

AN ACT *to renumber and amend* 45.35, 45.38, 45.36, 45.21, 45.48, 45.49 and 45.52; *to consolidate, renumber and amend* 45.014 and 45.02; and *to create* subchapter I (title) of chapter 45 [precedes 45.01] of the statutes; **relating to:** powers and duties of the department of veterans affairs and other general provisions pertaining to veterans.

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

SECTION 1. Subchapter I (title) of chapter 45 [precedes 45.01] of the statutes is created to read:

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 2. 45.35 of the statutes is renumbered 45.03 and amended to read:

45.03 Department of veterans affairs. (1) POLICY. It is the policy of the state to give health, educational, and economic assistance to veterans and their dependents, who are residents of this state to the extent and under the conditions determined by the board within the limitations hereinafter set forth in this section.

(2g) DEFINITION. In this section, “department” means the department of veterans affairs.

(3) (2) BOARD FUNCTIONS. The board may promulgate rules necessary to carry out the purposes of this chapter and the powers and duties conferred upon ~~them~~ it. The records and files of the department of military affairs and of any other state department or officer shall, upon request, be made available to the board.

1 ~~(3d)~~ **(3)** COUNCIL ON VETERANS PROGRAMS. (a) The council on veterans programs
2 created under s. 15.497 shall advise the board and the department on solutions and policy
3 alternatives relating to the problems of veterans.

4 (b) The council on veterans programs and the department, jointly or separately, shall
5 submit a report regarding the council on veterans programs to the chief clerk of each house
6 of the legislature for distribution to the legislature under s. 13.172 (2) by September 30 of
7 every odd-numbered year. The report shall include a general summary of the activities and
8 membership over the past 2 years of the council and each organization on the council.

9 ~~(3m)~~ CAMP RANDALL MEMORIAL. (a) The board may approve, recommend and veto any
10 proposed plans, modifications and changes or policies with respect to established state
11 memorials, including the Camp Randall Memorial Park, Madison, Wisconsin, as described
12 in par. (c), and any future veterans state memorials; and recommend the creation and
13 establishment of veterans state memorials.

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

18 ~~(c)~~ Camp Randall Memorial Park, Madison, Wisconsin, is established and described
19 as follows: beginning on the west line of Randall Avenue 96.6 feet north of the center line of
20 Dayton Street extended; thence west at right angles to Randall Avenue 370 feet; thence south
21 parallel to Randall Avenue 722 feet; thence west at right angles to Randall Avenue 235 feet;
22 thence south parallel to Randall Avenue 205 feet to the north line of Monroe Street; thence
23 north 50 degrees 14 minutes east along the north line of Monroe Street approximately 780 feet

1 ~~to the west line of Randall Avenue; thence north along the west line of Randall Avenue 429~~
2 ~~feet to the place of beginning.~~

COMMENT: Current s. 45.35 (3m), stats., will be moved to the new subchapter dealing with memorials.

3 (4) DEPARTMENT STAFF. (a) The secretary shall appoint under the classified service such
4 persons as are necessary to carry out the policy of the board and for the proper conduct of the
5 Wisconsin Veterans Museum. All persons appointed by the department shall, if possible, be
6 veterans as defined in sub. (5) and preference shall be given to disabled veterans.

7 (b) The department shall employ regional coordinators. The duties of a regional
8 coordinator shall include providing direct claims and benefit application assistance to
9 veterans. The regional coordinators shall coordinate claims and benefit application assistance
10 with the appropriate county ~~veterans'~~ veterans service officers under s. 45.43 [45.80] to
11 maximize the level of assistance and benefits provided to veterans.

COMMENTS: 1. Can pars. (c) and (d) be consolidated?

2. Is the regional office referenced in par. (c) a regional office of the state or federal department of veterans affairs?

12 (c) The department shall employ claims officers. The claims officers shall provide
13 federal claims and benefit assistance to veterans and shall be based in the department's
14 regional office in Milwaukee County.

15 (d) The department shall employ mobile claims officers ~~in the department's southeast~~
16 ~~region and shall employ mobile claims officers~~ in each of the department's other regions. The
17 mobile claims officers shall provide claim and benefit assistance to veterans. The mobile
18 claims officers shall coordinate that claim and benefit assistance with the appropriate county
19 ~~veterans'~~ veterans service officers under s. 45.43 [45.80] to maximize the level of assistance
20 and benefits provided to veterans.

1 (5) SPOUSES AND DEPENDENTS ENTITLEMENT TO BENEFITS. The benefits available to
2 veterans are also available to the unremarried surviving spouses and minor or dependent
3 children of deceased veterans if the unremarried surviving spouses or minor or dependent
4 children are residents of and living in this state at the time of making application.

