



2013 ASSEMBLY BILL 734

February 6, 2014 – Introduced by Representatives PETRYK, RINGHAND, LEMAHIEU, WEATHERSTON, KRUG, SKOWRONSKI, KOLSTE, CZAJA, SINICKI, PRIDEMORE, A. OTT, ENDSLEY, SPIROS, SMITH, WRIGHT, BROOKS and BIES, cosponsored by Senators PETROWSKI and LEHMAN. Referred to Committee on Veterans.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT relating to:** powers and duties of the board of veterans affairs;
2 reimbursement of veterans' tuition at tribal colleges; documentation for
3 eligibility to veterans homes; operation of veterans homes; eligibility and
4 procedural requirements for veterans home loans, veterans personal loans,
5 county veterans service grants, and American Indian veterans grants; and
6 funeral honors, burial, and disinterment of veterans.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the rules promulgated by the Department of Veterans Affairs (DVA), including the following:

1. The bill eliminates references to the duties and powers of the Board of Veterans Affairs (board) so that the rules relating to the duties and powers of the board conform with the statutes. 2011 Wisconsin Act 36 transferred some of the board's powers and duties to the secretary of veterans affairs.

2. The bill creates rules implementing a veterans tribal college tuition reimbursement program created in 2013 Wisconsin Act 20.

3. The bill changes certain eligibility requirements for subsistence payments to needy veterans, including changing the income eligibility level from 130 to 180 percent of the federal poverty level.

4. The bill makes changes in the code relating to the eligibility for surviving parents' children who died while in service so that the code conforms with the current statutes.

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5. The bill specifies that DVA is the payer of last resort for the costs of providing medical and nursing care and other types of care to persons residing in veterans homes when the costs are not paid for by the entity that operates the home or by third parties.

6. The bill changes the types of information and documentation that must accompany an application to be admitted to veterans homes.

7. The bill changes references to veterans homes in the rules from referencing a single home to referencing multiple homes. The current rules were written when there was only one veterans home in the state.

8. The bill increases the current minimum equity a veteran must have in a property secured by a veterans home loan to permit the release of a portion of the property providing security from 10 percent to 15 percent of the property's value.

9. The bill reduces the period that a veteran must be a resident of this state for purposes of receiving a certificate of eligibility for a loan under the veterans home loan program from five consecutive years to 12 consecutive months.

10. The bill requires an applicant for the loan under the veterans home improvement loan program to submit copies of W-2s and attachments to federal and state income tax returns, in addition to the currently required submission of the returns, including all schedules.

11. The bill changes the date on which an application for a county veterans' service grant is due from not later than six months after the start of the fiscal year to not later than May 15 of the calendar year for which the grant is claimed.

12. The bill removes the requirement that no changes could be made in the minimum budget and operating standards for the county veterans' service grant program without first being reviewed by the veterans' service officers' advisory council.

13. The bill changes the requirement that an applicant for a personal loan submit check stubs for a recent month within three months of the date of application to requiring the submittal of check stubs for a 30-day period within three months of the date of application.

14. The bill requires an applicant for the loan under the personal loan program to submit copies of W-2s and attachments to federal and state income tax returns, in addition to the currently required submission of those returns, if the applicant uses tax information to verify income.

15. The bill allows DVA to assess a fee to disinter an individual who is currently interred in a veterans cemetery, but limits the fee to the average cost to DVA of disinterring an individual.

16. The bill removes the assessment by DVA from a funeral director involved in the burial of a veteran for the average cost of providing a columbarium niche or an in-ground container for the interment of cremains.

17. The bill changes the date on which an application for an American Indian grant is due from not later than June 30 of each year to not later than May 15 of the calendar year for which the grant is claimed.

ASSEMBLY BILL 734**SECTION 3**

1 VA 1.11 (2) Administer and supervise all programs of the department, and shall
2 ~~serve as an ex-officio member of all advisory, standing and special committees~~
3 ~~appointed by the board, unless specifically exempted.~~

4 **SECTION 4.** VA 1.11 (11) of the administrative code is amended to read:

5 VA 1.11 (11) Present to the legislature all proposed legislation recommended
6 ~~by the board~~ and shall make such reports to and appearances before the legislature
7 on such other matters as it may request.

8 **SECTION 5.** VA 1.11 (13) of the administrative code is repealed.

9 **SECTION 6.** VA 1.11 (15) of the administrative code is amended to read:

10 VA 1.11 (15) Make and establish rules and regulations necessary to carry out
11 the statutes pursuant to the policies established by the ~~board~~ department, and make
12 such publication and distribution of these rules and regulations as the secretary may
13 deem necessary.

14 **SECTION 7.** VA 1.11 (18) of the administrative code is repealed.

15 **SECTION 8.** VA 1.18 of the administrative code is amended to read:

16 **VA 1.18 Trust fund stabilization loans.** The department may execute a
17 subordination agreement or release a portion of the property providing security for
18 its mortgage on a loan under s. 45.356, 1995 Stats., if the mortgagor's equity in the
19 property secured by the mortgage is greater than ~~10%~~ 15 percent of the property's
20 value after the execution of the subordination agreement or partial release, the
21 applicant is current on the loan and the repayment history for the 6 months
22 immediately preceding the request has been satisfactory.

23 **SECTION 9.** VA 2.01 (2) (b) 1. of the administrative code is amended to read:

24 VA 2.01 (2) (b) 1. 'All applicants.' Except for applicants who are eligible under
25 subd. 3., the applicant's income shall not exceed ~~130%~~ 180 percent of the federal

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1 poverty guidelines, in effect on the date the application arrives at the department's
2 central office, for the number of family members living in the primary residence. An
3 applicant may apply for subsistence aid, health care aid, or both. Applications
4 approved by the department shall have the balance of the maximum available aid
5 allocated towards each type of aid requested, unless the applicant indicates a lesser
6 amount in writing. Applications shall be denied if no unallocated funds are available
7 at the time of application. The department shall indicate on each description of
8 benefits the type of health care or subsistence aid authorized, the date the
9 department confirmed that the applicant was eligible for the grant, a date 90
10 calendar days from that date, the unallocated amount available for each type of aid
11 and for the cumulative limits of this section, and the amount of aid being authorized.
12 No more than one description of benefits may be outstanding at any time, except
13 where all health care providers have submitted binding quotes prior to the issuance
14 of more than one description of benefits, and are willing to accept payment from this
15 program in full for any service rendered to the applicant in accordance with the
16 description of benefits. The department shall pay the lesser of the actual cost of
17 services invoiced or the binding quote submitted by the health care provider. No
18 payment shall be made by the department unless an itemized written invoice is
19 received by the department within ~~30~~ 60 days of the expiration date, or any approved
20 extension of that expiration date, as identified in the applicable description of
21 benefits. Authorized applications for health care aid may not be withdrawn without
22 the agreement of the provider of the health care aid.

