

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, 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

****NOTE: Check all of the internal and external cross-references.

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

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

from the issuance of solicitor's permits under s. ~~45.54~~ 39.90 (8) and fees under s. ~~45.54~~ 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. 21.74 of the statutes is created to read:

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

(a) "Interest and penalties" means 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 property held jointly or as marital property with the spouse of the person in military service, interest and penalties means the proportionate share of the total interest and penalties commensurate with the equity in the property of the person in military service.

(b) "Persons in military service" means any man or woman who is or was serving on active duty in the U.S. armed forces.

***NOTE: Do we need to have an exemption for "except service on active duty for training purposes.

(c) "Property" means any real estate or personal property belonging to a person in military service that was acquired prior to the commencement of military service or that was acquired by descent.

1 (d) “Taxes” mean any general taxes or special assessments or tax certificates
2 evidencing those taxes and assessments not belonging to private buyers.

3 **(2)** In order to supplement and complement the provisions of 50 App. USC 501,
4 and to afford and obtain greater peace and security for persons in military service,
5 the enforcement of certain tax obligations or liabilities that may prejudice the
6 property rights of persons in military service may be temporarily suspended as
7 provided in this section.

8 **(3)** Any person while in the military service of the United States or within 6
9 months after terminating service, or the person’s agent or attorney during that
10 period, may petition the circuit court of in any county in which the person owns
11 property for relief under this section. Upon filing of the petition the court shall make
12 an order fixing the time of hearing and requiring the giving of notice of the hearing.
13 If after hearing the court finds that the person is, or within 6 months next preceding
14 the filing of the petition was, in the military service of the United States and owns
15 property within the county on which taxes have fallen or will fall due, and that the
16 person’s ability to pay the taxes has been materially adversely affected by reason of
17 being in military service, the court shall enter an order determining that the person
18 is entitled to relief under this section. The court may suspend proceedings for the
19 collection of taxes on the property for a period not exceeding 6 months after
20 termination of the military service of the person, or for the time reasonably necessary
21 to complete the agreement provided in sub. (7). Thereafter, the property shall not
22 be included in tax certificates issued to enforce collection of taxes on property, and
23 all proceedings for that purpose shall be suspended, except under terms that the
24 court may order.

1 **(4)** Whenever any tax or assessment on real property, including all special
2 assessments, is not paid when due, any interest or penalty under s. 74.47 and the
3 maximum limitation of 6% per year as provided by the 50 App. USC 501 shall be
4 waived for the purpose and under the conditions specified in this section.

5 **(5)** The penalties and interest waived under this section are those for
6 nonpayment of all taxes or assessments, general or special, falling due during the
7 period of military service of any person against either real or personal property of
8 which the person is the bona fide owner or in which the person has an interest.

9 **(6)** The person owning or having an interest in any property in respect to which
10 the order under sub. (3) is made, or the person's agent or attorney, may file a certified
11 copy of the order of suspension with the county treasurer or with the city treasurer
12 of cities authorized by law to sell lands for the nonpayment of taxes as to the taxes
13 and assessments. The person shall file with the order an affidavit in triplicate, sworn
14 to by the person or agent or attorney, setting forth the name of the owner, the legal
15 description of the property, the type of property, when acquired, volume and page
16 number where the deed was recorded if acquired by deed and the name of the estate
17 if acquired by descent, amount of delinquent taxes if any, and the names of the
18 holders of any outstanding mortgage, lien or other encumbrance. Upon receipt of the
19 filing, the county treasurer or city treasurer shall record the order in the office of the
20 register of deeds of the county and file a copy in the office of the treasurer, who shall
21 make proper notation that a person in military service is the holder of the legal title
22 and has made application for special relief. The county treasurer or city treasurer
23 shall immediately forward an additional copy of the order and affidavit to the office
24 of the clerk of the town, city or village where the property is located, or if it is located

1 in a city authorized to sell lands for nonpayment of its taxes, to the commissioner of
2 assessments, who shall make an appropriate notation in the records.

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

13 (8) In the event default is made by the applicant in the performance of any of
14 the provisions of the agreement, the treasurer shall notify the applicant of the
15 default and the amount and date due, by written notice either served personally or
16 by registered mail return receipt requested to the address set forth in the application.
17 If the defaulted payment is not fully made within 10 days after service of the notice,
18 then the treasurer, without further notice, may declare that the entire amount of the
19 tax subject to the scheduled installments is immediately due and payable and that
20 the agreement is terminated. The county treasurer shall notify the register of deeds
21 and the town, city or village treasurer of the termination, or if the city treasurer of
22 cities authorized by law to sell lands for the nonpayment of taxes the latter shall
23 notify the register of deeds and the county treasurer and the local officers and shall
24 make appropriate notations of the termination on their records. The county
25 treasurer, or city treasurer as to taxes of cities authorized by law to sell land for the

1 nonpayment of taxes, may without further order of the court enforce the collection
2 of such tax or assessment and sell such tax certificates together with the penalties
3 and interest as may have accrued on the property from the date of default of the
4 scheduled installment payment.

5 **SECTION 4.** 21.78 of the statutes is created to read:

6 **21.78 Employees or officers in military service. (1)** The governing body
7 of any county, town, city, village, school district, or technical college district may
8 grant a leave of absence to any employee or officer who is inducted or who enlists in
9 the U.S. armed forces for a period of military service of not more than 4 years unless
10 the employee is involuntarily retained for a longer period. No salary or compensation
11 of the employee or officer shall be paid, nor claim for the salary or compensation exist
12 during the leave of absence, except as provided in this section. If the employee's or
13 officer's salary or compensation is less in the U.S. armed forces than was paid by the
14 county, town, city, village, school district, or technical college district, that
15 governmental unit may pay the employee or officer the difference between the salary
16 or compensation paid by the armed forces and the salary or compensation that the
17 employee or officer was paid by the county, town, city, village, school district, or
18 technical college district at the time that he or she enlisted in or was inducted into
19 the U.S. armed forces.

20 **(2)** The governing body may provide for safeguarding the reinstatement and
21 pension rights, as limited in this section, of any employee or officer so inducted or
22 enlisted.

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

1 **(4)** If the leave of absence under sub. (1) is granted to an elected or appointed
2 official or employee and the official or employee has begun federal service, a
3 temporary vacancy exists and a successor may be appointed to fill the unexpired
4 term of the official or employee, or until the official or employee returns and files
5 election to resume the office if the date of the filing is prior to the expiration of the
6 term. The appointment shall be made in the manner provided for the filling of
7 vacancies caused by death, resignation or otherwise, except that no election need be
8 held to fill a temporary vacancy. The appointee has all the powers, duties, liabilities
9 and responsibilities and shall be paid and receive the compensation and other
10 benefits of the office or position, unless otherwise provided by the governing body.
11 Within 40 days after the termination of the federal service, the elected or appointed
12 official or employee, upon filing with the clerk of the governmental unit, a statement
13 under oath of termination and that the official or employee elects to resume the office
14 or position, may resume the office or position for the remainder of the term for which
15 elected or appointed. The person temporarily filling the vacancy shall cease to hold
16 the office on the date of the filing.

17 **(6)** In cities of the 3rd class with a commission plan of government, in case of
18 temporary or permanent vacancies in the office of mayor, the vice mayor shall
19 temporarily succeed to the office of mayor for the balance of the unexpired term for
20 which the mayor was elected unless sooner terminated as provided in s. 17.035 (3).
21 A temporary or permanent vacancy created in the office of council member may be
22 filled as provided in this section. The term of the person appointed temporarily to
23 the office of council member shall not extend beyond the expiration of the term of the
24 office vacated and the temporary term shall be vacated sooner as provided for in s.
25 17.035 (3).

1 **SECTION 5.** 21.79 of the statutes is created to read:

2 **21.79 Reemployment after completion of military service. (1)** (a) Any
3 person who has enlisted or enlists in or who has been or is inducted or ordered into
4 active service in the U.S. armed forces pursuant to the 50 App. USC 301, 401, and
5 451, or P.L. 87–117, and any person whose services are requested by the federal
6 government for national defense work as a civilian during a period officially
7 proclaimed to be a national emergency or a limited national emergency, who, in order
8 to perform the training or service, has left or leaves a position, other than a
9 temporary position, in the employ of any political subdivision of the state or in the
10 employ of any private or other employer, shall be restored to that position or to a
11 position of like seniority, status, pay and salary advancement as though service
12 toward seniority, status, pay or salary advancement had not been interrupted by the
13 absence; if all of the following:

14 1. The person presents to the employer evidence of satisfactory completion of
15 the period of training or civilian service, or of discharge from the armed forces under
16 conditions other than dishonorable.

17 2. The person is still qualified to perform the duties of such position.

18 3. The person makes application for reemployment and resumes work within
19 90 days after completion of the training or services, military or civilian, or was so
20 discharged from the armed forces, or within 6 months after release from
21 hospitalization for service–connected injury or disease.

22 4. The employer's circumstances have not so changed as to make it impossible
23 or unreasonable to so restore the person.

24 5. The military service was not for more than 4 years unless extended by law.

1 (b) Except as provided in par. (c), in the event of any dispute arising under par.
2 (a), the person may file a complaint regarding the matter with the department of
3 workforce development. The department of workforce development shall process
4 any complaint made under this paragraph in the same manner as employment
5 discrimination complaints are processed under s. 111.39.

***NOTE: This language at the end of par (b) is currently in s. 21.80.

6 (c) If a dispute arises under par. (a) regarding a classified employee of the state,
7 the complaint shall be filed with the director of the office of state employment
8 relations. A decision of the director of the office of state employment relations may
9 be reviewed under ch. 227.

***NOTE: Should 21.79 and 21.80 be merged; they seem to cover the same issues.

10 **(2)** The service of any person who is or was restored to a position in accordance
11 with sub. (1) shall be considered not to be interrupted by the absence, except for the
12 receipt of pay or other compensation for the period of the absence and he or she shall
13 be entitled to participate in insurance, pensions, retirement plans or other benefits
14 offered by the employer under established rules and practices relating to employees
15 on furlough or leave of absence in effect with the employer at the time the person
16 entered or was enlisted, inducted or ordered into the forces and service. The person
17 whose position was restored may not be discharged from the position without cause
18 within one year after restoration and the discharge is subject to all federal or state
19 law affecting any municipal or private employment and to the provisions of contracts
20 that may exist between employer and employee. Each county, town, city or village
21 shall contribute or pay all contributions of the employer to the applicable and
22 existent pension, annuity or retirement system as though the service of the employee
23 had not been interrupted by military service.

1 **(3)** If an employer fails or refuses to comply with subs. (1) and (2), a person
2 entitled to the benefits under subs. (1) and (2) may petition the circuit court to require
3 the employer to comply with those subsections. Upon the filing of the petition and
4 on reasonable notice to the employer, the court may require the employer to comply
5 with those subsections and to compensate the person for any loss of wages or benefits
6 suffered by reason of the employer's action. The court shall order a speedy hearing
7 and shall advance the case on the calendar. No fees or court costs may be taxed
8 against a person petitioning the court under this subsection. The action commenced
9 under this subsection against a private employer, and the trial or hearing of the
10 action, shall be in any county in which the employment took place or in which the
11 private employer maintains a place of business, and in all other cases shall be as
12 provided in s. 801.50.

13 **(4)** No person who is appointed in the service of the state or of any county, city,
14 village or town to fill the place of a person entering the federal service under sub. (1)
15 shall acquire permanent tenure during the period of that replacement service.

16 **(5)** If the decision of the circuit court is appealed the person who petition the
17 circuit court under sub. (3) need not file an appeal bond for the security for costs on
18 the appeal.

19 **(6)** The restoration of classified employees of the state shall be governed by s.
20 230.32. The restoration of unclassified state employees shall be governed by this
21 section.

22 **SECTION 6.** 29.506 (7m) (a) of the statutes is amended to read:

23 **29.506 (7m) (a)** The department shall issue a taxidermy school permit to a
24 person who applies for the permit; who, on August 15, 1991, holds a valid

1 taxidermist permit issued under this section; and who, on August 15, 1991, operates
2 a taxidermy school approved by the educational approval board under s. 45.54 39.90.

3 **SECTION 7.** Subchapter V (title) of chapter 39 [precedes 39.90] of the statutes
4 is created to read:

5 **CHAPTER 39**

6 **SUBCHAPTER V**

7 **EDUCATIONAL APPROVAL BOARD**

8 **SECTION 8.** 39.90 of the statutes is created to read:

9 **39.90 Educational approval board. (1) DEFINITIONS.** In this section unless
10 the context clearly requires otherwise:

11 (a) “Board” means the educational approval board.

12 (b) “Course” means an organized unit of subject matter in which instruction is
13 offered within a given period of time or which covers a specified amount of related
14 subject matter.

15 (c) “Course of instruction” means a series of classroom or correspondence
16 courses having a unified purpose which lead to a diploma or degree or to an
17 occupational or vocational objective.

18 (d) “Person” means any individual, partnership, association, corporation, or
19 limited liability company, or any combination of these.

20 (e) “School” means any private trade, correspondence, business, or technical
21 school, but does not include any of the following:

22 1. In-state schools that are exempt from taxation under section 501 of the
23 Internal Revenue Code and that either were incorporated in this state prior to
24 January 1, 1992, or had their administrative headquarters and principal places of
25 business in this state prior to 1970.

2. Schools that are supported mainly by taxes.

3. Schools of a parochial or denominational character offering courses having a sectarian objective.

4. Schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective.

5. Courses conducted by employers exclusively for their employees.

6. Schools, courses of instruction and training programs which are approved or licensed and supervised by other state agencies and boards.

7. Schools approved by the department of public instruction for the training of teachers.

8. Schools accredited by accrediting agencies recognized by the board.

(f) “Solicitor” means a person employed by or representing a school located either within or outside this state who, in places other than the actual business premises of the school, personally attempts to secure the enrollment of a student in such school.

(g) “Teaching location” means the area and facilities designated for use by a school required to be approved by the board under this section.

(2) PURPOSE. The purpose of the board is to protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state whether located within or outside this state, changes of ownership or control of these schools, teaching locations used by these schools, and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

1 **(3) RULE-MAKING POWER.** The board shall promulgate rules and establish
2 standards necessary to carry out the purpose of this section.

3 **(4) EMPLOYEES, QUARTERS.** The board shall employ a person to perform the
4 duties of an executive secretary and any other persons under the classified service
5 that may be necessary to carry out the board's purpose. The person performing the
6 duties of the executive secretary shall be in charge of the administrative functions
7 of the board. The board shall, to the maximum extent practicable, keep its office with
8 the department of veterans affairs.

