

CHAPTER 326

AN ACT to repeal 45.10 (2), 45.37 (2) (b), (c) and (e) and (3) (a), 45.39 and 45.396 (1) and (2); to renumber 45.37 (2) (d), (f), (g) and (h) and (3) (b) and 45.396 (3); to renumber and amend 45.10 (1) 45.35 (13) and 45.37 (2) (i) and (j) and (3) (c); to amend 20.551 (2), 20.840 (72), 25.36 (2), 45.12 (1), 45.16, 45.18, 45.185 (1), 45.21, 45.30, 45.35 (5), (5a) (intro. par.), (5c), (7a), (8b) and (9), 45.352 (4) (b), 45.37 (2) (intro. par.) and (a), (5) (a), (6) (a) and (c), (7) (c) and (e), 45.395 (1), 45.396 (title), 45.40 (2), 45.42 and 45.43 (6); to repeal and recreate 45.04; and to create 45.35 (5a) (da) and (13) (b) and 45.37 (1a) and (5) (d) of the statutes, relating to the organization and operation of the department of veterans affairs.

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

SECTION 1. 20.551 (2) of the statutes is amended to read:

20.551 (2) On July 1, 1961, all moneys in the postwar rehabilitation trust fund, soldiers rehabilitation trust fund and veterans housing trust fund are transferred to the veterans trust fund. All moneys received from the federal government for the benefit of veterans or their dependents * * * shall be paid into and credited to this fund. All moneys paid as interest on and repayment of loans under the postwar rehabilitation fund, soldiers rehabilitation fund, veterans housing trust fund as they existed prior to July 1, 1961, or paid as interest on and repayment of loans under this fund are paid into and credited to this fund. All gifts of money received by the board of veterans affairs for purposes covered by this fund are deposited therein.

SECTION 2. 20.840 (72) of the statutes is amended to read:

20.840 (72) Annually beginning July 1, 1961, \$1,500,000 from the veterans trust fund for the payment of benefits to veterans and their dependents under ch. 45, and for the hospitalization of veterans * * * under s. 45.38 (1) * * * .

SECTION 3. 25.36 (2) of the statutes is amended to read:

25.36 (2) The moneys appropriated from the veterans trust fund by s. 20.840 (81) shall be allocated, on March 1, July 1 and November 1, as follows: \$200,000 to be used by the department for housing loans in those counties which from time to time have exhausted allocations provided herein, and the balance shall be allocated in the several counties as nearly as practicable on the basis of veterans population.

SECTION 5. 45.04 of the statutes is repealed and recreated to read:

45.04 G.A.R. MEMORIAL HALL; SUPERINTENDENT. The department of veterans affairs shall catalog and identify all war relics and mementos of the memorial collection, restore, preserve and safeguard such items, procure additions to such collection, provide proper display equipment, and to so display such collection as to make it instructive and attractive to visitors to the state capitol. For such purposes, a superintendent of said memorial hall shall be appointed by the department of veterans affairs for a term of 4 years. Such appointee shall not be under the classified service.

SECTION 6. 45.10 (1) of the statutes is renumbered 45.10 and amended to read:

45.10 COUNTY TAX FOR NEEDY VETERANS. Every county board shall annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section, such tax to be levied and collected as other county taxes for the purpose of providing aid to needy * * * veterans, the needy wives, widows, minor and dependent children of such * * * veterans and the needy parents of such * * * veterans entitled to aid under ss. 45.10 to * * * 45.15, and to carry out the purposes of ss. 45.16 to 45.185.

SECTION 7. 45.10 (2) of the statutes is repealed.

SECTION 8. 45.12 (1) of the statutes is amended to read:

45.12 (1) Every county judge shall on or before the second Monday in December appoint 3 residents of the county, each of whom shall be * * * a veteran, one of such appointees to serve 3 years, one to serve 2 years, and one to serve one year from the date of appointment, as the "County Veterans' Service Commission" of such county.

