

## CHAPTER 45.

## MEMORIAL HALL; MONUMENTS AND MEMORIAL BUILDINGS; VETERANS' HOME.

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**45.01 Soldiers' memorial hall; providing rooms for.** It shall be the duty of the director of purchases to provide suitable rooms in the capitol and properly prepare them for the purpose of a memorial hall dedicated to the soldiers and sailors who served in Wisconsin commands in the civil war of 1861 to 1865 or any subsequent wars. [1931 c. 45 s. 1]

**45.02 Purpose of.** Said rooms when so set aside for the purpose indicated, shall be the headquarters of the Grand Army of the Republic, department of Wisconsin, and the offices of the department commander, assistant adjutant general and assistant quartermaster-general of the Grand Army of the Republic, department of Wisconsin, shall be in said rooms.

**45.03 Stationery for Grand Army of the Republic headquarters.** The director of purchases shall furnish all stationery, pens, ink, printing and other supplies necessary for the proper use of the headquarters of the Grand Army of the Republic, on proper vouchers of the quartermaster-general of the Grand Army of the Republic. [1931 c. 45 s. 1]

**45.04 Memorial hall; custodian; appointment; term; duties.** A custodian and superintendent of said memorial hall, who shall be a civil war veteran or a lineal descendant of such veteran, shall be appointed by the governor for a term of four years, whose duty shall be to take proper care of said memorial collection and to procure additions thereto and to so display them as to make them attractive and instructive to visitors to the state capitol. [1935 c. 119]

**45.05 Monuments and memorial structures.** (1) BY TOWNS, VILLAGES AND CITIES. Any town, village, or city may by referendum vote determine to erect a suitable monument or memorial building to the memory of any former residents thereof who lost their lives in the military or naval service of the state or of the United States, or in rendering great state or national service or in consequence of any such service.

(2) BY CITIES ONLY. Every city is empowered to erect within its boundaries a monument to the memory of any president of the United States, or to assist in the erection of such a monument by a donation either of money or of land for that purpose.

(3) BY COUNTIES. Any county may, pursuant to referendum vote as provided in subsection (4), appropriate not exceeding ten thousand dollars for the erection of a suitable monument or building to commemorate the deeds of soldiers and sailors who served the nation in the late civil war; and may also appropriate funds for the erection of monuments to the memory of distinguished citizens of the county.

(4) REGULATION. The town or village board, the common council or the county board, as the case may be, of the municipality proposing to act under either of the preceding subsections shall, except as provided otherwise by law, first adopt a resolution specifying

the character of the proposed monument or building, or the amount and character of the proposed donation of money or lands, or the amount of any proposed county appropriation, and the amount of the tax proposed for the purpose specified. Such resolution shall then be submitted to a referendum vote of the electors of the municipality, and if it shall be approved by them it shall be carried into effect by such governing board or body by the enactment of an ordinance when necessary, by the levying of the tax, and by any other or further appropriate procedure, including the supervision of the work and the expenditure of the money raised. But the tax in any town, village, or city shall not exceed five mills on each dollar of the assessed valuation of all taxable property therein for the year in which such tax is levied, and the aggregate amount expended in any case shall never exceed the amount authorized by the referendum vote. Such supervision may be entrusted to a committee of the board.

(5) **CARE AND MAINTENANCE.** The governing boards or bodies mentioned in this section may make appropriations from time to time out of the general funds of their respective municipal treasuries for the purpose of defraying the cost of caring for and maintaining any monuments or buildings erected under this section, and to care for the graves of distinguished citizens.

**Note:** County board may appropriate public funds for erection of monuments to memory of distinguished citizens of county only when authorized by vote of electors. 19 Atty. Gen. 262.

**45.055 Monuments and memorials to veterans.** County boards are empowered to provide for the erection or establishment of suitable memorials to the soldiers, sailors and marines of the respective counties of this state who served the nation during the Spanish-American war or the late war against Germany and its allies, or to contribute funds to corporations of the respective counties organized without capital stock for the purpose of erecting and completing such memorials; and for the purpose of raising funds for such memorial purposes or contributions to levy taxes upon the taxable property of the county not exceeding five mills on the dollar in all, which said taxes may be spread over a period of five years or to borrow money and issue the bonds of the respective counties therefor in the manner and under the regulations provided by chapter 67 of the statutes; also to take by condemnation, lands necessary for a site for such memorials when the county board shall so order, by a two-thirds vote.

**Note:** This section does not limit county board to establishment of war memorials in one location, discretion as to location or locations and other details being vested in county boards within tax limitation provided. 27 Atty. Gen. 109.

**45.056 Monuments and memorials, towns, cities and villages.** (1) Any town, city or village, however organized, by a majority vote of all the members of its respective board or council may determine and provide for the erection, construction, establishment or purchase of a suitable monument, building or any other memorial in honor of the deeds and memory of the soldiers, sailors and marines of said respective town, city, or village who served the nation during the great war against Germany and its allies and contribute funds to assist in so doing. Any commission or corporation without capital stock may organize for the purpose of erecting, constructing, establishing or purchasing such memorial as may be deemed appropriate and situated within the limits of said town, city or village.

(2) Any town, city, or village for the purposes and contributions mentioned in subsection (1) of this section may levy taxes upon the taxable property of said town, city, or village not exceeding five mills in all; said taxes may be spread over a period of five years if so ordered by a majority vote of the respective electors thereof.

