

1985 Senate Bill 277

Date of enactment: **March 12, 1986**
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1985 Wisconsin Act 129

AN ACT *to renumber 45.396 (1), (2) and (3); to renumber and amend 45.396 (4); to amend 45.28 (1) (a), 45.28 (2) (b), 45.35 (5) (intro.) and 45.354; and to create 45.35 (8) (b) 4 and 5 of the statutes, relating to benefits and aid to veterans which are not assignable and exempt from garnishment and execution; reimbursement to veterans for the cost of correspondence courses and part-time classroom study; the definition of an institution of higher education; and grants to veterans organizations under a contract with the department of veterans affairs (suggested as remedial legislation by the department of veterans affairs).*

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of veterans affairs, and introduced by the law revision committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 45.28 (1) (a) of the statutes is amended to read:

45.28 (1) (a) There is established, to be administered by the department, a grant program for Vietnam and post-Vietnam era veterans enrolling as full-time undergraduates in ~~accredited~~ institutions of higher education in this state. This program shall be administered exclusively for the benefit of eligible veterans.

SECTION 2. 45.28 (2) (b) of the statutes is amended to read:

45.28 (2) (b) The student is enrolled or accepted for enrollment as a full-time undergraduate in an ~~accredited~~ institution of higher education in this state as defined in ~~Wis. Adm. Code, section HEA 2.01 (2) s. 39.32 (1) (a).~~

NOTE: The Wisconsin administrative code reference in s. 45.28 (2) (b), stats., no longer refers to institutions of higher learning. The code definition is now incorporated in s. 39.32 (1) (a), stats.

SECTION 3. 45.35 (5) (intro.) of the statutes is amended to read:

45.35 (5) VETERAN DEFINED; BENEFIT. (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 or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, which service was in Grenada or Lebanon under s. 45.34 or which service entitled the veteran to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or any person who served for 90 days or more during a war-time period as enumerated under pars. (a) to (g) 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 is either a resident of and living in this state at the time of making application or is deceased, and whose selective service local board, if any, and home of record at time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state or who was either a resident of this state at the time of entry or reentry into active duty or has been a resident of this state for at least 10 years next preceding the veteran's application or death. If the person had more than one qualifying term of service, at least one term of service

must have been under honorable conditions or have been terminated by an honorable discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a). Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for benefits from the department. The benefits available to veterans shall also be made available to the ~~widows who are not remarried, widowers~~ unremarried surviving spouses and minor or dependent children of deceased veterans if such ~~widows, widowers~~ unremarried surviving spouses or minor or dependent children are residents of and living in this state at the time of making application. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes such person eligible for general veterans administration benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a).

NOTE: This amendment eliminates a sex-based distinction under current law which provides that the benefits available to veterans are also available to all widowers of veterans but are available only to widows who are not remarried. The bill provides that the benefits are available to all unremarried surviving spouses of veterans.

SECTION 4. 45.35 (8) (b) 4 and 5 of the statutes are created to read:

45.35 (8) (b) 4. Section 45.396.

5. Section 45.28.

NOTE: This provision extends the exemption from garnishment and execution to reimbursement of veterans for the cost of part-time study grant benefits and to educational grants to Vietnam and post-Vietnam era veterans provided by the department of veterans affairs (DVA). This is consistent with the current exemption for economic assistance and housing loans provided by DVA.

SECTION 5. 45.354 of the statutes is amended to read:

45.354 Grants to veterans organizations; contracts. The department may make grants or payments as authorized by the legislature to veterans organizations for services provided to ~~veterans under persons who served on active duty in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces~~ and, if such persons are deceased, to their unremarried surviving spouses and minor or dependent children, if the organization has a contract or agreement with the department.

NOTE: This amendment clarifies s. 45.354, stats. The intent of this statute was that the department of veterans affairs would provide grants to veterans' organizations, such as vets house and the national association of black veterans, which provide services to veterans with less than honorable discharges who are seeking to have such discharges upgraded, among other services.

The definition of veteran in s. 45.35 (5), stats., applies to the use of that term in s. 45.354, stats. This definition clearly requires that ex-service personnel have served under honorable conditions in order to qualify as veterans. The term is not appropriate in the program of grants for veterans' organizations.

SECTION 6. 45.396 (1), (2) and (3) of the statutes, as affected by 1985 Wisconsin Act 29, are renumbered 45.396 (2), (3) and (4).

SECTION 7. 45.396 (4) of the statutes, as affected by 1985 Wisconsin Act 29, is renumbered 45.396 (1), and amended to read:

45.396 (1) ~~“Part-time study during a regular college semester, trimester or quarter In this section, “part-time classroom study” means enrollment any of the following:~~

(a) Enrollment by a graduate student in courses for which no more than 8 semester or the equivalent tri-

mester or quarter credits will be given upon satisfactory completion, ~~or enrollment.~~

(b) Enrollment by an undergraduate any other eligible student in courses for which no more than 11 semester or the equivalent trimester or quarter credits will be given upon satisfactory completion.

(c) Study during a summer semester or session ~~shall be considered part-time study for purposes of this section.~~

NOTE: This bill improves the organization of s. 45.396, stats., by placing the definition of “part-time classroom study” in subsection (1).