5 (6) COORDINATION DUTIES. The department shall coordinate the activities of all state
6 agencies and the University of Wisconsin Hospitals and Clinics Authority performing
7 functions relating to the medical, hospital, or other remedial care; placement and training; and
8 educational, economic, or vocational rehabilitation of persons who served in the armed forces
9 of the United States at any time and who were honorably discharged, including such persons
10 with disabilities whether or not service-connected or war-connected. In particular, the
11 department shall coordinate the activities of the technical college system board, state selective
12 service administration, department of health and family services, department of workforce
13 development, department of public instruction, the University of Wisconsin System and other
14 educational institutions, the University of Wisconsin Hospitals and Clinics Authority, and all
15 other departments or agencies performing any of the functions specified, to the end that the
16 benefits provided in this section may be made available to veterans as promptly and effectively
17 as possible.

COMMENT: Can "veteran" be substituted for persons who served in the
armed forces of the United States at any time and who were honorably
discharged, including such persons with disabilities whether or not
service-connected or war-connected?

18 (7) CONTACT DUTIES. The department shall maintain contacts with county ~~veterans'~~
19 veterans service officers and local agencies, the American Red Cross and ~~veterans'~~ veterans
20 organizations concerned with the welfare of ~~veterans~~ veterans and shall contact and cooperate
21 with federal agencies in securing for veterans all benefits to which they may be entitled.

1 ~~(7a)~~ **(8)** CLAIMS OF VETERANS, ASSISTANCE. The department upon request shall assist all
2 persons residing in the state having claims against the United States for pensions, bounty, or
3 back pay, where ~~such~~ the claims have arisen out of or by reason of service in the U.S. armed
4 forces. ~~To this end it~~ The department shall cooperate with their agents or attorneys, advise as
5 to the legality of claims, furnish all necessary certificates and certified abstracts from and
6 copies of records and documents in its office, and in all practicable ways seek to secure speedy
7 and just action upon all claims ~~now pending or which may hereafter be filed.~~ It shall also, in
8 ~~cases where it.~~ The department may ~~be expedient,~~ act as agent or attorney of record in
9 prosecuting claims for ~~such~~ persons requesting it to do so. For ~~any such~~ services rendered ~~no~~
10 ~~person in the employ of~~ under this subsection, the department shall ~~make any~~ may not charge
11 ~~or,~~ demand, or receive from the said claimants ~~or any of them,~~ directly or indirectly, any pay
12 or compensation ~~whatever.~~ It shall provide for registration with the register of deeds of each
13 county the names of all persons from ~~such~~ the county who died in the services of the United
14 States during the Spanish–American War, Philippine insurrection, Boxer rebellion, Mexican
15 border service, World Wars I and II, the Korean conflict or Vietnam service.

COMMENTS: 1. Is “bounty” needed in the first sentence?

2. Should “war period” be substituted for the listing of wars in the last sentence?

16 ~~(8)~~ **(9)** MINORS’ EXECUTION OF DOCUMENTS; BENEFITS EXEMPT FROM EXECUTION. (a) Any
17 minor who is a veteran and any minor who is the spouse, surviving spouse, or child of a veteran
18 may execute notes, mortgages, and other contracts and conveyances to the department and
19 ~~such~~ the notes, mortgages, contracts, and conveyances shall are not be subject to the defense
20 of infancy.

21 (b) The benefits and aid provided under any of the following are not assignable and are
22 exempt from garnishment and execution:

1 1. Section 45.352, 1971 stats.

2 2. Section 45.351.

3 3. Subchapter II, except as provided under s. 45.74 (6).

4 4. Section 45.396.

COMMENT: These cross-references will have to be changed. Can the reference to the 1971 statutes be deleted?

5 ~~(9)~~ **(10)** VOCATIONAL TRAINING. The department in cooperation with the department of
6 workforce development shall make available to disabled veterans the benefits of vocational
7 training and guidance, including veterans who have filed claims for federal rehabilitation
8 benefits and during the pendency of such the claims. ~~In cases where such~~ If the claims are
9 allowed and federal reimbursement is made to the state, ~~such~~ the money shall be paid into and
10 become a part of the veterans trust fund.

11 ~~(9m)~~ **(11)** APPROVAL AGENCY FOR VETERAN'S TRAINING. (a) Except as provided in par.
12 (b), the department shall be the state approval agency for the education and training of veterans
13 and war orphans. The department shall approve and supervise schools and courses of
14 instruction for the training of veterans and war orphans under Title 38, USC, and may enter
15 into and receive money under contracts with the U.S. department of veterans affairs or other
16 appropriate federal agencies.

