

Assembly Bill 378

Date published:
July 11, 1967

CHAPTER 66, LAWS OF 1967

AN ACT to repeal 45.37 (5) (c) and (7) (a) and (e); to renumber 45.352 (4) (d) and 45.37 (5) (d), (7) (b), (c) and (d); to renumber and amend 45.352 (4) (b); to amend 14.53 (5m), 16.18 (1), 20.840 (2) (um), 45.35 (5), (5a) (intro.), (5b) (intro.), (7), (8) (a) and (14) (e), 45.351 (2), 45.352 (2) and (4) (a) and (c), 45.365 (1), 45.37 (1), (2) (a) and (3) (b), (6) (intro.), (a) and (f) and (7) (intro.), (7) (b), as renumbered, (9) (last par.), (10) (a), (11) and (15) (b), 45.396, 45.42 (1), 59.575 (1) and 176.62 (2) (b); to repeal and recreate 45.37 (5) (a) and (b) and 45.42 (2); and to create 45.352 (9), 45.36 and 45.37 (15) (c) of the statutes, relating to veterans' affairs, exempting servicemen's incomes from taxation, including fire watchmen employed by the Grand Army home in the Wisconsin retirement fund and making an appropriation.

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

SECTION 1. 14.53 (5m) of the statutes is amended to read:

14.53 (5m) The attorney general shall furnish all legal services required by the state of Wisconsin investment board, the highway commission, the motor vehicle department, the conservation commission, the state teachers retirement board, ~~and the board of trustees of the Wisconsin retirement fund, and the department of veterans' affairs,~~ together with such other services, including stenographic and investigational, as are necessarily connected with such legal work. The attorney general shall at the end of each fiscal year render to the respective departments herein enumerated a statement of the total cost of such legal and other services including travel expenses and legal expenses enumerated in s. 20.180 (1) (e). Upon receipt of such statement, the respective department head shall certify the amount thereof to the department of administration to be paid into the general fund of the state treasury out of his proper appropriation.

SECTION 2. 16.18 (1) of the statutes is amended to read:

16.18 (1) Appointing officers shall give written notice to the department of administration of the existence of any vacancy to be filled in any office or employment in the classified service, under ss. 16.01 to 16.32, and the director shall certify from the register of eligibles appropriate for the grade and class in which the position is classified, the 3 names at the head thereof, which have not been certified 3 times. Whenever an employing officer notifies the department of administration of a vacancy to be filled he shall indicate whether he wishes certification to be made from an appropriate re-employment or original employment register for the grade or class. Whenever eligibles are certified, they must be those candidates who have been graded highest in an examination held in pursuance of ss. 16.01 to

16.32, and the rules made in accordance therewith, except that there shall be no restriction as to age in the case of veterans and except that other conditions being equal, a preference shall be given in favor of veterans of any of the wars of the United States in accordance with the dates specified in s. 45.35 (5a) or veterans who served under section 1 of executive order 10957, dated August 10, 1961, or had service entitling them to receive either the armed forces expeditionary medal established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965. The employing officer shall not reject because of age any eligible veteran, 55 years of age or less, whose name has been certified to him. Preference is hereby defined to mean that whenever an honorably discharged veteran competes in any examination conducted by the bureau he shall be accorded 5 points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be accorded another 5 points, in addition to earned ratings therein. In every case after a name has been certified 3 times, it may be dropped from the list by the director, but certificates for temporary appointment shall not be counted as one of such certificates.

SECTION 3. 20.840 (2) (um) of the statutes is amended to read:

20.840 (2) (um) A sum sufficient but not to exceed ~~\$1,500,000~~ \$2,000,000 each year for payment of benefits to veterans and their dependents under ss. 45.351 and 45.396.