23 **SECTION 10.** VA 2.01 (3) (b) of the administrative code is amended to read:

24 VA 2.01 (3) (b) *Subsistence aid.* Subsistence aid is available for the ~~90-day~~
25 90-day period following the date of the verified loss of income due to illness, injury,

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1 or a natural disaster. Applications may be made for any ~~30-day~~ 30-day period within
2 the ~~90~~ 120 days following the date of the verified loss of income. No more than three
3 ~~30-day~~ 3 30-day periods of subsistence aid may be granted for any verified loss of
4 income due to illness, injury, or natural disaster. ~~No subsistence aid will be granted~~
5 ~~for any period prior to the date the application for subsistence aid is received.~~
6 Subsistence aid shall be limited to the difference between the amount of earned and
7 unearned income available before the loss of income and the earned and unearned
8 income being received after the loss of income, subject to the limitations under s.
9 45.40 (1m) (b) and (3), Stats. The applicant shall verify the loss of income by
10 submitting verification of income forms, certified public accounting statements, or
11 any other evidence as the department deems credible. Illness or injury ~~must~~ shall
12 be verified in writing on a form approved by the department. When the department
13 has evidence that the incapacitation will cause an income loss for 90 days or longer,
14 subsistence grants will be prorated for each of the ~~30-day~~ 30-day periods unless the
15 department determines that an alternate distribution of the grant would benefit the
16 applicant. If the loss of income is the result of alcohol or other drug abuse, the
17 applicant shall verify current participation in an approved treatment program.

18 **SECTION 11.** VA 2.02 (3) (b) of the administrative code is repealed.

19 **SECTION 12.** VA 2.03 (1) (b) of the administrative code is amended to read:

20 VA 2.03 (1) (b) “Course of instruction” ~~has the meaning specified in s. VA 9.01~~
21 ~~(3)~~ means any series of classroom or shop courses that have a unified purpose and
22 lead to a diploma or degree or to an occupational or vocational objective.

23 **SECTION 13.** VA 2.03 (1) (c) of the administrative code is amended to read:

24 VA 2.03 (1) (c) “Earned income” ~~has the meaning specified in s. VA 9.01 (5)~~
25 means all anticipated monthly and academic year take-home earnings from

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1 employment, including armed forces reserve and national guard pay and
2 work-study pay, after all payroll deductions of the veteran and the veteran's spouse,
3 except payroll deductions for savings plans and payment of debts.

4 **SECTION 14.** VA 2.03 (1) (d) of the administrative code is amended to read:

5 VA 2.03 (1) (d) "~~FAO~~" ~~has the meaning specified in s. VA 9.01 (6)~~ means a
6 school's financial aids officer.

7 **SECTION 15.** VA 2.03 (1) (g) of the administrative code is amended to read:

8 VA 2.03 (1) (g) "~~Unearned income~~" ~~has the meaning specified in s. VA 9.01 (14)~~
9 means the estimated amount the veteran and spouse will receive during the
10 academic year from VA educational assistance allowance (G.I. Bill) benefits,
11 scholarships, fellowships, grants, tuition and fee waivers, all other definite awards
12 other than loans, including amounts paid to the veteran or to the school on behalf of
13 the veteran for vocational rehabilitation by the VA or any other agency, income from
14 trusts or inheritances, unemployment compensation, worker's compensation, social
15 security payments, net rentals from real estate, interest or dividend income, or other
16 unearned income, but does not include disability compensation paid to the veteran
17 by the VA for service-connected disabilities, armed forces disability retirement pay,
18 or parental contributions.

19 **SECTION 16.** VA 2.03 (1) (h) of the administrative code is amended to read:

20 VA 2.03 (1) (h) "~~Unusual expenses~~" ~~has the meaning specified in s. VA 9.01 (16)~~
21 means monthly or academic year payments that a veteran will be required to make
22 on medical and dental expenses or alimony being paid under a final judgment or
23 decree of divorce.

24 **SECTION 17.** VA 2.03 (2) (b) of the administrative code is amended to read:

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1 VA 2.03 (2) (b) *Amount of grant.* Applicants who qualify for a retraining grant
2 under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal
3 to their need during the grant period or the statutory maximum grant, whichever is
4 less. Except as provided in par. (h), need shall be determined by deducting ~~75%~~ 75
5 percent of earned income and all unearned income to be received by the applicant
6 during the grant period, available liquid assets in excess of \$2,400 plus 6 ~~months~~
7 months' living expenses computed as set forth in s. VA ~~9.03~~ 2.04 held by the applicant
8 at the time of application and all other financial aid which will be received by the
9 applicant during the grant period from the amount needed during the grant period.
10 The amount needed will be the sum of the amount shown on the standard student
11 budget described in s. VA ~~9.03~~ 2.04 for the appropriate time period and for the
12 appropriate number of family members ~~plus the cost of tuition, fees, supplies and~~
13 ~~books as reported by the school for the courses to be taken during the grant period~~
14 plus any unusual expenses reported by the applicant.

15 **SECTION 18.** VA 2.06 of the administrative code is created to read:

16 **VA 2.06 Tribal college tuition reimbursement program. (1) DEFINITIONS.**

17 In this section:

18 (a) "Tuition" has the meaning given in s. 45.205 (1) (b), Stats.

19 (b) "Veteran" has the meaning given in s. 45.01 (12), Stats.

20 **(2) REIMBURSEMENT APPLICATION.** (a) An applicant for tuition reimbursement
21 under this section shall submit an application on a form approved by the department.
22 The applicant may submit the application electronically, and the applicant shall
23 submit the application either directly to the department or through a county
24 veterans service officer or other agent authorized by the department. Each initial
25 application shall be received by the department or its designee no later than 60 days

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1 after the starting date of the course, term, or semester for which reimbursement is
2 requested. The department shall consider an initial application received under this
3 paragraph once all required student information in the initial application is
4 completed and a physical or electronic date stamp is affixed to the application.