COMMENTS: 1. Can "war orphans" be defined or a different term used?

2. Can a more specific cite than "title 28, USC" be substituted?

17 (b) The governor may designate the following agencies for approval and supervision
18 of special phases of the program of veterans education:

19 1. On the job and apprenticeship training program, the department of workforce
20 development.

21 2. On the farm training program, the technical college system board.

1 3. Funeral directors apprentices, the funeral directors examining board.

2 ~~(10)~~ (12) PLACEMENT OF VETERANS. The department in cooperation with the department
3 of workforce development and state selective service administration or any other federal,
4 state, or local agency shall formulate and carry out plans for the training and placement of
5 veterans.

6 ~~(12)~~ (13) EXPENDITURES. (a) All expenditures for execution of functions under this
7 section shall be made from the veterans trust fund as provided in s. 20.485.

8 (b) The secretary shall certify to the department of administration for payment all aid
9 to veterans and their dependents authorized under the rules and regulations of the board and
10 shall certify or approve and forward to it payrolls and other vouchers for other expenditures
11 of the board authorized under such the rules and regulations.

 COMMENT: Is par. (b) needed?

12 ~~(13)~~ (14) GIFTS. (a) The department may receive money, lands, gifts, and bequests in
13 its name for the benefit of Wisconsin veterans and their dependents, ~~or either,~~ in accordance
14 with policies adopted by the board. ~~Such~~ The money shall be deposited in the state treasury
15 and credited to the veterans trust fund and is appropriated ~~therefrom~~ by s. 20.485 (2) (z) to the
16 department to be used in accordance with such the board's policies.

17 (b) The department may ~~also~~ receive moneys or other gifts and bequests in its name for
18 the benefit of the Wisconsin Veterans Museum. All moneys received shall be deposited in the
19 state treasury and credited to the veterans trust fund and appropriated from s. 20.485 (2) (zm)
20 to the department to be used, as far as practicable in accordance with the wishes of the donors,
21 and in accordance with the board's policies ~~adopted by the board~~.

 COMMENT: Should the reference to "policies" be changed to "rules" in
paragraphs (a) and (b), above?

1 ~~(14)~~ **(15)** POWERS, DUTIES, FUNCTIONS. The department shall, ~~without limitation because~~
2 of enumeration, also have the following additional powers, duties and functions:

3 (a) To assist in the coordination of the state, county, municipal, and private activities
4 relating to veterans' veterans housing.

5 (b) To cooperate with any and all federal departments, agencies, and independent
6 establishments relating to veterans' veterans housing, materials, priorities, and finances.

COMMENT: Can "veterans benefits" be substituted for "veterans housing,
materials, priorities, and finances"?

7 (c) To assist any housing authority, municipality, or other private enterprise engaged
8 in supplying additional veterans' veterans housing in the acquisition of materials, finances,
9 legal aid, and compliance with federal rules and regulations.

10 (d) To utilize the services and facilities of existing state departments and boards and
11 county veterans' veterans service officers. Charges for legal services furnished the
12 department by the department of justice shall be paid from the appropriation in s. 20.485 (2)
13 (u).

14 (e) To employ such assistants as it deems necessary to carry out its functions.

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

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

18 (h) To provide grants to the governing bodies of federally recognized American Indian
19 tribes and bands from the appropriation under s. 20.485 (2) (vz) if that governing body enters
20 into an agreement with the department regarding the creation, goals, and objectives of a tribal
21 veterans' veterans service officer, appoints a veteran to act as a tribal veterans' veterans
22 service officer, and gives that veteran duties similar to the duties described in s. 45.43 (5) [

1 ___], except that the veteran shall report to the governing body of the tribe or band. The
2 department may make annual grants of up to \$2,500 under this paragraph and shall promulgate
3 rules to implement this paragraph.

4 (i) To provide county ~~veterans'~~ veterans service officers with the information provided
5 to the department by the adjutant general under s. 21.19 (14).

6 ~~(14m)~~ (16) ADDITIONAL POWERS. The department may provide county ~~veterans'~~
7 veterans service officers with information on all necessary military points of contact and
8 general deployment information for reserve units of the U.S. armed forces.

 COMMENT: Can this subsection be made a paragraph (j) in the previous
 subsection or consolidated with par. (i) in the previous subsection?

9 ~~(15)~~ (17) LIBERAL CONSTRUCTION INTENDED. This section, ss. 45.25, 45.351, 45.356 and
10 45.37 and subch. II shall be construed as liberally as the language permits in favor of
11 applicants.

