

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the educational approval board, the employment rights
2 and benefits available to persons who are in or return from military service, the
3 powers and duties of the department of veterans affairs, veterans memorials
4 and museums, the benefits available to veterans, veterans burials, facilities for
5 veterans, and making appropriations.

Analysis by the Legislative Reference Bureau

****NOTE: THIS DRAFT HAS NOT BEEN EDITED

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

6 **SECTION 1.** 20.485 (5) (g) of the statutes is amended to read:
7 20.485 (5) (g) *Proprietary school programs.* The amounts in the schedule for
8 the examination and approval of proprietary school programs. All moneys received
9 from the issuance of solicitor's permits under s. 45.54 39.90 (8) and fees under s. 45.54
10 39.90 (10) shall be credited to this appropriation.

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31;

1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42.

SECTION 2. 20.485 (5) (gm) of the statutes is amended to read:

20.485 (5) (gm) *Student protection.* All moneys received from the fees received under s. ~~45.54~~ 39.90 (10) (c) 4., for the purpose of indemnifying students, parents, or sponsors under s. ~~45.54~~ 39.90 (10) (a).

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 44, 165, 269; 1993 a. 16, 254, 490; 1995 a. 27, 225; 1997 a. 27; 1999 a. 2; 1999 a. 9 ss. 245m, 498t to 504; 1999 a. 63, 136; 2001 a. 16, 74, 103, 106; 2003 a. 33, 42.

SECTION 3. 29.506 (7m) (a) of the statutes is amended to read:

29.506 (7m) (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the educational approval board under s. ~~45.54~~ 39.90.

SECTION 4. Subchapter V (title) of chapter 39 [precedes 39.90] of the statutes is created to read:

CHAPTER 39

SUBCHAPTER V

EDUCATIONAL APPROVAL BOARD

SECTION 5. 45.001 (2g) of the statutes is created to read:

45.001 (2g) “Dependent child” means any biological or adoptive child under 18 years of age, or under the age of 26 if in full attendance at a recognized school of instruction, or of any age if the child is unmarried and incapable of self-support by reason of mental or physical disability.

****NOTE: This is taken from s. 45.358 (1) (a).

SECTION 6. 45.001 (2m) of the statutes is created to read:

45.001 (2m) “In-kind contributions” includes donations of appliances, buildings, creations, equipment, fixtures, furniture, materials, real property,

1 structures, supplies, and utilities, and work performed in the acquisition of land and
2 construction of property.

3 **SECTION 7.** 45.001 (2q) of the statutes is created to read:

4 45.001 **(2q)** “Memorial” means a building, structure, statue or creation used
5 to keep alive the remembrance of a veteran, veterans group or an event related to a
6 veteran and may include land upon which the building, structure, statue, or creation
7 is located. “Memorial” does not include a museum.

8 **SECTION 8.** 45.03 of the statutes is renumbered 45.70 and amended to read:

9 **45.70 Veterans memorials at The Highground. (1)** ~~In this section “Persian~~
10 ~~Gulf war” means the period of conflict designated by the president of the United~~
11 ~~States as Operation Desert Shield and Operation Desert Storm and any operation~~
12 ~~that is a successor to Operation Desert Shield or Operation Desert Storm. (2)~~ From
13 the appropriation under s. 20.485 (2) (d), the department shall provide funding to the
14 Wisconsin Vietnam Veterans Memorial Project, Inc., for the construction of 3
15 memorials, as defined in s. 45.04 (1) (c), one memorial for the veterans of World War
16 I, one memorial for the veterans of World War II, and one a memorial for the veterans
17 of the Persian Gulf war. The ~~memorials~~ memorial shall be constructed at the
18 veterans memorial site located at The Highground in Clark County. The department
19 may expend up to \$45,000 for the memorial for the veterans of World War I, up to
20 \$85,000 for the memorial for the veterans of World War II, and up to \$60,000 for the
21 memorial for the veterans of the Persian Gulf war. ~~If the moneys available under this~~
22 ~~section to construct one of these memorials are in excess of the moneys needed to~~
23 ~~construct that memorial, and if the moneys available under this section to construct~~
24 ~~another one of these memorials are insufficient to construct that memorial, the~~

1 ~~department, with the approval of the joint committee on finance, may allocate the~~
2 ~~excess moneys to construct the memorial that is insufficiently funded.~~

3 **(3) (2)** From the appropriation under s. 20.485 (2) (em), the department shall
4 pay all debts that remain unpaid on February 15, 1992, for expenses incurred in
5 operating the veterans memorial at The Highground in Clark County and shall
6 contract for improvements related to the memorial. The improvements shall include
7 the paving of the parking lot at the memorial.

History: 1991 a. 44, 269; 1997 a. 27; 2001 a. 103.

****NOTE: Is this section is necessary.

8 **SECTION 9.** 45.04 of the statutes is repealed.