(4) No popular vote shall be required for the issue of such bonds unless request therefor be made in accordance with the provisions of subsection (7) of section 943, statutes of 1919. If such request shall be made within thirty days after the passage by the respective town, or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943, statutes of 1919.

(5) For the purpose of providing a suitable site for a memorial to the soldiers, sailors and marines who served the nation in the great war against Germany and its allies any town, city, or village may grant the use of a designated portion of one of its public parks or other land owned by it or may condemn lands which the town, or village board or common council of the city shall decide by a two-thirds vote are necessary and appropriate for such purpose.

**45.057 Memorial parks, care of.** (1) Whenever any memorial to the soldiers, sailors and marines who served the nation in the great war against Germany and its allies shall be constructed, erected, established or purchased and consists of a park or highway

it shall then be under the supervision and care of the highway or park commissioners or officials within whose district it may be located.

(3) If said memorial be created, constructed, erected or purchased by a city it shall be managed, maintained and controlled by a commission of five citizens of the city chosen by the common council, whose term of office shall be so arranged that the respective commissioners shall go out of office in successive years.

(4) If said memorial shall be created, constructed, erected or purchased by a town or village it shall be managed, maintained and controlled by a commission of five citizens of the respective town or village chosen by the respective town or village board. The term of office of said commissioners shall be so arranged that the respective commissioners shall go out of office in successive years.

(5) If said memorial shall be created, constructed, erected or purchased by a commission or corporation organized without capital stock and receiving funds and contributions from the city, village or town or individual subscriptions then it shall be managed, maintained and controlled by a commission of five citizens of the city, town or village in which such memorial may be located in whom the title to said memorial shall be vested as trustees for the public and said commissioners shall be chosen as follows: One by the common council of the city or the village board or the town board in which said memorial may be located and four by the county judge of the county. The terms of office of the commissioners first chosen shall be determined by lot so that one commissioner may go out of office each year, and thereafter the term of each commissioner chosen shall be for the term of five years.

(6) All members of commissions selected by virtue of the authority of this section shall serve without pay and until their respective successors have been chosen and qualified.

(7) Any monument, building or other memorial erected, constructed, created or purchased by any of the boards enumerated in section 45.056 may be designed upon the plans, specifications and regulations submitted to and approved by the state board of examiners of architects, if said respective boards shall so determine.

**45.058 World war soldiers' memorials.** (1) Any town, city or village, however organized, by a majority vote of all of its respective board or council may unite with any other municipality or municipalities in providing for the purchase, acquisition, establishment, erection and construction of a suitable park, monument, building or any other memorial, located within or without the limits of such municipality, in honor of the soldiers, sailors, marines and nurses of such municipalities, who served the nation during the great war against Germany and its allies, and may contribute funds to assist in so doing.

(2) The town or village board or city council, for the purposes and contributions mentioned in subsection (1) of this section, may by resolution, authorize said town, city or village to issue bonds for an amount not exceeding five mills on each dollar of assessed valuation of the taxable property therein for the year in which such resolution is adopted. Such bonds shall be made payable within five years from date of issue and bear interest, payable annually or semiannually at a rate not exceeding six per centum per annum. Such resolution need not be submitted to the electors unless within thirty days after recording thereof there shall be filed with the clerk of the municipality a petition requesting such submission, signed by not less than ten per centum in number of the voters who voted in the municipality for governor at the last general election. If such petition be filed proceedings shall be had as provided by subsection (5) of section 67.05 of the statutes, and if such resolution is submitted to the electors, no bonds shall be issued pursuant thereto unless a majority of the electors, voting thereon, vote in favor of the approval of the resolution.

(3) Any town, city or village may for the purposes of acquiring, purchasing, improving, managing, maintaining, regulating or controlling any such park, building, monument or other memorial acquired, purchased, established or constructed pursuant to subsection (1) of this section, or any one or more of such purposes, levy taxes upon the taxable property of said town, city or village, not exceeding, in any year, one mill upon each dollar of assessed valuation of all the taxable property therein.

(4) Whenever any park or other memorial is acquired, purchased, erected or established under the authority and pursuant to the terms of this section, it shall be managed, maintained and controlled by a commission consisting of two citizens from each of the municipalities, two to be chosen by the respective city council, town or village board of each municipality interested in the memorial. The terms of office of the commissioners first chosen shall be, one for one year and one for two years to be determined by lot, so that one of the commissioners first chosen shall go out of office each year, and thereafter the term of each commissioner shall be for the term of two years. All members of the commission except the secretary and treasurer shall serve without pay and all shall serve until their respective successors have been chosen and qualified.

(5) The commission shall organize by electing, from their own members a president,

secretary and treasurer, each of whom shall have the usual powers and perform the usual duties of such officers. The treasurer shall give bond in such amount and form and with such sureties as the commission shall fix and prescribe. All moneys and funds given, furnished or appropriated for the purchase, erection, improvement, maintenance, control and operation of such memorial shall be deposited with such treasurer, and to be expended only under the direction of said commission and on written orders signed by the president and secretary. The commission shall have full power to make all necessary contracts, rules and regulations for the purchase, maintenance, operation and control of the park or other memorial, and may enact ordinances for the control and regulation of such memorial, having the force and effect, within the limits of memorial and in the streets and highways adjacent thereto, of city ordinances. All property acquired by gift, purchase or otherwise for the purpose of such a memorial shall be owned jointly by the municipalities interested and held, maintained and operated in trust for the purposes for which acquired.