 COMMENT: Can the listing of statutes be replaced by "This chapter
 shall..."?

12 ~~(16)~~ (18) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or a member
13 of the veteran's family makes application for deferment of payment of monthly installments
14 and waiver of interest charges on ~~veterans'~~ veterans loans made under this chapter, showing
15 that the ability of such the veteran to make payment is materially and adversely affected by
16 reason of military service, the department may, with the approval of the board, defer payment
17 of monthly installments and waive interest charges on ~~veterans'~~ veterans loans made under
18 this chapter for the duration of any period of service in the armed forces of the United States
19 during a national emergency or in time of war or under P.L. 87-117 and 6 months from date
20 of discharge or separation and the time for payment may be extended for a like the same period.
21 However, when funds estimated to be received in the veterans mortgage loan repayment fund

1 to pay debt service on public debt contracted under s. 20.866 (2) (zn) and (zo) are less than
2 the funds estimated to be required for the payment of the debt service, the board may grant
3 deferral of payments and interest on loans provided under s. 45.79 [] only when so required
4 by federal law.

5 ~~(17)~~ **(19)** APPLICATION REQUIREMENTS AND PENALTIES. (a) ~~In any case where~~ If the
6 department finds that an applicant for benefits from the department has willfully made or
7 caused to be made, or conspired, ~~combined, aided or~~ assisted in, agreed to, arranged for, or
8 in any wise way procured the making of a false or fraudulent affidavit, declaration, certificate,
9 statement, or other writing, it may suspend all benefits available to such the applicant from
10 the department under this chapter.

11 (b) Any person who, with the intent to secure any benefits under this chapter, for
12 personal benefit or for others, willfully makes or causes to be made, or conspires, ~~combines,~~
13 ~~aids, or~~ assists in, agrees to, arranges for, or in any wise way procures the making or
14 presentation of a false or fraudulent affidavit, declaration, certificate, statement, or other
15 writing, may be fined not more than \$500 or be imprisoned for not more than 6 months, or both.
16 ~~Such~~ The fine or imprisonment may be imposed in addition to the penalty provided in par. (a).

17 (c) ~~1g.~~ 1. As used in this paragraph, "fair consideration" means the exchange of
18 property, assets, or obligations for a fair equivalent ~~thereof~~, in an amount not
19 disproportionately small or large compared to the value of the property, assets or obligations,
20 as reflected in similar market transactions.

21 ~~1m.~~ 2. The department shall declare immediately due and payable any loan made after
22 July 29, 1979 under a program administered by the department under s. 45.351 [] or subch.
23 H III, if it finds that the loan was granted to an ineligible person due to any of the following
24 circumstances:

1 a. The applicant did not report income amounts as required on the loan application.

2 b. The applicant did not make the disclosures required under subd. ~~2.~~ 3. a., b. or c. on
3 the loan application.

4 c. The applicant transferred assets or liabilities or incurred liabilities for less than fair
5 consideration with the intent to ~~thereby~~ qualify for and secure the loan.

6 ~~2.~~ 3. Loan application forms processed by the department for programs administered
7 under s. 45.351 [] or subch. II ~~III~~ shall do all of the following:

8 a. Require disclosure of any asset with a value over \$500 transferred by the applicant
9 for less than fair consideration, within one year immediately prior to the loan application date.
10 In determining the applicant's need for a loan, the department shall consider ~~such~~ the assets
11 to be assets of the applicant.

12 b. Require disclosure of any liability of more than \$500 incurred by the applicant for
13 less than fair consideration, within one year immediately prior to the loan application date.
14 In determining the applicant's need for a loan, the department shall not consider ~~such~~ the
15 liabilities to be liabilities of the applicant.

16 c. Require disclosure of all liabilities transferred by the applicant within one year
17 immediately prior to the loan application date. ~~Such~~ The liabilities transferred for less than fair
18 consideration shall be considered by the department to be liabilities of the applicant to the
19 extent he or she is liable for their payment or for reimbursement of the transferee.

20 d. Contain notification of the penalties provided for in this paragraph.

21 ~~3.~~ 4. The department shall incorporate the payment acceleration requirements of subd.
22 ~~4m.~~ 2. in all loan documents for programs administered by the department under s. 45.351 [
23] or subch. II ~~III~~.

1 ~~(18)~~ **(20)** LOAN REPAYMENTS. The department shall deposit all repayments of loans and
2 payments of interest made on loans under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s.
3 45.356, 1995 stats., or s. 45.80, 1989 stats., in the veterans trust fund.