SECTION 9. 45.16 of the statutes is amended to read:

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

SECTION 10. 45.18 and 45.185 (1) of the statutes are amended to read:

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

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

SECTION 11. 45.21 of the statutes is amended to read:

45.21 Every person * * * who has served in the armed forces of the U.S. at any time, and who has been honorably discharged or given a certificate of service or relieved from active service may cause to be recorded with the register of deeds of some county within this state, in a suitable book to be provided by the county for that purpose, his or her certificate of discharge or release, said certificate to be accessible only to such * * * person, his dependents, the county veterans service officer, Wisconsin department of veterans affairs, or any person with written authorization from the * * * person discharged or his dependents to see said certificate. The register of deeds so recording such certificate shall make no charge for such service, except that in counties where the register of deeds is under the fee system and not paid a fixed salary he shall be paid a fee of 25 cents, by the county, for each certificate so recorded. The record of any such certificate heretofore made is hereby legalized.

SECTION 12. 45.30 of the statutes is amended to read:

45.30 COMMITMENT OF INSANE PERSON. (1) (a) Whenever it appears that any * * * person is eligible for treatment in a U.S. veterans facility and commitment is necessary for the proper care and treatment of such * * * person, any court of record of the county in which the * * * person is found may, upon receipt of a certificate of eligibility from the veterans administration, after adjudging the * * * person insane in accordance with law, direct such * * * person's commitment to the veterans administration for hospitalization in a U.S. veterans facility. Upon admission to any such facility, the * * * person shall be subject to the rules and regulations of the veterans administration. The chief officer of such facility is vested with the same powers exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention, transfer or parole of the * * * person committed.

(b) Notice of pending commitment proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied. The commitment of a * * * person to a veterans facility within this state by a judge of or a court of record of another state under a similar provision of law has the same force * * * as if such commitment were made by a court of this state. After a * * * person has been legally committed to any hospital or asylum for the insane in this state the superintendent of such hospital or asylum in any county having a population of 500,000 or more or the state department of public welfare when the commitment has been made to any other such hospital or asylum, upon receipt of a certificate of eligibility from the veterans administration evidencing the right of such * * * person to be admitted to a veterans facility, may transfer such * * * person to such facility and the cost of the * * * person's transportation, together with that of any necessary attendant, shall be a proper charge against such * * * person's care in such institution. After such transfer the powers granted by this section to the superintendent of such veterans facility shall be applicable. Any * * * person transferred as provided in this subsection shall be deemed committed to the veterans administration pursuant to the original commitment.

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

SECTION 13. 45.35 (5) and (5a) (intro. par.) of the statutes are amended to read:

45.35 (5) The administrative functions of the department shall be in charge of a director appointed by the governor by and with the consent of the senate for an indefinite term * * * *outside the classified service*. The director shall appoint * * * *under the classified service* such persons as may be necessary to carry out the policy of the board and shall designate a suitable person in the employ of the department as his deputy to act in his name * * * during the absence or disability of the director. He shall also appoint with the approval of the board a custodian and superintendent of memorial hall pursuant to s. 45.04. *All such persons appointed shall, insofar as may be possible, be veterans as defined in sub. (5a) and preference shall be given to disabled veterans.*

(5a) (intro. par.) "Veteran" as used in this chapter, except in * * * s. 45.37 and unless otherwise * * * *modified*, means any person who served under honorable conditions in the active military or naval service of the U.S. for 90 days or more during a war period, as enumerated below, or if having served less than 90 days was honorably discharged for a *service-connected disability* * * * *or for a disability subsequently adjudicated to have been service-connected*, who has * * * *been a resident of this state for at least 10 years next preceding his application or was a resident of this state at the time of his enlistment or induction into service and * * * is a resident of and living in this state at the time of making application* * * *. If the service was in more than one period, * * * *either* period must have been served under honorable conditions or have been terminated by an honorable discharge. The benefits available to veterans shall also be made available to the dependents of * * * *persons who served under honorable conditions in the active military or naval service of the U.S. and who were officially reported missing in action, killed in action or who died in service.*

SECTION 14. 45.35 (5a) (da) of the statutes is created to read:

45.35 (5a) (da) Mexican border service; between June 19, 1916, and April 5, 1917.