9 **SECTION 10.** 45.05 of the statutes is renumbered 45.72 and amended to read:

10 **45.72 County and municipal memorials. (1) (1m)** In this section and s.
11 45.73, “local unit of government” means a city, village, town, or county.

12 **(1t)** ~~Any city council, village, town, or county board~~ local unit of government
13 may by gift, purchase, contract or condemnation acquire property, real or personal,
14 for the purpose of providing, furnishing, constructing, erecting, repairing,
15 maintaining, or conducting a suitable memorial to the memory of former residents
16 thereof who lost their lives in the military or naval service of the state or of the United
17 States, or to commemorate and honor the deeds of persons, residents thereof, or of
18 the state or United States, who served the nation in any war, or other persons who
19 rendered great state or national service, or to the memory of any president of the
20 United States, or for a combination of any ~~of such~~ those purposes, which are hereby
21 declared to be public purposes.

22 **(2)** ~~Such~~ The local unit of government shall determine the character of the
23 memorial shall be of such character as shall be determined by the governing body of
24 such city, village, town or county, and without limitation because of enumeration, the

1 memorial may comprise a public building, hospital, sanatorium, home for the aged
2 or indigent, park, recreation facility, community forest or other suitable object
3 having a public purpose.

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

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

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

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

23 **SECTION 11.** 45.051 of the statutes is renumbered 45.73 (1) and amended to
24 read:

1 **45.73 Sites for ~~veterans'~~ veterans memorial halls.** (1) Any city, ~~town or~~
2 village local unit of government may donate to any organization specified in s. 70.11
3 (9) land upon which is to be erected a memorial hall to contain the memorial tablet
4 specified in said section.

 ****NOTE: Does expanding this section to also apply to counties cause any problems.
 See also s. 45.73 (2).

History: 1999 a. 150 s. 603; Stats. 1999 s. 45.051.

5 **SECTION 12.** 45.052 of the statutes is renumbered 45.74.

6 **SECTION 13.** 45.055 of the statutes is renumbered 45.72 (6) and amended to
7 read:

8 **45.72 (6) ~~Joint memorials.~~** Any city council or village, ~~town or county board~~
9 local unit of government may contract with or make an appropriation, or both, to any
10 other unit of government or to any nonprofit corporation without capital stock
11 organized expressly for any of the purposes of s. ~~45.05~~ this section or to any duly
12 chartered and incorporated ~~veterans'~~ veterans organization established in any such
13 city, village, town or county, and for the purpose of raising funds for such memorial
14 purposes or contributions, may levy taxes upon the taxable property located in the
15 county or municipality, or borrow money and issue the bonds of the respective
16 municipalities therefor in the manner and under the regulations provided by ch. 67;
17 provided that the facilities of such memorial are made available to the residents of
18 the governmental unit making such appropriation to the extent that the governing
19 body of the governmental unit may require.

History: 1985 a. 29.

20 **SECTION 14.** 45.058 of the statutes is renumbered 45.75.

21 **SECTION 15.** 45.059 of the statutes is renumbered 45.71.

22 **SECTION 16.** 45.06 of the statutes is renumbered 45.73 (2) and amended to read:

45.73 (2) ~~ROOMS FURNISHED BY COUNTY OR MUNICIPALITY.~~ The action of any county board or municipality, or department thereof local unit of government, in granting veterans organizations or 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 authorized and confirmed. ~~Such county board or municipality~~ The local unit of government may permit the use and occupancy of such rooms and space for such term and subject to conditions and provisions as may be imposed by them. Any contract, lien, or agreement between ~~said county board, municipality or department thereof~~ the local unit of government and any such organization now in force shall continue in force according to the terms thereof of the contract, lien, or agreement.

SECTION 17. 45.066 of the statutes is renumbered 86.03 (7).

SECTION 18. Subchapter II (title) of chapter 45 [precedes 45.10] of the statutes is repealed and recreated to read:

CHAPTER 45

SUBCHAPTER II

EDUCATION AND TRAINING

SECTION 19. 45.10 of the statutes is renumbered 45.85 (1) and amended to read:

45.85 County tax for needy veterans. (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.~~ The tax to ~~shall~~ be levied and collected as other county taxes for the purpose of providing aid to needy veterans, the needy spouses, surviving spouses, minor and dependent children of ~~such~~ the veterans and the needy parents of ~~such~~ veterans entitled to aid under ss. 45.10 to 45.15, and to carry out the purposes of ss. 45.16 to 45.185. Aid may not be denied solely on the basis that a person

1 otherwise eligible therefor for aid owns a homestead which that the person occupies
2 as such.

History: 1975 c. 94 s. 91 (4), (6); 1975 c. 199.

3 **SECTION 20.** 45.11 of the statutes is renumbered 45.85 (2) and amended to read:

4 45.85 (2) ~~Estimate of amount needed. (1)~~ Except as provided under sub.
5 (2), the The county veterans' veterans service commission or county veterans service
6 officer appointed under s. 45.43 (1) (b) shall estimate the probable amount required
7 under s. 45.10 and shall file such that estimate with the county board. ~~(2) A county~~
8 ~~veterans' service officer appointed under s. 45.43 (1) (b) shall have the powers and~~
9 ~~duties prescribed for the county veterans' service commission under sub. (1).~~

History: 1985 a. 29.