4 ~~(19)~~ **(21)** COLLECTIONS. The department may enter into contracts to collect delinquent
5 loan payments owed to the department. The department may allocate a portion of the amounts
6 collected under the contracts to pay contract costs. Notwithstanding the provisions of s. 45.36
7 [___], the department may release information contained in its files pertaining to applications
8 for benefits to contractors providing collection services to the department.

9 ~~(20)~~ **(22)** DEPARTMENT HEADQUARTERS AND MUSEUM. The department may acquire by
10 gift, purchase, or condemnation property for the purposes of providing a headquarters and
11 museum building for the department.

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

 COMMENT: Current s. 45.35 (22) will be moved to the new subchapter
 dealing with housing.

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

16 **SECTION 3.** 45.38 of the statutes is renumbered 45.03 (24) and amended to read:

17 **45.03 (24) Department, additional powers to provide structures, facilities, and**
18 **permanent improvements.** ~~(1)~~ (a) In this section subsection, unless the context requires
19 otherwise:

20 (a) 1. “Existing building” in relation to any conveyance, lease, or sublease made under
21 ~~sub. (2) (a) 1., 2. and 3.~~ par. (b) 1. a., b., and c. means all detention, treatment, administrative,
22 recreational, infirmary, hospital, vocational, and academic buildings; all dormitories and

1 cottages; all storage facilities, heating plants, sewage disposal plants, and such other
2 buildings, structures, facilities, and permanent improvements as that in the judgment of the
3 board are needed or useful for the purposes of the department, and all equipment ~~therefor~~ for
4 them and all improvements and additions ~~thereto which~~ to them that were erected, constructed,
5 or installed prior to the making of such ~~the~~ conveyance, lease or sublease.

6 (b) ~~2.~~ “New building” in relation to any conveyance, lease or sublease made under sub.
7 ~~(2) (a) 1., 2. and 3. par. (b) 1. a., b., and c.~~ means all detention, treatment, administrative,
8 recreational, infirmary, hospital, vocational, and academic buildings; all dormitories and
9 cottages; all storage facilities, heating plants, sewage disposal plants, and such other
10 buildings, structures, facilities, and permanent improvements as in the judgment of the board
11 are needed or useful for the purposes of the department, and all equipment ~~therefor~~ for them
12 and all improvements and additions ~~thereto which~~ to them that are erected, constructed, or
13 installed after the making of such ~~the~~ conveyance, lease or sublease.

14 (c) ~~3.~~ “Nonprofit corporation” means a nonstock corporation that is organized under
15 ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

16 ~~(2) The department shall have and may exercise the powers and duties provided in this~~
17 ~~section.~~

18 (a) ~~(b) 1.~~ In order to provide new buildings and to enable the construction and financing
19 thereof of new buildings, to refinance indebtedness hereafter created by a nonprofit
20 corporation for the purpose of providing a new building or buildings or additions or
21 improvements ~~thereto which are~~ to a new building that is located on land owned by, or owned
22 by the state and held for, the department or on lands of the institutions under the jurisdiction
23 of the department or by the nonprofit corporation, or for any one or more of said these

1 purposes, but for no other purpose unless authorized by law, the department has the following
2 powers and duties:

COMMENT: This subunit and the following subunit refer to "land owned by...the department". Does the department own land?

3 ~~1.~~ a. Without limitation by reason of any other provisions of the statutes, the power to
4 sell and to convey title in fee simple to a nonprofit corporation any land and any existing
5 buildings ~~thereon~~ owned by, or owned by the state and held for, the department or of any of
6 the institutions under the jurisdiction of the department for ~~such~~ the consideration and upon
7 ~~such~~ the terms and conditions as in the judgment of the board are in the public interest.

8 ~~2.~~ b. The power to lease to a nonprofit corporation for a term or terms not exceeding
9 50 years each any land and any existing buildings ~~thereon~~ owned by, or owned by the state and
10 held for, the department or of any of the institutions under the jurisdiction of the department
11 upon ~~such~~ the terms and conditions as in the judgment of the board are in the public interest.

12 ~~3.~~ c. The power to lease or sublease from ~~such~~ the nonprofit corporation, and to make
13 available for public use, any land₁ or any ~~such~~ land and existing buildings conveyed or leased
14 to such nonprofit corporation under ~~subds.~~ subd. 1. and ~~2.~~ a. and b., and any new buildings
15 erected upon such land or upon any other land owned by ~~such~~ the nonprofit corporation, upon
16 ~~such~~ the terms, conditions₁ and rentals, subject to available appropriations, as in the judgment
17 of the board are in the public interest.