5 (b) The tribal college veterans coordinator shall complete an application
6 submitted under par. (a) by verifying the applicant's semester completion date and
7 cost of tuition, any other assistance received or applied for by the applicant, the
8 number of credits in which the applicant enrolled during the semester, and the
9 applicant's semester grade point average. The department shall deny each
10 application that is not completed within 60 days after the last day of the course, term,
11 or semester for which reimbursement is being requested unless the applicant shows
12 good cause for the delay. An application is considered completed under this
13 paragraph once the department has received all of the information required for
14 reimbursement.

15 **(3) LIMITATIONS.** (a) *Undergraduate enrollment.* The department may make
16 a reimbursement under this section only if a representative of the tribal college
17 certifies that the veteran was enrolled as an undergraduate during the semester for
18 which reimbursement is sought and that the veteran does not already have a
19 bachelor's degree.

20 (b) *Veterans benefits.* A veteran may not receive reimbursement for any
21 semester or course for which he or she is eligible or received a grant under s. 321.40,
22 Stats., or 10 USC 2007. A veteran who is eligible for but does not receive a grant
23 under s. 321.40, Stats., or 10 USC 2007 because the veteran fails to comply with
24 applicable procedural requirements for the grant or maintain the requisite grade
25 point average to receive the grant, or who takes any other action that prevents the

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1 veteran from receiving the grant, is considered eligible for the grant for purposes of
2 this paragraph.

3 (c) *Duplicate benefits.* Reimbursement is limited to that portion of a veteran's
4 tuition not paid for by other grants or scholarships, including any offsets or
5 remissions to which the veteran is entitled under any other program.

6 (d) *Grade point average.* The department shall utilize the grade point average
7 calculated and reported by the veteran's school.

8 **SECTION 19.** VA 4.01 (7) of the administrative code is amended to read:

9 VA 4.01 (7) "Dependent child" means any natural child, any legally adopted
10 child, or any stepchild of ~~a veteran as defined in s. 45.71 (16) (a)~~ an "eligible person,"
11 as listed in s. 45.33 (1), Stats., who is at least 18 years of age and under the age of
12 26 if in full attendance at a recognized school of instruction or any age if incapable
13 of self-support by reason of mental or physical disability.

14 **SECTION 20.** VA 4.01 (16) of the administrative code is amended to read:

15 VA 4.01 (16) "Veteran" means either a veteran as defined in s. 45.71 (16) (a)
16 45.01 (12), Stats., or a ~~deceased veteran's unremarried surviving spouse or minor or~~
17 ~~dependent child who is a resident of and living in this state at the time of making~~
18 ~~application for a certificate of eligibility or a primary loan~~ person who is eligible for
19 a loan under s. 45.33, Stats.

20 **SECTION 21.** VA 4.08 (1) (c) of the administrative code is amended to read:

21 VA 4.08 (1) (c) If the applicant is a veteran who was a resident of the state of
22 Wisconsin at the time of entry into military service or has been a resident of this state
23 for any consecutive ~~5-year~~ 12-month period after entry or reentry into service on
24 active duty, the certificate of eligibility shall be issued for an indefinite period. If the
25 applicant qualifies as a veteran by virtue of being the unremarried spouse of a

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1 deceased veteran, the certificate shall become null and void upon the remarriage of
2 the applicant and shall so state upon its face.

3 **SECTION 22.** VA 4.09 (4) of the administrative code is amended to read:

4 VA 4.09 (4) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The
5 department may execute a subordination agreement or release a portion of the
6 property providing security for its mortgage if the mortgagor's equity in the property
7 secured by the mortgage is verified by the department to be greater than ~~10%~~ 15
8 percent after the execution of the subordination agreement or partial release, the
9 applicant is current on the loan, the applicant meets current underwriting criteria,
10 and the repayment history for the 6 months immediately preceding the request has
11 been satisfactory on the loan.

12 **SECTION 23.** VA 4.14 (3) (c) 2. of the administrative code is amended to read:

13 VA 4.14 (3) (c) 2. A copy of the prior year's income tax returns except if the
14 applicant's employer, type of employment or method of compensation has changed.
15 Applicants verifying their income by the prior year's income tax returns shall submit
16 a complete copy of the state and federal tax return including all schedules, W-2s, and
17 attachments.

18 **SECTION 24.** VA 4.14 (3) (c) 6. of the administrative code is amended to read:

19 VA 4.14 (3) (c) 6. Depreciation as listed on an applicant's federal tax return may
20 be used as income ~~at the request of the applicant.~~

21 **SECTION 25.** VA 5.03 (intro.) of the administrative code is amended to read:

22 VA 5.03 (intro.) The director under the direction of the secretary shall operate
23 and conduct the Wisconsin veterans museum pursuant to Wisconsin Statutes ~~and in~~
24 ~~accordance with the policies established by the board.~~ The director shall:

25 **SECTION 26.** VA 5.03 (3) of the administrative code is amended to read:

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1 VA 5.03 (3) Restore, preserve and safeguard all articles in the memorial
2 collection. The director may not sell, mortgage, transfer or dispose of in any manner
3 or remove from the museum, except for temporary purposes, any articles which are
4 a part of the memorial collection, except that, upon the recommendation of the
5 secretary ~~and the approval of the board~~, any duplicate articles or articles outside the
6 field of the memorial collection may be sold or exchanged for the purpose of procuring
7 additional materials for display.

8 **SECTION 27.** VA 5.03 (11) of the administrative code is amended to read:

9 VA 5.03 (11) Prepare an annual report ~~to the board~~ on the operation of the
10 museum and make such other reports as the secretary may require.