9 **(5) APPROVAL OF SCHOOLS GENERALLY.** In order to protect students, prevent fraud
10 and misrepresentation in the sale and advertising of courses and courses of
11 instruction and encourage schools to maintain courses and courses of instruction
12 consistent in quality, content and length with generally accepted educational
13 standards, the board shall do all of the following:

14 (a) Investigate the adequacy of courses and courses of instruction offered by
15 schools to residents of this state and establish minimum standards for those courses
16 of instruction.

17 (b) Investigate the adequacy of schools' facilities, equipment, instructional
18 materials, and instructional programs and establish minimum standards for those
19 facilities, equipment, materials, and programs.

20 (c) Establish rules, standards, and criteria to prevent fraud and
21 misrepresentation in the sale and advertising of courses and courses of instruction.

22 (d) Promulgate rules restricting the negotiability of promissory instruments
23 received by schools in payment of tuition and other charges.

1 (e) Establish minimum standards for refund of the unused portion of tuition,
2 fees, and other charges if a student does not enter a course or course of instruction
3 or withdraws or is discontinued from the course.

4 (f) Require schools offering courses and courses of instruction to residents of
5 this state to furnish information concerning their facilities, curricula, instructors,
6 enrollment policies, tuition and other charges and fees, refund policies, and policies
7 concerning negotiability of promissory instruments received in payment of tuition
8 and other charges.

9 (g) Approve courses of instruction, schools, changes of ownership or control of
10 schools, and teaching locations meeting the requirements and standards established
11 by the board and complying with rules promulgated by the board and publish a list
12 of the schools and courses of instruction approved.

13 (h) Issue permits to solicitors when all board requirements have been met.

14 (i) Require schools to furnish a surety bond in an amount as provided by rule
15 of the board.

16 **(6) SOLICITING OF STUDENTS.** (a) *In general.* No solicitor representing any school
17 offering any course or course of instruction shall sell any course or course of
18 instruction or solicit students for a course or course of instruction in this state for a
19 consideration or remuneration, except upon the actual business premises of the
20 school, unless the solicitor first secures a solicitor's permit from the board. If the
21 solicitor represents more than one school, a separate permit shall be obtained for
22 each school represented by the solicitor.

23 (b) *Solicitor's permit.* The application for a solicitor's permit shall be made on
24 a form furnished by the board and shall be accompanied by a fee and a surety bond
25 acceptable to the board in the sum of \$2,000. The board shall, by rule, specify the

1 amount of the fee for a solicitor's permit. Such bond may be continuous and shall be
2 conditioned to provide indemnification to any student suffering loss as the result of
3 any fraud or misrepresentation used in procuring his or her enrollment or as a result
4 of the failure of the school to faithfully perform the agreement made with the student
5 by the solicitor, and may be supplied by the solicitor or by the school itself either as
6 a blanket bond covering each of its solicitors in the amount of \$2,000 or the surety
7 bond under sub. (5) (i). Upon approval of a permit, the board shall issue an
8 identification card to the solicitor giving his or her name and address, the name and
9 address of the employing school, and certifying that the person whose name appears
10 on the card is authorized to solicit students for the school. A permit shall be valid
11 for one year from the date issued. Liability under this paragraph of the surety on the
12 bond for each solicitor covered by the bond shall not exceed the sum of \$2,000 as an
13 aggregate for any and all students for all breaches of the conditions of the bond. The
14 surety of a bond may cancel the same upon giving 30 days' notice in writing to the
15 board and shall be relieved of liability under this paragraph upon giving the notice
16 for any breach of condition occurring after the effective date of the cancellation. An
17 application for renewal shall be accompanied by a fee, a surety bond acceptable to
18 the board in the sum of \$2,000 if a continuous bond has not been furnished, and such
19 information as the board requests of the applicant. The board shall, by rule, specify
20 the amount of the fee for renewal of a solicitor's permit.

21 (c) *Refusal or revocation of permit.* The board may refuse to issue or renew, or
22 may revoke, any solicitor's permit upon one or any combination of the following
23 grounds:

24 1. Willful violation of this subsection or any rule promulgated by the board
25 under this section.

2. Furnishing false, misleading or incomplete information to the board.

3. Presenting information to prospective students relating to the school, a course or course of instruction which is false, fraudulent or misleading.

4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the board.

5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules promulgated by the board pursuant to sub. (5).

6. Cancellation of the solicitor's bond by surety.

7. Subject to ss. 111.321, 111.322, and 111.335, the applicant has an arrest or conviction record.

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the board. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the board's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request permission to appear before the board in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request, the board shall grant a hearing to the applicant or holder of the permit within 30 days giving that person at least 10 days' notice of the date, time and place.

(f) *Recovery by students.* The bond in force under par. (b) shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of

1 the bond be relevant in determining the amount of damages or other relief to which
2 any plaintiff may be entitled.

3 (g) *Recovery on contracts.* No recovery shall be had by any school or its assignee
4 on any contract for or in connection with a course or course of instruction if the
5 representative who sold or solicited the course was not the holder of a solicitor's
6 permit under this subsection at the time of the sale or solicitation.

7 (h) *Enforcement.* The attorney general or any district attorney may bring an
8 action in circuit court for the enforcement of this subsection.

9 (i) *Penalty.* Whoever violates this subsection may be fined not more than \$500
10 or imprisoned not more than 3 months or both.

11 **(7) PROPRIETARY SCHOOL APPROVAL.** (a) *Authority.* All proprietary schools shall
12 be examined and approved by the board before operating in this state. Approval shall
13 be granted to schools meeting the criteria established by the board for a period not
14 to exceed one year. No school may advertise in this state unless approved by the
15 board. All approved schools shall submit quarterly reports, including information
16 on enrollment, number of teachers and their qualifications, course offerings, number
17 of graduates, number of graduates successfully employed, and such other
18 information as the board considers necessary. If a school closure results in losses to
19 students, parents, or sponsors, the board may authorize the full or partial payment
20 of those losses from the appropriation under s. 20.485 (5) (gm).

21 (b) *Application.* Application for initial approval of a school or a course of
22 instruction, approval of a teaching location, change of ownership or control of a
23 school, renewal of approval of a school or reinstatement of approval of a school or
24 course of instruction which has been revoked shall be made on a form furnished by
25 the board and shall be accompanied by a fee set by the board under par. (c), and such

1 other information as the board considers necessary to evaluate the school in carrying
2 out the purpose of this section.

3 (c) *Fees; rule making.* The board shall promulgate rules to establish fees. In
4 promulgating rules to establish fees, the board shall do all of the following:

5 1. Require that the amount of fees collected under this paragraph be sufficient
6 to cover all costs that the board incurs in examining and approving proprietary
7 schools under this subsection.

8 2. Give consideration to establishing a variable fee structure based on the size
9 of a proprietary school.

10 3. Specify a fee to accompany all applications under par. (b).

11 4. Specify a student protection fee.

12 (cm) *Limit on student protection fee.* The board shall discontinue collecting
13 annual student protection fees under par. (c) 4. during the period that the balance
14 in the fund created by those fees exceeds \$1,000,000.

15 (d) *Enforcement.* The attorney general or any district attorney may bring an
16 action in circuit court for the enforcement of this subsection, including bringing an
17 action to restrain by temporary or permanent injunction any violation of par. (a).

18 (e) *Penalties.* Any person who violates par. (a) may be required to forfeit not
19 more than \$500. Each day of operation in violation of par. (a) constitutes a separate
20 offense.

21 (f) *Other remedies.* In addition to any other remedies provided by law, a student
22 who attends a school which is in violation of par. (a) may bring a civil action to recover
23 fees paid to the school in violation of par. (a) together with costs and disbursements,
24 including reasonable attorney fees.

25 **SECTION 9.** Chapter 45 of the statutes is repealed and recreated to read:

CHAPTER 45**VETERANS****SUBCHAPTER I****GENERAL PROVISIONS**

45.01 Definitions. In this chapter, unless the context otherwise requires:

(1) “Active duty for training purposes” means.....

(2) “Board” means the board of veterans affairs.

(3) “Child” means any biological child, any adopted child, any stepchild or child if a member of the veteran’s household, or any nonmarital child if the veteran acknowledges paternity or paternity has been otherwise established.

****NOTE: From 45.348, and may only apply to 45.35, .351, and .356, but 45.35 was the general statute.

(4) (a) “Dependent” includes any of the following:

1. A spouse, a surviving spouse, or a divorced spouse, but only if the divorced spouse is receiving benefits under a court order.

****NOTE: Does this refer to benefits under this chapter?

2. Any 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 unremarried and incapable of self-support by reason of mental or physical disability.

****NOTE: I added “if unremarried” based on the definition of dependent child in 45.358. OK?

3. The natural parent or a person to whom the veteran stands in the place of a parent and who has so stood for not less than 12 months prior to the veteran’s entrance into active service.

4. A minor sibling or a sibling of any age if incapable of self-support by reason of mental or physical disability.

1 (b) For purposes of defining “dependent” under par. (a), “veteran” includes a
2 person who served on active duty under honorable conditions in the U.S. armed
3 forces or in forces incorporated as part of the U.S. armed forces, who was a resident
4 of this state at the time of entry or reentry into active duty and who died while on
5 active duty if the person’s death was not the result of the person’s willful misconduct.

 ***NOTE: From 45.348, but only applies to 45.35, .351 and .356—but
45.35 is in the general powers of DVA.

6 **(5)** “Department” means the department of veterans affairs.

7 **(7)** “In-kind contributions” includes donations of appliances, buildings,
8 creations, equipment, fixtures, furniture, materials, real property, structures,
9 supplies, and utilities, and work performed in the acquisition of land and
10 construction of property.

11 **(8)** “Memorial” means a building, structure, statue or creation used to keep
12 alive the remembrance of a veteran, veterans group or an event related to a veteran
13 and may include land upon which the building, structure, statue, or creation is
14 located. “Memorial” does not include a museum.

15 **(9)** “Secretary” means the secretary of the department of veterans affairs.

16 **(10)** “Veteran” means any of the following:

17 (a) A person who has served on active duty for at least one qualifying term of
18 service under honorable conditions in, or has been terminated by an honorable
19 discharge from, the U.S. armed forces or in forces incorporated as part of the U.S.
20 armed forces, except service on active duty for training purposes, during a war period
21 or in Bosnia, Grenada, Lebanon, Panama, Somalia, or a Middle East crisis.

22 (b) A person who has served on active duty for 90 days or more under honorable
23 conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed

1 forces, except service on active duty for training purposes, during a war period or
2 under section 1 of executive order 10957 dated August 10, 1961.

3 (c) A person whose term of service in the U.S. armed forces or in forces
4 incorporated as part of the U.S. armed forces under honorable conditions entitled
5 him or her to receive the armed forces expeditionary medal, established by executive
6 order 10977 on December 4, 1961, the Vietnam service medal established by
7 executive order 11231 on July 8, 1965, the navy expeditionary medal, or the marine
8 corps expeditionary medal.

9 (d) A person who has served on active duty in the U.S. armed forces or in forces
10 incorporated as part of the U.S. armed forces, except service on active duty for
11 training purposes, under honorable conditions, for 2 continuous years or more or for
12 the full period of his or her initial service obligation, whichever is less.

13 (e) A person who was honorably discharged from the U.S. armed forces or from
14 forces incorporated as part of the U.S. armed forces, except service on active duty for
15 training purposes, for a service-connected disability, for a disability subsequently
16 adjudicated to have been service connected, or for reasons of hardship.

17 (f) A person who was released under honorable conditions from the U.S. armed
18 forces or from forces incorporated as part of the U.S. armed forces, except service on
19 active duty for training purposes, due to a reduction in the U.S. armed forces.

20 (g) A person who, while serving in the U.S. armed forces or from forces
21 incorporated as part of the U.S. armed forces, is missing in action.

22 (h) A person who died as the result of a service-connected disability.

23 (i) A person who died while in service in the U.S. armed forces or in forces
24 incorporated as part of the U.S. armed forces, except service on active duty for
25 training purposes.

1 (j) A person who died in the line of duty while on active duty for training
2 purposes in the U.S. armed forces or in forces incorporated as part of the U.S. armed
3 forces.

****NOTE: (g), (h), and (j) are created as suggested by the subcommittee. OK?

4 **(11)** “Veterans home” means the Wisconsin Veterans Home at Union Grove, the
5 Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Chippewa
6 Falls.

7 **(12)** “War period” means any of the following:

8 (a) Indian war: Between 1860 and 1898.

9 (b) Spanish American war: Between April 21, 1898, and April 11, 1899.

10 (c) Philippine insurrection: Between April 12, 1899, and July 4, 1902 (extended
11 to July 15, 1903, if actually engaged in Moro Province hostilities).

12 (d) Boxer rebellion: Between June 16, 1900, and May 12, 1901.

13 (da) Mexican border service: Between June 19, 1916, and April 5, 1917.

14 (e) World War I: Between April 6, 1917, and November 11, 1918 (extended to
15 April 1, 1920, if service was in Russia).

16 (f) World War II: Between August 27, 1940, and July 25, 1947.

17 (fm) Korean conflict: Between June 27, 1950, and January 31, 1955.

18 (g) Vietnam war: Between August 5, 1964, and January 1, 1977, excepting
19 service on active duty for training purposes only.

20 (h) Persian Gulf war: Between August 1, 1990, and the ending date of
21 Operation Desert Shield or the ending date of Operation Desert Storm as established
22 by the department by rule.

1 (i) Afghanistan War: Between September 11, 2001, and the ending date of
2 Operation Enduring Freedom or an operation that is a successor to Operation
3 Enduring Freedom, as established by the department by rule.

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

7 (k) Any period after the period specified in par. (j) that the department
8 determines and designates by rule, after reviewing the criteria used to establish the
9 war periods under par. (a) to (j) and after consultation with the U.S. department of
10 veterans affairs, to be a period when the United States is in a conflict that places
11 veterans at such a risk that the period should be designated as a war period for
12 purposes of this chapter.

****NOTE: This is a possible solution to the issue of war period creation,
but it may be beyond the charge of the committee.

13 **45.02 Eligibility for benefits. (1)** Any person whose service on active duty
14 with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces
15 makes that person eligible for general U.S. department of veterans affairs benefits
16 shall be considered to have served under honorable conditions for purposes of this
17 chapter.

18 **(2)** Except as provided in sub. (3), to be eligible for benefits under this chapter
19 a veteran shall be a resident of and living in this state at the time of making
20 application or be deceased, and meet one of the following conditions:

21 (a) His or her selective service local board, if any, and home of record at the time
22 of entry or reentry into active service as shown on the veteran's report of separation
23 from the U.S. armed forces for a qualifying period were in this state.