SECTION 15. 45.35 (5c), (7a), (8b) and (9) of the statutes are amended to read:

45.35 (5c) No veteran and no dependent of a veteran is eligible for any benefit provided by this section without specific authorization by the board if such person has received from another state any bonus payment provided for him because of military service in World War II or * * * *the Korean conflict* or provided for him because of being a dependent of a person who had such military service, *unless such veteran served in more than one war period as defined in sub. (5a) (f) and (g) and is qualified by virtue of being a resident of this state at the time of his enlistment or induction into service for a war period other than that for which he received such bonus payment.*

(7a) The department upon request shall assist all persons residing in the state * * * having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of service in the wars of the country. To this end it shall co-operate with their agents or attorneys, advise as to the legality of claims, furnish all necessary certificates and certified abstracts from and copies of records and documents in its office, and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may hereafter be filed. It shall also in cases where it may be expedient act as agent or attorney of record in prosecuting claims for such persons * * * *requesting* it to do so; provided, that for any such services rendered no person in the employ of the department shall make any charge or demand or receive from

the said claimants or any of them, directly or indirectly, any pay or compensation whatever. It shall provide for registration with the register of deeds of each county the names of all persons from such county who died in the services of the United States during the Spanish-American War, Philippine insurrection * * * , *Boxer rebellion, Mexican border service, World Wars I and II or the Korean conflict.*

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

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

SECTION 15m. 45.35 (13) of the statutes is renumbered 45.35 (13) (a) and amended to read:

45.35 (13) (a) The department may receive money, lands or other gifts in its name for the benefit of Wisconsin veterans and their dependents, or either, in accordance with policies adopted by the board. Such money shall be deposited in the state treasury and credited to the veterans trust fund and is appropriated therefrom by s. 20.840 * * * (83) to the department to be used in accordance with such policies.

SECTION 15n. 45.35 (13) (b) of the statutes is created to read:

45.35 (13) (b) The department may also receive moneys or other gifts and bequests in its name for the benefit of the G.A.R. memorial hall. All moneys so received shall be deposited in the state treasury and credited to the veterans trust fund and is appropriated therefrom by s. 20.840 (83) to the department to be used, as far as practicable in accordance with the wishes of the donors, and in accordance with the policies adopted by the board.

SECTION 16. 45.352 (4) (b) of the statutes is amended to read:

45.352 (4) (b) Can show to the satisfaction of the department that the total cost of such home, including land, does not exceed \$17,500, *and in the case of improvement loans the total cost to the veteran shall be the original cost plus improvements less normal depreciation.*

SECTION 17. 45.37 (1a) of the statutes is created to read:

45.37 (1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served under honorable conditions in the active military or naval service of the U.S. for at least one day during a war

period, as defined in s. 45.35 (5a) (a) to (g), and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

SECTION 18. 45.37 (2) (intro. par.) and (a) of the statutes are amended to read:

45.37 (2) (intro. par.) * * * *Veterans* who meet the following requirements may be admitted to the home:

(a) Were bona fide residents of * * * *this state* at the time of entering service with the armed forces and who have resided in * * * *this state* continuously for * * * 5 years next preceding the date of application for membership. Residence may not be initiated by residence in a U.S. veterans administration facility. Members who die while residents of the home shall be deemed residents of Waupaca county for all purposes connected with the administration of their estates.

SECTION 19. 45.37 (2) (b), (c), (e) and (3) (a) of the statutes are repealed.

SECTION 20. 45.37 (2) (d), (f), (g) and (h) of the statutes are renumbered 45.37 (2) (b), (c), (d) and (e), respectively.

SECTION 21. 45.37 (2) (i) and (j) of the statutes are renumbered 45.37 (2) (f) and (g), respectively, and amended to read:

45.37 (2) (f) Reports or has total assets under * * * \$1,000, unless the applicant for membership agrees to turn over such assets in excess of * * * \$1,000 to the state for the sole use and benefit of the home. Such assets shall be held in escrow by the home for 60 days, any time during which the applicant may decide to leave the home, and demand the funds in escrow less the actual cost of his care and maintenance, in addition to payments under * * * *sub. (9)*.

(g) Has not within 5 years immediately prior to application for admission conveyed or disposed of property or any interest therein of a value in excess of * * * \$1,000 by gift or sale for an inadequate consideration, except in cases where the property is conveyed to the state. If the department determines that any such conveyance or disposition of property had no relation to prospective entrance into the home, the last provision shall not be applicable.