11 **SECTION 28.** Chapter VA 6 (title) of the administrative code is amended to read:

12 **Chapter VA 6**

13 **WISCONSIN VETERANS HOME HOMES**

14 **SECTION 29.** VA 6.01 (1) of the administrative code is amended to read:

15 VA 6.01 (1) OBJECTIVE. The department or its designated contractor under s.
16 45.50 (2m) (c), Stats., shall maintain and operate the Wisconsin veterans ~~home~~
17 homes and shall admit as members eligible veterans,; their eligible spouses,
18 surviving spouses, and parents,; and eligible parents of any child who died while
19 serving in the armed forces of the United States. The department or its designated
20 contractor shall furnish provide directly to all members, or ensure that all members
21 receive, personal maintenance, and medical and nursing care to include, including
22 programs and facilities which promote comfort, recreation, well-being, and
23 rehabilitation. The department shall be the payer of last resort for the personal
24 maintenance care, medical and nursing care, programs, and facilities provided

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1 under this subsection and subs. (11) and (12) that are not paid for by the designated
2 contractor or 3rd parties.

3 **SECTION 30.** VA 6.01 (2) of the administrative code is renumbered VA 6.01 (2)
4 (a) and amended to read:

5 VA 6.01 (2) (a) ~~No~~ Except as provided in par. (b), no person shall may be
6 admitted until such to a home unless the person has submitted an application on
7 forms furnished by the home and ~~such~~ the application has been approved by the
8 commandant. Each question ~~must~~ shall be fully and accurately answered and the
9 completed application shall be properly executed. An applicant shall authorize the
10 department to conduct a background check of his or her criminal record. Upon
11 admission of the applicant as a member, the completed application shall be a valid
12 and binding contract by and between the member and the home.

13 **SECTION 31.** VA 6.01 (2) (b) of the administrative code is created to read:

14 VA 6.01 (2) (b) A person may be admitted into a home on a conditional basis
15 pending the completion of the processing of his or her application.

16 **SECTION 32.** VA 6.01 (3) (title) of the administrative code is amended to read:

17 VA 6.01 (3) (title) ~~EXHIBITS~~ DOCUMENTS REQUIRED.

18 **SECTION 33.** VA 6.01 (3) (a) of the administrative code is renumbered VA 6.01
19 (3) (a) (intro.) and amended to read:

20 VA 6.01 (3) (a) (intro.) ~~Each~~ For the purpose of proving eligibility under s. 45.51
21 (2), Stats., the applicant shall provide all of the following documents with the
22 application shall be accompanied by a:

23 1. A complete financial statement of the applicant, a

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1 ~~2. A physician's report of physical examination of the applicant, a certified copy~~
2 ~~of the applicant's birth certificate or other acceptable evidence relating to the~~
3 ~~applicant's birth, and,~~

4 ~~3. An original or a certified copies or verifiable copy of reports each report of~~
5 ~~separation or discharges discharge of the applicant or the veteran upon whose~~
6 ~~eligibility the applicant is relying for all periods of active service in the armed forces~~
7 ~~of the United States during one wartime period as enumerated in s. 45.01 (12), Stats.,~~
8 ~~or which establish that the veteran was entitled to receive the Armed Forces~~
9 ~~Expeditionary Medal, the Navy Expeditionary Medal, the Marine Corps~~
10 ~~Expeditionary Medal or the Vietnam Service Medal or served pursuant to section 1~~
11 ~~of executive order 10957, or served under s. 45.01 (11), Stats., in Lebanon between~~
12 ~~August 1, 1982 and August 1, 1984, in Grenada between October 23, 1983 and~~
13 ~~November 21, 1983, in Panama or in a Middle East Crisis and, except in the case of~~
14 ~~a Wisconsin resident at the time of entry into active service or the spouse of such a~~
15 ~~veteran applicant, 1 affidavit attesting to the applicant's Wisconsin residence.~~

16 ~~(b) All exhibits except documents required under par. (a), other than originals~~
17 ~~or certified or verifiable copies of reports of separation will, shall be required of an~~
18 ~~applicant who applies for readmission to a home more than 60 days after discharge~~
19 ~~but an affidavit in lieu of exhibits from the home. Updates of documents required~~
20 ~~under par. (a) may be accepted requested from an applicant who applies for~~
21 ~~readmission within 60 days of discharge.~~

22 **SECTION 34.** VA 6.01 (4) of the administrative code is amended to read:

23 VA 6.01 (4) SPOUSE. ~~A veteran's~~ In addition to the documents required under
24 sub. (3), an applicant who is a spouse of a veteran shall also furnish a certified copy

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1 of his or her certificate of marriage to the veteran or any other verifiable evidence of
2 marriage that is acceptable to the department.

3 **SECTION 35.** VA 6.01 (5) of the administrative code is amended to read:

4 VA 6.01 (5) SURVIVING SPOUSE. ~~The application of a veteran's~~ In addition to the
5 documents required under subs. (3) and (4), an applicant who is a surviving spouse
6 of a veteran shall be accompanied by a certified copy of the certificate of marriage of
7 the applicant to the eligible veteran and with furnish a certified or verifiable copy of
8 such the veteran's death certificate.

9 **SECTION 36.** VA 6.01 (6) of the administrative code is amended to read:

10 VA 6.01 (6) PARENT. ~~The application of the~~ In addition to the information
11 required under sub. (3), an applicant who is a parent of a veteran or of a child who
12 died while serving in the armed forces of the United States shall also be accompanied
13 by the furnish a certified or verifiable copy of the public record of birth of the veteran
14 or child through whom eligibility is claimed, and either a complete physician's report
15 of physical examination of such veteran and a complete financial statement and 2
16 residence affidavits pertaining to such veteran or and a certified or verifiable copy
17 of such the veteran's or the child's death certificate.

18 **SECTION 37.** VA 6.01 (8) of the administrative code is amended to read:

19 VA 6.01 (8) READMISSION. A former member may be readmitted to ~~the a~~ a home
20 only if a he or she submits a new application has been submitted with the documents
21 required under sub. (3) (b) and the application is approved by the commandant on
22 the basis of the commandant's determination that the home can is able to provide
23 suitable appropriate care for the applicant. A former member who was given an
24 undesirable or dishonorable discharge may be readmitted only if the commandant
25 is satisfied that the conduct leading to such the discharge will not be repeated. The

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1 commandant may also require that an applicant for readmission shall have paid all
2 moneys which the applicant owed to the home.

3 **SECTION 38.** VA 6.01 (9) of the administrative code is amended to read:

4 VA 6.01 (9) DEPENDENTS OF MEMBERS. Nonmember dependents of members may
5 not be quartered or maintained at the a home, except under the policy for guests
6 established by the commandant.