SECTION 4. 45.35 (5), (5a) (intro.), (5b) (intro.), (7), (8) (a) and (14) (e) 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. *The appointment of a person as deputy pursuant to this subsection shall not affect such person's status under the classified civil service, but for each month that such person serves as deputy he shall receive additional compensation not to exceed \$75.* He shall also appoint with the approval of the board a 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.) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces which service entitled him to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for 90 days or more during a war period as enumerated below or under section 1 of executive order 10957, dated August 10, 1961, 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 died in service, who has been a resident of this state for at least 10 years next preceding his application or his death or who was a resident of this state at the time of his enlistment or induction into service and is either a resident of and living in this state qualifying at the time of making application or is deceased. If the ~~service was in person had more than one wartime period, qualifying term of service in, at least one entire period term of service~~ must have been under honorable conditions or have been terminated by an honorable discharge. The benefits available to veterans shall also be made available to the unmarried widows, widowers and minor or dependent children

of persons who were residents of the state at the time of their enlistment or induction into service, who served on active duty under honorable conditions in the U.S. armed forces and who were officially reported missing in action, killed in action or who died in service during a war-time period deceased veterans if such widows, widowers or minor or dependent children are residents of and living in this state at the time of making application.

(5b) (intro.) "Dependent" of a veteran as used in this section and s. 45.351 includes only:

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

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

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

SECTION 5. 45.351 (2) of the statutes is amended to read:

45.351 (2) The department may lend any veteran not more than ~~\$1,500~~ \$2,000 to be used for the purchase of a business or business property or the repairing or adding to his home or business property, *the construction of a garage*, the education of himself or his children or to provide essential economic assistance, where the veteran's need is established to the satisfaction of the department and he is unable to meet that need from his own resources or available credit upon manageable terms. The department may prescribe loan conditions, but the interest rate shall be 2% 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, *post bonds* and 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 ~~\$1,500~~ \$2,000 to any veteran's widow ~~who has not remarried for herself or a~~ *the education of his minor or dependent child or children of a veteran whose death was directly or indirectly due to service causes if (a) such veteran otherwise would have qualified for such a loan, and (b) if such widow or child has resided is a resident of and living in this state for 5 years immediately preceding the* on the date of application.

SECTION 6. 45.352 (2) and (4) (a) of the statutes are amended to read:

45.352 (2) (a) The department may loan not to exceed \$4,000 ~~on the value of the housing accommodation for which it is made for the purchase of a home, including land, building, improvements, and a housing accommodation, garage and other improvements, for the construction of a home including land, housing accommodation and garage or for the improvement of a housing accommodation and garage~~, to any veteran making application therefor and establishing his qualifications and right to such loan under this section to the satisfaction of the department. Subject to such limitation the amount of each loan shall be fixed by the department with due regard to the conditions and requirements of the applicant. Loans granted under this section shall be paid out of the appropriation in s. 20.840 (2) (y). All re-

ceipts of interest and principal on such loans, payments of losses by insurers, and any other collections shall be deposited in the veterans trust fund.

(b) The department in administering this section is directed to determine that the total cost to the veteran of any premises to be purchased or constructed by him does not exceed its market value, *that the value of the land and nonhousing improvements thereon is not disproportionate to the value of the housing accommodation*, that the veteran will not be incurring an excessive indebtedness in view of his income, and that the veteran requires a loan in addition to his own funds. If the department determines that the applications for loans exceed the funds available, the department shall give priority to the most necessitous cases and take all action necessary to spread the available funds among the maximum possible number of veterans.

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

SECTION 7. 45.352 (4) (b) of the statutes is renumbered 45.352 (4) (d) and amended to read:

45.352 (4) (d) Can show to the satisfaction of the department that the total cost of ~~such home, including land~~ *the housing accommodation including garage, but excluding land and other nonhousing improvements thereon*, does not exceed ~~\$20,000~~ *\$18,000*, and in the case of improvement loans the total cost ~~to the veteran~~ *of the housing accommodation and garage* shall be the original cost plus improvements less normal depreciation.

SECTION 8. 45.352 (4) (c) of the statutes is amended to read:

45.352 (4) (c) Has available ~~for application and applies~~ *on the total cost of such home, including land, housing accommodation, garage and other improvements*, an amount equivalent to at least 5% of such total cost. Such amount may consist of money and other assets, including *equity in such home or in land to be used for the construction, which land may be taken at its assessed valuation for taxation purposes upon which the housing accommodation is to be constructed*.