1 (b) Was a resident of this state at the time of entry or reentry into active duty.

2 (c) Was a resident of this state for any consecutive 12-month period after entry
3 or reentry into service and before the date of his or her application or death.

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

****NOTE: *From 45.001 (4) (c)*

7 (4) If the department determines that a person applying for a benefit under this
8 chapter meets the residency requirement under sub. (2) (c), the department may not
9 require the person to reestablish that he or she meets that residency requirement
10 when he or she later applies for any other benefit under this chapter that requires
11 that residency.

****NOTE: *From 45.001 (4) (a) 2.c.*

12 SUBCHAPTER II

13 EDUCATION AND TRAINING

14 **45.20 Veterans education programs. (1) GENERAL PROVISIONS. (a)**

15 *Definitions.* In this section:

16 1. "Institution of higher education" has the meaning given in 20 USC 1001 (a).

17 2. "Part-time classroom study" means any of the following:

18 a. Enrollment by a graduate student in courses for which no more than 8
19 semester or the equivalent trimester or quarter credits will be given upon
20 satisfactory completion.

21 b. Enrollment by a graduate student in courses that upon satisfactory
22 completion will fulfill no more than the minimum semester or equivalent trimester

1 or quarter credit requirements of the program or school in which the student is
2 enrolled.

3 c. Enrollment by any other eligible student in courses for which no more than
4 11 semester or the equivalent trimester or quarter credits will be given upon
5 satisfactory completion.

6 d. Study during a summer semester or session.

7 3. "Tuition" means any of the following:

8 a. For the University of Wisconsin System, academic fees, as described in s.
9 36.27, and segregated fees.

10 b. For technical colleges, program fees, as described in s. 38.24 (1m) (a) and (b)
11 and ____.

12 c. For a high school, a school that is approved under s. 45.35 (9m), or a
13 proprietary school that is approved under s. 39.90, the charge for the courses for
14 which a person is enrolled.

15 d. For an institution from which a person receives a waiver of nonresident
16 tuition under s. 39.47, the amount of the reciprocal fee under s. 39.47 (2) and any fees
17 that are similar to segregated fees for the University of Wisconsin System.

****NOTE: Does the technical college system have fees that are the equivalent of
segregated fees for the University of Wisconsin?

****NOTE: Does the program currently reimburse the equivalent of segregated fees
for persons who attend the University of Minnesota

18 (b) *Income limit.* 1. No veteran may receive reimbursement under this section
19 if the department determines that the income of the veteran and his or her spouse
20 exceeds \$50,000 plus \$1,000 for each dependent in excess of 2 dependents.

21 2. In determining eligibility under this section, the department shall verify all
22 reported income amounts.

1 (c) *Reimbursement limit.* The amount of the reimbursement under sub. (2) or
2 (3) may not exceed the total cost of the veteran's tuition or the standard cost for a state
3 resident for tuition for an equivalent undergraduate course at the University of
4 Wisconsin–Madison per course, whichever is less, minus any grants or scholarships
5 that the veteran receives specifically for the payment of tuition.

6 (d) *Child support or maintenance delinquency.* The department may provide
7 reimbursement under sub. (2) or (3) to a veteran who is delinquent in child support
8 or maintenance payments or who owes past support, medical expenses, or birth
9 expenses, as established by appearance of the veteran's name on the statewide
10 support lien docket under s. 49.854 (2) (b), only if the veteran provides the
11 department with one of the following:

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

16 2. A statement that the veteran is not delinquent in child support or
17 maintenance payments and does not owe past support, medical expenses, or birth
18 expenses, signed by the department of workforce development or its designee within
19 7 working days before the date of the application.

20 **(2) TUITION REIMBURSEMENT PROGRAM.** (a) *Eligibility.* A veteran is eligible for
21 the tuition reimbursement program under this subsection if he or she meets all of the
22 following:

23 1. The veteran applies for the tuition reimbursement program for courses
24 begun within 10 years after separation from the service.

1 2. The veteran is a resident at the time of application for the tuition
2 reimbursement program.

3 3. The veteran is enrolled for at least 12 credits during the semester for which
4 reimbursement is sought.

5 (b) *Program benefits.* 1. A veteran who meets the requirements under par. (a),
6 upon satisfactory completion of a full-time undergraduate semester in any
7 institution of higher education in this state, any school that is approved under s.
8 45.35 (9m) [], any proprietary school that is approved under s. 39.90, or any
9 institution from which the veteran receives a waiver of nonresident tuition under s.
10 39.47, may be reimbursed an amount not to exceed the total cost of the veteran's
11 tuition minus any grants or scholarships that the veteran receives specifically for the
12 payment of the tuition. Reimbursement is available only for tuition that is part of
13 a curriculum that is relevant to a degree in a particular course of study at the
14 institution.

15 2. An application for reimbursement of tuition under this subsection shall meet
16 all of the following:

17 a. Be completed and received by the department no later than 60 days after the
18 completion of the semester. The department may accept an application received
19 more than 60 days after the completion of the semester if the applicant shows good
20 cause for the delayed receipt.

21 b. Contain the information necessary to establish eligibility as determined by
22 the department.

23 c. Be on the application form established by the department.

1 d. Contain the signatures of both the applicant and a representative of the
2 institution or school certifying that the applicant has satisfactorily completed the
3 semester.

4 3. Reimbursement provided under this subsection shall be paid from the
5 appropriation under s. 20.485 (2) (tf). If the amount of funds applied for exceeds the
6 amount available under s. 20.485 (2) (tf), the department may deny applications for
7 reimbursement that would otherwise qualify under this subsection. In those cases,
8 the department shall determine eligibility on the basis of the dates on which
9 applications for reimbursement were received.

10 4. Reimbursement of tuition and fees for a course may be provided at an
11 institution or school under subd. 1. other than one from which the veteran is
12 receiving his or her degree if all of the following apply:

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

15 b. The course is accepted as transfer credits at the institution or school listed
16 under subd. 1. from which the veteran is receiving his or her degree but is not
17 available at that institution or school.

18 (c) *Limitations.* 1. A veteran is not eligible for reimbursement under this
19 subsection for more than 120 credits or 8 full semesters of full-time study at any
20 institution of higher education in this state, 60 credits or 4 full semesters of full-time
21 study at any institution of higher education in this state that offers a degree upon
22 completion of 60 credits, or an equivalent amount of credits at a school that is
23 approved under s. 45.35 (9m) [], at a proprietary school that is approved under s.
24 39.90, or at an institution where he or she is receiving a waiver of nonresident tuition
25 under s. 39.47.

1 2. A veteran may not receive reimbursement under this subsection for any
2 semester in which he or she received reimbursement under s. 21.49 or sub. (3).

3 **(3) CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY.** (a) *Program*
4 *benefits.* 1. A veteran, upon the completion of any correspondence course or
5 part-time classroom study from an institution of higher education located in this
6 state, from a school that is approved under s. 45.35 (9m) [], from a proprietary school
7 that is approved under s. 39.90, or from any public or private high school, may be
8 reimbursed in part for the cost of the course by the department. The veteran shall
9 present to the department a certificate from the school indicating that the veteran
10 has completed the course and stating tuition and shall apply for reimbursement on
11 an application that is received by the department no later than 60 days after the
12 termination of the course for which the application for reimbursement is made. The
13 department shall accept and process an application received more than 60 days after
14 the termination of the course if the applicant shows good cause for the delayed
15 receipt.

16 2. A veteran who is a resident of this state and otherwise qualified to receive
17 benefits under this subsection may receive the benefits under this subsection upon
18 the completion of any correspondence courses or part-time classroom study from an
19 institution of higher education located outside this state, from a school that is
20 approved under s. 45.35 (9m) [], or from a proprietary school that is approved under
21 s. 39.90, if any of the following applies:

22 a. The part-time classroom study is not offered within 50 miles of the veteran's
23 residence by any school or institution under sub. (2) and the educational institution
24 from which the study is offered is located not more than 50 miles from the boundary
25 line of this state.

1 b. The correspondence course is not offered in this state.

2 3. Enrolled part–time classroom study or direct correspondence courses from
3 a qualified educational institution may be authorized and the veteran reimbursed
4 in part by the department when the courses are related to one’s occupational,
5 professional, or employment objectives, and to the extent that payment or
6 reimbursement is not available from any other sources, or, in cases where
7 reimbursement is not specifically for tuition, to the extent that the reimbursement
8 is insufficient to cover all educational costs.

9 (b) *Limitations.* 1. a. No veteran or eligible dependent who has obtained a
10 master’s degree or its equivalent is eligible for reimbursement under this subsection.

11 b. No veteran or eligible dependent who has obtained at least a baccalaureate
12 degree or its equivalent but not a master’s degree or its equivalent is eligible for
13 reimbursement under this subsection if the person has remaining U.S. department
14 of veterans affairs education benefits.

15 c. For the purpose of this subsection, any student who has received a
16 baccalaureate degree shall be deemed to be a graduate student whether he or she is
17 taking graduate or undergraduate courses.

18 2. The department may not provide reimbursement under this subsection
19 unless the department determines that a course for which an application is made is
20 related to the applicant’s occupational, professional, or employment objectives.

21 3. A veteran may not be reimbursed under this subsection more than 4 times
22 during any consecutive 12–month period.

23 **45.21 Retraining grant program. (1) GRANT AMOUNT AND APPLICATION.** The
24 department may grant a veteran not more than \$3,000 for retraining to enable the
25 veteran to obtain gainful employment. The department shall determine the amount

1 of the grant based on the veteran's financial need. A veteran may apply for a grant
2 to the county veterans service officer of the county in which the veteran is living. The
3 department may, on behalf of a veteran who is engaged in a structured on-the-job
4 training program and who meets the requirements under sub. (2), pay a retraining
5 grant under this subsection to the veteran's employer.

6 **(2) ELIGIBILITY.** The department may make a grant under this section if all of
7 the following apply:

8 (a) The veteran is enrolled in a training course in a technical college under ch.
9 38 or in a proprietary school in the state approved by the educational approval board
10 under s. 39.90, other than a proprietary school offering a 4-year degree or 4-year
11 program, or is engaged in a structured on-the-job training program that meets
12 program requirements promulgated by the department by rule.

13 (b) The veteran meets the financial assistance criteria established under sub.
14 (3) (c).

15 (c) The veteran is unemployed, underemployed, as defined by rule, or has
16 received a notice of termination of employment.

17 (d) The veteran requesting a grant has not received reimbursement under s.
18 45.20 for courses completed during the same semester for which a grant would be
19 received under this section.

20 (e) The department determines that the veteran's proposed program will
21 provide retraining that could enable the veteran to find gainful employment. In
22 making its determination, the department shall consider whether the proposed
23 program provides adequate employment skills and is in an occupation for which
24 favorable employment opportunities are anticipated.

(3) RULES. The department shall promulgate rules for the distribution of grants under this program, including all of the following:

(a) Standard budgets for single and married veterans.

(b) **Selection procedures.**

(c) Uniform need determination procedures.

(d) **Application procedures.**

(e) Coordination with other occupational training programs.

(f) Other provisions the department deems necessary to assure uniform administration of this program.

(4) REPORT. The department shall include in its biennial report under s. 15.04 (1) (d) information relating to the veterans retraining grant program, including the number of veterans obtaining gainful employment after receiving a grant and a description of the veterans receiving grants, including their sex, age, race, educational level, service-connected disability status, and income before and after obtaining gainful employment. This information may be based on a valid statistical sample.

SUBCHAPTER III

VETERANS HOUSING LOAN PROGRAM

45.30 Purpose. (1) LEGISLATIVE FINDINGS. It is determined that veterans, who have sacrificed in the service of their country valuable years of their lives and considerable earning potential, constitute a readily identifiable and particularly deserving segment of this state's population. It is further determined that by making additional housing funds available to eligible veterans, limited private home loan funds will be more readily available to all. It is further determined that the loan programs established under this subchapter are special purpose credit programs for

1 an economically disadvantaged class of persons for the purposes of 15 USC
2 1691–1691f.

3 **(2) LEGISLATIVE INTENT.** This subchapter is created principally to enable the
4 state and the authority to exercise their borrowing power to increase those funds
5 available for loans providing for the purchase or construction of private housing,
6 without requiring downpayments beyond the reach of families of modest means. It
7 is the intent of the legislature that the department in its administration of this
8 subchapter avoid the duplication of those administrative services available through
9 private lending institutions, utilizing the administrative services of such
10 institutions to the maximum extent consistent with the purposes of this subchapter.

11 **45.31 Definitions.** In this subchapter:

12 **(1)** “Anticipated annual shelter payment” means the total annual payments
13 anticipated for the following, as determined by the department or authorized lender
14 on the basis of the loan applied for under s. 45.37:

15 (a) Real estate taxes on the premises to be mortgaged.

16 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

17 (c) Required payments on principal and interest on all mortgages placed or to
18 be placed against the home of an eligible person.

19 **(2)** “Authority” means the Wisconsin Housing and Economic Development
20 Authority.

21 **(3)** “Authorized lender” means any lender or servicer authorized under s. 45.37
22 (5) (a) 5. to make or service loans under s. 45.37.

23 **(4)** “Closing costs” include:

24 (a) Any origination fee authorized under s. 45.37 (5) (b).

25 (b) Attorneys fees.

1 (c) Recording fees.

2 (d) Other costs authorized by the department.

3 **(5)** “Dependent” means all of the following:

4 (a) The spouse of a veteran who resides with the veteran.

5 (b) Any person who resides with a veteran and receives more than one-half of
6 his or her support from a veteran.

***NOTE: This is another definition of “dependent.”

7 **(6)** “Disabled veteran” means a person who is receiving 100% disability
8 compensation from the U.S. department of veterans affairs under 38 USC 301 to 315,
9 331 to 337, and 350 to 362, due to a permanent and total service-connected disability.

10 **(7)** “Eligible person” means any person eligible under s. 45.33 (1) and not
11 disqualified under s. 45.33 (2) to receive a loan under this subchapter.

12 **(8)** “Federal Home Loan Mortgage Corporation” means the corporation created
13 under 12 USC 1451 to 1459.

14 **(9)** “Funds” include cash on hand and liquid investments owned by the veteran
15 and his or her spouse, individually or jointly, unless the veteran and spouse are
16 legally separated under s. 767.07.

17 **(10)** “Guaranteed loan” means a loan guaranteed by the U.S. department of
18 veterans affairs under 38 USC 1801 to 1827.

19 **(11)** “Home” means a building or portion of a building used as the veteran’s
20 principal place of residence, and includes condominiums and income-producing
21 property, a portion of which is used as a principal place of residence by the veteran,
22 and the land, including existing improvements, appertaining to the building.