7 **SECTION 39.** VA 6.01 (11) of the administrative code is amended to read:

8 VA 6.01 (11) ~~CLOTHING AND COMFORT ITEMS~~ PERSONAL MAINTENANCE. ~~Clothing,~~
9 The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall
10 provide directly to all members, or shall ensure as payer of last resort that all
11 members receive, items for personal maintenance as their needs may require. These
12 items shall include clothing, toiletries, and necessary aids to good grooming,
13 ~~including barber and beautician services, shall be furnished to members as their~~
14 ~~needs may require.~~

15 **SECTION 40.** VA 6.01 (12) of the administrative code is amended to read:

16 VA 6.01 (12) ~~MEDICAL AND NURSING CARE.~~ ~~Medical~~ The department or its
17 designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all
18 members, or shall ensure as payer of last resort that all members receive, medical
19 and nursing care, as their needs may require. Medical and nursing care includes
20 physician's services, nursing care, hospitalization, medications, special diets, dental
21 care including dental prosthesis, eye glasses, braces, hearing aid batteries and
22 repairs, and ancillary medical care services will be furnished members as their needs
23 may require.

24 **SECTION 41.** VA 6.01 (15) of the administrative code is amended to read:

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1 VA 6.01 (15) ADMISSION, DENIAL, OR DEFERRAL. Notwithstanding the other
2 provisions of this section sub. (1), the department may defer or deny an applicant's
3 admission to the a home when the commandant determines that the home will be is
4 unable to provide appropriate care to the applicant.

5 **SECTION 42.** VA 6.01 (16) of the administrative code is amended to read:

6 VA 6.01 (16) CHARGES FOR CARE AND MAINTENANCE. Charges for care and
7 maintenance shall be computed every January for the various categories of care
8 provided by the a home. The computations shall be based upon the estimated costs
9 of care to be incurred by the home for the succeeding annual period. The department
10 may update charges in July to reflect changes in costs during the year. Charges shall
11 be made for actual care and maintenance provided to a member.

12 **SECTION 43.** VA 6.01 (17) of the administrative code is amended to read:

13 VA 6.01 (17) DEFINITION -- "PUBLISHED". For the purposes of this chapter,
14 "published" means printing of regulations, making them available to members,
15 employees, and visitors, and posting them on a bulletin board in a public place on the
16 home grounds of a home.

17 **SECTION 44.** VA 6.02 (intro.) of the administrative code is amended to read:

18 **VA 6.02 Duties and responsibilities of the commandant.** (intro.) The
19 commandant of a veterans home, under the direction of the secretary, shall operate
20 the ~~Wisconsin~~ veterans home pursuant to Wisconsin Statutes and in accordance with
21 the policies established by the ~~board~~ department. The commandant shall:

22 **SECTION 45.** VA 6.02 (12) of the administrative code is repealed.

23 **SECTION 46.** VA 6.03 (1) of the administrative code is amended to read:

24 VA 6.03 (1) DRIVER'S LICENSE REQUIRED. No person may operate any motor
25 vehicle on any roadway; or driveway or in any parking lot of the a home unless the

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1 person holds a valid and current operator's license or unless he or she is exempt from
2 the requirement that such a an operator's license be held in order to operate a motor
3 vehicle on the highways of this state, ~~and no.~~ No person may operate a motor vehicle,
4 other than an authorized maintenance motor vehicle, anywhere on the ~~home~~
5 grounds of a home except on a roadway, or driveway or in a parking lot. Members
6 using power wheelchairs are exempt from the requirements of this subsection.

7 **SECTION 47.** VA 6.03 (2) of the administrative code is amended to read:

8 VA 6.03 (2) VEHICLE LICENSE REQUIRED. No person may operate any motor
9 vehicle on any roadway, or driveway, or in any parking lot of the a home unless the
10 vehicle has been properly registered or unless it is exempt from the requirement that
11 the vehicle be registered in order that it may be operated on the highways of this
12 state. Members using power wheelchairs are exempt from the requirements of this
13 subsection.

14 **SECTION 48.** VA 6.03 (4) of the administrative code is amended to read:

15 VA 6.03 (4) DUMPING PROHIBITED. The dumping of any waste, trash, debris, or
16 other rubbish on the ~~home~~ grounds of a home or along the ~~home~~ grounds any
17 lakeshore on or abutting the grounds of a home is prohibited, except in disposal areas
18 designated by the commandant or elsewhere as may be specifically designated by the
19 commandant.

20 **SECTION 49.** VA 6.03 (5) of the administrative code is amended to read:

21 VA 6.03 (5) REMOVING PROPERTY PROHIBITED. The removal of any shrubs, trees,
22 plants, wood, rocks, earth, or other natural products or materials from the ~~home~~
23 grounds of a home is prohibited except as may be authorized by the commandant.

24 **SECTION 50.** VA 6.03 (6) of the administrative code is amended to read:

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1 VA 6.03 (6) WILDLIFE MOLESTATION PROHIBITED. The removal, destruction, or
2 molestation of any wildlife within the boundaries of the home grounds of a home is
3 prohibited except as may be authorized by the commandant.

4 **SECTION 51.** VA 6.03 (7) of the administrative code is amended to read:

5 VA 6.03 (7) DAMAGING PROPERTY. The defacing of, damage to, or wanton
6 destruction of any structures, buildings, improvements, shrubs, trees, or plants on
7 the home grounds of a home is prohibited.

8 **SECTION 52.** VA 6.03 (8) of the administrative code is amended to read:

9 VA 6.03 (8) DRUNKENNESS INTOXICATION PROHIBITED. Any person who is found
10 in an intoxicated condition on the home grounds of a home may be subject to arrest
11 and prosecution.

12 **SECTION 53.** VA 6.03 (9) of the administrative code is amended to read:

13 VA 6.03 (9) CANVASSING, PEDDLING, AND SOLICITING. Canvassing, peddling, or
14 soliciting is prohibited on the grounds or in the buildings of ~~the~~ a home, except that
15 the commandant may authorize home posts and chapters of veterans organizations
16 and their auxiliaries to conduct ~~fund raising~~ fundraising activities at designated
17 times and places, and to solicit membership. ~~The~~ A commandant of a home may
18 authorize and establish conditions for solicitations at the home by other charitable
19 organizations.