(6) The acts of any towns, cities or villages which have heretofore acquired, purchased, established or constructed any such park or memorial are hereby ratified and confirmed, and the respective council or board of any such city, village or town may by vote of two-thirds of its members adopt this section, and when so adopted it shall have the same force and effect as if the park or memorial had been acquired, purchased, established or constructed pursuant to this section. Nothing herein contained shall be held to affect any pending litigation.

**45.06 Rooms may be furnished by counties.** The action of any county board or municipality, or department thereof, in granting soldiers of the civil war, Spanish-American war or world war, any other civic, patriotic, educational or historical society, rooms and space within public buildings for the establishment of memorial halls and museums, and occupancy thereof by its members, is hereby authorized and confirmed. Such county board or municipality is hereby empowered and authorized to permit the use and occupancy of such rooms and space for such term and subject to such conditions and provisions as may be by them imposed; provided, however, that any contract, lien or agreement between said county board, municipality or department thereof and any such organization now in force shall continue in force according to the terms thereof. [1931 c. 323]

**45.065 Lands for memorial parks.** (1) Any town, village or city, however organized, by a majority vote of all the members of its respective board or council, may purchase cutover land or land bare of trees as a memorial park in honor of the deeds and memory of the soldiers, sailors and marines of said respective town, city or village who served the nation during the great war against Germany and its allies. Each such town, village or city upon purchasing said lands shall make immediate provisions for the planting of trees thereon to the end that such land shall be reforested as soon after its purchase as is reasonably possible.

(2) Land so purchased must be easily accessible by the residents of the town, village or city purchasing the same, but need not be located within its corporate limits.

(3) The care and maintenance of any such park shall be under a commission appointed as provided in subsections (3) and (4) of section 45.057.

(4) Any town, city, or village for the purposes and contributions mentioned in subsection (1) of this section may levy taxes upon the taxable property of said town, city, or village not exceeding five mills in all; said taxes may be spread over a period of five years if so ordered by a majority vote of the respective electors thereof.

(5) For the purpose of raising funds for the memorial purposes mentioned in subsection (1) of this section said town, city, or village may borrow money and issue its bonds therefor to an amount not exceeding five mills on the dollar of its taxable property provided that such bonds shall be payable in series and shall all mature within twenty years from the date thereof and shall be issued in the form and manner provided in section 926—11, statutes of 1919.

(6) No popular vote shall be required for the issue of such bonds unless request therefor be made in accordance with the provisions of subsection (7) of section 943, statutes of 1919. If such request shall be made within thirty days after the passage by the respective town or village board or common council of the city of a resolution or ordinance authorizing the issue of such bonds then the question of the issue of such bonds shall be submitted to a vote of the people in accordance with the provisions of section 943, statutes of 1919.

**45.066 Memorial trees on highways.** No person, firm or corporation shall cut or trim any tree planted along any federal or state trunk highway as a memorial to the soldiers and sailors of any war, without the written permission of the state highway commission. Violations of this section shall be punishable by a fine of not less than ten nor more than two hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment; provided, that nothing in this section shall interfere with the rights of abutting property owners in such trees. [1931 c. 246]

**45.07 Veterans' home; who entitled to maintenance and burial.** (1) There is created a board of managers of the Grand Army Home for Veterans located at Waupaca. The said board shall be composed of 5 ex officio members, the adjutant general, the state surgeon, the chief quartermaster, the department commander of the Grand Army of the Republic and the department commander of the United Spanish War Veterans, and 4 persons appointed by the governor for terms of 6 years. All such appointive members shall be members of the Grand Army of the Republic, the Women's Relief Corps, the United Spanish American War Veterans or auxiliary, the American Legion or auxiliary, the Veterans of Foreign Wars or auxiliary or the Disabled American War Veterans or auxiliary. Before making such appointments, the governor may request the Wisconsin Department of the Grand Army of the Republic to submit the names of no less than 6 persons whom it recommends for such appointments, which recommendations shall be given consideration by the governor, but he shall not be confined in making appointments to the persons so recommended. No member of said board shall be compensated by the state for his services as such member, but shall be reimbursed the actual and necessary expenses incurred in the discharge of his duties.

(2) The allowances appropriated by subsection (7) of section 20.03 are for the maintenance of employes who are actually maintained in the Grand Army Home for Veterans, and for the following members of the home:

(a) Soldiers, sailors and marines who have served at least seventy days in the civil war, Spanish-American war, Philippine insurrection, China relief expedition, the world war, or in any other war or military expedition of the United States, who were honorably discharged from such service, and whose services were credited to Wisconsin, and who are fifty years of age or over. Veterans otherwise eligible for admission but who served less than seventy days, shall be likewise eligible if such service was terminated as a result of physical disability in line of duty, and disabled veterans under fifty years of age may be admitted if unable to secure adequate care from the federal government.

(b) Wives of veterans who have lived continuously with their husbands not less than ten years before making application.

(c) All mothers and the wives and widows of world war veterans who were married prior to November 11, 1918, and who, if widowed, have not remarried.

(d) Mothers, and widows who have not remarried, of veterans who have served at least seventy days in the civil war, Spanish-American war, Philippine insurrection, or China relief expedition.

(e) Women residing in this state who served as army nurses in any of the wars or military expeditions of the United States.

(f) No wife or widow of any veteran, who was married subsequent to November 11, 1918, shall be admitted before she shall have reached the age of fifty years, but this shall not apply to the wives of disabled veterans who are admitted to the home.