18 4. d. The duty to submit the plans and specifications for all ~~such~~ new buildings and all
19 conveyances, leases₁ and subleases made under this ~~section~~ subsection to the department of
20 administration and the governor for written approval before they are finally adopted,
21 executed₁ and delivered.

1 ~~5. e.~~ The power to pledge and assign all or any part of the revenues derived from the
2 operation of any land or ~~such~~ new buildings as security for the payment of rentals due and to
3 become due under any lease or sublease of ~~such~~ new buildings under subd. ~~3. 1. c.~~

4 ~~6. f.~~ The power to covenant and agree in any lease or sublease of any land or new
5 buildings made under subd. ~~3. 1. c.~~ to impose fees, rentals, or other charges for the use and
6 occupancy or other operation of ~~such~~ new buildings in an amount calculated to produce net
7 revenues sufficient to pay the rentals due and to become due under ~~such~~ the lease or sublease.

8 ~~7. g.~~ The power to apply all or any part of the revenues derived from the operation of
9 any land or existing buildings to the payment of rentals due and to become due under any lease
10 or sublease made under subd. ~~3. 1. c.~~

11 ~~8. h.~~ The power to pledge and assign all or any part of the revenues derived from the
12 operation of any land or existing buildings to the payment of rentals due and to become due
13 under any lease or sublease made under subd. ~~3. 1. c.~~

14 ~~9. i.~~ The power to covenant and agree in any lease or sublease made under subd. ~~3. 1.~~
15 ~~c.~~ to impose fees, rentals, or other charges for the use and occupancy or other operation of any
16 land or existing buildings in an amount calculated to produce net revenues sufficient to pay
17 the rentals due and to become due under ~~such~~ the lease or sublease.

18 ~~10. j.~~ The power and duty, upon receipt of notice of any assignment by any ~~such~~ the
19 nonprofit corporation of any lease or sublease made under subd. ~~3. 1. c.~~, or of any of its rights
20 under any ~~such~~ the sublease, to recognize and give effect to ~~such~~ the assignment, and to pay
21 to the assignee ~~thereof~~ rentals or other payments then due or which may become due under
22 any ~~such~~ the lease or sublease which has been so assigned by ~~such~~ the nonprofit corporation.

23 ~~(b) 2.~~ The state shall be liable for accrued rentals and for any other default under any
24 lease or sublease made under ~~par. (a) 3. subd. 1. c.~~, and may be sued ~~therefor~~ for the accrued

1 rentals or other default on contract as in other contract actions pursuant to ch. 775, except that
2 ~~it shall not be necessary~~ for the lessor under any such the lease or sublease or any assignee of
3 ~~such the~~ lessor or any person or other legal entity proceeding on behalf of ~~such the~~ lessor is
4 not required to file any claim with the legislature prior to the commencement of any such the
5 action.

6 (e) 3. Nothing in this ~~section~~ subsection empowers the board or the department to incur
7 any state debt.

8 (d) 4. All powers and duties conferred upon the board or the department ~~pursuant to~~
9 under this section subsection shall be exercised and performed by resolution of the board. All
10 conveyances, leases, and subleases made ~~pursuant to~~ under this section subsection, when
11 authorized ~~pursuant to~~ by resolution of the board, shall be made, executed, and delivered in
12 the name of the department and shall be signed by the director and sealed with the seal of the
13 department.

COMMENT: Who is the "director" referenced above?

14 (e) 5. All laws, conflicting with any provisions of this ~~section~~ subsection, are, insofar
15 as they conflict with this section and no further, superseded by this ~~section~~ subsection.

16 **SECTION 4.** 45.36 of the statutes is renumbered 45.04 and amended to read:

17 **45.04 Release of information and records ~~by the department and by county~~**
18 **~~veterans' service offices.~~** (1) DEFINITIONS. In this section:

19 (b) "Duly authorized representative" means any person authorized in writing by the
20 veteran to act for the veteran, the veteran's guardian if the veteran is adjudicated incompetent,
21 or a legally constituted representative if the veteran is ~~incompetent~~ or deceased. Where for
22 proper reason no representative has been or will be appointed, the veteran's spouse, an adult

1 child, or, if the veteran is unmarried, either parent shall be recognized as the duly authorized
2 representative.

3 (c) "Service office" means a county ~~veterans'~~ veterans service office.