1 **(12)** “Income” means the amount of adjusted gross income a veteran is
2 receiving for regular work together with any income the veteran receives from other
3 sources that may reasonably be expected to be regular and dependable.

4 **(13)** “Insurer” means any insurer authorized to do business in this state.

5 **(14)** “Manufactured home” means a structure, as defined by the Federal Home
6 Loan Mortgage Corporation, which meets or exceeds the statutory size under s.
7 348.07 (2).

8 **(15)** “Monthly payment” means all of the following:

9 (a) Required payments on principal and interest.

10 (b) Insurance premiums for coverage required under s. 45.37 (3) (b).

11 (c) One-twelfth of annual real estate taxes on the mortgaged property.

12 **(16)** “Qualified purpose” means any purpose authorized under s. 45.34 (1).

13 **45.32 Powers of the department.** With respect to loans made by and
14 mortgages and mortgage notes executed or properties mortgaged to the department
15 or to authorized lenders under this subchapter, the department may do any of the
16 following:

17 **(1)** Execute necessary instruments.

18 **(2)** Collect interest and principal.

19 **(3)** Compromise indebtedness due on mortgage notes.

20 **(4)** Sue and be sued.

21 **(5)** Exercise the rights of a mortgagee, generally including the right to do any
22 of the following:

23 (a) Acquire or take possession of the mortgaged property and in so doing the
24 department may accept voluntary surrender and conveyance of title to the property

1 in full satisfaction of a mortgage debt or may bid for and purchase the property at
2 a sheriff's sale or replevin the property.

3 (b) Commit itself to execute and execute subordination agreements, partial
4 releases, and other necessary instruments.

5 (c) Set up and follow procedures to assure proper disbursement of the proceeds
6 of insurance checks, share drafts, or other drafts covering damages sustained on
7 mortgaged properties.

8 (d) Pay the principal and interest on any obligations incurred in connection
9 with the mortgages on the property including real estate taxes, insurance premiums,
10 attorney fees, and obligations created as a result of its exercise of powers vested in
11 it under this subchapter.

12 (e) Exercise the other powers as may be necessary for the efficient
13 administration of this subchapter.

14 **(6)** In contracts entered into under s. 45.37 (5) (a) 1., empower authorized
15 lenders to exercise any of the powers vested in the department under this subchapter.

16 **(7)** Manage, operate, lease, exchange, sell, and otherwise convey real property.

17 **(8)** Grant easements in any real property acquired by the department.

18 **(9)** Upon application by the mortgagor and agreement in writing executed by
19 the parties:

20 (a) Extend the time in which the obligation under a mortgage note or any part
21 of the obligation must be paid.

22 (b) Reduce the amounts of monthly installments and provide other terms and
23 conditions relative to time and manner of repaying the obligation as it deems
24 necessary or reasonable.

1 **45.33 Eligibility and disqualifying factors. (1) ELIGIBLE PERSONS.** Subject
2 to sub. (2) (a) or (b), the following persons may receive a loan under this subchapter:

3 (a) A veteran.

4 (b) A person who served on active duty for more than 6 months during the period
5 between February 1, 1955 and August 4, 1964 and was honorably discharged.

6 (c) The unremarried surviving spouse or a minor or dependent child of a
7 deceased veteran or of a deceased person described in par. (b).

8 **(2) DISQUALIFYING FACTORS.** (a) A person listed in sub. (1) may not receive a loan
9 under this subchapter if the department or authorized lender determines that any
10 of the following applies:

11 1. The person will be incurring an excessive indebtedness in view of the person's
12 income.

13 2. The person has a previous loan outstanding under this subchapter, unless
14 any of the following apply:

15 a. The previous loan has been assumed by an eligible person with the
16 department's approval upon the sale of the residence securing the previous loan.

17 b. The person is applying for a loan under s. 45.37 for a purpose under s. 45.34
18 (1) (c) and the previous loan was made under s. 45.37.

19 (b) A person listed in sub. (1) who is not a disabled veteran may not receive a
20 loan under this subchapter if the department or authorized lender determines that
21 any of the following applies:

22 1. The person is delinquent in child support or maintenance payments or owes
23 past support, medical expenses or birth expenses, as evidenced by the appearance
24 of the person's name on the statewide support lien docket under s. 49.854 (2) (b),

1 unless the person provides the department or authorized lender with one of the
2 following:

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

6 b. A statement that the person is not delinquent in child support or
7 maintenance payments and does not owe past support, medical expenses or birth
8 expenses, signed by the department of workforce development or its designee within
9 7 working days before the date of the application.

10 2. The amount of the loan exceeds 2.5 times the median price of a home in this
11 state. The department shall establish the median price of a home in this state for
12 each fiscal year by using the most recent housing price index generated by the
13 Wisconsin Realtors Association before July 1.

14 **45.34 Uses for loan proceeds. (1) MORTGAGE LOAN PROGRAM.** An authorized
15 lender may, with the approval of the department, make loans under s. 45.37 for:

16 (a) Purchase of:

17 1. A manufactured home or real property on which a manufactured home is to
18 be situated, but only if the eligible person has available and applies on the total cost
19 of the property, an amount equivalent to at least 15% of the total cost. This 15%
20 requirement does not apply to a disabled veteran.

21 2. A home and eligible rehabilitation of a home, as defined in s. 234.49 (1) (d).

22 (b) Construction of a home, including housing accommodation and garage, and
23 the acquisition of land therefor.

1 (c) A loan of not more than \$25,000 to improve a home, including the
2 construction of a garage or the removal or other alteration of existing improvements
3 that were made to improve the accessibility of a home for a disabled individual.

4 (d) 1. Refinancing the balance due on an indebtedness which was incurred for
5 a use designated in pars. (a) to (c) if the balance owing on the indebtedness does not
6 exceed the amount requested in a prior loan application from that eligible person and
7 if the indebtedness was incurred by that person after a prior loan application from
8 that person was denied by the department. Refinancing loans may be made under
9 this paragraph only if the board reverses the department's denial after determining
10 that the prior application met requirements in effect on the date of the denial and
11 that the loan application should have been approved.

12 2. Refinancing the balance due on a construction period loan, bridge loan or
13 other financing if the financing was used for a purpose designated in par. (b) and has
14 a term of 24 months or less.

15 **(2) CONDITIONS.** (a) No loan may be made under this subchapter if the
16 department or authorized lender determines that the total cost of the property
17 exceeds its market value unless the amount by which the cost of the property exceeds
18 its market value is paid by the borrower in addition to the downpayments required
19 by s. 45.35. This paragraph does not apply to a disabled veteran.

20 (b) The department or authorized lender may require any person applying for
21 a loan under this subchapter to certify that:

22 1. The residence to be purchased, constructed, improved, or refinanced with
23 financial assistance under this subchapter will be used as the person's principal
24 residence.

1 2. Unless other prepayment provisions are permitted under s. 45.36 (2), the
2 loan made under this subchapter will be repaid in full upon sale of the residence or
3 any of the person's interest in it. A divorce judgment divesting the person's interest
4 in the residence or a quit claim deed executed under the judgment does not constitute
5 a sale.

6 **45.35 Contribution.** No loan may be made under this subchapter unless, in
7 addition to the closing costs that the person may be required to pay, the person has
8 available, and applies on the total cost of the property for which the loan is made, an
9 amount equivalent to at least 5% of the total cost. The amount may consist of money
10 or other assets, including equity in real property. This section does not apply to a
11 disabled veteran.

12 **45.36 Manner of repayment. (1) MONTHLY PAYMENTS; RIGHT TO PREPAY.** Each
13 loan made under this subchapter shall be repaid in monthly installments with the
14 option to pay additional sums on any installment paying day.

15 **(2) ACCELERATION PROVISIONS.** All loans made under this subchapter shall be
16 repaid in full upon sale of the residence securing the loan or any interest in such
17 residence, unless:

18 (a) The sale is to another eligible person;

19 (b) The department or authorized lender servicing the loan determines that
20 acceleration will jeopardize collection of the loan balance; or

21 (c) The loan is a guaranteed loan which is assumed or paid in regular monthly
22 installments under s. 45.27 (11) (a).

23 **45.37 Mortgage loan program. (1) LOANS AUTHORIZED.** An authorized lender
24 or a county veterans service officer may, as agent for and with the approval of the

1 department, make loans to eligible persons for qualified purposes in the manner
2 provided under this section.

3 **(2) LOAN APPLICATIONS.** (a) Applications for loans under this section for a
4 purpose specified in s. 45.34 (1) (a), (b), or (d) shall be made to an authorized lender
5 and applications for loans under this section for a purpose specified under s. 45.34
6 (1) (c) may be made to the department or to a county veterans service officer on forms
7 approved by the department and signed by the applicant. If the applicant is married
8 and not legally separated under s. 767.02 (1) (d) or in the process of obtaining a
9 divorce, the applicant's spouse also shall sign the application.

10 (b) The applicant may apply directly to the department or through a county
11 veterans service officer for certification of eligibility.

12 **(3) LOANS TO BE SECURED.** (a) Each loan made under this section, except a loan
13 of \$3,000 or less for a purpose specified under s. 45.34 (1) (c), shall be evidenced by
14 a promissory installment note and secured by a mortgage on the real estate in respect
15 to which the loan is granted. A loan of \$3,000 or less made for a purpose specified
16 under s. 45.34 (1) (c) shall be evidenced by a promissory installment note and shall
17 be secured by a guarantor or by a mortgage on the real estate in respect to which the
18 loan is granted. Any loan having as its source funds provided through sub. (6) (a) and
19 secured by a mortgage shall have the mortgage name the department as mortgagee
20 and payee. Any loan having as its source funds provided through sub. (6) (b) and
21 secured by a mortgage shall have the mortgage name the authorized lender involved
22 as mortgagee and payee, and such mortgage and note shall be assigned by the
23 authorized lender to the authority immediately upon execution. A mortgage
24 securing a loan made for a purpose specified in s. 45.34 (1) (a), (b), or (d) shall have
25 priority over all liens against the mortgaged premises and the buildings and

1 improvements to the buildings, except tax and special assessment liens filed after
2 the recording of the mortgage. A mortgage securing a loan made for a purpose
3 specified under s. 45.34 (1) (c) is acceptable if the applicant can establish a minimum
4 equity in the property, as established by the department by rule.

5 (b) Mortgages given to secure loans under this section shall provide for
6 adequate fire and extended coverage insurance. Policies providing such insurance
7 coverage shall name the authorized lender or the department as an insured.

8 **(4) INTEREST RATE DETERMINED.** (a) The board shall determine the interest rate
9 on loans made under this section. Except as provided in sub. (11), the interest rate
10 determined may not be increased during the term of the loan. Except as provided
11 in sub. (11), the interest rate shall be as low as possible but shall be sufficient to fully
12 pay all expenses and to provide reserves which are reasonably expected to be
13 required in the judgment of the board in accordance with par. (b) and sub. (7) (a) 3.

14 (b) 1. The board shall select and implement the methods of insuring against
15 losses arising from delinquency and default in the repayment of loans under sub. (6)
16 (a) and shall select and implement the methods of managing and selling any property
17 securing loans funded under sub. (6) (a).

18 2. The board shall charge or cause to be charged to borrowers all costs for
19 insuring the program under subd. 1.

20 3. Moneys collected under subd. 2. and that are held by the state shall be
21 deposited, reserved, and expended as provided in sub. (7) (a) 3.

22 (c) Loans made pursuant to this section shall not be subject to s. 138.05,
23 138.051, or 138.052, except that a loan originated under this section after May 3,
24 1996, is subject to s. 138.052 (5).

1 **(5) ADMINISTRATIVE PROVISIONS.** (a) The department may do any of the
2 following:

3 1. Enter into contracts with authorized lenders throughout this state
4 authorizing such lenders to process applications and close and service loans made
5 under this section. The contracts shall include the responsibilities of the authorized
6 lender with respect to credit evaluations, financial eligibility determinations,
7 valuation of the home for which the loan is to be made, collection procedures in the
8 event of delinquent loan repayments, and other functions which the department may
9 require. The contracts shall authorize the lender to retain an amount from the
10 monthly payments for servicing loans made under this section. The rate of the
11 service fee shall not exceed a maximum rate established by the department with the
12 lender in accordance with current practices under similar programs, and shall be
13 stated in the contracts. The department shall specify in the contracts a maximum
14 length of time between receipt of monthly mortgage payments by the lender and
15 transmittal of such payments to the state or the authority.

16 2. Commit to advance and advance funds in the full amount of any mortgage
17 securing a purchase loan to be made by an authorized lender in accordance with the
18 terms under this section.

19 3. Commit to advance and advance in installments up to the full amount of any
20 mortgage securing a construction loan made by an authorized lender, to provide for
21 the purchase and improvement of a lot and the completion of the construction for
22 which the loan is to be made, under the terms of this section.

23 4. Mail checks, share drafts, or other drafts, or otherwise transfer or arrange
24 for transfer of funds to authorized lenders not sooner than 7 days prior to proposed
25 closing or disbursement dates.

1 5. Designate and maintain a current list of lenders authorized to make or
2 service loans under this section. The department shall promulgate rules
3 establishing standards for and governing the performance of authorized lenders in
4 making and servicing loans under this section and shall periodically monitor such
5 performance. The department shall promulgate rules to provide for the removal
6 from its list of authorized lenders of any lender that makes an excessive number of
7 errors on loan applications processed under subd. 1. The department may
8 summarily remove from its list of authorized lenders any lender that indicates it does
9 not wish to participate in the program and after hearing on notice remove from its
10 list of authorized lenders any lender that fails to conform with the rules of the
11 department governing that performance, and may refuse to permit a lender so
12 removed to make or service any loan under this section until the department is
13 satisfied that the lender will conform with its rules.

14 6. Require borrowers to make monthly escrow payments to be held by the
15 authorized lender or the department for real estate taxes and casualty insurance
16 premiums. The authorized lender or the department shall pay all of the amounts due
17 for real estate taxes and casualty insurance premiums, even if the amount held in
18 escrow is insufficient to cover the amounts due. If the amount held in escrow is
19 insufficient to cover the amounts due, the authorized lender or the department shall
20 recover from the borrower, after paying the amounts due under this subdivision, an
21 amount equal to the difference between the amounts paid and the amount held in
22 escrow. If the amount held in escrow is more than the amounts due, the authorized
23 lender or the department shall refund to the borrower, after paying the amounts due
24 under this subdivision, an amount equal to the difference between the amount held
25 in escrow and the amounts paid by the authorized lender or the department.

