged for disability incurred in line of duty, who has lived continuously in this state for at least 10 years next preceding his application or was a resident of this state at the time of his enlistment or induction into service and such resident at the time of making application and, in all cases, who continues his residence in the state during the full period of his rehabilitation. If the service was in more than one period, each period must have been served under honorable conditions or have been terminated by an honorable discharge. The benefits available to veterans shall also be made available to the dependents

of servicemen who were officially reported missing in action, killed in action or who died in service.

- (a) Indian war: Between 1860 and 1898.
 - (b) Spanish American war: Between April 21, 1898, and April 11, 1899.
 - (c) Philippine insurrection: Between April 12, 1899, and July 4, 1902 (extended to July 15, 1903, if actually engaged in Moro Province hostilities).
 - (d) Boxer rebellion: Between June 16, 1900, and May 12, 1901.
 - (e) World War I: Between April 6, 1917, and November 11, 1918 (extended to April 1, 1920, if service was in Russia).
 - (f) World War II: Between August 27, 1940, and July 25, 1947.
 - (g) Korean conflict: Between June 27, 1950, and January 31, 1955.
- (5b) "Dependent" of a veteran as used in this section means and includes:
- (a) A wife or husband; or a divorced wife only when receiving benefits under a court order.
 - (b) Any natural child under 18 years of age, or if in full attendance at a recognized school of instruction, or of any age if incapable of self-support by reason of mental or physical defect.
 - (c) Any legally adopted child.
 - (d) Any stepchild or child if a member of the veteran's family.
 - (e) Any child born out of wedlock, only if the veteran acknowledges paternity or the same has been otherwise established.
 - (f) The natural mother or natural father or a person to whom the veteran stands in loco parentis and who has so stood for not less than 12 months prior to veteran's entrance into active service.
 - (g) A minor sister or minor brother.
 - (h) A brother or sister of any age if incapable of self-support by reason of mental or physical defect.

(5c) No veteran and no dependent of a veteran is eligible for any benefit provided by this section without specific authorization by the board if such person has received from another state any bonus payment provided for him because of military service in World War II or subsequent wars or provided for him because of being a dependent of a person who had such military service.

(6) The department shall co-ordinate the activities of all state agencies performing functions relating to the medical, hospital, or other remedial care, placement and training, educational, economic or vocational rehabilitation of honorably discharged veterans, including such veterans with disabilities whether or not service connected or war connected. In particular it shall co-ordinate the activities of the state board of vocational and adult education, state selective service administration, state department of public welfare, industrial commission, state superintendent of public instruction, the university of Wisconsin, teachers colleges and other educational institutions, and all other departments or agencies performing any of the functions specified, to the end that the benefits provided in this section may be made available to returning veterans as promptly and effectively as possible.

(7) The department shall maintain contacts with county service officers and local agencies, the American Red Cross and veterans' organizations concerned with the welfare of veterans and shall contact and co-operate with federal agencies in securing for Wisconsin veterans all benefits to which they may be entitled.

(7a) The department upon request shall assist all persons residing in the state of Wisconsin having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of service in the wars of the country. To this end it shall co-operate with their agents or attorneys, advise as to the legality of claims, furnish all necessary certificates and certified abstracts from and copies of records and documents in its office, and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may hereafter be filed. It shall also in cases where it may be expedient act as agent or attorney of record in prosecuting claims for such persons as may request it to do so; provided, that for any such services rendered no person in the employ of the department shall make any charge or demand or receive from the said claimants or any of them, directly or indirectly, any pay or compensation whatever. It shall provide for registration with the register of deeds of each county the names of all persons from such county who died in the services of the United States during the Spanish-American War, Philippine insurrection or Chinese relief expedition or World Wars I and II.

(8a) The department may extend to any such veteran or any of his dependents such temporary emergency aid or relief as it may deem advisable to prevent want or distress, including loans to dependents during periods of the first 6 months of active military serv-

ice of a veteran following his reentry into such service when, for no fault of his own, he is not receiving pay, except that this subsection does not apply to any veteran whose total period of service has been as a student detailed for training under the army specialized training program, the army air forces college training program, the military or naval academies, or any similar program under the jurisdiction of the navy, marine corps or coast guard. The benefits and aids provided under section 45.35 shall not be assignable and shall be exempt from garnishment and execution.

(8b) The department may lend any veteran not more than \$1,000 to be used for his rehabilitation, education, the purchase of a business or business property or the repairing or adding to his home or business property. The department may prescribe loan conditions, but the interest rate shall be 2 per cent per annum and the term shall not exceed 15 years. Loan expense may be charged to the veteran. The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, and with the consent of the attorney-general, write off indebtedness which it deems uncollectible. Interest and repaid principal shall be paid into the post-war rehabilitation trust fund. The department may lend for educational purposes not more than \$1,000 to any widow who has not remarried for herself or a minor child or children of a veteran whose death was directly or indirectly due to service causes if (1) such veteran otherwise would have qualified for such a loan, and (2) such widow or child shall have resided in Wisconsin for 5 years immediately preceding the date of application.

(8c) Any minor who is a veteran (as defined in s. 45.35 (5a)) and any minor who is the wife or widow of such a veteran may execute notes, mortgages and other contracts and conveyances to the department and such notes, mortgages, contracts and conveyances shall not be subject to the defense of infancy.

(9) The department in co-operation with the rehabilitation division of the state board of vocational and adult education shall make available to disabled veterans the benefits of vocational training and guidance, including veterans who have filed claims for federal rehabilitation benefits and during the pendency of such claims. In cases where such claims are allowed and federal reimbursement is made to the state, such money shall be paid into and become a part of the post-war rehabilitation trust fund.

(10) The department in co-operation with the industrial commission and state selective service administration or any other federal, state or local agency shall formulate and carry out plans for the training and placement of returning veterans in peace-time work.

(11) The board shall create an advisory committee which shall consist of the following members: 7 representatives of veterans' organizations, of whom one each shall be selected and certified to the board within 30 days after July 4, 1943 and annually thereafter not later than October 1 of each year by the state departments of the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Marine Corps League, the United Spanish War Veterans, the Navy Club of the United States of America and the American Veterans of World War II (AMVETS), one veteran who has served in the armed forces in Korea since June 26, 1950, one representative of the American Red Cross and one of the Wisconsin county veterans' service officers. The members of said committee shall receive no compensation for their services but shall be entitled to reimbursement for necessary expenses incurred in the performance of their duties. Said committee shall assist the board in administering and carrying out the purposes of this section. The board may create such other advisory committees as it may deem advisable.

(12) (a) All expenditures for execution of functions under this section shall be made from the postwar rehabilitation trust fund as provided in s. 20.840.

(b) The director shall certify to the director of budget and accounts for payment all aid to veterans and their dependents authorized under the rules and regulations of the board and shall certify or approve and forward to him pay rolls and other vouchers for other expenditures of the board authorized under such rules and regulations.

(13) The department may receive money, lands or other gifts in its name for the benefit of Wisconsin veterans and their dependents, or either, in accordance with policies adopted by the board. Such money shall be deposited in the state treasury and credited to the postwar rehabilitation trust fund and is appropriated therefrom by s. 20.840 (72b) to the department to be used in accordance with such policies.

(14) The department shall, without limitation because of enumeration, also have the following powers, duties and functions:

(a) To assist in the co-ordination of the state, county, municipal and private activities relating to veterans' housing.

(b) To co-operate with any and all federal departments, agencies and independent establishments relating to veterans' housing, materials, priorities and finances.

(c) To assist any housing authority, municipality or other private enterprise engaged

in supplying additional veterans' housing in the acquisition of materials, finances, legal aid and compliance with federal rules and regulations.