20 **SECTION 54.** VA 6.03 (10) of the administrative code is amended to read:

21 VA 6.03 (10) LAKESHORE USE. Except as specifically authorized by the
22 commandant of a home, use of the home lakeshore, beaches, piers, or boating and
23 swimming facilities on or abutting the grounds of the home by persons other than
24 members and employees or guests of members or employees is prohibited. Use of

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1 such facilities shall be at the risk of the individuals using them and shall be limited
2 to daylight hours.

3 **SECTION 55.** VA 6.03 (11) of the administrative code is amended to read:

4 VA 6.03 (11) CAMPING AND PICNICKING. Camping on the ~~home~~ grounds of a home
5 is prohibited. Picnicking may be authorized by the commandant of a home on the
6 home's grounds in areas specifically designated by the commandant as picnic
7 grounds. The commandant shall establish rules governing permitted picnic hours,
8 the disposal of garbage and other refuse, and ~~such~~ any other matters ~~as may be~~
9 ~~deemed that the commandant determines to be necessary.~~

10 **SECTION 56.** VA 6.03 (12) of the administrative code is amended to read:

11 VA 6.03 (12) FIREARMS. The carrying or use of firearms within the limits of ~~the~~
12 a home, except by firing squads or for police or military purposes, is prohibited unless
13 authorized by the commandant of the home.

14 **SECTION 57.** VA 6.04 (1) of the administrative code is amended to read:

15 VA 6.04 (1) RULES AND REGULATIONS. Members of a home shall obey all rules of
16 the home and all rules and regulations prescribed by the commandant of the home.

17 **SECTION 58.** VA 6.04 (5) of the administrative code is amended to read:

18 VA 6.04 (5) ADMINISTRATION OF ~~MEMBERS~~ MEMBERS' PERSONAL FINANCES. Members
19 of a home shall be permitted to receive, disburse, and manage their personal finances
20 as long as they are capable of doing so. Upon determination by the medical staff that
21 a member is unable to manage funds wisely, the commandant of the home shall
22 automatically assume control over the member's funds and prepare a letter setting
23 forth ~~such~~ the determination and assumption of control, ~~copies~~ a copy of which shall
24 be mailed to any relatives concerned and to the secretary of the department.
25 Immediately upon assumption of control over a member's funds by the commandant,

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1 they shall be deposited in a personal account in the ~~home~~ administrative office of the
2 home, and withdrawals from ~~such~~ the account shall be confirmed by the
3 commandant or the commandant's designee. Relatives and friends of members
4 whose funds are under the control of the commandant may not be permitted to
5 receive or disburse these members' funds or exercise control over their funds unless
6 specifically authorized by appropriate court order.

7 **SECTION 59.** VA 6.04 (9) of the administrative code is amended to read:

8 VA 6.04 (9) DISPOSAL OF CLOTHING PROHIBITED. A member ~~shall~~ of a home may
9 not sell, give away, throw away ~~nor~~, or destroy clothing issued by the home.

10 **SECTION 60.** VA 6.04 (10) of the administrative code is amended to read:

11 VA 6.04 (10) ALCOHOLIC BEVERAGES PROHIBITED. Members of a home may not
12 bring any alcoholic beverages onto the ~~home~~ grounds of the home or keep ~~such~~
13 alcoholic beverages in their quarters.

14 **SECTION 61.** VA 6.04 (14) of the administrative code is amended to read:

15 VA 6.04 (14) GIFT OF PROPERTY BY A MEMBER. A gift of property by a member of
16 a home shall be invalid unless physical possession of the property is transferred to
17 the donee at the time the gift is made and ~~unless~~ the property is removed from the
18 premises of the home before the death of the member. A gift of property by a member
19 during the member's lifetime with the understanding that the member may retain
20 physical possession of ~~such~~ the property until the member's death or a gift of property
21 which is to take effect upon the death of the member donor is invalid.

22 **SECTION 62.** VA 6.04 (15) of the administrative code is amended to read:

23 VA 6.04 (15) LOAN OF PROPERTY TO MEMBER. Property loaned to a member of a
24 home by a nonmember ~~must~~ shall be declared to be loaned property at the time its
25 possession is transferred to the member, ~~and the~~. The nonmember loaning the

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1 property to the member ~~must~~ shall at ~~such~~ the time of the loan file a sales slip,
2 invoice, or other evidence of ownership with the ~~home~~ office of the home and shall
3 affix an identifying tag to the loaned property ~~which~~. The tag must shall remain
4 affixed to ~~such~~ the property during the term of the member's stay at the home. Any
5 property not so identified ~~will be deemed~~ shall become the property of the member
6 upon death, and ~~will~~ shall be distributed to the state.

7 **SECTION 63.** VA 6.05 (1) of the administrative code is amended to read:

8 VA 6.05 (1) DISCIPLINARY PROCEDURE FOR SERIOUS ~~OFFENCES~~ OFFENSES. ~~The~~ Each
9 home shall maintain a complete record of each offense by a member of the home for
10 which the member could be given a dishonorable discharge under sub. (7), showing
11 the name of the offender, date and place of the offense, and the nature of the offense.
12 Each member charged with such an offense shall be furnished with a copy of the
13 charge or charges placed against the member. No member may be given a
14 dishonorable discharge or disciplined in any way for the offense without a hearing
15 before the commandant of the home at a time and place to be fixed by the
16 commandant. Each member charged with an offense shall be furnished with a copy
17 of the charge or charges placed against the member. ~~No member may be given a~~
18 ~~dishonorable discharge or disciplined in any way for the offense without a hearing~~
19 ~~before the commandant at a time and place to be fixed by the commandant.~~ A
20 summary of evidence introduced, and the findings and the decision of the
21 commandant shall be filed in each case.