10 **SECTION 21.** 45.12 of the statutes is renumbered 45.81.

11 **SECTION 22.** 45.13 of the statutes is renumbered 45.82 and amended to read:

12 **45.82 Records of meetings and investigations kept by service officer.**

13 The county ~~veterans'~~ veterans service officer shall serve as executive secretary of the
14 county ~~veterans'~~ veterans service commission and shall make or direct all necessary
15 investigations to determine eligibility for aid under s. 45.10 when so requested by the
16 commission. The county service officer, in making such investigation, may use the
17 facilities for investigating that are made available by the county board of the county..

History: 1989 a. 56.

18 **SECTION 23.** 45.14 (title) of the statutes is repealed.

19 **SECTION 24.** 45.14 (1) of the statutes is repealed.

20 **SECTION 25.** 45.14 (2) of the statutes is renumbered 45.81 (3) and amended to
21 read:

22 45.81 (3) (a) Except as provided under sub. (3), the commission may furnish
23 aid to any person within described in s. 45.10 if the right of that person to aid is
24 established to the commission's satisfaction.

(b) The secretary of the commission shall ~~make and deposit with the county clerk~~ maintain a list containing the name, place of residence, and amount ~~to be of aid~~ paid to each person ~~furnished with aid~~ under par. (a), which shall be signed by the chairperson and secretary of the commission.

History: 1985 a. 29; 1993 a. 184; 2001 a. 103.

(c) The total disbursements made by the commission under this subsection shall may not exceed the amount collected from the tax levied, except when specifically authorized by the county board. ~~When a list under par. (b) is filed, the county clerk shall issue an order upon~~ The commission shall provide the county treasurer ~~for the sum designated in the list in each case and~~ with sufficient information to deliver that sum the specified aid to the person entitled to that sum aid.

(d) 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~~ pay a purveyor of services or commodities for the purchase of services or commodities, or the commission may furnish supplies, as it considers best appropriate.

***NOTE: These changes are as suggested by the subcommittee at the Oct. 26th meeting, with minor editorial changes.

(e) The commission shall make a detailed report to the county board ~~at each annual session of the county board~~ annually showing the amount expended under this subsection. The report may not include any personal identifying information regarding the persons that received aid under this subsection.

History: 1985 a. 29; 1993 a. 184; 2001 a. 103.

SECTION 26. 45.14 (3) of the statutes is renumbered 45.81 (4).

SECTION 27. 45.15 of the statutes is renumbered 45.81 (5) and amended to read:

1 **45.81 (5) ~~Commission, compensation.~~** The county board shall allow the
2 members of the commission a reasonable rate of compensation for services and actual
3 expenses incurred in the performance of their duties to be determined pursuant to
4 under s. 59.22. The county board may provide for the employment of clerical
5 assistance to the commission.

History: 1995 a. 201.

6 **SECTION 28.** 45.16 of the statutes is renumbered 45.83 and amended to read:

7 **45.83 Burial allowance. (1)** Each county veterans' veterans service officer
8 shall cause to be interred in a decent and respectable manner in any cemetery in this
9 state, other than those used exclusively for the burial of paupers, the body of any
10 person veteran, spouse, or surviving spouse who was living in the county at the time
11 of death, ~~meets the definition of a "veteran" under s. 45.35 (5) and who dies not~~
12 leaving sufficient means to defray the necessary expenses of a decent burial, or under
13 financial circumstances that would cause financial distress to the person's family to
14 pay the expenses of the burial, and the body of a spouse or surviving spouse of the
15 person who dies not leaving such means or under the same financial circumstances
16 and who was living in the county at the time of death, at an expense to. The cost of
17 this internment shall be the responsibility of the county of not more than, but may
18 not exceed \$300, and shall be in addition to the burial allowance payable under laws
19 administered by the U.S. department of veterans affairs.

****NOTE: This is based on changes suggested by the committee at the Oct. 26th
meeting.

History: 1971 c. 125, 163; 1975 c. 94 s. 91 (3), (5); 1975 c. 199; 1983 a. 430; 1987 a. 399; 1987 a. 403 s. 255; 1989 a. 31, 56, 359; 1991 a. 2, 165; 1993 a. 16; 1995 a. 255;
1997 a. 27.

20 **SECTION 29.** 45.17 of the statutes is renumbered 45.83 (2) and amended to read:

21 **45.83 (2) ~~Investigation and report.~~** Before assuming the burial expense, the
22 county veterans' veterans service officer shall ~~make a careful inquiry into and~~
23 ~~examination of all the circumstances in the case to ascertain the existence of either~~

1 exercise due diligence in attempting to determine the financial condition required by
2 s. 45.16 s. 45.83 (1). The county veterans service officer, in making the inquiry, may
3 use the facilities for investigation that are made available by the county board. The
4 county veterans service officer shall report to the county clerk ~~that the officer found~~
5 ~~the required financial condition, the facts supporting the finding, the name and date~~
6 ~~of death of the deceased, the place where buried and an itemized statement of the~~
7 ~~burial expenses~~ the results of that determination to the appropriate authorities
8 designated by the county.