1 7. Obtain guarantees for loans under 38 USC 1801 to 1827.

2 8. Exercise all of the powers vested in it under this subchapter with respect to
3 any applications for loans and loans approved under this section and with respect to
4 any mortgages and mortgage notes executed to authorized lenders and assigned to
5 and purchased by the authority under this section and the properties securing those
6 mortgages. The department may exercise or authorize those powers to be exercised
7 in its own name.

8 9. With prior approval of the building commission, retire all 1981 veterans
9 home loan revenue bonds and transfer any assets remaining in the bond fund after
10 retirement into the veterans trust fund. The department may sell the assets
11 transferred to the veterans trust fund under this subdivision and deposit the
12 proceeds of any sale into the veterans trust fund.

13 10. Service loans made under this section and purchase from authorized
14 lenders the servicing rights for loans made by authorized lenders under this section.

15 11. Enter into contracts with persons other than authorized lenders for the
16 servicing of loans made under this section.

17 (b) At the time of closing, persons receiving loans under this section shall pay
18 an origination fee to the authorized lender participating in the loan, except that the
19 department shall pay, on behalf of a veteran who receives a loan under this section
20 and who has at least a 30% service connected disability rating for purposes of 38 USC
21 1114 or 1134, the origination fee to the authorized lender. The origination fee charged
22 under this paragraph shall be negotiated between the department and the
23 authorized lender but may not exceed that which the authorized lender would charge
24 other borrowers in the ordinary course of business under the same or similar
25 circumstances.

1 **(6) SOURCES OF LOAN FUNDS.** Funding for loans authorized under this section
2 may, at the discretion of the building commission, be provided by one or a
3 combination of the following:

4 (a) The secretary, with the approval of the governor and subject to the limits
5 of s. 20.866 (2) (zn), may request that state debt be contracted in accordance with ch.
6 18. Debt requested shall meet all of the following additional requirements:

7 1. State debt may be contracted when it reasonably appears to the building
8 commission that all state obligations so incurred under this paragraph and s. 20.866
9 (2) (zo) can be fully paid from moneys received from veterans' repayments of loans
10 on mortgages and mortgage notes funded under this paragraph and other available
11 revenues of the veterans mortgage loan repayment fund. In making this
12 determination, the building commission may take into account the effect of its
13 planned future actions to refinance existing state debt, to create reserve funds, and
14 to modify the structure of the total debt outstanding so as to ensure that projected
15 repayments of loans on mortgages and mortgage notes, together with other available
16 moneys, will be sufficient as received to fund debt service payments as due. It is the
17 intent of the legislature that the program authorized under this section be fully
18 self-supporting and that it be administered so that all debt service and all related
19 costs of the program under this section will require no supplemental support from
20 the general fund.

21 2. The chairperson of the board shall certify that the chairperson does not
22 expect proceeds of state debt issued under this paragraph to be used in a manner that
23 would cause the debt to be arbitrage bonds as defined by the Internal Revenue Code,
24 if that debt is a bond that is exempt from federal taxation.

1 (b) Loans made under this section may be purchased by the authority from the
2 veterans housing loan fund under s. 234.41. All receipts of interest, except amounts
3 retained as servicing fees by the authorized lenders servicing the loans purchased
4 by the authority, and principal on the loans, payments of losses by insurers not used
5 for restoration of the property securing the loans, and any other collections, shall be
6 deposited by the authority in the veterans housing bond redemption fund under s.
7 234.43 and shall be disbursed from the fund as provided in s. 234.43 (2).

8 (c) The secretary, with the approval of the governor and subject to the limits
9 of sub. (9), may request that revenue obligations be contracted in accordance with
10 subch. II of ch. 18. Revenue obligations requested shall meet all of the following
11 additional requirements:

12 1. Revenue obligations may be contracted when it reasonably appears to the
13 building commission that all obligations incurred under this paragraph can be fully
14 paid from moneys received from veterans' repayments of loans on mortgages and
15 mortgage notes funded under this paragraph.

16 2. The chairperson of the board shall certify that the board and the department
17 do not expect and shall not use proceeds of revenue obligations issued under this
18 paragraph in a manner that would cause the revenue obligations to be arbitrage
19 bonds as defined in the Internal Revenue Code, where that debt is a bond that is
20 exempt from federal taxation.

21 **(7) REPAYMENT OF MORTGAGE LOANS.** (a) There is created the veterans mortgage
22 loan repayment fund. All moneys received by the department for the repayment of
23 loans funded under sub. (6) (a) except for servicing fees required to be paid to
24 authorized lenders, net proceeds from the sale of mortgaged properties, any
25 repayment to the department of moneys paid to authorized lenders, gifts, grants,

1 other appropriations, and interest earnings accruing, any repayment of moneys
2 borrowed under s. 45.42 (10) (a), all moneys received under sub. (5) (a) 6., and any
3 moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly
4 deposited into the veterans mortgage loan repayment fund. The board shall
5 establish by resolution a system of accounts providing for the maintenance and
6 disbursement of moneys of the veterans mortgage loan repayment fund to fund loans
7 under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5).
8 The system of accounts shall record and provide moneys for all of the following
9 purposes:

10 1. Transfer to the bond security and redemption fund.

11 2. Acquisition or redemption of public debt in accordance with resolutions of
12 the building commission.

13 3. Payment of losses arising from delinquency or default in the repayment of
14 loans funded under sub. (6) (a), including loss of principal and interest accrued to the
15 point of final disposition of the defaulted loan and the expenses of management and
16 sale of the property taken upon default of loan repayment.

17 4. Payment of all costs incurred by the department in processing and servicing
18 loans, purchasing servicing rights for loans under this section, and accounting for
19 and administering the program under this section, including a portion of grants
20 made to county veterans service officers under s. 45.80 (7).

21 5. Payment of all costs incurred in contracting public debt for the purposes
22 under s. 18.04 (5) and under s. 18.04 (2) for the purpose of funding veterans' housing
23 loans.

24 6. Payment of costs of issuance of obligations to fund loans under sub. (6) (c)
25 if not paid from the proceeds of the obligations.

1 7. Payment of obligations arising from loans funded under sub. (6) (b).

2 8. Payment of any other costs of program operation and management
3 authorized under this section.

4 9. Loan money to the veterans trust fund, upon prior approval of the building
5 commission for each loan, for the purposes under s. 45.42.

6 10. Payment of origination fees, on behalf of veterans who have at least a 30%
7 service connected disability rating for purposes of 38 USC 1114 or 1134, to authorized
8 lenders under sub. (5) (b).

9 11. Payment required of the department under sub. (5) (a) 6.

10 12. Payment of obligations arising from the acquisition of a headquarters and
11 museum building for the department under s. 45.07.

12 (b) The board may amend the system of accounts established under par. (a) only
13 by resolution of the board that is approved by the building commission.

14 (c) If revenues of the veterans mortgage loan repayment fund are insufficient
15 to meet all current expenses, the secretary of administration shall establish a
16 repayment schedule whereby the general fund will be reimbursed in an orderly
17 manner for moneys advanced. Interest rates to be charged on loans subsequently
18 issued shall be adjusted to provide sufficient revenues to meet all of this repayment
19 schedule.

20 (d) After meeting all expenses and providing for reserves under par. (a) 3.,
21 assets in the veterans mortgage loan repayment fund, upon prior approval of the
22 building commission, may be transferred to the veterans trust fund and used to fund
23 loans under s. 45.42.

1 **(8) USE OF SURPLUSES.** Surpluses may be used under sub. (11) (c) only if there
2 are no unrestricted fund balances available for that purpose in the funds created
3 under sub. (10). Section 20.001 (3) (e) shall not be construed to prohibit this action.

4 **(9) LIMITATION ON REMODELING OR ALTERATION FOR A DISABLED VETERAN.** Not more
5 than 50% of the proceeds of a loan granted under this section for a purpose under s.
6 45.34 (1) (a) may be used for remodeling or alteration of the housing accommodation
7 after purchase to meet the special needs of a disabled veteran. That portion of the
8 proceeds used for this purpose shall be reserved and distributed by the authorized
9 lender.

10 **(10) REPAYMENT OF REVENUE OBLIGATIONS.** (a) All moneys received from any
11 source for repayment of loans, mortgages, or mortgage loan notes funded with
12 proceeds of revenue obligations issued under sub. (6) (c) shall be deposited into one
13 or more separate nonlapsible trust funds in the state treasury or with a trustee
14 appointed for that purpose by the authorizing resolution for the revenue obligations.
15 The board may pledge revenues received by the funds to secure revenue obligations
16 issued under sub. (6) (c) and shall have all other powers necessary and convenient
17 to distribute the proceeds of the revenue obligations and loan repayments in
18 accordance with subch. II of ch. 18. Unrestricted balances in the funds may be used
19 to fund additional loans issued under sub. (6) (c) and pay the balances owing on loans
20 after the assumptions of the loans or the closings of the sales of residences under sub.
21 (11) (c).

22 (b) Revenue obligations issued under sub. (6) (c) may not exceed \$280,000,000
23 in principal amount, excluding obligations issued to fund or refund outstanding
24 revenue obligation notes or to refund outstanding revenue obligation bonds.

1 (c) Except as may otherwise be expressly provided in resolutions authorizing
2 the issuance of revenue obligations or in other agreements with the holders of
3 revenue obligations, each issue of revenue obligations shall be on a parity with every
4 other revenue obligation issued under sub. (6) (c) and payable in accordance with
5 subch. II of ch. 18.

6 **(11) GUARANTEED LOANS.** (a) Upon any sale of the residence which secures a
7 guaranteed loan made under this section after April 3, 1980, except for the purchase
8 of the residence at the time the loan is initially made, the guaranteed loan may be
9 assumed or continue to be paid in regular monthly installments if the person who
10 assumes the mortgage loan payments or who will make the regular monthly
11 installments agrees to all of the following:

12 1. To pay interest on the loan from the date of the assumption of the loan, if the
13 loan is assumed, or from the date of the closing of the sale of the residence at the
14 maximum rates of interest being charged on guaranteed loans on the date the loan
15 was initially made.

16 2. To increase the amortization payments on the loan by an amount sufficient
17 to amortize the loan by the date the balance on the loan is payable in full according
18 to the original terms of the loan.

19 (b) The department and authorized lenders shall increase the interest rates
20 and amortization payments on loans assumed under par. (a).

21 (c) After the assumption of a guaranteed loan funded under sub. (6) (c), if the
22 loan is assumed, or the closing of the sale of a residence on which a balance is owing
23 on a guaranteed loan funded under sub. (6) (c), the balance owing on the loan on the
24 date of the assumption of the loan, if the loan is assumed, or the closing of the sale
25 may be paid to the funds created under sub. (10) from available surpluses, if any, in

1 the veterans mortgage loan repayment fund under sub. (7) (d). The loan and the
2 mortgage and mortgage note pertaining to the loan may be purchased by the
3 veterans mortgage loan repayment fund under sub. (7).

4 **(12) PRIOR PROGRAM LOANS.** Subject to this section and ss. 45.33 to 45.35, neither
5 the department nor an authorized lender may deny a person a loan under this section
6 because of the reason the person sold any property previously mortgaged by the
7 person to the department or an authorized lender, if the person completely paid the
8 balance of any previous loan under this subchapter in accordance with the terms and
9 conditions of the promissory note and the mortgage or other agreement executed in
10 connection with the previous loan.

11 **(13) REPAYMENT OF LOAN.** Any money appropriated or transferred by law from
12 the veterans mortgage loan repayment fund for purposes other than those listed in
13 sub. (7), other than moneys made temporarily available to other funds under s.
14 20.002 (11), shall be repaid from the general fund with interest at a rate of 5% per
15 year from the the date of the appropriation or transfer to the date of repayment.

16 SUBCHAPTER IV

17 ASSISTANCE PROGRAMS

18 SUBCHAPTER V

19 VETERANS HOMES

***NOTE: Is this an appropriate title for the subchapter?

20 **45.50 Veterans homes; management.** (1) (a) The department shall operate
21 the Wisconsin Veterans Home at King, and employ a commandant for the home. The
22 department may employ a commandant for the Wisconsin Veterans Home at Union
23 Grove or the Wisconsin Veterans Home at Chippewa Falls. The department may
24 employ any personnel that are necessary for the proper management and operation

1 of veterans homes. In compliance with the compensation plan established pursuant
2 to s. 230.12 (3), a commandant may recommend to the director of personnel charges
3 for meals, living quarters, laundry, and other services furnished to employees and
4 members of the employees' family maintained at veterans homes. Complete
5 personal maintenance and medical care to include programs and facilities that
6 promote comfort, recreation, well-being, or rehabilitation shall be furnished to all
7 members of veterans homes under the policy of the department.

8 (b) All money received in reimbursement for services to veterans homes
9 employees or in payment for meals served to guests at veterans homes shall be
10 accumulated in an account named "employee maintenance credits" and shall be paid
11 into the general fund within one week after receipt and credited to the appropriation
12 under s. 20.485 (1) (gk).

13 (c) Veterans homes with a skilled nursing facility shall include a geriatric
14 evaluation, research and education program. The program staff shall be funded from
15 the appropriations under s. 20.485 (1) (hm), (j) and (mj).

16 (2) (a) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the
17 department may construct or renovate and operate residential, treatment, and
18 nursing care facilities, including a community-based residential facility, to be known
19 as the Wisconsin Veterans Home at Union Grove.

20 (b) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the department
21 may develop, construct or renovate, and operate residential, treatment, and nursing
22 care facilities and programs for veterans in northwestern Wisconsin, on the property
23 of the Northern Wisconsin Center for the Developmentally Disabled in Chippewa
24 Falls to be known as the Wisconsin Veterans Home at Chippewa Falls. The programs
25 and facilities may include an assisted living facility, a skilled nursing facility, a

1 medical clinic, an adult day health care center, an activities center, and a veterans'
2 assistance program.

3 **(3)** The department may acquire, by gift, purchase, or condemnation, lands
4 necessary for the purposes of the Wisconsin Veterans Home at Union Grove and the
5 Wisconsin Veterans Home at King. Title to the lands shall be taken in the name of
6 this state and shall be held by and for the uses and purposes of the homes. No
7 payment may be made out of the state treasury or otherwise for the land until the
8 title has been examined and approved by the attorney general. Every such deed of
9 conveyance shall be immediately recorded in the office of the proper register of deeds
10 and filed with the secretary of state.

11 **(4)** The department may use moneys appropriated under s. 20.485 (1) (h) to
12 purchase, erect, construct, or remodel buildings, and to provide additions and
13 improvements, and to provide equipment, materials, supplies, and services
14 necessary for the purposes of veterans homes, and for expenses that are necessary
15 and incidental to acquisition of property under s. 45.51 (12) and (13).