22 **SECTION 64.** VA 6.05 (2) of the administrative code is amended to read:

23 VA 6.05 (2) DISCIPLINARY ORDERS, REVIEW, AND APPEAL. A member found guilty
24 by ~~the~~ a commandant under sub. (1) of an offense may be dishonorably discharged,
25 given an enforced leave of absence for a period not exceeding 60 days, restricted to

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1 the ~~home~~ grounds of the home or designated ~~portions thereof~~ parts of the grounds,
2 or disciplined in such any other manner as the commandant deems determines to be
3 just and proper. Upon written application by the member involved within 10 days
4 of issuance of a disciplinary order by the commandant, the secretary shall review any
5 discharge, enforced leave of absence, restriction, or other disciplinary action ordered
6 by the commandant, and shall confirm, modify, or reverse the order. The member
7 involved may, within 10 days of action by the secretary, ~~appeal from the decision by~~
8 ~~the department before the appropriate departmental committee. In these cases,~~
9 ~~recommendations by the committee shall be submitted promptly to the board for~~
10 ~~review and final action on the appeal. Upon application for review or appeal file a~~
11 request for a hearing under s. 227.42, Stats. If a request for hearing is filed, the
12 disciplinary order involved shall be stayed pending determination of the review or
13 appeal the final decision by the department.

14 **SECTION 65.** VA 6.05 (3) of the administrative code is amended to read:

15 VA 6.05 (3) OFF-LIMITS. The commandant of a home may prohibit any member
16 of the home from entering any tavern or establishment in the vicinity of the home
17 and may declare any such establishment off-limits to any ~~or all members~~ member
18 if such action is necessary for the maintenance of discipline and control.

19 **SECTION 66.** VA 6.05 (4) of the administrative code is amended to read:

20 VA 6.05 (4) GRIEVANCE PROCEDURE. Any member ~~having~~ of a home who has a
21 grievance or complaint of any kind against the home or its management may present
22 such the grievance or complaint in writing to the commandant. ~~In the event of the~~
23 home. If the member is not satisfied with action by the commandant upon such on
24 the grievance or complaint, the member may refer the matter to the secretary, and
25 the commandant shall promptly transmit such the grievance or complaint together

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1 with a written report of investigation and action ~~thereon~~ on the grievance or
2 complaint to the secretary. ~~In the event the member is not satisfied with action by~~
3 ~~the commandant and the secretary upon such grievance or complaint he or she may~~
4 ~~appeal the matter to the board.~~

5 **SECTION 67.** VA 6.05 (5) of the administrative code is amended to read:

6 VA 6.05 (5) HONORABLE DISCHARGE. A member of a home may receive an
7 honorable discharge from membership at the home upon application, provided that
8 he or she has paid all money due the home, and has accounted for all property issued
9 that is not suitable for reissue, that no disciplinary action has been currently
10 imposed or is pending against the member, and that he or she is able to exercise
11 sound judgment in planning and providing for his or her own physical welfare. When
12 a member requires special living or travel facilities or is unable to exercise sound
13 judgment in planning for his or her own physical welfare, the commandant of the
14 home may refer the request for discharge to the county veterans service officer in the
15 member's home county for assistance, and may delay granting an honorable
16 discharge until proper facilities for his or her care and travel are assured.

17 **SECTION 68.** VA 6.05 (6) of the administrative code is amended to read:

18 VA 6.05 (6) UNDESIRABLE DISCHARGE. A member of a home may be given an
19 undesirable discharge if an obligation to the home is not paid within 60 days of the
20 date of the member's or personal representative's receipt of a billing statement from
21 the home or if the member leaves the home without satisfying the conditions for an
22 honorable discharge.

23 **SECTION 69.** VA 6.05 (7) of the administrative code is amended to read:

24 VA 6.05 (7) DISHONORABLE DISCHARGE. A member of a home may be given a
25 dishonorable discharge for frequent or habitual intoxication,; for willful

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1 disobedience of proper orders; for failure to maintain restrictions imposed as a
2 disciplinary measure; for habitual use of profane, obscene, or abusive language; for
3 defacing the defacement of, damage to, or destruction of any structures, buildings,
4 improvements, shrubs, trees, or plants on the ~~home~~ grounds, of the home; for
5 unauthorized discharge of firearms within the limits of the home; for assault on
6 another person; for theft; for committing any other crime; or for immoral or
7 indecent conduct.

8 **SECTION 70.** VA 6.05 (8) of the administrative code is amended to read:

9 VA 6.05 (8) LEAVES OF ABSENCE. Leaves of absence may be granted by the
10 commandant of a home for a period of not to exceed 60 days during a calendar year,
11 but may be extended by the secretary if circumstances warrant. Payments to the
12 state, as required by s. 45.51 (7), Stats., shall continue during the period of absence.
13 The home will not be responsible for any expense incurred by ~~members~~ a member
14 while absent from the home except for emergency medical expenses authorized by
15 a ~~home~~ home's physician, ~~providing~~ provided notice is given to the home within 24
16 hours of the onset of the emergency. Quarters will not be reserved during any
17 absence unless ~~such~~ the absence is authorized by the commandant.

18 **SECTION 71.** VA 6.05 (9) of the administrative code is amended to read:

19 VA 6.05 (9) LEAVES OF ABSENCE, MEDICAL. Leaves of absence from a home will
20 be granted to veteran members while undergoing treatment in a veterans
21 administration hospital, or in another authorized hospital, and to non-veteran
22 members while in any hospital or sanatorium away from the home, ~~and this.~~ This
23 leave shall not be charged to the ~~60-day~~ 60-day annual allowance.

24 **SECTION 72.** VA 6.06 (5) of the administrative code is repealed.

25 **SECTION 73.** VA 7.05 of the administrative code is amended to read:

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1 **VA 7.05 Administration.** The provisions of this chapter shall be administered
2 by the secretary, who shall determine the eligibility of a state veterans organization
3 for a grant and the amount of the grant for which it qualifies, and shall prescribe
4 uniform forms for reporting number of claims processed. When an application has
5 been filed, if the secretary determines that the state veterans organization concerned
6 has not adequately established its claim for a grant, the secretary may require
7 additional information. Any state veterans organization dissatisfied with a
8 determination of the secretary may appeal such determination ~~to the board~~ as
9 provided under s. VA 1.03.

10 **SECTION 74.** VA 8.02 (1) of the administrative code is amended to read:

11 VA 8.02 (1) APPLICATION. Application for county veterans' service grants shall
12 be made by the county not later than ~~6 months after the start~~ May 15 of the fiscal
13 calendar year for which the grant is claimed on forms prepared by the department.
14 An application must be accompanied by a copy of the budget proposed for the county
15 veterans' service office for the fiscal year for which the grant is claimed. Application
16 shall be made annually, and the county must meet minimum budget and operating
17 standards established by the department for the county veterans' service office in
18 order to qualify for the initial grant and for each succeeding grant.