(d) To utilize the services and facilities of existing state departments and boards and county veterans' service officers.

(e) To employ such assistants as it may deem necessary to carry out its functions under chapter 627, laws of 1949, without regard to the provisions of chapter 16.

(f) To receive money from federal agencies for the purpose of providing veterans' housing in localities throughout the state.

(g) To perform such other duties as specifically set forth in other sections of the statutes.

History: 1951 c. 97 s. 31; 1951 c. 319 s. 231; 1951 c. 421, 609, 684; 1953 c. 40, 42, 317, 449; 1955 c. 20, 134; 1957 c. 296 s. 15; 1957 c. 327, 365, 532, 667.

Cross Reference: For postwar rehabilitation trust fund, see 20.551 (2).

Department has no power to pay to Wisconsin general hospital the cost of veteran's care in excess of the sum of \$5.90 per day provided by 142.10. (35 Atty. Gen. 201, qualified.) 39 Atty. Gen. 118.

45.352 Veterans' housing loans. (1) "Veteran" as used in this section and s. 45.353 has the same meaning as in s. 45.35 (5a) (f) and (g) and "department" means the Wisconsin department of veterans' affairs.

(2) (a) The department may loan not to exceed \$3,500 on the value of the housing accommodation for which it is made, including land, buildings and improvements, to any veteran making application therefor and establishing his qualifications and right to such loan under this section to the satisfaction of the department. Subject to such limitation the amount of each loan shall be fixed by the department with due regard to the conditions and requirements of the applicant. Loans granted under this section shall be paid out of the appropriation in s. 20.840 (92). All receipts of interest and principal on such loans, payments of losses by insurers, and any other collections shall be deposited in the postwar rehabilitation trust fund.

(b) The department in administering this section is directed to determine that the purchase price to the veteran of any premises does not exceed the general average of property values and building costs in the area, that the veteran will not be incurring an excessive indebtedness in view of his income, and that the veteran requires a loan in addition to his own funds. In the event that the department determines that the applications for loans shall exceed the funds available, the department shall give priority of loans to the most necessitous cases and take all action necessary to spread the available funds among the maximum possible number of veterans. It is the intent of the legislature that the provisions of section 45.352 be construed as liberally as the language permits in favor of the veteran.

(3) Applications for loans shall be made to the department and shall be in such form and set forth such material information as the department shall prescribe. Each application for loan shall be signed by the veteran applying. The department shall pass upon the merits of each application and may disallow the loan applied for or grant it in whole or in part. Whenever the application and other information given by an applicant is not deemed sufficient or satisfactory for making a determination thereon, the department may use such means of availing itself of the facts as it may deem practical.

(4) A loan under this section shall be granted only to a veteran who:

(a) Requires the loan for the purchase, improvement or construction of a home for himself or family.

(b) Can show to the satisfaction of the department that the total cost of such home, including land, does not exceed \$15,000.

(c) Has available for application on the cost of such home an amount equivalent to 5 per cent of such total cost. Such amount may consist of money and other assets, including land to be used for the construction, which land may be taken at its assessed valuation for taxation purposes.

(d) Is financially able, with the aid of such loan, to conclude the purchase, improvement or construction of such home.

(4a) The department may grant a loan under this section, to a veteran otherwise eligible hereunder, for the purpose of refinancing or increasing an existing loan when satisfied as to the need therefor.

(4b) Those veterans otherwise qualified for housing loans under section 45.35 (5a) who remained in or reentered the active military service after World War II are eligible for loans made under this section.

(5) Each loan made under this section shall be repaid to the department in equal monthly instalments commencing upon occupancy by the veteran, and over a period of not to exceed 20 years, with the option to pay additional sums on any instalment-paying day. Such loan shall bear interest at the rate of 2 per cent per annum on unpaid balances

of principal and shall be evidenced by a promissory, instalment note payable to the department and executed by the veteran to whom the loan is made. The department is authorized to obtain guarantees for such loans under the provisions of section 505 of the servicemen's readjustment act. The note shall be secured by a mortgage on the real estate in respect to which the loan is granted. Such mortgage shall be substantially in the form, contain the covenants and be executed in the manner prescribed in chapter 235 and shall provide for adequate insurance against loss by fire and wind and that the premises therein described are free and clear of all incumbrances whatsoever. But any such mortgage may be junior and subject to one prior mortgage, and in such case shall include an exception as to such prior mortgage, giving a description thereof. Such mortgage shall have priority over all liens upon the mortgaged premises and the buildings and improvements thereon, except tax and special assessment liens, which are filed after the recording of such mortgage.

(6) The department may accept when necessary to protect a mortgage loan, a quitclaim deed or warranty deed to the mortgaged property in full satisfaction of the mortgage debt (and thereupon to satisfy the same), and to manage, operate, lease, exchange, sell and convey, by land contract, quitclaim deed or warranty deed and to grant easements in any real property acquired by the department.

(7) The department shall have and exercise the rights, as the case may be, of owners or mortgagees generally; and any payments or expenses necessary to be made to protect the state's interest shall be made from the appropriation made by s. 20.840 (92).

(8) The board shall make such necessary rules and regulations, not inconsistent with law, for the effective and efficient administration of the department's powers, duties and functions under this chapter. Such rules shall be expressly subject to the authority of the committee for review of administrative rules created by s. 227.041.

(9) The department shall be represented by the attorney-general in all actions and proceedings arising by virtue of the provisions of this section and the rules and regulations made by the department.

(10) (a) Whenever any instalment of principal, interest or other charge payable under the terms of a note or mortgage given under this section shall become delinquent, the department may, upon application of the mortgagor and recommendation of his county veterans' service officer as hereinafter provided, by agreement in writing duly executed by the parties, extend the time within which the obligation under such note and mortgage or any part thereof shall be paid, reduce the amount of monthly instalments and provide such other terms and conditions relative to the time and manner of repaying the obligation, not inconsistent with this section, as the department shall deem necessary and reasonable in view of all the circumstances of the case. If the department shall find an application is made without sufficient cause to justify granting relief under this subsection it may deny the same.

(b) An application under this subsection shall be in writing, subscribed and sworn to by the applicant, set forth the reasons for making the application and such other information as the department may require. Forms for such applications shall be prescribed and furnished by the department. The application shall be accompanied by a statement subscribed by the applicant's county veterans' service officer setting forth that he has read the application and after investigation believes it does or does not merit consideration and his reasons for such belief.

(11) **MORTGAGE CANCELLATION LIFE INSURANCE.** If upon a canvass to be conducted by the department it is found that not less than 60 per cent of the mortgagors under this section agree thereto, the department may provide mortgage cancellation life insurance for any present and future mortgagors under this section. If it is so found:

(a) The department shall procure bids for the purchasing of such insurance in compliance with the laws governing the purchase and furnishing of services to state agencies.

(b) Every mortgagor under this section who is qualified shall be insured.

(c) The insurance shall insure the life of the mortgagor, except as stated in par. (e), for the amount of principal and interest due on the state loan, and the state of Wisconsin shall be named the beneficiary. If the mortgagor, at any time while still owning the property and before paying off the loan, dies, the insurance shall be used to pay the balance of the state loan, and the director shall issue a satisfaction of the mortgage.

(d) The department shall pay the premiums from the appropriation made by s. 20.840 (92) and require the mortgagors to repay their pro rata share of the premiums at such times and in such amounts as shall be determined by the department.

History: 1951 c. 9, 59, 278, 644; 1955 c. 10; 1957 c. 532, 574, 667.

Board of veterans affairs has power to establish policy requiring express approval or disapproval of applications for housing loans by veterans who have received a bonus from a foreign state. 40 Atty. Gen. 302.

The department of veterans affairs has no present statutory authority to make loans for the construction of single car garages. 45 Atty. Gen. 22.