(g) No person of any of the classes specified in paragraphs (a) to (f) shall be admitted to the Grand Army Home for Veterans until he shall have presented satisfactory proof of ten years' continuous residence in this state immediately preceding the application for admission, nor unless he shall pay twenty per cent of his income from any source or at the option of the commandant all of his income in excess of four hundred dollars into the general fund for the maintenance and operation of the home; provided, that a wife of a veteran may, in addition, retain for personal use, annually, one hundred dollars independent income; provided further, that the advisory board may in its discretion remit such sums as they deem necessary for the care of the minor dependents of a member. Veterans whose services are not credited to Wisconsin and who are otherwise qualified may be admitted upon producing satisfactory proof of at least fifteen years' residence in this state immediately preceding date of application.

(h) Membership in any national home for veterans located in Wisconsin shall not constitute residence in this state for the purposes of this subsection.

(i) The provisions of section 142.07 are applicable to veterans of all wars, subject to the same restrictions and with the same privileges now enjoyed by the veterans of the world war at the State of Wisconsin General Hospital. Costs incident to the hospitalization of members of the Grand Army Home for Veterans shall be paid from the appropriation of the operation of said home.

(j) All members who enter the home shall sign an agreement as follows: "I, in consideration of having received domiciliary care, agree that in event of my death, leaving no heirs at law or next of kin, all personal property owned by me at the time of my death, including money or choses in action held by me and not disposed of by will, whether such property be the proceeds of pension, compensation, or life insurance, or otherwise derived, shall vest in and become the property of the state of Wisconsin for the sole use and benefit of the Grand Army Home for Veterans, subject to be reclaimed by any legatee

or person entitled to take the same by inheritance at any time within five years after my death."

(3) Applications for entrance into and maintenance at the Grand Army Home for Veterans shall be considered and passed upon in the following order: Civil war veterans; the mothers, wives and widows of civil war veterans; civil war nurses, veterans of the Spanish-American war, Philippine insurrection and China relief expedition; the mothers, wives and widows of veterans of the Spanish-American war, Philippine insurrection and China relief expedition; and veterans of the world war and of all other wars and military expeditions of the United States; and the mothers, wives and widows of veterans of the wars last mentioned. [1931 c. 347; 1935 c. 422; 1941 c. 31]

**Note:** Term "income from any source" as used in (2)(g) is used in broad sense as meaning "means of support derived from any source" as applied to any individual in question, but income of wife is not income of husband and vice versa. 28 Atty. Gen. 232.

**45.08 Veterans' home; operation, accounts, reports, investigations.** (1) The adjutant general, with the approval of the board of managers in matters of general policy, shall operate and conduct the Grand Army Home for Veterans. He shall have power to employ such officers, nurses, attendants, and other employes as may be necessary for the proper conduct of the said home and shall fix their compensation, subject to the approval of the governor.

(2) If any additional land shall be purchased with the moneys at any time appropriated by the state to the Grand Army Home for Veterans, the title thereto shall be taken to the state and shall be held by and for the uses and purposes of the said home so long as used for the present objects and purposes thereof, and no payment shall be made out of the state treasury or otherwise for any such land until the title shall have been examined and the conveyance thereof to the state of Wisconsin approved by the attorney-general, and every such deed of conveyance shall be immediately recorded in the office of the proper register of deeds and thereafter filed with the secretary of state.

(3) It shall be the duty of the adjutant general to cause to be kept a true and accurate account of the disbursements of all moneys derived from all sources for said home, and annually to make report in writing to the governor, giving a true and itemized account in such form as he may require or prescribe, of all expenditures made of moneys appropriated or in any manner derived from the state, and also of the names and number of members of the home, the date of admission, time of occupancy, age, and residence of each, the regiment, company, battery, or other similar organization in which such member served during the civil war, or of the person on account of whom such member was admitted to the home, and also the names, number and salaries of the officers, employes, and laborers employed in said home, and the fund from which they are paid, and also the total amount of the receipts and expenditures of the said Grand Army Home for Veterans, and such other detail pertaining to or affecting expenditures for its maintenance or benefit, as may be required by the governor. Such report shall cover the period of the fiscal year ending June thirtieth, and be submitted on or before the first day of August, each year.

(4) The department commander of the Grand Army of the Republic, appointive members of the board of managers of the Grand Army Home for Veterans shall, not less than twice in each year, visit the said home and shall carefully examine into the management of said home, its system of accounts and of keeping books, and methods of purchase of supplies therefor, and the manner of their issuance and expenditure, and care and keeping of the members of said home, the provisions made for the comforts of such members, their treatment by officers and employes, and such other details of the management of the said home as they may deem proper to inquire into and as shall be thought likely to promote the objects for which the same is maintained; and they shall make full report thereon to the governor and to the adjutant general, with their recommendations upon any of the matters which they are herein enjoined to investigate. It shall be the duty of the adjutant general and the officers and employes of said home to facilitate such examination and inquiries by disclosing all facts in relation to the same, and exhibiting all books, papers, and vouchers affecting the expenditure of moneys.

**Note:** Surgeons at Wisconsin veterans' home, who are employed on salary, may retain fees that they receive for certificates of vital statistics required by law unless otherwise stipulated in contract fixing their salaries. 20 Atty. Gen. 770.

**45.09 Police power of veterans' home police.** (1) The officers, guards, janitors and members of the police force of the Grand Army Home for Veterans are hereby authorized and empowered to summarily arrest all persons within or upon the grounds of said institution who shall be guilty of any offense against the laws of the state of Wisconsin or the rules and regulations governing said home; to arrest any vagrant or idle person who shall refuse to leave said premises and grounds when requested so to do, take such offender before any court of competent jurisdiction and cause proper complaint to be made against him, or them; and for such purposes said officers, guards, janitors and members of the

police force shall possess and have all the power and authority of police officers and constables.