****NOTE: This is based on changes suggested by the committee at the Oct. 26th meeting.

History: 1989 a. 56; 1997 a. 116.

9 **SECTION 30.** 45.18 of the statutes is renumbered 45.83 (3) and amended to read:

10 **45.83 (3) ~~Order for expenses; headstone.~~** The chairperson of the county
11 board and the clerk of the county on the receipt of the report under s. 45.17 shall draw
12 an order on the county treasurer for the amount of expenses so incurred, payable to
13 the person designated in the report as being entitled ~~thereto to that payment.~~ The
14 county ~~veterans'~~ veterans service officer of each county shall, upon the death and
15 burial of ~~any such person~~ a veteran described under sub. (1) who was living in the
16 county at the time of death, make application to the proper authorities for a suitable
17 headstone as provided for by act of congress, and at the expense of the county cause
18 the same to be placed at the head of ~~his or her~~ the deceased's grave.

History: 1983 a. 538; 1987 a. 403 s. 255.

19 **SECTION 31.** 45.185 of the statutes is renumbered 45.84 and amended to read:

20 **45.84 Care of soldiers' graves. (1)** Every town board, village board or
21 common council of every city shall at all times see that the graves and tombstones
22 of all ~~members of the armed forces of the United States~~ veterans, including women's
23 auxiliary organizations created by act of congress, who shall at any time have served

1 in any branch of the armed forces of the United States, and of the spouses or
2 surviving spouses of ~~all such members of the armed forces~~ those veterans, receive
3 proper and decent care, and may employ all necessary assistance to carry out this
4 section. The expense of the care of such the graves and tombstones shall be borne
5 by the ~~respective counties~~ county where the said graves are located, except where
6 suitable care is otherwise provided. The amount of expense ~~so~~ charged to the county
7 for such the care ~~shall~~ may not exceed the charge made for the care of other graves
8 in the same cemetery.

9 (2) The ~~municipal governing bodies~~ body specified in sub. (1) shall report to the
10 county clerk of ~~their respective counties~~ its county, on or before September 1 of each
11 year, the ~~respective~~ locations of the graves cared for by them under sub. (1), together
12 with the names of the deceased and the amount claimed for care of the graves for the
13 fiscal year from the previous July 1 to June 30.

14 (3) The chairperson of the county board and the county clerk, upon receipt of
15 the report under sub. (2), shall draw an order on the county treasurer for the amount
16 of the expenses incurred in caring for the graves, payable to the person or persons
17 designated in the report as being entitled ~~thereto~~ the payment.

History: 1975 c. 94 s. 91 (4), (6); 1993 a. 184; 1997 a. 116; 2001 a. 103.

18 **SECTION 32.** 45.19 of the statutes is renumbered 45.60, and amended to read:

19 **45.60 (title) Military funeral honors funerals.**

20 **45.60 (1) PROGRAM.** (a) The department shall administer a program to
21 coordinate the provision of military funeral honors ~~funerals~~ to deceased veterans.

22 (b) Military funeral honors may be provided by local units of member
23 organizations of the council on veterans programs ~~and, by local units of veterans~~
24 organizations certified by the department to provide military funeral honors, by

1 members of the Wisconsin national guard activated under s. 21.11 (3), or by staff of
2 the department.

3 **(2) STIPENDS** From the appropriation under s. 20.485 (2) (q), the department
4 shall reimburse a local unit of a member organization of the council on veterans
5 programs or a local unit of a veterans organization certified by the department to
6 provide military funeral honors for the costs of providing a military funeral honors
7 funeral to a deceased veteran. The reimbursement may not exceed \$50 for each
8 funeral for which military honors funeral are provided.

9 **(3) TUITION VOUCHER (a)** The department shall create a tuition voucher form
10 to be used by funeral directors under ~~sub. (3)~~ par. (b). The department shall
11 distribute copies of the tuition voucher form, plus an explanation of the form's use,
12 to every operator of a funeral establishment. The department may not charge a fee
13 for the tuition voucher form or for the distribution of the form.

14 **(3) (b)** A funeral director may issue a tuition voucher in the amount of \$25 to
15 an individual who sounds "Taps" on a bugle, trumpet, or cornet during a each funeral
16 for which military honors funeral are held in this state for a deceased veteran and
17 who is a student in grades 6 to 12 or at an institution of higher education, as defined
18 under s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment
19 of tuition and required program activity fees at a University of Wisconsin System
20 institution as provided under s. 36.27 (3r) or a technical college as provided under
21 s. 38.24 (6). The department shall encourage private institutions of higher education
22 to accept the vouchers. The vouchers are not transferable.