SECTION 22. 45.37 (3) (b) of the statutes is renumbered 45.37 (3) (a).

SECTION 23. 45.37 (3) (c) of the statutes is renumbered 45.37 (3) (b) and amended to read:

45.37 (3) (b) Veterans whose services are not credited to Wisconsin but who are otherwise qualified for membership may be admitted if they have resided continuously in this state for the * * * 10 years next preceding the date of application.

SECTION 24. 45.37 (5) (a) of the statutes is amended to read:

45.37 (5) (a) They have lived continuously with the veteran husband not less than * * * 5 years immediately before making application for membership; and

SECTION 25. 45.37 (5) (d) of the statutes is created to read:

45.37 (5) (d) Wives of eligible veterans by virtue of bona fide marriage invalidly entered into but validated prior to application for admission shall, for the purpose of this subsection and sub. (6), be considered married to such eligible veterans from the dates such invalid marriages were entered into.

SECTION 26. 45.37 (6) (a) and (c), (7) (c) and (e) of the statutes are amended to read:

45.37 (6) (a) They were married to and living with their veteran husbands not less than * * * 5 years immediately prior to the death of the veteran, or were married to the veteran at the time the spouse entered the service and were widowed by the death of the spouse in the service or as a result of physical disability incurred during such service and before they were married * * * 5 years, or the period in which they were married and lived with the spouse plus the period of their widowhood is * * * 5 years or more, *or were married to and living with their veteran husbands less than 5 years and a child was born of the marriage*; and

(c) Are * * * 45 years of age or over at the date of application; and

(7) (c) Have resided in this state continuously for the * * * 5 years next preceding the date of application for membership; and

(e) If their veteran son died during a war period or subsequently died of a service-connected disability * * * .

SECTION 27. 45.39 of the statutes is repealed.

SECTION 28. 45.395 (1) of the statutes is amended to read:

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

SECTION 29. 45.396 (title) of the statutes is amended to read:

45.396 (title) EXTENSION COURSES FOR WORLD WAR II AND KOREAN CONFLICT VETERANS.

SECTION 30. 45.396 (1) and (2) of the statutes are repealed.

SECTION 31. 45.396 (3) of the statutes is renumbered 45.396.

SECTION 32. 45.40 (2) of the statutes is amended to read:

45.40 (2) The written lease entered into between the Wisconsin state department of the American Legion and the conservation commission dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force * * * for an additional 10 years, notwithstanding the expiration of the term expressed therein, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 * * * maintains on such property structures which * * * were constructed prior to May 31, 1956, at the expense of the Wisconsin state department of the American Legion or any such post, for the purpose of the rehabilitation, restoration or recreation of veterans and their dependents of *the Spanish-American war, the Philippine insurrection, the Mexican border service, World Wars I and II and the Korean conflict.*

SECTION 33. 45.42 of the statutes is amended to read:

45.42 BURIAL PLACES COMPILED. (1) The Wisconsin department of veterans affairs shall compile a record of the burial places within the state of * * * persons who served in the * * * armed forces of the U.S. under honorable conditions in time of war as defined in s. 45.35 (5a) (a) to (g). Such record, so far as practicable, shall indicate the name of each such person; the service in which he was engaged * * * the appropriate designation of his armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which his body is interred; the location of the grave in such cemetery or other place; and the character of headstone or other marker if any, at such grave.

(2) The department shall cause blank forms to be prepared whereby the information required for such record may be transmitted to it. * * * The county veterans service officer within whose county are located any cemetery or burial place * * * in which are interred the bodies of persons who served in the * * * armed forces of the U.S. in time of war as defined in s. 45.35 (5a) (a) to (g), shall file with the department a certificate on the forms provided by it of the facts required for such record, so far as the same are within the knowledge of such * * * county veterans service officers. The department shall cause blank certificates to be distributed to such * * * county veterans service officers as it deems advisable, with a request that such information be transmitted to it * * *.

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

SECTION 34. 45.43 (6) of the statutes is amended to read:

45.43 (6) The county veterans service officer shall co-operate with the several federal and state agencies which render services or grant aids or benefits to veterans and their dependents, and shall furnish information relative to the burial places within the state of persons, as required by s. 45.42 (2).

Approved September 12, 1963.