45.353 Veterans' co-operative and nonprofit housing corporation. The department may make loans to veterans' nonprofit housing corporations and veterans' nonprofit, co-operative housing associations subject to the same provisions applicable to loans under section 45.352 except that section 45.352 (4) (a) shall not apply and the limitations of section 45.352 (4) (b) shall apply only to the cost per dwelling unit.

45.355 Biennial study of fiscal needs for veterans' housing. Biennially the joint finance committee of the legislature shall study and review the fiscal requirements for veterans' housing loans and the condition of the veterans' housing loan fund and thereupon shall make report thereon to the legislature with a view to recommending proper appropriations to adequately provide for such loans. All appropriations made by the legislature for veterans' housing loans pursuant to recommendations so made by the joint finance committee shall be from the soldiers' rehabilitation trust fund or the general fund or both, as the needs may require.

History: 1955 c. 591.

45.365 Grand Army Home; management. (1) The Wisconsin department of veterans' affairs (hereafter in this section referred to as the department) shall operate and conduct the Grand Army Home for Veterans at King (hereafter in this section referred to as the home) and employ a commandant and such officers, nurses, attendants and other personnel as may be necessary for the proper conduct of the home. In compliance with the provisions of the compensation plan established pursuant to s. 16.105 (4) it shall have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employes and members of the employes' family maintained as such. All moneys received from each and every person for or on account of such services shall be paid within one week after receipt into the general fund and shall be credited to the appropriation provided for this purpose by ch. 20. Complete personal maintenance and medical care shall be furnished all members under the policy of the department.

(2) The department shall have power to acquire, by gift, purchase or condemnation, lands necessary for the purposes of the home. Title thereto shall be taken in the name of the state of Wisconsin and shall be held by and for the uses and purposes of said home so long as used for the present objects and purposes thereof. No payment shall be made out of the state treasury or otherwise for any such land until the title has been examined and approved by the attorney general. Every such deed of conveyance shall be immediately recorded in the office of the proper register of deeds and thereafter filed with the secretary of state.

(3) The commandant and employes designated by him may summarily arrest all persons within or upon the grounds of said institution who are guilty of any offense against the laws of the state of Wisconsin or the rules and regulations governing said home; and for such purpose the commandant and his deputies have all the power of constables.

(4) For the purpose of providing an infirmary-domiciliary building at the Grand Army Home for Veterans at King, improvements and additions thereto and equipment therefor, and to enable the construction, financing and ultimate acquisition thereof, and for no other purpose unless authorized by the legislature, the board of veterans' affairs shall have the following powers and duties:

(a) The power to lease and re-lease state-owned lands at the Grand Army Home for Veterans at King and improvements to a nonprofit-sharing corporation for terms not exceeding 50 years each, and to enter into contracts with such corporation, all upon condition that the corporation shall construct on the leased land an infirmary-domiciliary building, or additions and improvements thereto, and provide such equipment therefor, as the board of veterans' affairs shall designate and shall lease the same to the board of veterans' affairs upon satisfactory terms as to the current rental, maintenance and ultimate purchase by the board of veterans' affairs.

(b) The duty to apply the revenues derived from the operation of such infirmary-domiciliary building, and additions and improvements thereto and all moneys available and to become available from the federal government for care of veteran members at the said Grand Army Home for Veterans, including moneys in the appropriation provided in s. 20.840 (61), to the payment of such rentals; and to apply any surplus which may be available or accrue from any such sources toward the purchase price of such building, addition, improvement and equipment.

(c) The duty to submit the plans for buildings and all contracts and leases made pursuant to this section to the state engineer and the governor for written approval before they are adopted.

(d) Nothing in this subsection empowers the said board to incur any state debt.

History: 1957 c. 303.

45.37 Who are eligible to membership. (1) **GENERAL STATEMENT.** Within the limitations of the facilities of the home, the department may admit to membership in the Grand Army Home for Veterans persons who meet the qualifications set forth in this section.

(2) **BASIC ELIGIBILITY REQUIREMENTS.** Men or women who served on active duty in the armed forces of the United States during a war period or under conditions comparable thereto as may be determined by the department and who meet the following requirements may be admitted to the home:

(a) *Residence.* Were bona fide residents of Wisconsin at the time of entering service with the armed forces and who have resided in Wisconsin continuously for 10 years next preceding the date of application for membership. Residence may not be initiated by residence in a U. S. veterans administration facility.

(b) *Active duty.* Had at least 90 days of active duty in the armed forces.

(c) *Discharge under honorable conditions.* Were discharged from such service under conditions considered honorable by the department.

(d) *Means test.* Are found by the department to lack adequate means of support for themselves and dependents, and are temporarily or permanently incapacitated due to physical disability or age from following any substantially gainful occupation. Priority shall be granted to those who have no personal resources and who certify that they have no parent, spouse or child able to care for them and the department shall make such investigation as is necessary to ascertain the correctness of such certifications.

(e) *U. S. care.* Are eligible to similar care in a facility controlled by the U. S. veterans administration.

(f) *Age.* Are 50 years of age or over.

(g) *Crimes.* Have not been convicted of a felony or of a crime involving moral turpitude or have produced sufficient evidence of subsequent good conduct and reformation of character as to be satisfactory to the department.

(h) *Chronic ailments.* Is not a chronic alcoholic, drug addict, psychotic or active tuberculosis case.

(i) *Assets.* Reports or has total assets under \$500, unless the applicant for membership agrees to turn over such assets in excess of \$500 to the state for the sole use and benefit of the home.

(j) *Prior transfer of assets.* Has not within 5 years immediately prior to application for admission conveyed or disposed of property or any interest therein of a value in excess of \$500 by gift or sale for an inadequate consideration, except in cases where the property is conveyed to the state. If the department determines that any such conveyance or disposition of property had no relation to prospective entrance into the home, the last provision shall not be applicable.

(3) **EXCEPTIONS TO THE BASIC ELIGIBILITY REQUIREMENTS.** (a) *Less than 90 days service.* Veterans with less than 90 days of service, if otherwise qualified as specified herein, shall be considered eligible if such service was terminated as a result of service connected disability.

(b) *Under 50 years of age.* Disabled veterans under 50 years of age, if otherwise qualified, may be admitted if unable to secure adequate care from the federal government.

(c) *Nonresident.* Veterans whose services are not credited to Wisconsin but who are otherwise qualified for membership may be admitted if they have resided continuously in this state for the 15 years next preceding the date of application.

(4) **ADMISSION PRIORITIES.** (a) *Order of eligibility of veterans.* Applications except in cases where there is an immediate need for physical care or economic assistance shall be passed upon in order of priority in point of time of commencement of the military service upon which the privilege of membership in the home is based.

(b) *Basis for eligibility of nonveterans.* Wives, widows and mothers derive their eligibility from the eligibility of the veteran upon whose service it is based.

(c) *Order of priority.* The order of priority for admission to the home shall be as follows:

1. Eligible veterans shall have first priority;
2. Wives of eligible veterans shall be given second priority;
3. Widows of eligible veterans shall be given third priority;
4. Mothers of eligible veterans shall be given fourth priority;
5. The department may deviate from this sequence upon order of the board in order to prevent the separation of a family unit of husband and wife.

(5) **ADDITIONAL ELIGIBILITY REQUIREMENTS OF WIVES OF VETERANS.** Wives of eligible veterans are eligible only if:

(a) They have lived continuously with the veteran husband not less than 10 years immediately before making application for membership; and

(b) The husband is a member of the home or is institutionalized because of physical or mental disability; and

(c) Wives who become widowed while members of the home must qualify for membership as widows under sub. (6) if their membership is to be continued.