SECTION 9. 45.352 (4) (d) of the statutes is renumbered 45.352 (4) (b).

SECTION 10. 45.352 (9) of the statutes is created to read:

45.352 (9) The department may execute necessary instruments, collect interest and principal, compromise indebtedness, sue and be sued, post bonds, and write off indebtedness which is deemed uncollectible.

SECTION 11. 45.36 of the statutes is created to read:

45.36 RELEASE OF INFORMATION AND RECORDS BY THE WISCONSIN DEPARTMENT OF VETERANS AFFAIRS AND COUNTY VETERANS SERVICE OFFICES. (1) DEFINITIONS. In this section:

(a) "Department" means the Wisconsin department of veterans affairs.

(b) "Service office" means a county veterans service office.

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

(3) VETERANS ADMINISTRATION RECORDS. Records and papers in the possession of the department or service office which are released to the department or service office by or from the veterans administration or which contain information provided by the veterans administration are confiden-

tial. Release of information from such records or papers may be made only pursuant to veterans administration regulations.

(4) INVESTIGATION. All reports of investigation made by employes of the department or at the direction of the department for official departmental purposes are for the use of the director and his staff only. Materials and information which disclose the investigative techniques of the department or the identity of confidential informants and material received in confidence by representatives of the department will not be released.

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

(6) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (5), all files, records, reports, papers and documents pertaining to applications for benefits from the department, and information contained therein, shall only be released by the department or service office pursuant to rules of the department. Such rules must provide for the furnishing of information required for official purposes by any agency of the U.S. government, any agency of this state, any law enforcement or public welfare agency of any Wisconsin county or municipality, or by members of the state senate and assembly, and will otherwise provide for release of personal information pertaining to or contained in any application for benefits, whether pending or adjudicated, only where authorized in writing by the applicants or where necessary to assist applicants in securing veterans benefits to which they may be entitled or where necessary for the efficient management of loans made by the department.

SECTION 12. 45.365 (1) of the statutes is amended to read:

45.365 (1) The Wisconsin department of veterans affairs, hereafter in this section *and in s. 45.37* referred to as the department, shall operate and conduct the Grand Army home for veterans at King, hereafter in this section *and in s. 45.37* referred to as the home, and employ a commandant and such other officers, nurses, attendants and other personnel as may be necessary for the proper conduct of the home. In compliance with the compensation plan established pursuant to s. 16.105 (4) it may recommend to the bureau of personnel charges for meals, living quarters, laundry and other services furnished to employes and members of the employes' family maintained as such. All moneys received from every person for or on account of such services shall be paid within one week after receipt into the general fund and shall be credited to the appropriation provided for this purpose by ch. 20. Complete personal maintenance and medical care to include programs and facilities which promote comfort, recreation, well-being or rehabilitation, shall be furnished all members under the policy of the department.

SECTION 13. 45.37 (1), (2) (a) and (3) (b) of the statutes are amended to read:

45.37 (1) Within the limitations of the facilities of the home, the department may admit to membership in the ~~Grand Army home for Veterans~~ persons who meet the qualifications set forth in this section.

(2) (a) Was a ~~bona fide~~ resident of this state at the time of entering service with the armed forces and ~~who has resided~~ *been a resident* 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.

(3) (b) A veteran ~~whose service is not credited to Wisconsin~~ *who was not a resident of this state at the time of his enlistment or induction into*

service but who is otherwise qualified for membership may be admitted if he has ~~resided continuously~~ *been a resident* in this state for the 10 years next preceding the date of application.

SECTION 14. 45.37 (5) (a) and (b) of the statutes are repealed and recreated to read:

45.37 (5) (a) Her husband is a member, or if not a member is institutionalized elsewhere because of physical or mental disability, and she had lived with such husband not less than 5 years immediately before making application for membership.

(b) Separation from such husband necessitated by reason of employment, hospitalization or because of a physical or mental disability of either husband or wife shall not be taken to constitute an interruption of such 5-year period.

SECTION 15. 45.37 (5) (c) of the statutes is repealed.