4 (2) SEPARATION DOCUMENTS. Separation documents and copies thereof ~~of separation~~
5 documents evidencing service in the armed forces of the U.S. are confidential and privileged.
6 Examination of ~~such~~ these records in the possession of the department or service office ~~will~~
7 ~~be~~ is limited to authorized employees of the department or service office and information
8 entered ~~thereon will~~ in these records may be disclosed only to veterans and their duly
9 authorized representatives or to interested governmental agencies for the purpose of assisting
10 veterans and their dependents to obtain the rights and benefits to which they may be entitled.

11 (3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS. Records and papers in the
12 possession of the department or service office ~~which~~ that are released to the department or
13 service office by ~~or from~~ the U.S. department of veterans affairs or ~~which~~ that contain
14 information provided by the U.S. department of veterans affairs are confidential. Release of
15 information from ~~such~~ these records or papers may be made only ~~pursuant to~~ under regulations
16 of the U.S. department of veterans affairs.

17 (4) INVESTIGATION. All reports of investigation made by employees of the department
18 or at the direction of the department for official departmental purposes are only for the use of
19 the secretary and staff. Materials and information ~~which~~ that disclose the investigative
20 techniques of the department or the identity of confidential informants and material received
21 in confidence by representatives of the department may not be released.

22 ~~(4m)~~ (5) VITAL RECORDS. The service office may obtain a copy of a vital record under
23 s. 69.30 (2) and may transmit the copy to the department or to the U.S. department of veterans

1 affairs to assist a veteran or his or her dependent in obtaining a benefit to which he or she may
2 be entitled.

3 ~~(5)~~ (6) DISCLOSURE OF MONETARY BENEFITS. The department shall disclose, to any person
4 who requests, the amount of any grant or loan made by the department to any applicant. A
5 person seeking such this information shall be required to sign a statement setting forth the
6 person's name, and address and the reason for making the request and certifying that the
7 person will not use the information obtained for commercial or political purposes.

8 ~~(5m)~~ (7) DISCLOSURE OF LOAN STATUS INFORMATION. The department may disclose to a
9 consumer reporting agency, as defined in 15 USC 1681a (f), the current repayment status of,
10 the balances due on, and other relevant information pertaining to department loans that is
11 readily accessible from current department computer tapes on any loans on which balances
12 are due and owing the department. The department may charge consumer reporting agencies
13 requesting these computer tapes an amount sufficient to cover all the costs of preparation and
14 delivery of the tapes.

COMMENT: Can "from current department computer tapes" be deleted?
In the alternative, should the reference be to "current department
computer files"?

15 ~~(6)~~ (8) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to ~~(5)~~ (6),
16 all files, records, reports, papers, and documents pertaining to applications for benefits from
17 the department, and information contained ~~therein~~ in them, ~~shall~~ may be released by the
18 department or service office only ~~pursuant to~~ under rules of the department. The rules ~~must~~
19 shall provide for the furnishing of information required under sub. ~~(5m)~~ (7) and for official
20 purposes by any agency of the U.S. government, by any agency of this state, by any law
21 enforcement or public welfare agency of any Wisconsin county, or by members of the state
22 senate and assembly. The rules ~~will~~ shall otherwise provide for release of personal

1 information pertaining to or contained in any application for benefits, whether pending or
2 adjudicated, only when authorized in writing by the applicants or when necessary to assist
3 applicants in securing veterans benefits that the applicants may be entitled to or when
4 necessary for the efficient management of loans made by the department.

COMMENT: Can "public welfare agency" be made more specific?

5 SECTION 5. 45.21 of the statutes is renumbered 45.05 and amended to read:

6 **45.05 Registration of certificate of discharge.** Every person who has served in the
7 U.S. armed forces at any time, and who has been honorably discharged or given a certificate
8 of service or relieved from active service may record with the register of deeds of any county,
9 in a suitable book provided by the county for that purpose, a certificate of discharge or release.
10 The certificate shall be accessible only to the discharged person or that person's dependents,
11 the county ~~veterans'~~ veterans service officer, the department, or any person with written
12 authorization from the discharged person or that person's dependents. The register of deeds
13 may not charge for recording, except that in counties where the register of deeds is under the
14 fee system and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag).
15 The record of any certificate of discharge or release made prior to July 6, 1919, is legalized.

COMMENTS: 1. Can "veteran" be substituted for "person who has served
in the U.S. armed forces at any time, and who has been honorably
discharged"?

2. Is the last sentence of this section needed?

3. Is "dependents" the correct term? This might preclude, for example,
an adult child or a guardian from having access to the certificate.