(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF WIDOWS. The widows of veterans who would be eligible if living, are eligible if:

(a) They were married to and living with their veteran husbands not less than 10 years immediately prior to the death of the veteran, or were married to the veteran at the time the spouse entered the service and were widowed by the death of the spouse in the service or as a result of physical disability incurred during such service and before they were married 10 years, or the period in which they were married and lived with the spouse plus the period of their widowhood is 10 years or more; and

(b) Have not remarried; and

(c) Are 50 years of age or over at the date of application; and

(d) Are physically disabled; and

(e) Are unable adequately to care for themselves and lack adequate means of support.

(7) ADDITIONAL ELIGIBILITY REQUIREMENTS OF MOTHERS. The mothers of veterans who, whether living or dead, would be eligible for membership if living, are eligible if they:

(a) Are widowed; and

(b) Have reached 60 years of age; and

(c) Have resided in this state continuously for the 10 years next preceding the date of application for membership; and

(d) Are physically disabled, unable adequately to care for themselves and lack adequate means of support.

(8) EFFECT OF CHANGE IN STANDARDS. The members of the home on July 7, 1949 shall not be required to requalify for membership because of changes made in eligibility standards unless they are subsequently discharged and later apply for re-entry into the home, or unless the financial or physical status of any member has changed or improved so that he would no longer be eligible for admission under the standards applicable at the time of his admission.

(9) FORMULA FOR MEMBER INCOME PAYMENTS. Each member of the home, regardless of the date of his admission, shall pay the following portions of his annual income into the general fund of the state. If husband and wife are both members their incomes shall be combined before applying the rates.

INCOME BRACKETS	RATES
1st \$120	none
2nd \$120	none
3rd \$120	40 per cent
4th \$120	50 per cent
5th \$120	60 per cent
6th \$120	70 per cent
7th \$120	75 per cent
All remaining income	100 per cent

Payments of the amounts indicated above shall be made at such time and in such amounts as the board of the department shall provide by rule or regulation. Payments of these amounts shall be made first and to the fullest extent possible from sources of income other than pension or compensation paid by the veterans administration. The department may remit not to exceed \$10 monthly from the payments required of each married veteran for the personal use of his wife while she is a member of the home. The department may remit such sums monthly as it deems necessary for the care of nonmember dependents of a member. "Income" as used in this section, shall include, without limitation by enumeration, all pensions from state, federal or private sources, annuities, social security payments and recurrent insurance payments from state, federal and private sources but shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof. The operation of the hobby shop shall be conducted under the supervision of the board of veterans affairs and the members of the home participating in the work of the hobby shop may be reimbursed in such manner as the board may direct.

(10) CONVEYANCE OF PROPERTY. (a) If any member of the home dies without legal dependents, his personal property shall be distributed to the state of Wisconsin as sole heir for the sole use and benefit of the home, and no will, previously or hereafter drawn, making a contrary disposal shall be valid. A wife or mother residing at the home shall be included among and considered as a legal dependent for the purpose of this subsection.

(b) The provisions of ss. 49.25 and 49.26 shall take precedence over the provisions of par. (a) whenever old-age assistance is granted to members.

(c) The department is empowered to manage, sell, lease or transfer property descending to the state pursuant to this section or conveyed to it by members, to defend and prosecute all actions concerning it, to pay all just claims against it, and to do all other things necessary for the protection, preservation and management of such property.

(11) DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member of the home shall die leaving at the home cash or other personal property of a value not exceeding \$500, the commandant of the home may turn over such property or its proceeds to the state treasurer for the sole use and benefit of the home, without administration, subject to refund within 6 years to any creditor or legal dependent who shall establish his right to the fund or property or any portion thereof. The attorney general upon being satisfied that a claim out of such funds or property is legal and valid may certify the same to the state treasurer and the treasurer shall satisfy the same.

(12) CARE AS LIEN ON ASSETS OF MEMBER. (a) The net cost to the state of the care and maintenance of a member, as determined under rules promulgated by the department, constitutes a lien as hereafter provided and remains a lien until satisfied. The department shall issue for each member a certificate of lien setting forth: the name and residence of the member, the fact that he has received and will continue to receive care and maintenance at the Grand Army Home, a statement that the net cost to the state of such care and maintenance constitutes a lien on the real property of the member presently owned or subsequently acquired (including joint tenancy and homestead interests) and such other information required by the department. The department shall file the certificate, or a copy thereof, in the office of the register of deeds of every county in which real property of the member is situated. The certificate need not be recorded at length by the register of deeds, but upon filing thereof all persons are charged with notice of the lien and the rights of the state. The register of deeds shall keep a record of every lien filed in the same book and under the same provisions applying to old-age assistance liens pursuant to s. 49.26 (6).

(b) Upon filing as in par. (a) the lien herein imposed attaches to all real property of the member presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for the amount of the net cost to the state for care and maintenance furnished or thereafter furnished to the member and it remains a lien until satisfied. The lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the member had an interest prior to his decease. The lien takes priority over any lien or conveyance subsequently acquired, made or recorded, except tax liens.

(c) Upon termination of membership in the home, the liens shall be enforceable by the state in the manner provided for the foreclosure of mortgages under ch. 278; provided that in any action to foreclose such a lien the statute of limitations shall not constitute a defense. No such lien shall be enforced against the homestead of the member while it is occupied by him, a surviving spouse or by any minor children, or any incapacitated adult children of the member.

(d) Upon death of a member or former member, the county court may order sale of real estate which is subject to the lien herein imposed free and clear of the lien, and the lien shall attach to the net proceeds of the sale after taxes, prior encumbrances and costs of sale have been deducted. However, the expenses of administration, burial and last illness allowed by the court which remain unpaid after all personalty has been applied thereto according to law, but not to exceed \$300 in the aggregate, shall be charges against all real property of the deceased and shall be paid prior to the lien, in the order named, out of the proceeds derived from the real property upon liquidation of the lien.

(e) At any time the department is satisfied that the collection of the amount owing to the state will not be jeopardized or that the release of the lien in whole or in part is necessary to provide for the maintenance of the member, his spouse, or minor children, or incapacitated adult child, it may release the lien as to all or any part of the real property of the member, which release shall be filed in the office of the register of deeds of the county in which the certificate is filed. The member, his heirs, personal representatives or assigns may discharge such lien at any time by paying the amount thereof to the department, which shall execute a satisfaction which shall be filed with the register of deeds.

(f) The department may bid in property at foreclosure under par. (c) at a price not to exceed the amount owing the state, which amount or any part thereof may be applied as a credit on such a bid, or such agency or official may accept a conveyance in lieu of foreclosure. Title to property acquired vests in the department for the purpose of liquidation, and may be sold and title transferred by it.

(g) The department may make and pay for necessary and essential repairs, pay taxes or purchase tax certificates or pay balances due on land contracts so as to enable a member to receive a deed, or pay and cause to be satisfied existing mortgages or any other

prior liens on property on which the state has such a lien, and the amount of such expenditures shall be added to the amount of the lien.

(h) The department may accept or execute all necessary instruments, manage property acquired hereunder and take necessary part in the administration of decedents' estates to effectuate the provisions of this subsection. The department shall have and exercise the rights of owners of real property or liens generally, whichever the case may be.

(13) MEMBERS ELIGIBLE TO PRIVILEGE OF WISCONSIN GENERAL HOSPITAL. The provisions of s. 142.07 are applicable to veterans of all wars while members of the home, subject to the same restrictions and with the same privileges now enjoyed by the veterans of World War I at the Wisconsin general hospital. Costs incident to the hospitalization of members of the home shall be paid from the appropriation for the operation of the home, except for those veterans of World War I who are eligible to hospitalization and treatment under the provisions of s. 45.38 and except those veterans of World War II who are eligible to treatment under the provisions of s. 45.35.