16 **(5)** The department may accept gifts, bequests, grants or donations of money
17 or of property from private sources to be administered by the department for the
18 purposes of veterans homes. All moneys received shall be paid into the general fund
19 and appropriated as provided in s. 20.485 (1) (h), except that gifts or grants received
20 specifically for the purposes of the geriatric program at veterans homes are
21 appropriated as provided in s. 20.485 (1) (hm). The department may not apply to the
22 gifts and bequests fund interest on certificate of savings deposits for those members
23 who do not receive maximum monthly retained income. The department shall
24 establish for those persons upon their request individual accounts with savings and
25 interest applied as the member requests.

1 **(6)** (a) The department may enter into agreements for furnishing and charging
2 for water and sewer service from facilities constructed at and for veterans homes to
3 public and private properties lying in the immediate vicinity of veterans homes.

4 (b) Agreements under this section shall be drafted to hold harmless the
5 department, to require all expense to be paid by the applicant, and to be terminable
6 by the department when other water and sewer services become available to the
7 applicant.

8 **(7)** A commandant and employees designated by the commandant may
9 summarily arrest all persons within or upon the grounds of veterans homes who are
10 guilty of any offense against the laws of this state or the rules governing veterans
11 homes. For this purpose, a commandant and deputies have the power of constables.

12 **(8)** A fire department at a veterans home in response to emergency fire calls
13 may make runs and render fire fighting service beyond the confines of a veterans
14 home.

15 **(9)** The department may develop a program to provide stipends to individuals
16 to attend school and receive the necessary credentials to become employed at
17 veterans homes. If the department develops a stipend program under this
18 subsection, the department shall promulgate rules related to the program, including
19 the application process, eligibility criteria, stipend amount, repayment provisions,
20 and other provisions that the department determines are necessary to administer
21 the program.

22 **(10)** The department may establish a hospital at a veterans home. All hospitals
23 established under this subsection may not have a total approved bed capacity, as
24 defined in s. 150.01 (4m), greater than 16 beds. The approved bed capacity of a skilled

1 nursing facility operated at a veterans home is reduced by one bed for each approved
2 bed at the hospital established under this subsection at that home.

3 **45.51 Eligibility for membership. (1) GENERAL STATEMENT.** Within the
4 limitations of veterans homes, the department may admit to membership in veterans
5 homes persons who meet the qualifications set forth in this section.

6 **(2) ELIGIBILITY.** (a) The following persons are eligible for benefits under this
7 subchapter if they meet the applicable requirements of this subchapter:

8 1. A veteran.

9 2. A person who satisfies all of the following:

10 a. Has served on active duty under honorable conditions in the U.S. armed
11 forces or in forces incorporated as part of the U.S. armed forces for at least one day
12 during a war period or under section 1 of executive order 10957, dated
13 August 10, 1961.

14 b. Was discharged under honorable conditions after 90 days or more of active
15 service.

16 3. A spouse, surviving spouse, or parent of a person under subd. 1. or 2.

17 (b) A person under par. (a) 1. or 2. may be admitted to a veterans home if the
18 person meets all of the following conditions:

19 1. Is a resident of this state on the date of admission to a veterans home.

20 2. Is permanently incapacitated due to physical disability or age from any
21 substantially gainful occupation.

22 3. Has not been convicted of a felony or of a crime involving moral turpitude
23 or, if so, has produced sufficient evidence of subsequent good conduct and
24 reformation of character as to be satisfactory to the department.

1 4. Provides a complete financial statement containing information that the
2 department determines is necessary to evaluate the financial circumstances of the
3 person. The department may require a member of a veterans home to provide the
4 department with information necessary for the department to determine the
5 financial circumstances of the person. If a person fails to provide the additional
6 information, the department may discharge the person from the veterans home.

7 5. Has care needs that the veterans home is able to provide within the resources
8 allocated for the care of members of the veterans home, including chronic alcoholism,
9 drug addition, psychosis, or active tuberculosis.

10 **(3) ADMISSION PRIORITIES.** (a) Except in cases where there is an immediate need
11 for physical care or economic assistance, the department shall act on applications
12 based upon the date of receipt of the application by the veterans home. The
13 department may defer establishment of the priority date of the application to the
14 date that the veterans home is able to verify its ability to provide appropriate care
15 to the applicant or to assure that the appropriate care setting is available within the
16 home.

17 (b) Spouses, surviving spouses and parents derive their eligibility from the
18 eligibility of the person under sub. (2) (a) 1. or 2. Surviving spouses and parents of
19 eligible persons under sub. (2) (a) 1. or 2. are eligible for admission only to a skilled
20 nursing facility at a veterans home.

21 (c) 1. The order of priority for admission to a veterans home shall be as follows:
22 a. Eligible persons under sub. (2) (a) 1. or 2. have 1st priority.
23 b. Spouses of eligible persons under sub. (2) (a) 1. or 2. have 2nd priority.
24 c. Surviving spouses of eligible persons under sub. (2) (a) 1. or 2. have 3rd
25 priority for admission.

1 d. Parents of eligible persons under sub. (2) (a) 1. or 2. have 4th priority for
2 admission.

3 2. The department may deviate from this sequence upon order of the board in
4 order to prevent the separation of a husband and wife.

5 **(4) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SPOUSE OF A VETERAN.** A spouse
6 of an eligible person under sub. (2) (a) 1. or 2. is eligible only if the spouse meets the
7 requirements of sub. (2) (b) 3. to 5. and if all of the following apply:

8 (a) The person under sub. (2) (a) 1. or 2. is a member, or if not a member is
9 institutionalized elsewhere because of physical or mental disability, and the spouse
10 had lived with the person for not less than 6 months immediately before making
11 application for membership.

12 (b) Separation from the spouse necessitated by reason of employment,
13 hospitalization, or because of a physical or mental disability of either spouse shall
14 not be taken to constitute an interruption of the 6-month period.

15 (c) A spouse of an eligible person under sub. (2) (a) 1. or 2. by virtue of a marriage
16 that was void when entered into but validated under s. 765.21 before applying for
17 admission shall, for the purpose of this subsection and sub. (6), be considered
18 married to the eligible person under sub. (2) (a) 1. or 2. from the date the marriage
19 was entered into.

20 **(5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** The surviving
21 spouse of a person under sub. (2) (a) 1. or 2. who was a resident of this state at the
22 time of the veteran's death is eligible if the surviving spouse meets the requirements
23 of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the following:

24 (a) 1. The surviving spouse satisfies any of the following:

1 a. Was married to and living with the deceased person under sub. (2) (a) 1. or
2 2. not less than 6 months immediately prior to the death of the person.

3 b. Was married to the person under sub. (2) (a) 1. or 2. at the time the person
4 entered the service and who became a widow or widower by the death of the person
5 while in the service or as a result of physical disability of the person incurred during
6 the service.

7 c. The period during which the surviving spouse was married to and lived with
8 the deceased person under sub. (2) (a) 1. or 2. plus the period of widowhood or
9 widowerhood is 6 months or more.

10 d. Was married to and living with the person under sub. (2) (a) 1. or 2. less than
11 6 months and a child was born of the marriage.

12 (b) Has not remarried.

13 (c) Is 45 years of age or over on the date of application.

14 (d) Is physically disabled.

15 (e) Is unable adequately to care for himself or herself and lacks adequate means
16 of support.

17 (f) Has been a resident of this state for the 12 months immediately preceding
18 the date of application for membership.

19 **(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS.** The parent of a person
20 under sub. (2) (a) 1. or 2. who was a resident of this state at the time of the person's
21 death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for
22 membership, is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5.
23 and if the parent satisfies all of the following:

24 (a) Has reached 60 years of age.

1 (b) Has been a resident of this state for the 12-months preceding the date of
2 application for membership.

3 (c) Is physically disabled, unable adequately to care for himself or herself, and
4 lacks adequate means of support.

5 **(7) MEMBER INCOME RETENTION AND PAYMENT.** (a) The board shall establish a pay
6 plan for compensation of members for services rendered to a veterans home under
7 its work therapy program.

8 (b) Members shall pay the amount due the state for care and maintenance of
9 the member within 30 days after the receipt of the veterans home's billing statement
10 by the member or by the member's personal representative. The department may
11 subject any bill not paid within 30 days after receipt of the billing statement to an
12 interest assessment of 1% per month or fraction of a month. If payment is not made
13 within 60 days after the receipt of the billing statement, the department may
14 discharge the member from the veterans home.

15 (c) Payment of amounts due the state for care and maintenance of a member
16 shall be made to the fullest extent possible from sources of income other than pension
17 or compensation paid by the U.S. department of veterans affairs.

18 (d) A member is not required to use income received from services rendered to
19 the veterans home under its work therapy program or from the sale of products or
20 services through the hobby shop as payment for the care or maintenance of the
21 member at the veterans home.

22 (e) The department shall supervise the operation of a veterans home exchange,
23 including the operation of the hobby shop for the sale of products made by all
24 members.

1 **(7) PERSONAL FUNDS OF MEMBER.** A member may, in writing, authorize a
2 veterans home to receive, hold, and account for his or her personal funds. Section
3 49.498 (8) and the rules promulgated under that subsection apply to the funds of a
4 member held by the veterans home under this subsection. The department may
5 transfer the personal funds of a member received under this subsection to the
6 Wisconsin veterans facilities members fund under s. 25.37. Upon request of the
7 member, the department shall pay the member the amount the member requests
8 from his or her personal account.

9 **(8) MEDICAL ASSISTANCE PAYMENTS.** All moneys received under medical
10 assistance, as defined in s. 49.43 (8), for the care of members shall be transferred to
11 the appropriation under s. 20.485 (1) (gk).

12 **(9) CONVEYANCE OF PROPERTY; DESCENT.** (a) Except as otherwise provided in this
13 subsection, the application and admission of any applicant admitted under this
14 section shall constitute a valid and binding contract between a member and the
15 department. If a member dies leaving a relative that is entitled to an interest in the
16 property of the member under the rules of intestate succession or a will the existence
17 of which is made known to the commandant of the veterans home within 60 days of
18 the member's death, the member's property shall constitute a part of the member's
19 estate, except that personal effects of nominal monetary value of a deceased member
20 who is not survived by a member spouse may be distributed by the commandant of
21 to surviving relatives of the member who request the personal effects within a
22 reasonable time after the member's death.

23 (b) The department may manage, sell, lease, or transfer property passing to
24 the state pursuant to this section or conveyed to it by members, defend and prosecute
25 all actions concerning it, pay all just claims against it, and do all other things

1 necessary for the protection, preservation, and management of the property. All
2 expenditures necessary for the execution of functions under this paragraph or sub.
3 (13) shall be made from the appropriation in s. 20.485 (1) (h).

4 (c) A person who at the time of death is a member of a veterans home is a
5 resident of the county in which the veterans home is located for the probate of the
6 person's will, issuance of letters testamentary or other letters authorizing the
7 administration of the decedent's estate, and the administration of the estate.

8 **(10) DISPOSITION OF PROPERTY PASSING TO STATE.** If a member dies without a
9 relative who is entitled to an interest in the property of the member under the rules
10 of intestate succession and without leaving a will the existence of which is made
11 known to the commandant of the home within 60 days of the member's death, the
12 member's property shall be converted to cash, without administration. The
13 commandant of a veterans home shall submit that converted sum to the secretary
14 of administration to be paid into the appropriation under s. 20.485 (1) (h). The
15 amount paid to the secretary of administration is subject to refund within 6 years to
16 the estate of a member if it is subsequently discovered that the member left a will
17 or a relative that is entitled to an interest in the property of the member under the
18 rules of intestate succession or to any creditor of the member who establishes right
19 to the funds or property or any portion of the funds or property. The department of
20 administration, upon being satisfied that a claim out of the funds or property is legal
21 and valid, shall pay the claim out of the funds or property, except that payment of
22 claims for a member's funeral and burial expenses may not exceed a total of \$1,500
23 including any amount allowed by the United States for the member's funeral and
24 burial and the right for burial and interment provided in [_____].

(11) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS. A commandant may receive, disburse, and account for funds of members.

(12) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES. Any person admitted to a skilled nursing facility at a veterans home shall meet the eligibility requirements under ss. 49.45 and 49.46 and rules promulgated under those sections during residence at the skilled nursing facility except if any of the following apply:

(a) Persons with sufficient income and resources to meet the expenses of care for one or more months may be admitted to the skilled nursing facility but shall apply income and resources to costs to the extent required by ss. 49.45 and 49.46 and rules promulgated under those sections.

(b) Persons who meet all the requirements of this section but whose degree of physical disability does not meet the minimum requirements in ss. 49.45 and 49.46 and rules promulgated under those sections may be admitted to the skilled nursing facility but shall apply income and resources to costs to the extent required by ss. 49.45 and 49.46 and rules promulgated under those sections.

(13) ADDITIONAL ELIGIBILITY REQUIREMENT FOR OTHER CARE FACILITIES AT VETERANS HOMES. An otherwise eligible person may be admitted to or remain in residency at a community-based residential facility, as defined in s. 50.01 (1g) or a residential care apartment complex, as defined in s. 50.01 (1d) at a veterans home only if the person has sufficient income and resources, and applies the income and resources to fully reimburse the department for the cost of providing care to the person.

SUBCHAPTER VI

FUNERALS, BURIALS AND CEMETERIES

1 **45.60 Military funeral honors (1) PROGRAM.** (a) The department shall
2 administer a program to coordinate the provision of military funeral honors to
3 deceased veterans.

4 (b) Military funeral honors may be provided by local units of member
5 organizations of the council on veterans programs, by local units of veterans
6 organizations certified by the department to provide military funeral honors, by
7 members of the Wisconsin national guard activated under s. 21.11 (3), or by staff of
8 the department.

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

15 **(3) TUITION VOUCHER** (a) The department shall create a tuition voucher form
16 to be used by funeral directors under par. (b). The department shall distribute copies
17 of the tuition voucher form, plus an explanation of the form's use, to every operator
18 of a funeral establishment. The department may not charge a fee for the tuition
19 voucher form or for the distribution of the form.

20 (b) A funeral director may issue a tuition voucher in the amount of \$25 to an
21 individual who sounds "Taps" on a bugle, trumpet, or cornet during each funeral for
22 which military honors are held in this state for a deceased veteran and who is a
23 student in grades 6 to 12 or at an institution of higher education, as defined under
24 s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment of
25 tuition and required program activity fees at a University of Wisconsin System

1 institution as provided under s. 36.27 (3r) or a technical college as provided under
2 s. 38.24 (6). The department shall encourage private institutions of higher education
3 to accept the vouchers. The vouchers are not transferable.