(2) Any person who shall be guilty of any noisy, boisterous, or disorderly conduct, or of fighting, immoderate drinking, drunkenness, indecent exposure of the person, lewd, wanton, or obscene conduct, or vulgar or obscene language, or of any offense against the laws of the state of Wisconsin, or the rules and regulations governing the said institution, within the grounds thereof, may be summarily arrested by said officers, guards, janitors, and members of the police force, or any of them, and shall upon conviction be punished by a fine of not less than one dollar, nor more than fifty dollars, or by imprisonment in the county jail not less than two days, nor more than sixty days; but if a different penalty or punishment is prescribed by law for any such offense, the same may be imposed instead of the penalty or punishment prescribed in this section.

**45.10 County tax for needy soldiers, etc.** It shall be the duty of every county board to 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 relief to needy soldiers, sailors or marines, who performed military or naval service for the United States in time of war, the indigent wives, widows, minor and dependent children of such deceased soldiers, sailors and marines, and the indigent parents of such soldiers, sailors or marines, who have not left surviving them widows or children entitled to relief under the provisions of sections 45.10 to 45.19, inclusive. At the end of each fiscal year, any unexpended balance in such fund shall be used as a fund for the purpose of this section for the next ensuing year.

**Note:** Under 45.10 to 45.19 soldiers' relief commission has no power to grant relief to indigent parents of living soldier, nor to dependent children of soldier who performed military service for United States only in time of peace. 19 Atty. Gen. 221.

County contingent fund which is created to meet an emergency deficiency in other items of budget, deficiency in soldiers' relief fund may be met from contingent fund, and administrative function of determining such emergency may be delegated to finance committee. 21 Atty. Gen. 960.

Tax levy of one dollar is not compliance with soldiers' relief law, but plain legal duty of county board is to estimate, reasonably and not arbitrarily, amount that will be required and to levy tax for that amount. 21 Atty. Gen. 1035.

One who during war time was member of S. A. T. C. of university of Wisconsin is entitled to aid from soldiers' and sailors' relief commission pursuant to provisions of 45.10 to 45.19. 22 Atty. Gen. 232.

County soldiers' relief commission may not furnish travel allowance to veteran engaged on WPA project requiring travel, but if WPA wage is insufficient to cover both travel and subsistence, commission may provide necessary relief for such veteran. 25 Atty. Gen. 587.

Upon inadequate appropriation being made to carry out provisions of 45.10 to 45.19, soldiers' relief commission would necessarily cease to function. 29 Atty. Gen. 240.

**45.11 Reports to county board, names of needy, amounts required.** The chairman of each town board, the board of trustees of each village, and the supervisors of each ward of a city, shall make a written report to the county board of their respective counties, on or before the first day of their annual meeting, containing the names of all resident indigent persons of the classes mentioned in the preceding section in their respective towns, villages or cities, who may require and be entitled to relief thereunder, and the probable amount necessary for that purpose for the ensuing year; and each county board shall, at the November session thereof, make such levy as will raise the necessary amount.

**Note:** Appropriation for soldiers' relief county board in connection with levy of special tax therefor. 21 Atty. Gen. 316.

**45.12 The soldiers' relief commission, organization.** (1) Every county judge shall on or before the second Monday in December after such report is made, appoint three residents of the county, each of whom shall be an honorably discharged soldier, sailor, or marine who performed military service for the United States in time of war, one of such appointees to serve three years, one to serve two years, and one to serve one year from the date of appointment, as the "Soldiers' Relief Commission" of such county.

(2) Such commission shall be organized by the election of one of their number as chairman, and one as secretary; said judge after the expiration of the terms of those first appointed, shall annually appoint one person as a member of such commission for the term of three years. He shall require the members of the commission to execute to the county a joint and several bond, with sufficient sureties to be approved by him, in a sum equal to the tax levied in the current year for expenditure by the commission; said bond or bonds shall be filed with the county clerk.

**Note:** Member of soldiers' relief commission may not hold office of assistant secretary of commission. 21 Atty. Gen. 437.

**45.13** [Repealed by 1919 c. 542 s. 2]

**45.14 Commission, examination, relief.** Such commission shall meet at the office of the county clerk on or before the first Monday of January in each year and at such other times as may be necessary, and at such annual meeting carefully examine the lists

reported pursuant to section 45.11, and being satisfied that the persons named on such lists are entitled to assistance shall fix the amount to be paid to each. They may also furnish relief to any person within section 45.10 whose name is not on any such list if the right of such person to relief shall be established to their satisfaction. The secretary of the commission shall make and deposit with the county clerk a list containing the name, place of residence and the amount to be paid each such person whose name is on either such lists, which shall be signed by the chairman and secretary; provided, that the total disbursements made by the commission shall not exceed the amount collected from the tax levied. When such lists are made and filed the county clerk shall issue an order upon the county treasurer for the sum designated therein in each case and deliver it to the person entitled thereto, taking a receipt for the same; provided, that when the commission shall deem it best to furnish relief in a different manner than by supplying money the county clerk shall issue an order upon the county treasurer to the chairman of the commission for such sum as they may have determined upon, and the commission may furnish such supplies as it deems best. The commission shall make a detailed report to the county board at each annual session thereof showing the amount expended and the name of each person who has received aid.