(14) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. The commandant of the home may receive, disperse and account for personal funds of members of the home, other than state funds or old-age assistance payments, received from any source, under policies adopted by the board of veterans' affairs; except that the personal funds, income or property of members receiving old-age assistance shall be subject to the provisions of ss. 49.25 and 49.26.

(15) ELIGIBILITY FOR BURIAL AND INTERMENT AT THE HOME. (a) Any veteran who served honorably in any branch of the military forces of the United States, while engaged in any war of the United States and who at the time of his death was a resident of this state, shall be eligible for burial and interment at the cemetery of the home which shall be known as the "Wisconsin Veterans Memorial Cemetery". Cost of preparing grave and erection of marker shall be paid from the appropriation made by s. 20.840 (31).

(b) Burial shall be provided in the cemetery of the home for any wife, widow or mother of an honorably discharged veteran of any branch of the military forces of the United States who was engaged in any of its wars, where such wife, widow or mother at the time of her death was a member of the home or if not a member where she within 6 months of the veteran's death applies to the department for permission to be buried at the home at her own expense. Permission shall be given by the department for a period of one year from date of granting, but may be extended, on her request, for additional one-year periods. All expenses incident to the burial at the home of a member shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part thereof, shall be paid from the appropriation made by s. 20.840 (31) and the amount expended therefor shall not exceed the amount therein specified.

History: 1951 c. 51, 683, 713; 1953 c. 251, 508; 1955 c. 10, 21, 100, 195, 251, 309, 652; 1957 c. 303, 365, 493, 666, 667, 672.

Note: Section 4 of ch. 251, Laws 1955, provides:

"Section 4. If a member dies before December 31, 1955, leaving no legal dependents as defined in s. 45.37 (3) (a), and before a lien against his real property has been filed as provided in s. 45.37 (3m), his real estate shall descend to the state in the same manner and under the same conditions provided by s. 45.37 (3) (a)."

Under (3) (a) an incapacitated, incompetent war veteran, whose mother was admitted to the Home as a dependent of his and died a member of the Home, did not qualify as a legal dependent of the mother so as to entitle him to her estate as the sole beneficiary under her will. Estate of Seely, 263 W 498, 67 NW (2d) 836.

If a veteran died residing in this state, and the period from the commencement of his Wisconsin residence to the date of his widow's application for admission to the home equals the time specified in (2) (a) 5 and 6, she is eligible for admission if other requirements of the section are met. 41 Atty. Gen. 274.

In computing sums due to the state for maintenance of veterans at the Grand Army Home at King, funds which the veterans are allowed to retain should be charged in full against the veterans' federal pensions and not against other income such as social security, other pensions, or other outside income. 45 Atty. Gen. 10.

45.38 Medical, hospital treatment for World War I veterans. (1) The director with the advice and approval of the board of veterans' affairs shall have power and authority:

(a) To make such rules and regulations as may be deemed necessary to carry out the provisions of this section.

(b) To provide treatment for any men and women who served in the military or naval forces of the United States at any time from March 1, 1917, until July 1, 1919, for any physical or mental disease or injury or the consequent result of such disease or injury, which is directly or indirectly traceable to such military or naval service. Such person must have been a resident of this state for not less than five years next immediately preceding his application for treatment.

(c) To select hospitals or institutions in which treatments shall be given, and make the usual and necessary contracts for the payment for such treatments as well as for the

payment for extra treatments, operations, tests or examinations and appliances necessary for the authorized rehabilitation of the patient.

(d) To determine the nature of the treatment to be given any patient for his physical or mental improvement.

(e) To terminate contracts for treatments of patients at any time and transfer patients from one hospital to another.

(2) Excepting in cases of emergency or where in the opinion of the board the best interest of any patient will be promoted by a special selection, the board shall select hospitals or institutions in the following order:

- (a) State owned or operated;
- (b) County owned or operated;
- (c) Municipally owned or operated;
- (d) Sectarian or endowed;
- (e) Privately owned or operated.

(3) No person, otherwise eligible, but who is receiving or will receive treatment under or through federal authority, shall receive any benefit under the provisions of this section unless the board determines that such federal treatment is inadequate or that such person will be further injured by delay in receiving treatment.

(4) The board's decision as to the eligibility of any person for treatment, the selection of a hospital or institution, the duration of treatments, and the expenditures of moneys shall be final.

(5) On July 1, 1924, the balance then in the fund provided for by chapter 5, special session of 1919, the balance then in the fund provided for by chapter 667, laws of 1919, and the balance then in the fund provided for by section 20.03 (5) of the 1923 statutes, together with additions to either such fund from taxes thereafter paid, shall be transferred to and constitute what shall be known as "Soldiers' Rehabilitation Fund," for the purpose of carrying out the provisions of this section and the benefits provided by said chapter 5, special session of 1919, and chapter 667, laws of 1919. The benefits provided by chapter 667, laws of 1919, shall not be available after July 1, 1944, except to such eligible persons who have filed their application with the adjutant general prior to July 1, 1944.

(6) After July 1, 1924 all charges against and all sums properly payable out of either of the funds mentioned in subsection (5) shall be paid out of the said soldiers' rehabilitation fund.

(7) The soldiers' rehabilitation fund shall be invested by the state of Wisconsin investment board, in the same character of securities as is provided by law for the investment of funds of the state retirement system, and preference shall be given to applications for loans to farmers and co-operative associations.

(8) The word "treatment" as used in this section means medical or hospital care, or, in lieu thereof, other remedial care, whether received within or without a hospital, sanatorium, institution, or other like facility.

History: 1951 c. 511.

45.39 Educational aid for World War I veterans. (1) Any person discharged, released or furloughed subsequent to April 7, 1917, upon honorable conditions, from any branch of the military or naval service of the United States, including all Red Cross and other nurses in military camps or hospitals who were a part of the military or naval forces of the United States in this country or overseas during World War I, and who at the time of entering such service, which must have been prior to November 12, 1918, was a resident of this state, and who was in the service at least 3 months, who desires to continue his education in any vocational school of this state, a county teachers college or county agricultural school, the institute of technology, the state colleges, the University of Wisconsin, or in any other institution of learning in this state at which was organized an S.A.T.C., or any other institution of collegiate grade in the state not run for profit shall, under rules and regulations prescribed by the Wisconsin department of veterans' affairs, be entitled to receive \$30 per month while in regular attendance as a student at any such institution, but not to exceed a total of \$1,080 for each veteran in lieu of the soldier bonus provided for in ch. 667, laws of 1919, except as hereinafter provided. The benefit of this section shall not accrue to any person for time spent while taking training in any student army training camp, nor to any person, who, though inducted into service, did civilian work at civilian pay.

(2) The department shall prescribe such rules as it deems necessary to carry out this section, always meeting the expressed wishes of the applicant as far as possible.

(3) Accompanying all applications the applicant shall furnish satisfactory proof that he comes within this section.

(4) Each school to which a student has been assigned by the department under this section shall, upon admission of any such student or of notice that a student already

registered is allowed the bonus, advise the department of the date of admission of this student to the school during the then present academic year, or during the following academic year, and it shall certify to the department monthly, on a pay roll form to be prescribed by the department, the names of all students entitled to the bonus under this section who were in regular attendance at such institution the preceding month.

(5) The acceptance of the bonus provided for in ch. 667, laws of 1919, shall preclude any person from availing himself of the privileges of this section, unless he returns to the state treasury the bonus received. Whenever any such person has drawn his cash bonus under ch. 667, laws of 1919, and is desirous of entering school under the benefits of the educational bonus law, but is not eligible to receive the benefits owing to the fact that he is financially unable to return the cash bonus, the department may allow him the benefits commencing on the date of his assignment to school under this section; with the further provision that the monthly benefits be withheld by the department until the amount withheld equals the amount received under ch. 667, laws of 1919.