16 SECTION 6. 45.48 of the statutes is renumbered 45.06 and amended to read:

17 **45.06 Veterans' papers, medals, etc., as security Security.** (1) It shall be unlawful
18 for any person to receive or accept as a security or to withhold from a veteran or honorably
19 discharged soldier, sailor or marine any discharge paper, citation, warrant, medal, badge, or

1 evidence upon which ~~such~~ the veteran is entitled to certain rights, as a veteran under the laws
2 of the United States or of this state, and any transfer of the ~~same~~ item during the life of the
3 veteran upon a consideration or otherwise shall be null and void, and the refusal or willful
4 neglect of any person to return or deliver upon demand, ~~any such~~ the discharge paper, citation,
5 warrant, medal, badge, or evidence aforesaid ~~shall be deemed a misdemeanor~~ is punishable
6 as provided in sub. (2).

7 (2) Any person who violates this section shall be fined not more than \$100 or
8 imprisoned not more than 6 months, or both.

9 **SECTION 7.** 45.014 and 45.02 of the statutes are consolidated, renumbered 45.07 and
10 amended to read:

11 **45.07 Wisconsin Veterans Museum.** (1) The department of administration shall
12 provide suitable space for the purpose of a memorial hall, designated as the Wisconsin
13 Veterans Museum, dedicated to the men and women of Wisconsin who served in the armed
14 forces of the United States in the civil war of 1861 to 1865 or who meet one of the conditions
15 listed in s. 45.001 (4) (a) 1. a. to d., and the [____]. ~~The~~ department of veterans affairs shall
16 operate and conduct the Wisconsin Veterans Museum. The mission of the Wisconsin Veterans
17 Museum is to acknowledge, commemorate, and affirm the role of Wisconsin veterans in the
18 United States of America's military past by means of instructive exhibits and other educational
19 programs.

COMMENT: Can "and conduct" be deleted?

20 ~~**45.02 Memorial collection.**~~ (2) The battle flags of Wisconsin units serving in the
21 nation's wars and all relics and mementos of the nation's wars donated to or otherwise acquired
22 by the state for display in the Wisconsin Veterans Museum shall constitute the memorial
23 collection. The department shall do all of the following:

1 (1) (a) Catalog and identify all war relics and mementos of the memorial collection.

2 (2) (b) Restore, preserve, and safeguard the relics and mementos of the memorial
3 collection.

4 (3) (c) Procure additions to the memorial collection.

5 (4) (d) Provide proper display equipment and display the memorial collection to make
6 it instructive and attractive to visitors.

7 **SECTION 8.** 45.49 of the statutes is renumbered 45.08 and amended to read:

8 **45.08 Memorial day; veterans to be given leave of absence on.** (1) The head of every
9 department of the state government and of every court of the state, every superintendent or
10 foreman on the public works of the state, every county officer, and the head of every
11 department or office in any town, village, city, or other political subdivision of the state, shall
12 give a leave of absence with pay for 24 hours on the last Monday in May of each year, which
13 shall be the day of celebration for May 30, to every person in the employ of the state or any
14 county, town, village, or city ~~therein~~, who has at any time served in and been honorably
15 discharged from the army, air force, coast guard, merchant marine, navy, or marine corps of
16 the United States. A refusal to give such the leave of absence to ~~one~~ a person entitled ~~thereto~~,
17 ~~shall constitute~~ to the leave constitutes neglect of duty.

COMMENT: Can “veteran” be substituted for “person” in the first
sentence and “who has at any time served in and been honorably
discharged from the army, air force, cost guard, merchant marine, navy,
or marine corps of the United States” be deleted?

18 (2) In all cities, ~~however organized, where~~ if the nature of the duties of the several
19 departments of government of such the cities ~~is such as to necessitate~~ necessitates the
20 employment of members of such the departments on Memorial day, the head of ~~each such~~ the
21 department shall arrange and assign such the necessary work in such a manner as to permit

1 the largest possible numbers of employees of such the department to be off duty either the
2 whole all or part of Memorial day.

3 **SECTION 9.** 45.52 of the statutes is renumbered 45.09 and amended to read:

4 **45.09 Physical disability does not disqualify for public employment.** A veteran who
5 has suffered a physical disability as a direct result of military or naval service shall not on that
6 account be barred from employment in any public position or employment whether under
7 state, county, or municipal civil service or otherwise, if the licensed physician making a
8 physical examination of the veteran for the public employer certifies that the applicant's
9 disability will not materially handicap the veteran in the performance of the duties of the
10 position.

COMMENT: Is this section needed? The Wisconsin fair employment act and the federal Americans with disabilities act prohibit employment discrimination based on disability. Under s. 111.34 (2) (a), stats., it is not employment discrimination "...if the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment...".

11 (END)