History: 1999 a. 136; 2001 a. 103; 2003 a. 42.

23 **SECTION 33.** Subchapter III (title) of chapter 45 [precedes 45.20] of the statutes
24 is created to read:

CHAPTER 45**SUBCHAPTER III****HOUSING LOAN PROGRAM**

SECTION 34. 45.25 (1m) of the statutes is amended to read:

45.25 **(1m)** ADMINISTRATION. The department shall administer a tuition reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in a proprietary school that is approved under s. ~~45.54~~ 39.90, or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 35. 45.25 (3) (a) of the statutes is amended to read:

45.25 **(3)** (a) Except as provided in par. (am), a veteran who meets the requirements under sub. (2), upon satisfactory completion of a full-time undergraduate semester in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any proprietary school that is approved under s. ~~45.54~~ 39.90, or any institution from which the veteran receives a waiver of nonresident tuition under s. 39.47, may be reimbursed an amount not to exceed the total cost of the veteran's tuition minus any grants or scholarships that the veteran receives specifically for the payment of the tuition, or the standard cost of tuition for a state resident for an equivalent undergraduate semester at the University of Wisconsin–Madison, whichever is less. Reimbursement is available only for tuition that is part of a curriculum that is relevant to a degree in a particular course of study at the institution.

SECTION 36. 45.25 (4) (a) of the statutes is amended to read:

1 45.25 **(4)** (a) A veteran is not eligible for reimbursement under sub. (2) for more
2 than 120 credits or 8 full semesters of full-time study at any institution of higher
3 education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full semesters
4 of full-time study at any institution of higher education, as defined in s. 45.396 (1)
5 (a), in this state that offers a degree upon completion of 60 credits, or an equivalent
6 amount of credits at a school that is approved under s. 45.35 (9m), at a proprietary
7 school that is approved under s. ~~45.54~~ 39.90, or at an institution where he or she is
8 receiving a waiver of nonresident tuition under s. 39.47.

9 **SECTION 37.** 45.30 of the statutes is repealed.

10 **SECTION 38.** 45.35 (3m) of the statutes is renumbered 45.70 (3).

11 **SECTION 39.** 45.358 of the statutes is renumbered 45.63 and amended to read:

12 **45.63 Wisconsin veterans cemeteries. (1) DEFINITIONS.** In this section;

13 (a) ~~“Dependent child” means any natural or adoptive child under 18 years of~~
14 ~~age, or under the age of 26 if in full attendance at a recognized school of instruction,~~
15 ~~or of any age if the child is unmarried and incapable of self-support by reason of~~
16 ~~mental or physical disability.~~

17 (b) ~~“Veteran” means a person who has served on active duty, except service on~~
18 ~~active duty for training purposes, in the U.S. armed forces.~~

19 ~~(2)~~ **(1) CONSTRUCTION AND OPERATION OF CEMETERIES.** Subject to authorization
20 under ss. 13.48 (10) and 20.924 (1), the department may construct and operate
21 veterans cemeteries in central, northwestern and southeastern Wisconsin and may
22 employ any personnel that are necessary for the proper management of the
23 cemeteries. The cemetery in central Wisconsin is the Central Wisconsin Veterans
24 Memorial Cemetery. The cemetery in southeastern Wisconsin is the Southern
25 Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern Wisconsin

1 is the Northern Wisconsin Veterans Memorial Cemetery. The department may
2 acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the
3 cemeteries. Title to the properties shall be taken in the name of this state. Every
4 deed of conveyance shall be immediately recorded in the office of the proper register
5 of deeds and thereafter filed with the secretary of state. The department may accept
6 for the state all gifts, grants, and bequests for the purposes of maintenance,
7 restoration, preservation, and rehabilitation of the veterans cemeteries constructed
8 under this subsection. All cemeteries operated by the department are exempt from
9 the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

10 ~~(3)~~ (2) ELIGIBILITY. The following persons are eligible for burial at a cemetery
11 constructed and operated under sub. ~~(2)~~ or s. 45.37 ~~(15)~~ (1):

12 (a) A ~~veteran~~ person who died while on active duty or who was discharged or
13 released from active duty in the U.S. armed forces under honorable conditions and
14 who was a resident of this state at the time of his or her entry or reentry into active
15 service and his or her dependent children and surviving spouse.

16 (b) A ~~veteran~~ person who was discharged or released from active duty in the
17 U.S. armed forces under honorable conditions and who was a resident of this state
18 at the time of his or her death and his or her dependent children and surviving
19 spouse.

20 (c) The spouse or dependent child of a ~~veteran~~ person who is serving on active
21 duty at the time of the spouse's or dependent child's death if the ~~veteran~~ person was
22 a resident of this state at the time of ~~the veteran's~~ his or her entry or reentry into
23 active service.

24 (d) The spouse or dependent child of a ~~veteran~~ person if the ~~veteran~~ person was
25 a resident of this state at the time of his or her entry or reentry into active service

1 and was discharged or released from active duty in the U.S. armed forces under
2 honorable conditions.