(6) The benefits provided in this section shall not be available to veterans after July 1, 1933, except only to veterans who enrolled prior to October 1, 1931, and who by July 1, 1933 had completed at least 2 years of college work.

(7) The department may make all necessary investigations as to the eligibility of any applicant to the aid provided for in this section and its decision shall be final.

History: 1953 c. 61; 1955 c. 10; 1957 c. 97.

45.395 University extension courses for World War I veterans. (1) Any person eligible to receive a cash bonus under chapter 667, laws of 1919, or any person who has received an honorable discharge from active service in any branch of the armed forces of the United States between the dates April 6, 1917 and November 11, 1918, both dates inclusive, and who is a citizen of Wisconsin, or has resided in this state for a period of one year next preceding the date of application may take without cost correspondence study courses and extension classes from the extension division of the University of Wisconsin in such manner as may be prescribed by the dean. But not more than any one such course or extension class may be taken at any one time. The necessary text-books for such courses or classes shall be provided without cost. A person shall not be eligible to receive the benefits under this section while receiving benefits under s. 45.39. Courses or classes in which persons have been duly enrolled but in which no lesson has been submitted by any enrollee for 12 months next preceding the first day of July in any year shall be canceled. Any unused moneys allotted to the university extension division for such incomplete courses shall revert to the appropriation provided for in s. 20.830 (1).

(2) Eligibility to receive any of the benefits under subsection (1) shall be certified to the university extension division by the department of veterans' affairs.

History: 1951 c. 247 s. 13; 1955 c. 385.

45.396 Extension courses for servicemen and World War II and Korean war veterans. (1) Any Wisconsin citizen serving in the army, navy or marine corps of the United States, upon proof of his military status, may take without cost correspondence courses from the extension division of the University of Wisconsin, but not more than one course may be taken at any one time. The necessary textbooks for such courses shall be provided by the student.

(2) All tuition or instruction fees paid by any such citizens who have enlisted or been inducted since October 14, 1940 shall have such tuition or instruction fees refunded.

(3) Any honorably discharged veteran as defined in s. 45.35 (5a) (f) and (g), upon the completion of any correspondence courses and extension classwork from the extension division of the University of Wisconsin taken upon recommendation of the Wisconsin department of veterans' affairs, may be reimbursed for the cost of such course, including necessary textbooks, by the department upon presentation to the department of a certificate from the extension division indicating that he has completed the course and the cost of course and necessary textbooks. The costs incurred under this subsection shall be charged to the postwar rehabilitation trust fund.

History: 1951 c. 247 s. 11; 1953 c. 41; 1957 c. 667.

45.40 Camp American Legion. (1) The Wisconsin department of veterans' affairs is authorized to transfer from the soldiers' rehabilitation fund to the Wisconsin state department of the American Legion the sum of \$50,000 for the purpose of purchasing the buildings and equipment at Camp Minnewawa, located on state land between Tomahawk lake and Big Carr lake in Oneida county, and for the establishment at that place of a restoration camp for sick and disabled veterans of World Wars I and II and their dependents, the said American Legion having already contracted to purchase said camp for such purposes. The ownership of all of the buildings and equipment of such camp shall revert to the state upon the discontinuance of the use thereof for such purposes.

On or before January 15 of each year the said department of the American Legion shall file with the governor and the Wisconsin department of veterans' affairs a written report of the operations and the financial status of such camp. Effective July 1, 1945 Camp Minnewawa shall be known as Camp American Legion.

(2) The written lease entered into between the Wisconsin state department of the American Legion and the conservation commission dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force and effect for an additional 10 years, 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 shall maintain on such property structures which shall have been 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 World Wars I and II and the Korean conflict.

History: 1953 c. 241.

45.42 Veterans' burial places compiled. (1) The Wisconsin department of veterans' affairs shall compile a record of the burial places within the state of soldiers, sailors or marines who served in the military or naval forces of the United States. Such record, so far as practicable, shall indicate the name of each such person; the service in which he was engaged; the number of the regiment or company, if a soldier, and of the command, if a sailor or marine; the rank and period of service; the name and location of the cemetery or other place in which his body is interred; the location of the grave in such cemetery or other place; and the character of headstone or other marker if any, at such grave.

(2) The department shall cause blank forms to be prepared whereby the information required for such record may be transmitted to it. Every person or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the state in which are interred the bodies of persons who served in the military or naval forces of the United States, shall file with the department a certificate on the forms provided by it of the facts required for such record, so far as the same are within the knowledge of such person, corporation or its agents. The department shall cause blank certificates to be distributed to such persons and corporations as it deems advisable, with a request that such information be transmitted to it, but the failure to receive such blank and request shall not relieve any person or corporation from the obligation of complying with this section by July 22, 1925.

(3) It shall be the duty of the department to make a careful inquiry and examination for the purpose of collecting and checking the records required by this section.

45.43 County veterans' service officer. (1) **ELECTION.** The county board shall elect a county veterans' service officer who shall be an honorably discharged veteran who served the United States in time of war.

(2) **TERM.** Upon his first election the county veterans' service officer shall serve until the first Monday in January of the second year subsequent to the year of his election, and, if reelected, it shall be for a term of two years.

(3) **SALARY.** The salary of the county veterans' service officer shall be fixed by the county board prior to or at the time of his election and annually thereafter.

(4) **MILWAUKEE COUNTY.** In counties having a population of 500,000 or more such officer shall be appointed subject to sections 16.31 to 16.44.

(5) **DUTIES.** The county veterans' service officer shall advise with veterans of all wars residing in the county who were engaged in the service of the United States, relative to any complaint or problem arising out of war service and shall render to them and their dependents all possible assistance. The county board shall provide him with office space, clerical assistance and such other needs as will enable him to perform his duties and may appoint such assistant county service officers as are necessary, who shall be honorably discharged veterans who served the United States in time of war. The service officer shall make such reports as the board may require.

(6) **CO-OPERATION.** The county veterans' service officer shall co-operate with the several federal and state agencies which render services or grant aids or benefits to veterans and their dependents.

County board may act at any time to fill a vacancy in office of county veterans' service officer which results from original vacancy or a holding over after expiration of a term. 39 Atty. Gen. 7.

45.44 County veterans' co-ordinating council. (1) In each county the county veterans' service commission may appoint a county veterans' co-ordinating council, each council consisting of:

(a) The following ex officio officers or representatives so far as they are existent in the county:

Chairman of the county board.

County superintendent of schools.

Director of the county pension department.

County agricultural agent.

Secretary of the county veterans' service commission.

County representative of the United States employment service.

Director or directors of schools of vocational and adult education.

A representative of the rehabilitation division of the state board of vocational and adult education.

A representative of each selective service board to be designated by the board, except that in counties having a population of 500,000 or more not to exceed 5 representatives of all boards to be designated by the governor.

County chairman of the American Red Cross.

One member each of the veterans' organizations established by act of Congress, to be selected by the county board chairman from a panel of 5 persons submitted by the county headquarters of the respective organizations, and who shall be a resident of the county.

(b) The following appointive members:

Two representatives each of labor, industry and the public.

Such additional members not exceeding 5 as the commission may determine.

(2) The members of the co-ordinating council shall receive no compensation for services. The terms of appointed members shall be 2 years. Vacancies shall be filled in the same manner as the original appointment.

(3) The council shall meet at such times and at such places as it may determine or as the county veterans' service commission may request.