SECTION 16. 45.37 (5) (d) of the statutes is renumbered 45.37 (5) (c).

SECTION 17. 45.37 (6) (intro.), (a) and (f) and (7) (intro.) of the statutes are amended to read:

45.37 (6) (intro.) The widow of a veteran who ~~would be eligible if living was a resident of this state at the time of his death~~, is eligible if she meets the requirements of sub. (2) (d) to (f) and if *she*:

(a) ~~She~~ Was married to and living with her veteran husband not less than 5 years immediately prior to the death of her veteran husband, or was married to the veteran at the time he entered the service and was widowed by the death of her 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 which she was married to and lived with her spouse plus the period of her widowhood is 5 years or more, or if she was married to and living with her veteran husband less than 5 years and a child was born of the marriage; and

(f) Has ~~resided in~~ *been a resident of* this state ~~continuously~~ for the 5 years immediately preceding the date of her application for membership.

(7) (intro.) The mother of a veteran who, ~~whether was a resident of this state at the time of his death, or, the mother of a living or dead would be veteran who is eligible for membership if living~~, is eligible if she meets the requirements of sub. (2) (d) to (f) and if *she*:

SECTION 18. 45.37 (7) (a) and (e) of the statutes are repealed.

SECTION 19. 45.37 (7) (b), (c) and (d) of the statutes are renumbered 45.37 (7) (a), (b) and (c), respectively, and 45.37 (7) (b), as renumbered, is amended to read:

45.37 (7) (b) Has ~~resided in~~ *been a resident of* this state ~~continuously~~ for the 5 years next preceding the date of application for membership; and

SECTION 20. 45.37 (9) (last par.), (10) (a), (11) and (15) (b) of the statutes are amended to read:

45.37 (9) (last par.) Payments of the amounts indicated above shall be made at such time and in such amounts as the board of the department provides by rule. Payments of these amounts shall be made first and to the fullest extent possible from sources of income other than pension or compensation paid by the veterans administration. The department may remit not to exceed \$10 monthly from the payments required of each married veteran for the personal use of his wife while she is a member of the home. The department may remit such sums monthly as it deems necessary for the care of nonmember dependents of a member. "Income" as used in this section, means money, property or anything of monetary value

received from any source to which a member may become entitled subsequent to admission, to include, without limitation by reason of enumeration, all pensions from state, federal or private sources, annuities, social security payments, railroad retirement, public or private retirement, compensation, wages, salary, alimony, rents, interest, dividends, profits, return on investment, moneys received for loss, damage or injury, awards, gifts, devises, bequests and hereditaments, and insurance benefits but shall not include wages, salary or payment to a member for services rendered to the home as an employe thereof *or income received by a member from the sale of products through the hobby shop*. The operation of the home exchange including the operation of the hobby shop for the sale of products made by all members shall be conducted under the supervision of the department and the members of the home participating in the work of the home exchange may be reimbursed according to the pay plan of the bureau of personnel.

(10) (a) The application and admission of any applicant heretofore or hereafter admitted hereunder shall constitute a valid and binding contract between such member and the department. If any member of the home dies without legal dependents, his real property shall descend and his personal property shall be distributed to the state as sole heir for the sole use and benefit of the home, and no will, previously or hereafter drawn, making a contrary disposal shall be valid. ~~A wife or mother residing at the home shall be included among and considered as a legal dependent for the purpose of this subsection;~~ *except that a member whose member spouse dies shall have the right to use all personal property of the deceased spouse for the rest of the survivor's lifetime and such property shall not be considered income under sub. (9).*

(11) If a member of the home ~~shall die~~ *dies* leaving at the home cash or other personal property of a value not exceeding ~~\$500~~ *\$1,000*, the commandant of the home may turn over such property or its proceeds to the state treasurer for the sole use and benefit of the home, without administration, subject to refund within 6 years to any creditor or legal dependent who shall establish his right to the fund or property or any portion thereof. The attorney general upon being satisfied that a claim out of such funds or property is legal and valid may certify the same to the state ~~treasurer~~ *department* and the ~~treasurer~~ *department* shall ~~satisfy~~ *pay* the same out of such funds or property.