3 (e) The spouse or dependent child of a ~~veteran~~ person who was discharged or
4 released from active duty in the U.S. armed forces under honorable conditions if the
5 ~~veteran~~ person and spouse or dependent child were residents of this state at the time
6 of the spouse's or dependent child's death.

7 (f) A person who was a resident of this state at the time of his or her entry or
8 reentry into service in any national guard or in a reserve component of the U.S.
9 armed forces or who was a resident of this state for at least 12 consecutive months
10 immediately preceding his or her death, and the person's spouse, surviving spouse
11 and dependent children, if the person is eligible for burial in a national cemetery
12 under 38 USC 2402.

13 (g) A ~~veteran~~ person who was discharged or released from active duty in the
14 U.S. armed forces under honorable conditions and who was a resident of the state for
15 at least 12 consecutive months after entering or reentering service on active duty.

16 ~~(3m)~~ **(3)** FEES AND COSTS. The department may charge a fee for burials under
17 this section and may promulgate rules for the assessment of the any fee. The cost
18 of preparing the grave and the erection of a marker for a veteran shall be paid from
19 the appropriation under 20.485 (1) (gk).

***NOTE: Check all of the appropriation language, because that language is not
consistent with the new language. See 20.485 (1) (gd) and (gk) for example.

20 ~~(4)~~ GIFTS, GRANTS, AND BEQUESTS. ~~The department may accept for the state all~~
21 ~~gifts, grants, and bequests for the purposes of maintenance, restoration,~~
22 ~~preservation, and rehabilitation of the veterans cemeteries constructed under sub.~~
23 ~~(2).~~

1 **SECTION 40.** 45.37 (15) (a) of the statutes is repealed.

2 **SECTION 41.** 45.37 (15) (b) of the statutes is renumbered 45.63 (4) and amended
3 to read:

4 **45.63 (4) APPLICATION** Application for burial shall be made to the department.

5 The surviving spouse of the veteran, as defined in s. 45.358 (1) (b), if the veteran is
6 interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the
7 privilege of selecting a lot next to the veteran if available. ~~Permission shall be given~~
8 ~~by the~~ The department shall hold the plot for the surviving spouse for a period of one
9 year from date of granting the privilege, but may ~~be extended~~ extend the hold, on
10 request, for additional one-year periods.

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103; 2003 a. 33.

11 **SECTION 42.** 45.37 (15) (c) of the statutes is renumbered 45.63 (5) and amended

12 to read:

13 **45.63 (5) EXPENSES** Expenses incident to the burial ~~at the home of a member~~
14 under this section shall be paid from the estate of the decedent, except that if there
15 is no estate or the estate is insufficient, the expense of burial, or necessary part
16 ~~thereof of the burial~~, shall be paid from the appropriation under s. 20.485 (1) (gk) and
17 the amount expended ~~therefor~~ for those expenses shall not exceed the amount
18 established for funeral and burial expenses under s. 49.785 (1) (b).

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103; 2003 a. 33.

19 **SECTION 43.** 45.396 (2) of the statutes is amended to read:

20 **45.396 (2)** Any veteran upon the completion of any correspondence course or
21 part-time classroom study from an institution of higher education located in this
22 state, from a school that is approved under s. 45.35 (9m), from a proprietary school
23 that is approved under s. ~~45.54~~ 39.90, or from any public or private high school may

1 be reimbursed in part for the cost of the course by the department upon presentation
2 to the department of a certificate from the school indicating that the veteran has
3 completed the course and stating the cost of the course and upon application for
4 reimbursement completed by the veteran and received by the department no later
5 than 60 days after the termination of the course for which the application for
6 reimbursement is made. The department shall accept and process an application
7 received more than 60 days after the termination of the course if the applicant shows
8 good cause for the delayed receipt. The department may not require that an
9 application be received sooner than 60 days after a course is completed. Benefits
10 granted under this section shall be paid out of the appropriation under s. 20.485 (2)
11 (th).

12 **SECTION 44.** 45.396 (3) (intro.) of the statutes is amended to read:

13 45.396 **(3)** (intro.) A veteran who is a resident of this state and otherwise
14 qualified to receive benefits under this section may receive the benefits under this
15 section upon the completion of any correspondence courses or part-time classroom
16 study from an institution of higher education located outside this state, from a school
17 that is approved under s. 45.35 (9m), or from a proprietary school that is approved
18 under s. ~~45.54~~ 39.90, if any of the following applies:

19 **SECTION 45.** 45.397 (2) (a) of the statutes is amended to read:

20 45.397 **(2)** (a) The veteran is enrolled in a training course in a technical college
21 under ch. 38 or in a proprietary school in the state approved by the educational
22 approval board under s. ~~45.54~~ 39.90, other than a proprietary school offering a
23 4-year degree or 4-year program, or is engaged in a structured on-the-job training
24 program that meets program requirements promulgated by the department by rule.