(4) The co-ordinating council shall advise with the county veterans' service commission relative to the co-ordination of activities of all agencies in the county which perform functions relating to hospitalization, medical treatment and care, granting of economic aid, reemployment placement and training, claims for compensation and insurance, educational or vocational rehabilitation of discharged war veterans and their dependents, including women in affiliated services, to the end that benefits provided by federal, state and county governments may be made available to veterans and their dependents as promptly and effectively as possible.

45.45 Deferral of payments and interest on loans. When a veteran or a member of his family makes application for deferment of payment of monthly instalments and waiver of interest charges on veterans' loans made under this chapter, showing that the ability of such veteran to make payment is materially and adversely affected by reason of military service, the department may, with the approval of the board, defer payment of monthly instalments and waive interest charges on veterans' loans made under this chapter for the duration of any period of service in the armed forces of the United States during a national emergency or in time of war and 6 months from date of discharge or separation and the time for payment may be extended for a like period.

History: 1951 c. 281.

45.48 Veterans' papers, medals, etc., as security. (1) It shall be unlawful for any person, except as provided by section 502 of the world war adjusted compensation act, to receive or accept as security, assignment or loan any adjusted compensation certificate, or to make a loan to a veteran in consideration of naming by the veteran of such person or any other person as beneficiary.

(2) The refusal or wilful neglect of any person or corporation to return to and deliver upon demand by a veteran owning any adjusted compensation certificate, adjusted service credit, adjusted service pay, or the proceeds thereof, in his care, custody or control as above mentioned in the preceding section upon demand by the proper person entitled to receive the same or its proceeds shall be in such case prima facie evidence of the unlawful withholding of said adjusted compensation certificate.

(3) It shall be unlawful for any person to receive or accept as a security or to withhold from a veteran or honorably discharged soldier, sailor or marine any discharge paper, citation, warrant, medal, badge or evidence upon which such veteran is entitled to certain rights, as a veteran under the laws of the United States or of this state, and any transfer of the same during the life of the veteran upon a consideration or otherwise shall be null and void, and the refusal or wilful neglect of any person to return or deliver upon demand, any such discharge, citation, warrant, medal, badge or evidence aforesaid shall be deemed a misdemeanor.

(4) Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment in the county jail not more than 6 months, or by both such fine and imprisonment.

History: 1955 c. 696 s. 145.

45.50 Reemployment in civil employment after completion of military service.

(1) Any person who has enlisted or enlists in or who has been or is inducted or ordered into active service in the armed forces of the United States pursuant to the selective training and service act of 1940 or the national guard and reserve officers mobilization act of 1940, the selective service act of 1948 and any acts amendatory thereof or supplementary thereto, and any person whose services are requested by the federal government for national defense work as a civilian during a period officially proclaimed to be a national emergency or a limited national emergency, who, in order to perform such training or service, has left or leaves a position, other than a temporary position, in the employ of any political subdivision of the state or in the employ of any private or other employer, shall be restored to such position or to a position of like seniority, status, pay and salary advancement as though his service toward seniority, status, pay or salary advancement has not been interrupted by such absence; provided that (a) he presents to the employer evidence that he has satisfactorily completed his period of training or civilian service, or that he has been discharged from the armed forces under conditions other than dishonorable, (b) he is still qualified to perform the duties of such position, (c) he makes application for reemployment and resumes work within 90 days after he completed such training or services, military or civilian, or was so discharged from the armed forces, or within 6 months after release from hospitalization for service-connected injury or disease, (d) the employer's circumstances have not so changed as to make it impossible or unreasonable to so restore such person, and (e) the military service was not for more than 4 years unless extended by law. In the event of any dispute arising under this subsection the matter shall be referred to the industrial commission for determination except as such matters pertain to any classified employe of the state, in which case the matter shall be referred to the bureau of personnel. Orders and determinations of the industrial commission under this section may be reviewed in the manner provided in ch. 227.

(2) The service of any person who is or was restored to a position in accordance with subsection (1) hereof shall be deemed not to be interrupted by such absence, except for the receipt of pay or other compensation for the period of such absence and he shall be entitled to participate in insurance, pensions, retirement plans or other benefits offered by the employer pursuant to established rules and practices relating to employes on furlough or leave of absence in effect with the employer at the time such person entered or was enlisted, inducted or ordered into such forces and service, and shall not be discharged from such position without cause within one year after such restoration; and such discharge is subject to all federal or state law affecting any municipal or private employment; and subject to the provisions of contracts that may exist between employer and employe. Each county, town, city or village shall contribute or pay from September 16, 1940 all contributions of the employer to the applicable and existent pension, annuity or retirement system as though the service of any such employe had not been interrupted by such military service, provided that in the case of teachers such payment shall be made as provided in sections 38.24, 71.14 (8) and (9) and chapter 42.

(3) In case any employer fails or refuses to comply with the provisions of subsections (1) and (2) hereof, any court of record whether created by general or special act in the proper county having jurisdiction of an action on contract for an amount exceeding \$500 shall have power, upon the filing of a motion, petition or other appropriate pleading and on reasonable notice, which shall not be less than 10 days, to such employer by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. No fees or court costs shall be taxed against the person so applying for such benefits. The place of the commencement of the action or proceeding hereunder against a private employer, and the trial or hearing thereof, shall be in any county in which the employment took place or in which such private employer maintains a place of business, and in all other cases shall be as provided in section 261.01. No person who is appointed in the service of the state or of any county, city or village to fill the place of a person so entering the federal armed forces shall acquire permanent tenure during such period of replacement service.

(4) Any individual or employer aggrieved by the decision of the court provided in subsection (3) may appeal in accordance with the provisions of appealable orders re-

ferred to in chapter 274; and the employe need not file an appeal bond for the security for costs on said appeal.

(5) The restoration of classified employes of the state shall be governed by the provisions of section 16.276. The restoration of unclassified state employes shall be governed by this section.

History: 1951 c. 719; 1953 c. 576; 1955 c. 185.

This section relating to reemployment of veterans applies to an undersheriff. 40 Atty. Gen. 453.

45.51 Employes or officers in military service. (1) The governing body of any county, town, city, village or school district may grant a leave of absence to any employe or officer who is inducted or who enlists into the armed forces or the nurses corps of the federal government at a time when the United States is engaged in a war. No salary or compensation of such employe or officer shall be paid, nor claim therefor exist during such leave of absence.

(2) The governing body may provide for safeguarding the reinstatement and pension rights, as herein limited, of any employe or officer so inducted or enlisted.

(3) No employe or officer who is appointed to fill the place of any employe or officer so inducted or enlisted shall acquire permanent tenure during such period of replacement service.

(4) If such leave of absence is or has been granted to an elected or appointed official or employe and he has begun his federal service, a temporary vacancy shall be deemed to exist and a successor may be appointed to fill the unexpired term of such official or employe, or until such official or employe returns and files his election to resume his office as hereinafter provided for if the date of such filing be prior to the expiration of such term. Such appointment shall be made in the manner provided for the filling of vacancies caused by death, resignation or otherwise, except that no election need be held to fill any part of such temporary vacancy. The appointee shall have all the powers, duties, liabilities and responsibilities and shall be paid and receive the compensation and other emoluments pertaining to the office or position, unless otherwise provided by the governing body. Within 40 days after the termination of such federal service such elected or appointed official or employe, upon filing with the clerk his statement under oath of such termination and that he elects to resume his office or position, may resume such office or position for the remainder of the term for which he was elected or appointed. The person temporarily filling the vacancy shall thereupon cease to hold the office.

(6) In cities of the third class with a commission plan of government, in case of temporary or permanent vacancies in the office of mayor, the vice mayor shall temporarily succeed to the office of mayor for the balance of his unexpired term for which he was elected unless sooner terminated as provided in section 17.035 (3). The temporary or permanent vacancy thereby created in the office of councilman may thereupon be filled as provided in this section. The term of the person appointed temporarily to the office of councilman shall not extend beyond the expiration of the term of the office vacated and such temporary term shall be vacated sooner as provided for in section 17.035 (3).