4 **45.61 Wisconsin veterans cemeteries. (1) DEFINITION.** In this section,
5 “dependent child” means any biological or adoptive child under 18 years of age, or
6 under the age of 26 if in full-time attendance at a recognized school of instruction
7 of of any age if the child is unmarried and incapable of self-support by reason of
8 mental or physical disability.

****NOTE: Another definition that includes “dependent”.

9 **(2) CONSTRUCTION AND OPERATION OF CEMETERIES.** Subject to authorization
10 under ss. 13.48 (10) and 20.924 (1), the department may construct and operate
11 veterans cemeteries in central, northwestern, and southeastern Wisconsin and may
12 employ any personnel that are necessary for the proper management of the
13 cemeteries. The cemetery in central Wisconsin is the Central Wisconsin Veterans
14 Memorial Cemetery. The cemetery in southeastern Wisconsin is the Southern
15 Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern Wisconsin
16 is the Northern Wisconsin Veterans Memorial Cemetery. The department may
17 acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the
18 cemeteries. Title to the properties shall be taken in the name of this state. Every
19 deed of conveyance shall be immediately recorded in the office of the proper register
20 of deeds and thereafter filed with the secretary of state. The department may accept
21 for the state all gifts, grants, and bequests for the purposes of maintenance,
22 restoration, preservation, and rehabilitation of the veterans cemeteries constructed
23 under this subsection. All cemeteries operated by the department are exempt from
24 the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

1 **(3) ELIGIBILITY.** The following persons are eligible for burial at a cemetery
2 constructed and operated under sub. (1):

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

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

10 (c) The spouse or dependent child of a person who is serving on active duty at
11 the time of the spouse's or dependent child's death if the person was a resident of this
12 state at the time of his or her entry or reentry into active service.

13 (d) The spouse or dependent child of a person if the person was a resident of this
14 state at the time of his or her entry or reentry into active service and was discharged
15 or released from active duty in the U.S. armed forces under honorable conditions.

16 (e) The spouse or dependent child of a person who was discharged or released
17 from active duty in the U.S. armed forces under honorable conditions if the person
18 and spouse or dependent child were residents of this state at the time of the spouse's
19 or dependent child's death.

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

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

4 (4) FEES AND COSTS. The department may charge a fee for burials under this
5 section and may promulgate rules for the assessment of any fee. The cost of
6 preparing the grave and the erection of a marker for a person described under par.
7 (a), (b), (f), or (g) shall be paid from the appropriation under 20.485 (1) (gk).

8 (5) APPLICATION Application for burial shall be made to the department. The
9 surviving spouse of the person described under par. (a), (b), (f), or (g), if that person
10 is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the
11 privilege of selecting a lot next to that person if available. The department shall hold
12 the plot for the surviving spouse for a period of one year from date of granting the
13 privilege, but may extend the hold, on request, for additional one-year periods.

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

20 **45.62 Burial places compiled. (1)** The department may compile a record
21 of veteran's burial places located within the state that may, so far as practicable,
22 indicate all of the following information:

23 (a) The deceased veteran's name.

24 (b) The service in which the deceased veteran was engaged.

25 (c) The appropriate designation of the deceased veteran's armed forces unit.

(d) The deceased veteran's rank and period of service.

(e) The name and location of the cemetery or other place in which the deceased veteran's body is interred.

(f) The location of the deceased veteran's grave in the cemetery or other place of interment.

(g) The character of the headstone or other marker, if any, at the deceased veteran's grave.

(2) The department may prepare blank forms for the transmission to the department of the information required for the record under sub. (1). The department may distribute the forms to county veterans' service officers. A county veterans' service officer within whose county any cemetery or other burial place is located in which deceased veteran's bodies are interred shall submit the facts required for the record under sub. (1) to the department on the forms provided by the department, if so requested by the department.

SUBCHAPTER VII

MEMORIALS

45.70 Veterans memorial. (1) PERSIAN GULF MEMORIAL From the appropriation under s. 20.485 (2) (d), the department shall provide funding to the Wisconsin Vietnam Veterans Memorial Project, Inc., for the construction of a memorial for the veterans of the Persian Gulf war. The memorial shall be constructed at the veterans memorial site located at The Highground in Clark County. The department may expend up to \$60,000 for the memorial for the veterans of the Persian Gulf war.

(2) CAMP RANDALL MEMORIAL. (a) The board may approve, recommend and veto any proposed plans, modifications and changes or policies with respect to established

1 state memorials, including the Camp Randall Memorial Park, Madison, Wisconsin,
2 as described in par. (c), and any future veterans state memorials; and recommend the
3 creation and establishment of veterans state memorials.

4 (b) No structures other than memorials approved by the board and walks, roads
5 and subterranean footings may be placed or erected upon Camp Randall Memorial
6 Park unless authorized by the legislature; nor shall the park be used for any purpose
7 other than a memorial park.

8 (c) Camp Randall Memorial Park, Madison, Wisconsin, is established and
9 described as follows: beginning on the west line of Randall Avenue 96.6 feet north
10 of the center line of Dayton Street extended; thence west at right angles to Randall
11 Avenue 370 feet; thence south parallel to Randall Avenue 722 feet; thence west at
12 right angles to Randall Avenue 235 feet; thence south parallel to Randall Avenue 205
13 feet to the north line of Monroe Street; thence north 50 degrees 14 minutes east along
14 the north line of Monroe Street approximately 780 feet to the west line of Randall
15 Avenue; thence north along the west line of Randall Avenue 429 feet to the place of
16 beginning.

17 **45.71 Catalog of memorials.** The department shall prepare a catalog of
18 memorials, describing each memorial and giving its location and condition. The
19 department shall periodically update that catalog.

20 **45.72 County and municipal memorials. (1)** In this section and s. 45.73,
21 “local unit of government” means a city, village, town, or county.

22 **(2)** Any local unit of government may by gift, purchase, contract, or
23 condemnation acquire property, real or personal, for the purpose of providing,
24 furnishing, constructing, erecting, repairing, maintaining, or conducting a suitable
25 memorial to the memory of former residents thereof who lost their lives in the

1 military or naval service of the state or of the United States, or to commemorate and
2 honor the deeds of persons, residents thereof, or of the state or United States, who
3 served the nation in any war, or other persons who rendered great state or national
4 service, or to the memory of any president of the United States, or for a combination
5 of any those purposes, which are declared to be public purposes.

6 **(2)** The local unit of government shall determine the character of the memorial,
7 and without limitation because of enumeration, the memorial may comprise a public
8 building, hospital, sanatorium, home for the aged or indigent, park, recreation
9 facility, community forest, or other suitable object having a public purpose.

10 **(3)** Any local unit of government may appropriate money and may levy a tax
11 in order to acquire, pay for, construct, erect, furnish, equip, operate, repair, maintain,
12 or reconstruct a suitable memorial for the purpose or purposes provided in this
13 section.

14 **(4)** Any local unit of government may authorize the use of any public property
15 respectively of such city, village, town, or county as a site for a memorial, and any
16 county may authorize its public property to be so used by any city, village, or town
17 in the county.

18 **(5)** Any local unit of government may by ordinance or contract provide for the
19 management, control, or operation of any memorial, and it may enter into a written
20 lease, for a term not exceeding 25 years, with any duly chartered and incorporated
21 veterans organization established in the local unit of government, such lease to
22 include provisions for the amount of rental and such conditions of public use as it may
23 determine.

24 **(6)** Any local unit of government may contract with or make an appropriation,
25 or both, to any other unit of government or to any nonprofit corporation without

1 capital stock organized expressly for any of the purposes of this section or to any duly
2 chartered and incorporated veterans organization established in any such city,
3 village, town, or county, and for the purpose of raising funds for such memorial
4 purposes or contributions, may levy taxes upon the taxable property located in the
5 county or municipality, or borrow money and issue the bonds of the respective
6 municipalities therefor in the manner and under the regulations provided by ch. 67;
7 provided that the facilities of such memorial are made available to the residents of
8 the governmental unit making such appropriation to the extent that the governing
9 body of the governmental unit may require.

10 **45.73 Sites for veterans memorial halls. (1)** Any local unit of government
11 may donate to any organization specified in s. 70.11 (9) land upon which is to be
12 erected a memorial hall to contain the memorial tablet specified in said section.

13 **(2)** The action of any local unit of government, in granting veterans
14 organizations or any other civic, patriotic, educational or historical society, rooms
15 and space within public buildings for the establishment of memorial halls and
16 museums, and occupancy thereof by its members, is authorized and confirmed. The
17 local unit of government may permit the use and occupancy of such rooms and space
18 for such term and subject to conditions and provisions as may be imposed by them.
19 Any contract, lien, or agreement between the local unit of government and any
20 organization now in force shall continue in force according to the terms of the
21 contract, lien, or agreement.

22 **45.74 Memorial corporations organized under 1919 act.** Any commission
23 or board of trustees which governs a corporation organized to construct a memorial
24 under s. 45.057 (5), statutes of 1919 to 1943 (created by chapter 598, laws of 1919,

1 and repealed by chapter 301, laws of 1945), shall have the following powers in
2 addition to those it now has:

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

5 (b) The powers set forth in s. 181.0302 and all other applicable provisions of ch.
6 181.

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

10 (d) It shall have a membership composed of 5 residents of the city, village, or
11 town in which the memorial is located, one appointed by the common council, village
12 board, or town board of the city, village, or town, and 4 by the circuit judge of the
13 county in which the memorial is located. The commission or board may appoint 4
14 additional members who are residents of this state. The terms of all members shall
15 be 5 years. In order that terms of members may expire at different times, not more
16 than 2 members shall be appointed in any one year in addition to appointments made
17 to fill vacancies occurring by resignation or death. Members shall hold office until
18 their successors are appointed and qualify.

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

22 **(2)** Notwithstanding the repeal of s. 45.057, 1943 stats., by chapter 301, laws
23 of 1945, the continuing existence of all commissions, boards, and corporations
24 organized under s. 45.057 (5), statutes of 1919 to 1943, is affirmed, and the

1 continuing operation of such commissions, boards and corporations is ratified as to
2 the past and authorized in the future.

3 **45.75 Memorials in populous counties. (1)** Any county having a population
4 of 500,000 or more may establish and maintain a memorial or memorials under ss.
5 45.05 and 45.055 by agreement between the county board of such county and any
6 nonprofit private corporation without capital stock organized under the laws of this
7 state (except as in this section provided) expressly for any of the purposes of s. 45.05
8 located in such county.

9 **(2)** The board of directors of the corporation shall be designated as the
10 “memorial board”, and its members shall be called “trustees”. The membership of
11 the memorial board may include special members, who need not be members of the
12 corporation.

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

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

18 (a) Four members from the county board.

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

20 **(5)** Terms of members of the memorial board shall be as follows:

21 (a) For special members:

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

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

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

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

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

16 **(7)** The war memorial may be constructed upon any land ceded before July 15,
17 1953 by this state to any municipality in this state notwithstanding any restrictions,
18 limitations or conditions as to the nature of the use of any the land contained in the
19 legislative act, granting the land to the municipality, and notwithstanding the
20 restrictions, limitations or conditions incorporated in any subsequent conveyance of
21 the lands by the municipality.

22 **(8)** The war memorial may be constructed in any public park and the use of
23 those park lands as a location for a war memorial shall not be considered inconsistent
24 with the use of the same for park purposes. No war memorial shall be constructed
25 in a public park until the park commission, general manager appointed under s.

1 27.03 (2) or park board having jurisdiction of such park shall approve the
2 construction. The county board of any county may authorize the construction of a
3 war memorial at different intervals of time if the proposed memorial consists of more
4 than one building or structure and any county board subsequently elected shall carry
5 into effect any contract authorized by s. 45.055 entered into on behalf of the county
6 for the construction or maintenance of the war memorial. The construction,
7 maintenance and operation of a war memorial in a county park shall be subject to
8 the jurisdiction of the county board and no part of those costs shall be charged against
9 the funds of the park commission, park system or park board of the county.

10 SUBCHAPTER VIII

11 LOCAL RESPONSIBILITIES

12 **45.80 County veterans service officer. (1)** ELECTION OR APPOINTMENT. (a)
13 Except as provided under par. (b), the county board shall elect a county veterans
14 service officer who shall be a Wisconsin resident who served on active duty, other
15 than active duty for training, under honorable conditions in the U.S. armed forces
16 or in forces incorporated as part of the U.S. armed forces and who meets at least one
17 of the conditions listed in s. 45.001 (4) (a) 1. a. to d. and at least one of the conditions
18 listed in s. 45.001 (4) (a) 2. a. to c.

19 (b) Except as provided under par. (c), the county board may appoint assistant
20 county veterans service officers who shall be Wisconsin residents who served on
21 active duty, other than active duty for training, under honorable conditions in the
22 U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who
23 meet at least one of the conditions listed in s. 45.01 [] and at least one of the
24 conditions listed in s. 45..01 []

1 (c) In counties with a county executive or county administrator, the county
2 executive or county administrator shall appoint and supervise a county veterans
3 service officer who shall have the qualifications prescribed under par. (a). The
4 appointment is subject to confirmation by the county board unless the county board,
5 by ordinance, elects to waive confirmation or unless the appointment is made under
6 a civil service system competitive examination procedure established under s. 59.52
7 (8) or ch. 63.

8 **(2) TERM.** A county veterans service officer elected under sub. (1) (a) shall serve
9 until the first Monday in January of the 2nd year subsequent to the year of his or her
10 election, and, if reelected, shall continue to serve unless removed under s. 17.10 (2).

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

14 **(4) MILWAUKEE COUNTY.** In counties having a population of 500,000 or more
15 such officer shall be appointed subject to ss. 63.01 to 63.17.

16 **(5) DUTIES.** The county veterans service officer shall:

17 (a) Advise persons living in the service officer's county who served in the U.S.
18 armed forces regarding any benefits to which they may be entitled or any complaint
19 or problem arising out of such service and render to them and their dependents all
20 possible assistance.

21 (b) Make such reports to the county board as the county board requires.

22 (c) Cooperate with federal and state agencies which serve or grant aids or
23 benefits to former military personnel and their dependents.

24 (d) Furnish information about veterans burial places within the county as
25 required by s. 45.42 (2).

1 (e) Perform the duties prescribed by law, including those duties under pars. (a)
2 to (d), separately and distinctly from any other county department.