(15) (b) Burial shall be provided in the cemetery of the home for any wife, widow or mother of a veteran where such wife, widow or mother at the time of her death was a member of the home ~~or if~~. *Burial shall also be provided in the cemetery of the home for the mother or widow of a veteran who is not a member where she within 6 months of the veteran's death applies to the department for permission to be buried at the home at her own expense. The widow of the veteran shall have the privilege of selecting a lot next to her husband if available. Permission shall be given by the department for a period of one year from date of granting, but may be extended, on her request, for additional one-year periods. All expenses incident to the burial at the home of a member shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part thereof, shall be paid from the appropriation made by s. 20.840 (1) (a) and the amount expended therefor shall not exceed the amount therein specified.*

SECTION 21. 45.37 (15) (c) of the statutes is created to read:

45.37 (15) (c) Expenses incident to the burial at the home of a member shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part thereof, shall be paid from the appropriation made by s. 20.840 (1) (a) and the amount expended therefor shall not exceed the amount therein specified.

SECTION 22. 45.396 of the statutes is amended to read:

45.396 CORRESPONDENCE COURSES AND PART-TIME CLASSROOM STUDY. Any veteran upon the completion of any correspondence courses or part-time classroom study from the university of Wisconsin, the university of Wisconsin extension division, ~~or any state college or its extension division, or from any other institution of higher education located in Wisconsin which was accredited by the north central association of colleges and secondary schools on April 1, 1967,~~ or from any school of vocational, technical and adult education as established under s. 41.15 receiving aids from the state board of vocational, technical and adult education, taken upon authorization of the Wisconsin department of veterans affairs, may be reimbursed for the cost of such courses, including necessary textbooks, by the department upon presentation to the department of a certificate from the school indicating that he has completed the courses and stating the cost of such courses and necessary textbooks. Benefits granted under this section shall be paid out of the appropriation under s. 20.840 (2) (um).

SECTION 23. 45.42 (1) of the statutes is amended to read:

45.42 (1) The ~~Wisconsin~~ department of veterans affairs shall compile a record of the burial places within the state of persons who served in the U.S. armed forces ~~under honorable conditions~~ in time of war as defined in s. 45.35 (5a) (a) to (g), or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965. 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.

SECTION 24. 45.42 (2) of the statutes is repealed and recreated to read:

45.42 (2) The department shall have blank forms prepared whereby the information required for such record may be transmitted to it and shall distribute such forms to county veterans service officers. The county veterans service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5a) (a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, shall submit the facts required for such record to the department on the forms provided by it.

SECTION 25. 59.575 (1) of the statutes is amended to read:

59.575 (1) The term "veteran" as used in this section means ~~any person, male or female, who performed active service in the armed forces of the United States during any war declared by Act of Congress, and who has been honorably discharged, or released from such active service under honorable conditions, or who is presently serving in the armed forces of the United States~~ "veteran" as defined in s. 45.37 (1a).

SECTION 26. 176.62 (2) (b) of the statutes is amended to read:

176.62 (2) (b) From time to time the department of taxation shall submit to the department of administration an inventory of such intoxicating liquors and fermented malt beverages in its possession, such inventory showing kinds, quantities, brands and container sizes and taxes

due thereon. Upon receipt of such inventory, the department of administration shall *first procure and distribute from such inventory such intoxicating liquors and fermented malt beverages to state-operated veterans' hospitals as can be used for medicinal purposes* and shall publish a class 2 notice, under ch. 985, for sealed bids on such inventory from licensees and permittees under this chapter or ch. 66 or 139 and may sell same to the highest bidder, provided such bidder is a licensee or permittee. Any items or groups of items in such inventory subject to a lien or liens established, by intervention or otherwise, in the proceedings for conviction as being bona fide and as having been created without the lienor having notice that such items were being used or were to be used in connection with such violation, shall be sold separately. The net proceeds from any such sale, less all costs of seizure, storage and sale shall be turned over to the state treasurer and credited to the common school fund.

Approved June 30, 1967