History: 1951 c. 719; 1953 c. 61.

45.52 Physical disability of veterans not to disqualify for public employment, when. An honorably discharged veteran of any war participated in by the United States who has suffered a physical disability as a direct result of his military or naval service during such war shall not on that account be barred from employment in any public position or employment whether under state, county or municipal civil service or otherwise, provided that the licensed physician making a physical examination of such veteran for the public employer shall certify that such applicant's disability will not materially handicap him in the performance of the duties of the position for which he is making application.

History: 1951 c. 719.

45.53 Soldiers' and sailors' civil relief act. (1) In this section, unless the context indicates otherwise:

(a) "Persons in military service" shall mean any man or woman who is or was in the military service of the United States in World War II.

(b) "Property" shall mean any real estate or personal property belonging to a person in military service provided that such property was acquired prior to the commencement of military service except in cases where such property was acquired by descent in which case the proviso shall not apply.

(c) "Taxes" shall mean any general taxes or special assessments or tax certificates evidencing such taxes and assessments not belonging to private buyers.

(d) "Interest and penalties" shall mean interest and penalties accruing on taxes during the period of military service and 6 months thereafter. In case property is owned

jointly by several owners other than the spouse of the person in military service, interest and penalties shall mean the proportionate share of the total interest and penalties commensurate with the equity in the property of such person in military service.

(2) In order to supplement and complement the provisions of the soldiers' and sailors' civil relief act of 1940 and all amendments thereof, so as to afford and obtain greater peace and security for persons in military service, the enforcement of certain tax obligations or liabilities which may prejudice the property rights of persons in military service, for the period herein set forth may be temporarily suspended as hereinafter provided.

(3) Any person while in the military service of the United States or within 6 months after terminating such service, or his agent or attorney during such period, may petition a court of record in any county in which he owns property for relief under this section. Upon filing of such petition the court shall make an order fixing the time of hearing thereon and requiring the giving of such notice of the hearing as it may deem reasonable. If after hearing the court shall find that the person on whose behalf the petition is made is, or within 6 months next preceding the filing of such petition was, in the military service of the United States and owns property within the county on which taxes have fallen due or will fall due, and that his ability to pay such taxes has been materially adversely affected by reason of his being in military service, the court shall enter an order determining that such person is entitled to relief under this section. When an order shall so determine it may further suspend proceedings for the collection of taxes on such property for a period not exceeding 6 months after termination of the military service of the person on whose behalf the petition is made, or for such time as may reasonably be necessary to complete the agreement provided in subsection (7) and thereafter no sale of property or tax certificates to enforce collection of taxes on such property shall be made, all proceedings for that purpose shall be suspended, except under such terms as the court in such order may direct.

(4) Whenever any tax or assessment on real property including all special assessments shall not be paid when due, the penalty provisions providing for an eight-tenths of one per cent per month as provided by section 74.03 (4) and the maximum limitation of 6 per cent per annum as provided by such soldiers' and sailors' civil relief act shall be waived for the purpose hereof and upon the conditions specified hereinafter.

(5) The penalties and interest which shall be waived pursuant to this section are those for nonpayment of all taxes or assessments, general or special, falling due during the period of military service of any person against either real or personal property of which such person is the bona fide owner or in which he has a beneficial interest.

(6) The person owning or having an interest in any property in respect to which such order is made, his agent or attorney, may file with the county treasurer or with the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to such taxes and assessments a certified copy of such order of suspension together with an affidavit in triplicate, sworn to by such person or his agent or attorney setting forth the name of the owner, the legal description of the property, the type of property, when acquired, volume and page number where such deed was duly recorded if acquired by deed and the name of the estate if acquired by descent, amount of delinquent taxes if any, and the names of the holders of any outstanding mortgage, lien or other encumbrance. Upon such filing the county treasurer or the city treasurer, as the case may be, shall file a first copy thereof in the office of the register of deeds of such county, the second copy to be filed in the office of such treasurer, as the case may be, wherein there will be marked, in the tax sale record book or such other record books as he may maintain, proper notation to the effect that a person in military service is the holder of the legal title thereto and has made application for special relief as herein provided, and the third copy shall be immediately forwarded to the office of the clerk of the town, city or village wherein the property is located, or if it be located in a city authorized to sell lands for nonpayment of its taxes to the tax commissioner thereof, who shall make an appropriate notation thereof on his records.

(7) Any person seeking relief under this section, within 6 months after termination of his military service, or his agent or attorney, or in case of death of such person, his personal representative, widow or heir at law, may apply to the county treasurer of the county, or the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes, as the case may be, wherein such property is located for an agreement for scheduled instalment payments, covering the taxes accrued during such person's period of military service, provided that such taxes will be paid over a period of time equal to a period no longer than twice the length of military service of such person, in equal periodic instalments of not less than \$10, and subject to such other terms as may be just and reasonable.

(8) In the event default is made by the applicant in the performance of any of the provisions of such agreement, such treasurer, as the case may be, shall forthwith notify the applicant of such default and the amount and date due, by written notice either served personally or by registered mail with return receipt demanded to the address set forth in such application. If such defaulted payment is not fully made within 10 days after service of such notice, then such treasurer without further notice may declare that the entire amount of such tax subject to the scheduled instalments shall be immediately due and payable and that such agreement is fully rescinded and terminated. Thereupon the county treasurer shall notify the register of deeds and the town, city or village treasurer thereof, or if the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes the latter shall notify the register of deeds and the county treasurer and such officers and shall make appropriate notations thereof on their records. Thereafter, the county treasurer or city treasurer as to taxes of cities authorized by law to sell land for the nonpayment of taxes, may without further order of the court enforce the collection of such tax or assessment and sell such tax certificates together with such penalties and interest as may have accrued thereon from the date of default of such scheduled instalment payment.

History: 1951 c. 719.

45.60 Veterans memorial commission. (1) **POLICY.** The legislature declares that it is the policy of the state of Wisconsin to perpetuate the memory and history of its veterans who served in the armed forces.

(2) **CREATION.** There is created a Wisconsin veterans memorial commission consisting of the governor and 6 members appointed by the governor, 2 of whom shall be veterans who have been approved by the Wisconsin veterans council, 3 shall be selected from patriotic organizations interested in the preservation and establishment of war and veterans' memorials, and one a representative from the state historical society.

(3) **TERMS.** Of the 6 members first appointed, 2 shall serve for terms expiring March 1, 1959, 2 shall serve for a term expiring March 1, 1961, and 2 shall serve for a term expiring March 1, 1963. Thereafter successors shall be appointed for terms of 6 years. Members shall receive no compensation or expenses for their services.

(4) **DUTIES.** The functions of the board shall be policy forming. It shall have the power to approve, to recommend and to veto any proposed plans, modifications and changes or policies with respect to established state memorials, including the Camp Randall memorial park, Madison, Wisconsin, as described in chapter 28, laws of 1913, and any future veterans state memorials; and to recommend the creation and establishment of veterans state memorials.

(5) **RULES.** The members of the board shall annually elect one of its members chairman and one secretary. The commission may prescribe rules and regulations governing its procedure.

(6) **RESTRICTIONS.** No structures other than the Camp Randall memorial building project shall be placed or erected upon said Camp Randall memorial park unless authorized by the legislature; nor shall said park be used for any purpose other than authorized in chapter 28, laws of 1913. If the Camp Randall memorial building is removed, the premises on which said building is located shall revert to Camp Randall memorial park.

History: 1957 c. 678.