SECTION 46. Subchapter IV (title) of chapter 45 [precedes 45.40] of the statutes is created to read:

CHAPTER 45

SUBCHAPTER IV

OTHER PROGRAMS

SECTION 47. 45.42 of the statutes is renumbered 45.65.

SECTION 48. 45.43 of the statutes is renumbered 45.80, and 45.80 (1) (am), (2), and (7m) (c), as renumbered, are amended to read:

45.80 (1) (am) Except as provided under par. (b), the county board may appoint assistant county ~~veterans'~~ veterans service officers who shall be Wisconsin residents who served on active duty, other than active duty for training, under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who meet at least one of the conditions listed in ~~s. 45.35 (5) (a) 1. a. to d.~~ s. 45.001 (4) (a) 1. a. to d. and at least one of the conditions listed in ~~s. 45.35 (5) (a) 2. a. to c.~~ s. 45.001 (4) (a) 2. a. to c.

(2) TERM. A county ~~veterans'~~ veterans service officer elected under sub. (1) (a) shall serve until the first Monday in January of the 2nd year subsequent to the year of his or her election, and, if reelected, shall continue to serve unless removed under s. 17.10 (2). ~~All county veterans' service officers who have been reelected prior to May 18, 1967, may continue to serve unless removed under s. 17.10 (2).~~

History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109; 2003 a. 33 ss. 1093, 9160; 2003 a. 163, 321.

(7m) (c) A county may not allocate any portion of a grant awarded under this subsection for use by another county department and may not reduce funding to a county ~~veterans'~~ veterans service office based upon receipt of a grant.

****NOTE: We discussed removing parts of s. 45.43 (7) and (7m) from this section and placing those subsections in the section dealing with the powers of the department, but I did not do so at this time.

Cross Reference: Cross Reference: Cross Reference: See also ch. VA 16, Wis. adm. code. **Cross Reference:**
History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109; 2003 a. 33 ss. 1093, 9160; 2003 a. 163, 321.

SECTION 49. Subchapter V (title) of chapter 45 [precedes 45.50] of the statutes
is created to read:

CHAPTER 45

SUBCHAPTER V

CARE AND TREATMENT FACILITIES

SECTION 50. 45.50 of the statutes is renumbered 21.79.

SECTION 51. 45.51 of the statutes is renumbered 21.78.

SECTION 52. 45.53 of the statutes is renumbered 21.74.

SECTION 53. 45.54 of the statutes is renumbered 39.90.

SECTION 54. Subchapter VI (title) of chapter 45 [precedes 45.60] of the statutes
is created to read:

CHAPTER 45

SUBCHAPTER VI

FUNERALS, BURIALS AND CEMETERIES

SECTION 55. Subchapter VII (title) of chapter 45 [precedes 45.70] of the statutes
is created to read:

CHAPTER 45

SUBCHAPTER VII

MEMORIALS

SECTION 56. Subchapter VIII (title) of chapter 45 [precedes 45.80] of the
statutes is created to read:

CHAPTER 45

SUBCHAPTER VIII

LOCAL RESPONSIBILITIES

SECTION 57. 51.20 (10) (cm) of the statutes is amended to read:

51.20 **(10)** (cm) Prior to or at the final hearing, for individuals for whom a petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437 shall furnish to the court and the subject individual an initial recommended written treatment plan that contains the goals of treatment, the type of treatment to be provided, and the expected providers. If the person is a veteran, as defined in s. 45.001 (4) the county department shall contact the U.S. department of veterans affairs to determine if the veteran is eligible for treatment at a U.S. department of veterans affairs facility. If the veteran is eligible for that treatment, the county department shall include that information in the treatment plan. The treatment plan shall address the individual's needs for inpatient care, residential services, community support services, medication and its monitoring, case management, and other services to enable the person to live in the community upon release from an inpatient facility. The treatment plan shall contain information concerning the availability of the needed services and community treatment providers' acceptance of the individual into their programs. The treatment plan is only a recommendation and is not subject to approval or disapproval by the court. Failure to furnish a treatment plan under this paragraph does not constitute grounds for dismissal of the petition unless the failure is made in bad faith.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1–1–80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326.

SECTION 58. 51.45 (13) (h) of the statutes is amended to read:

1 51.45 (13) (h) A person committed under this subsection shall remain in the
2 custody of the county department for treatment for a period set by the court, but not
3 to exceed 90 days. During this period of commitment the county department may
4 transfer the person from one approved public treatment facility or program to
5 another as provided in par. (k). If the person is a veteran, as defined in s. 45.001 (4),
6 the county department shall contact the U.S. department of veterans affairs to
7 determine if the veteran is eligible for treatment at a U.S. department of veterans
8 affairs facility. If the veteran is eligible for that treatment, the county department
9 may transfer the person to that facility if the U.S. department of veterans affairs
10 approves that transfer. At the end of the period set by the court, the person shall be
11 discharged automatically unless the county department before expiration of the
12 period obtains a court order for recommitment upon the grounds set forth in par. (a)
13 for a further period not to exceed 6 months. If after examination it is determined that
14 the person is likely to inflict physical harm on himself or herself or on another, the
15 county department shall apply for recommitment. Only one recommitment order
16 under this paragraph is permitted.