3 **(6) PERMITTED ACTIVITIES.** The county veterans service officer may:

4 (a) Inform persons living in the service officer's county who are members of the
5 national guard or of a reserve unit of the U.S. armed forces or dependents of those
6 persons regarding potential benefits to which they may be or may become entitled
7 and regarding all necessary military points of contact and general deployment
8 information for activated and deployed members of the national guard or reserve
9 units of the U.S. armed forces.

10 (b) Cooperate with federal and state agencies that serve or grant aids or
11 benefits to members of the national guard or reserve units of the U.S. armed forces
12 and their dependents.

13 **(7) OFFICE SPACE AND ASSISTANTS.** (a) The county board shall provide the county
14 veterans service officer with office space, clerical assistance and any other needs
15 which will enable the officer to perform the duties under sub. (5).

16 (b) Except as provided under par. (c), the county board may appoint assistant
17 county veterans service officers who shall be Wisconsin residents who served on
18 active duty under honorable conditions in the U.S. armed forces or in forces
19 incorporated as part of the U.S. armed forces for 2 consecutive years, except service
20 on active duty for training purposes. An individual who is discharged for reasons of
21 hardship or a service-connected disability or released due to a reduction in the U.S.
22 armed forces or for the good of the service prior to the completion of the required
23 period of service is eligible for appointment to the office, regardless of the actual time
24 served.

1 (c) In any county with a county executive or county administrator, the county
2 veterans service officer may appoint assistant county veterans service officers who
3 shall have the qualifications prescribed under par. (b).

4 **(8) GRANTS TO COUNTIES FOR IMPROVEMENT OF SERVICES.** (a) Each county may
5 annually apply to the department for a grant for the improvement of service to former
6 military personnel of the county through the county veterans service office. A county
7 may not allocate any portion of a grant for use by another county department nor may
8 the county reduce funding to a county veterans service office based upon receipt of
9 a grant. The county veterans service officer of any county applying for the grant shall
10 enter into an agreement with the department. The agreement shall state the goals
11 and objectives to be attained by the county veterans service office during the
12 remainder of the year covered by the grant application. The department shall
13 prepare the basic form of this agreement in consultation with the county veterans
14 service officers association and provide a copy and an explanation of that agreement
15 to each county veterans service officer. The department shall develop reasonable
16 budget and operating standards to assure improved services, but full operating
17 control of the county office shall be left to each county.

18 (b) The department shall award a grant annually to a county that meets the
19 standards developed under this subsection and employs a county veterans service
20 officer who, if chosen after August 9, 1989, is chosen from a list of candidates who
21 have taken a civil service examination for the position of county veterans service
22 officer developed and administered by the division of merit recruitment and selection
23 in the office of state employment relations, or is appointed under a civil service
24 competitive examination procedure under ch. 63 or s. 59.52 (8). The grant shall be
25 \$8,500 for a county with a population of less than 20,000, \$10,000 for a county with

1 a population of 20,000 to 45,499, \$11,500 for a county with a population of 45,500 to
2 74,999, and \$13,000 for a county with a population of 75,000 or more. The
3 department shall use the most recent Wisconsin official population estimates
4 prepared by the demographic services center when making grants under this
5 paragraph.

6 (c) Notwithstanding par. (b), an eligible county with a part-time county
7 veterans service officer shall be eligible for an annual grant not exceeding \$500.

8 **(9) TRANSPORTATION SERVICES GRANTS TO COUNTIES.** (a) Annually, from the
9 appropriation under s. 20.485 (2) (s), the department shall award grants to counties
10 that are not served by transportation services provided by the Wisconsin department
11 of Disabled American Veterans to develop, maintain, and expand transportation
12 services for veterans. The grants may be used to support multicounty cooperative
13 transportation services.

14 (b) The department shall promulgate rules specifying the application
15 procedures and eligibility criteria for grants under this subsection.

16 (c) A county may not reduce funding to a county veterans service office based
17 upon receipt of a grant.

18 **(10) QUALIFICATIONS APPLICATION.** The qualifications necessary to be a county
19 veterans service officer or assistant county veterans service officer under subs. (1)
20 (a) and (6) (b) apply only to persons elected to serve as county veterans service officers
21 or assistant county veterans service officers on or after June 1, 1996, who have not
22 served as county veterans service officers or assistant county veterans service
23 officers before June 1, 1996.

****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.

1 **45.81 County veterans service commission. (1)** There is created in each
2 county a county veterans service commission consisting of 3 residents of the county
3 who are veterans appointed for staggered 3-year terms by the county executive or
4 county board chairperson in a county that does not have a county executive.

5 **(2)** The commission shall be organized by the election of one of their number
6 as chairperson. The county executive or county board chairperson in a county which
7 does not have a county executive after the expiration of the terms of those first
8 appointed shall annually on or before the 2nd Monday in December appoint one
9 person as a member of the commission for the term of 3 years. The county executive
10 or county board chairperson shall require each member of the commission and the
11 county veterans service officer to execute to the county an individual surety bond,
12 with sufficient sureties to be approved by the county executive or county board
13 chairperson, each bond to be in an amount equal to the tax levied in the current year
14 for expenditure by the commission. Each bond shall be filed with the county clerk.

15 **(3) (a)** Except as provided under sub. (4), the commission may furnish aid to
16 any person described in s. 45.10 [] if the right of that person to aid is established to
17 the commission's satisfaction.

18 **(b)** The secretary of the commission shall maintain a list containing the name,
19 place of residence, and amount of aid paid to each person under par. (a), which shall
20 be signed by the chairperson and secretary of the commission.

21 **(c)** The total disbursements made by the commission under this subsection may
22 not exceed the amount collected from the tax levied, except when specifically
23 authorized by the county board. The commission shall provide the county treasurer
24 with sufficient information to deliver the specified aid to the person entitled to that
25 aid.

1 (d) The commission may furnish aid in a different manner than by supplying
2 money. The commission may request the county treasurer to pay a purveyor of
3 services or commodities for the purchase of services or commodities, or the
4 commission may furnish supplies, as it considers appropriate.

5 (e) The commission shall make a detailed report to the county board annually
6 showing the amount expended under this subsection. The report may not include
7 any personal identifying information regarding the persons that received aid under
8 this subsection.

9 **(4)** A county veterans service officer appointed under s. 45.43 (1) (b) or (4) shall
10 have the administrative powers and duties prescribed for the county veterans service
11 commission under sub. (2).

12 **(5)** The county board shall allow the members of the commission a reasonable
13 rate of compensation for services and actual expenses incurred in the performance
14 of their duties to be determined under s. 59.22. The county board may provide for
15 the employment of clerical assistance to the commission.

16 **45.82 Records of meetings and investigations kept by service officer.**

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

22 **45.83 Burial allowance. (1)** Each county veterans service officer shall cause
23 to be interred in a decent and respectable manner in any cemetery in this state, other
24 than those used exclusively for the burial of paupers, the body of any veteran, spouse,
25 or surviving spouse who was living in the county at the time of death and who dies

1 not leaving sufficient means to defray the necessary expenses of a decent burial, or
2 under circumstances that would cause financial distress to the person's family . The
3 cost of this internment shall be the responsibility of the county, but may not exceed
4 \$300, and shall be in addition to the burial allowance payable under laws
5 administered by the U.S. department of veterans affairs.

6 (2) Before assuming the burial expense, the county veterans service officer
7 shall exercise due diligence in attempting to determine the financial condition
8 required by s. 45.83 (1). The county veterans service officer, in making the inquiry,
9 may use the facilities for investigation that are made available by the county board.
10 The county veterans service officer shall report the results of that determination to
11 the appropriate authorities designated by the county.

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

20 **45.84 Care of graves. (1)** Every town board, village board or common council
21 of every city shall at all times see that the graves and tombstones of all veterans,
22 including women's auxiliary organizations created by act of congress, who shall at
23 any time have served in any branch of the armed forces of the United States, and of
24 the spouses or surviving spouses of all those veterans, receive proper and decent care,
25 and may employ all necessary assistance to carry out this section. The expense of

1 the care of the graves and tombstones shall be borne by the county where the graves
2 are located, except where suitable care is otherwise provided. The amount of expense
3 charged the county for the care may not exceed the charge made for the care of other
4 graves in the same cemetery.

5 (2) The governing body specified in sub. (1) shall report to the county clerk of
6 its county, on or before September 1 of each year, the locations of the graves cared for
7 by them under sub. (1), together with the names of the deceased and the amount
8 claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

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

13 **45.85 County tax for needy veterans. (1)** Every county board shall
14 annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes
15 of this section. The tax shall be levied and collected as other county taxes for the
16 purpose of providing aid to needy veterans, the needy spouses, surviving spouses,
17 minor and dependent children of the veterans and the needy parents of veterans
18 entitled to aid under ss. 45.10 to 45.15[], and to carry out the purposes of ss. 45.16
19 to 45.185[]. Aid may not be denied solely on the basis that a person otherwise eligible
20 for aid owns a homestead that the person occupies.

21 (2) The county veterans service commission or county veterans service officer
22 appointed under s. 45.43 (1) (b) shall estimate the probable amount required under
23 s. 45.10 and shall file that estimate with the county board.

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

1 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a
2 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437
3 shall furnish to the court and the subject individual an initial recommended written
4 treatment plan that contains the goals of treatment, the type of treatment to be
5 provided, and the expected providers. If the person is a veteran, as defined in s.
6 45.001 (4) the county department shall contact the U.S. department of veterans
7 affairs to determine if the veteran is eligible for treatment at a U.S. department of
8 veterans affairs facility. If the veteran is eligible for that treatment, the county
9 department shall include that information in the treatment plan. The treatment
10 plan shall address the individual's needs for inpatient care, residential services,
11 community support services, medication and its monitoring, case management, and
12 other services to enable the person to live in the community upon release from an
13 inpatient facility. The treatment plan shall contain information concerning the
14 availability of the needed services and community treatment providers' acceptance
15 of the individual into their programs. The treatment plan is only a recommendation
16 and is not subject to approval or disapproval by the court. Failure to furnish a
17 treatment plan under this paragraph does not constitute grounds for dismissal of the
18 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.

19 **SECTION 11.** 51.45 (13) (h) of the statutes is amended to read:

20 51.45 (13) (h) A person committed under this subsection shall remain in the
21 custody of the county department for treatment for a period set by the court, but not
22 to exceed 90 days. During this period of commitment the county department may
23 transfer the person from one approved public treatment facility or program to

1 another as provided in par. (k). If the person is a veteran, as defined in s. 45.001 (4),
2 the county department shall contact the U.S. department of veterans affairs to
3 determine if the veteran is eligible for treatment at a U.S. department of veterans
4 affairs facility. If the veteran is eligible for that treatment, the county department
5 may transfer the person to that facility if the U.S. department of veterans affairs
6 approves that transfer. At the end of the period set by the court, the person shall be
7 discharged automatically unless the county department before expiration of the
8 period obtains a court order for recommitment upon the grounds set forth in par. (a)
9 for a further period not to exceed 6 months. If after examination it is determined that
10 the person is likely to inflict physical harm on himself or herself or on another, the
11 county department shall apply for recommitment. Only one recommitment order
12 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.

13 **SECTION 12. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:**

14 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses for
15 a student who is the claimant or who is the claimant's child and the claimant's
16 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
17 attend any university, college, technical college or a school approved under s. 45.54
18 39.90, that is located in Wisconsin or to attend a public vocational school or public
19 institution of higher education in Minnesota under the Minnesota–Wisconsin
20 reciprocity agreement under s. 39.47, calculated as follows:

21 **SECTION 13. 86.03 (4) of the statutes is amended to read:**

22 **86.03 (4) CUTTING OR INJURING TREES ON HIGHWAY.** No person shall cut down,
23 break, girdle, bruise the bark, or in any other manner injure, or allow any animal

1 under that person's control to injure, any public or private trees, shrubs, or hedges
2 growing within the highway, except as the owner thereof or the public authority
3 maintaining the highway may cut down, trim and remove trees, shrubs, and hedges
4 for the purpose of and conducing to the benefit and improvement of the owner's land
5 or the highway facility, subject to sub. (7).

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

6 **SECTION 14.** 86.03 (6) of the statutes is amended to read:

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

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

11 **SECTION 15.** 86.03 (7) of the statutes is created to read:

12 **86.03 (7)** No person may cut or trim any tree planted along any federal or state
13 trunk highway as a memorial to the men and women who served in the armed forces
14 of the United States in time of war, without the written permission of the
15 department. Violations of this section shall be punishable by a fine of not less than
16 \$10 nor more than \$200 or by imprisonment for not more than 30 days or both.
17 Nothing in this section shall interfere with the rights of abutting property owners
18 in such trees.

19 **SECTION 16.** 230.04 (17) of the statutes is created to read:

20 **230.04 (17)** The director shall resolve any dispute raised by a complaint filed
21 under s. 21.79 (1) (c).

22 **SECTION 17.** 182.028 of the statutes is amended to read:

23 **182.028 School corporations.** Any corporation formed for the establishment
24 and maintenance of schools, academies, seminaries, colleges, or universities, or for

1 the cultivation and practice of music shall have power to enact bylaws for the
2 protection of its property, and provide fines as liquidated damages upon its members
3 and patrons for violating the bylaws, and may collect the same in tort actions, and
4 to prescribe and regulate the courses of instruction therein, and to confer ~~such~~ the
5 degrees and grant ~~such~~ the diplomas as are usually conferred by similar institutions
6 or as shall be appropriate to the courses of instruction prescribed, except that no
7 corporation shall operate or advertise a school that is subject to s. ~~45.54~~ 39.90 (10)
8 without complying with the requirements of s. ~~45.54~~ 39.90. Any stockholder may
9 transfer his or her stock to the corporation for its use; and if the written transfer so
10 provides the stock shall be perpetually held by the board of directors with all the
11 rights of a stockholder, including the right to vote.

12 **SECTION 18.** 460.05 (1) (e) 1. of the statutes is amended to read:

13 460.05 **(1)** (e) 1. Graduated from a school of massage therapy or bodywork
14 approved by the educational approval board under s. ~~45.54~~ 39.90 or completed a
15 training program approved by the department under the rules promulgated under
16 s. 460.04 (2) (b).

17 **SECTION 19.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

18 944.21 **(8)** (b) 3. a. Is a technical college, is a school approved by the educational
19 approval board under s. ~~45.54~~ 39.90 or is a school described in s. ~~45.54~~ 39.90 (1) (e)
20 6., 7. or 8.; and

21 **SECTION 20.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

22 948.11 **(4)** (b) 3. a. Is a technical college, is a school approved by the educational
23 approval board under s. ~~45.54~~ 39.90 or is a school described in s. ~~45.54~~ 39.90 (1) (e)
24 6., 7. or 8.; and

25 (END)