19 **SECTION 75.** VA 8.04 of the administrative code is repealed.

20 **SECTION 76.** VA 9 (title) and VA 9.01, 9.02, 9.04 and 9.05 of the administrative
21 code are repealed.

22 **SECTION 77.** VA 9.03 of the administrative code is renumbered VA 2.04.

23 **SECTION 78.** VA 12.02 (3) (a) of the administrative code is amended to read:

24 VA 12.02 (3) (a) Copies of check stubs from the applicant's employment for a
25 ~~recent month~~ 30-day period dated within 3 months of the date of application.

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1 **SECTION 79.** VA 12.02 (3) (b) of the administrative code is amended to read:

2 VA 12.02 (3) (b) A copy of the prior year's income tax returns except if the
3 applicant's employer, type of employment, or method of compensation has changed.
4 Applicants verifying their income by the prior year's income tax returns shall submit
5 a complete copy of the state and federal tax return including all schedules, W-2s, and
6 attachments.

7 **SECTION 80.** VA 12.02 (3) (f) of the administrative code is amended to read:

8 VA 12.02 (3) (f) Depreciation as listed on an applicant's federal tax return may
9 be used as income ~~at the request of the applicant.~~

10 **SECTION 81.** VA 12.02 (9) of the administrative code is amended to read:

11 VA 12.02 (9) DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL
12 AND BIRTH EXPENSES. If the department has not received a certification under s. 49.854
13 (2) (b), Stats., that the applicant is delinquent in child support or maintenance
14 payments or owes past support, medical expenses or birth expenses, the applicant's
15 credit may be considered favorable if medical or birthing expenses do not exist or
16 payments for such expenses are being made in accordance with a court order and
17 child support and maintenance payments are current as of the date of approval of the
18 personal loan program loan by the department. Evidence that the applicant is
19 current shall be required if the child support or maintenance is not paid in the state
20 of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan
21 program loan may ~~only~~ be made to that applicant, only if the amount necessary ~~for~~
22 to satisfy the arrearage or expense is ~~to be~~ paid from proceeds of the department's
23 loan.

24 **SECTION 82.** VA 12.02 (13) of the administrative code is amended to read:

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1 VA 12.02 (13) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.
2 The department may execute a subordination agreement or release a portion of the
3 property providing security for its mortgage if the department verifies that the
4 mortgagor's equity in the property secured by the mortgage is greater than ~~10%~~ 15
5 percent after the execution of the subordination agreement or partial release, the
6 applicant is current on the loan, the applicant meets current underwriting criteria
7 and the repayment history for the 6 months immediately preceding the request has
8 been satisfactory.

9 **SECTION 83.** VA 12.05 (2) of the administrative code is amended to read:

10 VA 12.05 (2) APPRAISALS. If an applicant wishes to provide a property appraisal
11 is being used to determine the value an appraiser who is selected by the applicant
12 and, the appraiser must be licensed by the state of Wisconsin department of safety
13 and professional services, shall perform the appraisal and complete the appraisal
14 form prescribed by the department. The applicant is responsible for payment of the
15 appraisal expenses.

16 **SECTION 84.** VA 12.05 (2) (note) of the administrative code is repealed.

17 **SECTION 85.** VA 13.01 (5) of the administrative code is repealed.

18 **SECTION 86.** VA 14.02 (title) of the administrative code is amended to read:

19 **VA 14.02 Interment and disinterment fees and assessments.**

20 **SECTION 87.** VA 14.02 (1) (intro.) of the administrative code is amended to read:

21 VA 14.02 (1) INTERMENT AND DISINTERMENT FEES. (intro.) The department may
22 not assess a fee for the interment of a veteran, guard, or reserve member in a veterans
23 cemetery. The department may assess the following fee for each interment or
24 disinterment at a veterans cemetery:

25 **SECTION 88.** VA 14.02 (1) (a) of the administrative code is repealed.

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1 **SECTION 89.** VA 14.02 (2) of the administrative code is amended to read:

2 VA 14.02 (2) **ASSESSMENTS.** The department may assess the funeral director
3 involved in an interment the amount necessary to reimburse the department for the
4 average cost of ~~providing a columbarium niche or an in-ground container for the~~
5 ~~interment of cremains or~~ of providing and installing an outer burial container,
6 ~~whichever is applicable.~~ A funeral director may provide and install an outer burial
7 container in lieu of paying that assessment. The department may periodically adjust
8 the assessment, upon 30 days notice, to reflect current costs. The department shall
9 publish the notice and assessment on its web site.

10 **SECTION 90.** VA 15.02 (1) of the administrative code is amended to read:

11 VA 15.02 (1) **APPLICATION.** Application for American Indian grants shall be
12 made by the governing body of a Wisconsin American Indian tribe or band not later
13 than ~~June 30~~ May 15 of each the calendar year for which the grant is claimed, on
14 forms prepared by the department. An application shall be accompanied by a copy
15 of the budget proposed for the tribal veterans' service office for the fiscal year for
16 which the grant is claimed. Application shall be made annually. The tribe or band
17 must agree to meet minimum budget and operating standards established by the
18 department for the tribal veterans' service office in order to qualify for the initial
19 grant and for each succeeding grant.

20 **SECTION 91.** VA 15.03 (1) of the administrative code is amended to read:

21 VA 15.03 (1) Shall ~~employ a full time~~ appoint a veterans' service officer who is
22 a veteran and shall give the officer duties described in s. 45.80 (5), Stats., except that
23 the officer shall report to the governing body of the tribe or band.

24 **SECTION 92.** VA 17.04 of the administrative code is amended to read:

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1 **VA 17.04 Military funeral honors at state veterans cemeteries.** Military
2 funeral honors shall be provided at a cemetery operated by the department under s.
3 45.51 or 45.61, Stats., unless a family directs the department not to perform any
4 honors. The family shall be notified of the department's intent to provide military
5 funeral honors when the burial arrangements are being made. ~~To the extent~~
6 ~~practicable, a military funeral honors team shall perform the honors. If requested~~
7 ~~by the family, a veterans organization may assist the funeral honors team in~~
8 ~~providing honors or provide military funeral honors in lieu of a military funeral~~
9 ~~honors team.~~

10

(END)