**Note:** Relief from soldiers' relief fund to be given to needy soldiers, etc., who are residents of county, as distinguished from legal settlement. Such relief is not subject to reimbursement provisions of chapter 49, nor is soldier subject to removal to county of settlement. 21 Atty. Gen. 522.

Soldiers' relief commission may not be provided with funds from general fund to take care of impending shortage in soldiers' relief fund. 21 Atty. Gen. 719.

**45.15 Commission, compensation.** The county board shall allow the members of the commission the same rate of compensation as is fixed by law for their own compensation and also the amount of their actual expenses incurred in the performance of their duties, on the presentation of an itemized statement thereof; provided, that any such county board may allow each year, to the secretary of such commission a sum not to exceed five hundred dollars, the same to be in lieu of all other compensation, and that in any county having a population of one hundred thousand or over according to the last previous census the board may fix a salary for the members of the commission, not exceeding six hundred dollars per annum, which shall be in full for all services and expenses, except disbursements for stationery and postage, and which shall be payable at the same time as other salaries are paid; and provided further, that the board of any such county may provide for the employment of an assistant secretary of the soldiers' relief commission, who shall be an honorably discharged soldier, sailor or marine of any war of the United States, or such other person as the commission may employ, and fix his compensation at not to exceed twelve hundred dollars per annum. [1931 c. 69]

**Note:** Vocational school board must carry insurance upon vocational school buildings. 19 Atty. Gen. 222.

necessarily spent in proper performance of his official duties. 27 Atty. Gen. 276.

Member of soldiers' relief commission may be compensated by lawful per diem rate for services rendered in investigating needs of applicants for aid, but he is entitled to compensation for only days actually and

Members of soldiers' relief commission are to be compensated at same rate as members of county board but there is no limitation upon number of days for which members of such commission may be so compensated. 29 Atty. Gen. 240.

**45.16 Burial.** Each town board, village board and the aldermen of each ward in every city, 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, at an expense to the county of not less than thirty-five, nor more than one hundred dollars, the body of any honorably discharged soldier, sailor or marine and the wives or widows of such soldiers, sailors or marines who shall have, at any time, served in the army or navy of the United States, and who shall die 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.

**Note:** Where funeral expenses of war veteran total two hundred dollars and United States government contributes one hundred dollars toward expense of burial, county may not contribute additional one hundred dollars toward his burial expenses. 21 Atty. Gen. 281.

Expense of burial of honorably discharged sailor of United States navy who died in California and whose body was shipped to Beaver Dam, where he had residence at time of enlistment, should be borne by Dodge county although burial was in another county. 24 Atty. Gen. 238.

When soldier's widow remarries she ceases to be his "widow" within meaning of this section. 24 Atty. Gen. 47.

**45.17 Investigation and report.** It shall also be the duty of such officers before assuming such charge and expense to make a careful inquiry into and examination of all the circumstances in any such case for the purpose of ascertaining the existence of either of the facts required by the preceding section, and they shall also report the same to the county clerk of their county, setting forth the fact that they found the family of such deceased person in indigent circumstances and all the facts on which they based their



action, together with the name, rank and command to which he belonged, the date of death, the place where buried, his occupation while living and an itemized statement of the expenses of such burial.

**45.18 Order for expenses; headstone.** It shall be 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 or persons designated in said report as being entitled thereto. And the county board of each county shall, upon the death and burial of any such soldier, sailor or marine residing 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 Care by counties of soldiers' graves.** (1) Every town board, village board, or common council of every city shall at all times see that the graves and tombstones of all soldiers, sailors or marines who shall at any time have served in the army or navy of the United States, and of the wives or widows of all such soldiers, sailors or marines, receive proper and decent care, and may employ all necessary assistance to carry out the provisions of 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.

(2) It shall also be the duty of such officers to report to the county clerk of their respective counties the respective locations of the graves so taken care of by them, together with the name and command to which every such soldier, sailor or marine belonged, and his rank at the date of his death.

(3) It shall be the duty of the chairman of the board and the clerk of such county, upon receipt of such report, to draw an order on the county treasurer for the amount of the expenses so incurred, payable to the person or persons designated in said report as entitled thereto.

**45.19 Army nurses given privileges and compensation.** Every person who has resided one year or more in Wisconsin, and who served at least ninety days as an authorized union army nurse between the fifteenth day of April, 1861, and the fourth day of July, 1865, shall upon due proof of the facts hereinbefore stated, be entitled to the same privileges and compensation as soldiers of the said civil war have to the following:

(1) To relief from the county fund for the benefit of indigent soldiers.

(2) To admission to the Grand Army Home at Waupaca. [1931 c. 79 s. 5]

**45.20 Temporary aid to soldiers, sailors and marines, and their dependents.** Temporary aid shall be given, granted, furnished and provided, according to the provisions of chapter 49, to and for any honorably discharged indigent soldier, sailor, or marine of any war of the United States and the indigent wife, widow or minor child of any such, without requiring the removal of any such person to any county home, but such temporary aid shall not continue longer than three months at any one time or in any one year unless the authorities charged with the relief of the poor shall determine otherwise.

**45.21 Registration of certificate of discharge.** Every soldier, sailor, marine or nurse who served in the war against Germany and its allies, the civil war or the Spanish-American war, and who has been honorably discharged or relieved from active service shall 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. 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 twenty-five cents, by the county, for each such certificate so recorded. The record of any such certificate heretofore made is hereby legalized.