History: 1973 c. 198; 1975 c. 200, 428; 1975 c. 430 s. 80; 1977 c. 29; 1977 c. 187 ss. 44, 134, 135; 1977 c. 203 s. 106; 1977 c. 428; 1977 c. 449 s. 497; Sup. Ct. Order. 83 Wis. 2d xiii (1987); 1979 c. 32 s. 92 (11); Sup. Ct. Order. eff. 1-1-80; 1979 c. 221 ss. 417, 2200 (20); 1979 c. 300, 331, 356; 1981 c. 20; 1981 c. 79 s. 17; 1981 c. 289, 314; 1983 a. 27 ss. 1116 to 1121, 2202 (20); 1985 a. 29 s. 3202 (56); 1985 a. 139; 1985 a. 176 ss. 533 to 556, 615; 1985 a. 265; 1985 a. 332 s. 251 (1); 1987 a. 339, 366; 1989 a. 31, 336, 359; 1991 a. 39; 1993 a. 16, 27, 213, 451, 490; 1995 a. 27 ss. 3268, 3269, 9145 (1); 1995 a. 77, 225; 1997 a. 27, 35, 237; 1999 a. 9; 2001 a. 61.

17 **SECTION 59. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:**

18 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
19 a student who is the claimant or who is the claimant's child and the claimant's
20 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
21 attend any university, college, technical college or a school approved under s. 45.54
22 39.90, that is located in Wisconsin or to attend a public vocational school or public

1 institution of higher education in Minnesota under the Minnesota-Wisconsin
2 reciprocity agreement under s. 39.47, calculated as follows:

3 **SECTION 60.** 86.03 (4) of the statutes is amended to read:

4 **86.03 (4) CUTTING OR INJURING TREES ON HIGHWAY.** No person shall cut down,
5 break, girdle, bruise the bark or in any other manner injure, or allow any animal
6 under that person's control to injure, any public or private trees, shrubs or hedges
7 growing within the highway, except as the owner thereof or the public authority
8 maintaining the highway may cut down, trim and remove trees, shrubs and hedges
9 for the purpose of and conducing to the benefit and improvement of the owner's land
10 or the highway facility, subject to sub. (7).

History: 1991 a. 316; 1993 a. 490; 2001 a. 107.

11 **SECTION 61.** 86.03 (6) of the statutes is amended to read:

12 **86.03 (6) FINES.** Any Except as provided in sub. (7), any person violating any
13 of the provisions of this section shall be deemed guilty of a misdemeanor and upon
14 conviction thereof shall be punished by a fine not to exceed \$25 for each tree or shrub
15 damaged, felled or destroyed.

History: 1991 a. 316; 1993 a. 490; 2001 a. 107.

16 **SECTION 62.** 182.028 of the statutes is amended to read:

17 **182.028 School corporations.** Any corporation formed for the establishment
18 and maintenance of schools, academies, seminaries, colleges, or universities or for
19 the cultivation and practice of music shall have power to enact bylaws for the
20 protection of its property, and provide fines as liquidated damages upon its members
21 and patrons for violating the bylaws, and may collect the same in tort actions, and
22 to prescribe and regulate the courses of instruction therein, and to confer such
23 degrees and grant such diplomas as are usually conferred by similar institutions or
24 as shall be appropriate to the courses of instruction prescribed, except that no

1 corporation shall operate or advertise a school that is subject to s. ~~45.54~~ 39.90 (10)
2 without complying with the requirements of s. ~~45.54~~ 39.90. Any stockholder may
3 transfer his or her stock to the corporation for its use; and if the written transfer so
4 provides the stock shall be perpetually held by the board of directors with all the
5 rights of a stockholder, including the right to vote.

6 **SECTION 63.** 460.05 (1) (e) 1. of the statutes is amended to read:

7 460.05 **(1)** (e) 1. Graduated from a school of massage therapy or bodywork
8 approved by the educational approval board under s. ~~45.54~~ 39.90 or completed a
9 training program approved by the department under the rules promulgated under
10 s. 460.04 (2) (b).

11 **SECTION 64.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

12 944.21 **(8)** (b) 3. a. Is a technical college, is a school approved by the educational
13 approval board under s. ~~45.54~~ 39.90 or is a school described in s. ~~45.54~~ 39.90 (1) (e)
14 6., 7. or 8.; and

15 **SECTION 65.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

16 948.11 **(4)** (b) 3. a. Is a technical college, is a school approved by the educational
17 approval board under s. ~~45.54~~ 39.90 or is a school described in s. ~~45.54~~ 39.90 (1) (e)
18 6., 7. or 8.; and

19 (END)