**45.215 Veterans' burial places compiled.** (1) The adjutant general shall compile a record of the burial places within the state of soldiers, sailors or marines who served in the military or naval forces of the United States. Such record, so far as practicable, shall indicate the name of each such person; the service in which he was engaged; the number of the regiment or company, if a soldier, and of the command, if a sailor or marine; 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 adjutant general shall cause blank forms to be prepared whereby the information required for such record may be transmitted to him. Every person or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the state in which are interred the bodies of persons who served in the military or naval forces of the United States, shall file with the adjutant general a certificate on the

forms provided by him, of the facts required for such record, so far as the same are within the knowledge of such person, corporation or its agents. The adjutant general shall cause blank certificates to be distributed to such persons and corporations as he deems advisable, with a request that such information be transmitted to him, but the failure to receive such blank and request shall not relieve any person or corporation from the obligation of complying with this section, within ninety days after it takes effect.

(3) It shall be the duty of the adjutant general to make a careful inquiry and examination for the purpose of collecting and checking the records required by this section.

45.23 [Renumbered section 59.07 sub. (14a) by 1919 c. 422 s. 19]

**45.25 Wisconsin Memorial Hospital.** (1) A hospital, to be known as the "Wisconsin Memorial Hospital," is hereby established, to be constructed, erected and equipped as hereinafter provided. Such hospital shall be for the care and treatment of discharged soldiers, sailors, nurses and marines, residents of this state at the time of their enlistment, who served in the armed forces of the United States in the late war against Germany and her allies, who are suffering from mental diseases and who are or may hereafter become beneficiaries of the federal war risk insurance act.

(4) The state board of control is authorized and empowered to enter into contracts on behalf of the state of Wisconsin with the federal war risk insurance bureau or any other legally authorized department, bureau or commission of the United States government for the maintenance, care and medical treatment at federal or joint federal and state expense of discharged soldiers, sailors, nurses and marines, who were residents of the state of Wisconsin at the time of their enlistment, and who served in the armed forces of the United States in the war against Germany and Austria and are suffering from mental diseases, and who have or may become beneficiaries under the federal war insurance bureau; for the erection, construction and equipment at federal expense or at joint state and federal expense of a suitable hospital building or buildings for the care, maintenance and treatment of such disabled soldiers, sailors, nurses and marines, the employment of physicians, nurses and attendants, the purchasing of medicines, surgical equipment, therapeutical appliances, and all other equipment, appliances and apparatus needed to properly equip a hospital for the care and treatment of persons suffering from mental diseases.

**45.255 Memorial hospital; control of patients.** The provisions of the statutes, relating to the commitment, custody, transfer, parole and discharge of insane persons in state hospitals for the insane, shall be applicable to the Wisconsin memorial hospital, which is authorized to admit any duly committed insane person from any county in the state, eligible to be admitted into said hospital.

**45.27 Soldiers' rehabilitation board, powers.** (1) The "Soldiers' Rehabilitation Board" is hereby created to consist of the secretary of the state board of health, the director of the Wisconsin psychiatric institute, the adjutant general, the state commander of the American Legion, the state commander of the Disabled American Veterans of the World War, the state commander of the Veterans of Foreign Wars, and a member of the medical department of the University of Wisconsin, to be appointed by the governor for a term of six years. No member of said board shall receive any salary but shall be reimbursed for any expenses incurred by them in discharging their duties as members of said board.

(2) The adjutant general shall have power and authority:

(a) To employ necessary assistants, stenographers and other office help, fix their salaries and provide necessary office stationery and equipment, all such salaries and expenditures to be approved by the governor.

(2a) The adjutant general with the advice and approval of the soldiers' rehabilitation board shall have power and authority:

(a) To make such rules and regulations as may be deemed necessary to carry out the provisions of this section.

(b) To provide treatment for any men and women who served in the military or naval forces of the United States at any time from March 1, 1917, until July 1, 1919, for any physical or mental disease or injury or the consequent result of such disease or injury, which is directly or indirectly traceable to such military or naval service. Such person must have been a resident of this state for not less than five years next immediately preceding his application for treatment.

(c) To select hospitals or institutions in which treatments shall be given, and make the usual and necessary contracts for the payment for such treatments as well as for the payment for extra treatments, operations, tests or examinations and appliances necessary for the authorized rehabilitation of the patient.

(d) To determine the nature of the treatment to be given any patient for his physical or mental improvement.

(e) To terminate contracts for treatments of patients at any time and transfer patients from one hospital to another.

(3) Excepting in cases of emergency or where in the opinion of the board the best interest of any patient will be promoted by a special selection, the board shall select hospitals or institutions in the following order:

- (a) State owned or operated;
- (b) County owned or operated;
- (c) Municipally owned or operated;
- (d) Sectarian or endowed;
- (e) Privately owned or operated.

(4) No person, otherwise eligible, but who is receiving or will receive treatment under or through federal authority, shall receive any benefit under the provisions of this section unless the board determines that such federal treatment is inadequate or that such person will be further injured by delay in receiving treatment.

(5) The board's decision as to the eligibility of any person for treatment, the selection of a hospital or institution, the duration of treatments, and the expenditures of moneys shall be final.

(6) The director of purchases shall provide necessary offices, fixtures and supplies for said board in the offices of the adjutant general.

(7) On July 1, 1924, the balance then in the fund provided for by chapter 5, special session of 1919, the balance then in the fund provided for by chapter 667, laws of 1919, and the balance then in the fund provided for by subsection (5) of section 20.03 of the [1923] statutes, together with additions to either such fund from taxes thereafter paid, shall be transferred to and constitute what shall be known as "Soldiers' Rehabilitation Fund," for the purpose of carrying out the provisions of section 45.27 of the statutes and the benefits provided by said chapter 5, special session of 1919, and chapter 667, laws of 1919. The benefits provided by chapter 667, laws of 1919, shall not be available after July 1, 1933, except to such eligible persons who have filed their application with the adjutant general prior to April 15, 1937. After July 1, 1924, the adjutant general's department shall perform the duties which prior to said date were performed by the service recognition board, and after July 1, 1927, shall perform the duties and enforce the provisions of section 37.25 of the statutes.

(8) After the taking effect of this section all charges against and all sums properly payable out of either of the funds mentioned in subsection (7) shall be paid out of the said soldiers' rehabilitation fund.

(9) The soldiers' rehabilitation fund shall be invested by the state annuity and investment board, in the same character of securities as is provided by law for the investment of funds under the teachers' retirement act, and preference shall be given to applications for loans to farmers and co-operative associations. [1931 c. 44; 1931 c. 67 s. 163; 1931 c. 271; 1933 c. 368; 1937 c. 161]

**Note:** Informal request of veterans for benefits of chapter 161, Laws 1937, may be considered as sufficient application if filed with adjutant general prior to April 15, 1937. 26 Atty. Gen. 286.

**45.271 Camp Minnewawa; funds for.** The soldiers' rehabilitation board is authorized to transfer from the soldiers' rehabilitation fund to the Wisconsin state department of the American Legion the sum of fifty thousand dollars for the purpose of purchasing the buildings and equipment at Camp Minnewawa, located on state land between Tomahawk lake and Big Carr lake in Oneida county, and for the establishment at that place of a restoration camp for sick and disabled veterans of the World War and their dependents, the said American Legion having already contracted to purchase said camp for such purposes. The ownership of all of the buildings and equipment of such camp shall revert to the state upon the discontinuance of the use thereof for such purposes. On or before January fifteenth of each year the said department of the American Legion shall file with the governor a written report of the operations and the financial status of such camp.

**Note:** Board of trustees of Camp American disabled World War Veterans from other Legion may admit as paying patients sick and states. 27 Atty. Gen. 462.

**45.275 Hospitalization of disabled veterans who are ineligible to hospitalization by the federal government.** The soldiers' rehabilitation board shall provide hospitalization for any indigent, disabled, honorably discharged soldier, sailor, marine or nurse of any war who is ineligible to hospitalization under the provisions of Public Act No. 2 of the First Session of the Seventy-third Congress and who is suffering from physical or mental disabilities not the result of misconduct. To be eligible to hospitalization hereunder the applicant must have been a resident of this state for not less than five years immediately preceding his application for treatment. Such hospitalization, except in cases requiring special treatment which can be provided only at some other hospital and emergency cases, shall be provided at the Wisconsin general hospital. The Wisconsin general

hospital shall be entitled to payment in such cases at a rate not to exceed cost per day for each patient, which amount shall be paid by the soldiers' rehabilitation fund out of the appropriation of subsection (2) of section 20.035 [Stats. 1933]. The soldiers' rehabilitation board shall make necessary rules and regulations to carry out the provisions of this section in accordance with the legislative declaration that the state of Wisconsin assumes responsibility for the hospitalization of soldiers, sailors, marines and nurses of any war who are bona fide residents of this state in cases where the federal government refuses to provide such necessary hospitalization. [1933 c. 442 s. 3]

**45.276 Service memorial institutes.** (1) There shall be erected and equipped in connection with the medical school of the university and the Wisconsin general hospital institutes for the advancement and utilization of knowledge of medicine and hygiene including rehabilitation, to be known as "Service Memorial Institutes."

(2) Such institutes shall be a memorial to those who served the state and nation in the World War. The regents of the university shall erect at an appropriate place in said institutes a suitable tablet stating the source of the funds from which the institutes were erected and equipped and such other statements as they may deem appropriate.

(3) The institutes may be utilized for the scientific, educational and social work of the medical school and hospital, for the work of the state laboratory of hygiene, for the work of the state psychiatric institute, the laboratory of the state toxicologist, and for similar work established or to be established for the promotion of the health of the people of the state and the advance of the knowledge of medicine and hygiene, including methods of rehabilitation.

**45.277 Hospital care; charge for.** The rate of charges for services rendered patients at the Wisconsin general hospital or in the service memorial institutes under subsection (2) of section 45.27 of the statutes shall in no case exceed the rate of charges determined by the board of regents for similar care rendered public patients under section 142.07. Members of the medical, surgical and laboratory staffs of the Wisconsin general hospital and the service memorial institutes shall not receive any special compensation for services rendered such patients. [1931 c. 79 s. 6]

**45.278** [Repealed by 1929 c. 513 s. 7]

**45.30 Commitment of insane veteran.** Whenever it appears that any veteran is eligible for treatment in a United States veterans' facility and commitment is necessary for the proper care and treatment of such veteran, the court of the county in which the veteran is found, may, upon receipt of a certificate of eligibility from the veterans' administration, after adjudging the veteran insane in accordance with law, direct such veteran's commitment to the veterans' administration for hospitalization in a United States veterans' facility. Upon admission to any such facility, the veteran 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 veteran committed. 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 veteran to a veterans' facility within this state by a court of another state under a similar provision of law, has the same force and effect as if such commitment were made by a court of this state. [1939 c. 331]