

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the educational approval board, the employment rights
2 and benefits available to persons who are in or return from military service, the
3 powers and duties of the department of veterans affairs, veterans memorials
4 and museums, the benefits available to veterans, veterans burials, facilities for
5 veterans, and making appropriations.

Analysis by the Legislative Reference Bureau

***NOTE: THIS DRAFT HAS NOT BEEN EDITED

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

6 **SECTION 1.** 20.485 (5) (g) of the statutes is amended to read:
7 20.485 (5) (g) *Proprietary school programs.* The amounts in the schedule for
8 the examination and approval of proprietary school programs. All moneys received
9 from the issuance of solicitor’s permits under s. ~~45.54~~ 39.90 (8) and fees under s. ~~45.54~~
10 39.90 (10) shall be credited to this appropriation.

History: 1971 c. 93, 125, 198, 215; 1973 c. 4, 90; 1973 c. 208 ss. 2, 3, 17; 1973 c. 333 s. 201m; 1973 c. 340; 1975 c. 26, 39, 198, 200, 224; 1977 c. 4, 29, 237; 1977 c. 418 s. 929 (55); 1977 c. 447; 1979 c. 4, 34, 155; 1981 c. 20 ss. 377g to 399, 2202 (55) (a); 1981 c. 93, 237; 1983 a. 27; 1983 a. 333 s. 6; 1985 a. 6, 29; 1987 a. 27, 399; 1989 a. 31;

1 structures, supplies, and utilities, and work performed in the acquisition of land and
2 construction of property.

3 **SECTION 7.** 45.001 (2q) of the statutes is created to read:

4 45.001 **(2q)** “Memorial” means a building, structure, statue or creation used
5 to keep alive the remembrance of a veteran, veterans group or an event related to a
6 veteran and may include land upon which the building, structure, statue, or creation
7 is located. “Memorial” does not include a museum.

8 **SECTION 8.** 45.03 of the statutes is renumbered 45.70 and amended to read:

9 **45.70 Veterans memorials at The Highground. (1)** ~~In this section “Persian~~
10 ~~Gulf war” means the period of conflict designated by the president of the United~~
11 ~~States as Operation Desert Shield and Operation Desert Storm and any operation~~
12 ~~that is a successor to Operation Desert Shield or Operation Desert Storm. (2)~~ From
13 the appropriation under s. 20.485 (2) (d), the department shall provide funding to the
14 Wisconsin Vietnam Veterans Memorial Project, Inc., for the construction of 3
15 memorials, as defined in s. 45.04 (1) (c), one memorial for the veterans of World War
16 I, one memorial for the veterans of World War II, and one memorial for the veterans
17 of the Persian Gulf war. The memorials shall be constructed at the veterans
18 memorial site located at The Highground in Clark County. The department may
19 expend up to \$45,000 for the memorial for the veterans of World War I, up to \$85,000
20 for the memorial for the veterans of World War II, and up to \$60,000 for the memorial
21 for the veterans of the Persian Gulf war. If the moneys available under this section
22 to construct one of these memorials are in excess of the moneys needed to construct
23 that memorial, and if the moneys available under this section to construct another
24 one of these memorials are insufficient to construct that memorial, the department,

1 with the approval of the joint committee on finance, may allocate the excess moneys
2 to construct the memorial that is insufficiently funded.

3 ~~(3)~~ **(2)** From the appropriation under s. 20.485 (2) (em), the department shall
4 pay all debts that remain unpaid on February 15, 1992, for expenses incurred in
5 operating the veterans memorial at The Highground in Clark County and shall
6 contract for improvements related to the memorial. The improvements shall include
7 the paving of the parking lot at the memorial.

History: 1991 a. 44, 269; 1997 a. 27; 2001 a. 103.

****NOTE: There are no funds in these appropriations. I don't think this section is
necessary.

8 **SECTION 9.** 45.04 of the statutes is repealed.

9 **SECTION 10.** 45.05 of the statutes is renumbered 45.72 and amended to read:

10 **45.72 County and municipal memorials. (1) (1m)** In this section and s.
11 45.73, "local unit of government" means a city, village, town, or county.

****NOTE: Could this definition go in s. 45.001?

12 **(1t)** ~~Any city council, village, town, or county board~~ local unit of government
13 may by gift, purchase, contract or condemnation acquire property, real or personal,
14 for the purpose of providing, furnishing, constructing, erecting, repairing,
15 maintaining, or conducting a suitable memorial to the memory of former residents
16 thereof who lost their lives in the military or naval service of the state or of the United
17 States, or to commemorate and honor the deeds of persons, residents thereof, or of
18 the state or United States, who served the nation in any war, or other persons who
19 rendered great state or national service, or to the memory of any president of the
20 United States, or for a combination of any ~~of such~~ those purposes, which are hereby
21 declared to be public purposes.

1 ~~(2) Such~~ The local unit of government shall determine the character of the
2 ~~memorial shall be of such character as shall be determined by the governing body of~~
3 ~~such city, village, town or county, and without limitation because of enumeration, the~~
4 ~~memorial~~ may comprise a public building, hospital, sanatorium, home for the aged
5 or indigent, park, recreation facility, community forest or other suitable object
6 having a public purpose.

7 ~~(3) Any city council, town, village or county board~~ local unit of government may
8 appropriate money and may levy a tax in order to acquire, pay for, construct, erect,
9 furnish, equip, operate, repair, maintain or reconstruct a suitable memorial for the
10 purpose or purposes provided in this section.

11 ~~(4) Any city council, town, village or county board~~ local unit of government may
12 authorize the use of any public property respectively of such city, village, town or
13 county as a site for a memorial, and any county may authorize its public property to
14 be so used by any city, village or town therein.

15 ~~(5) Any city council, town, village or county board~~ local unit of government may
16 by ordinance or contract provide for the management, control or operation of any
17 memorial, and it may enter into a written lease, for a term not exceeding 25 years,
18 with any duly chartered and incorporated veterans' veterans organization
19 established in ~~said town, city or village~~ the local unit of government, such lease to
20 include provisions for the amount of rental and such conditions of public use as it may
21 determine.

22 ~~(6) Any county, city, village or town that has previously taken action toward the~~
23 ~~establishment of a monument or memorial under the statutes of 1943 or prior~~
24 ~~statutes may continue under such previously existing statutes or may proceed under~~
25 ~~this section.~~

1 **SECTION 11.** 45.051 of the statutes is renumbered 45.73 (1) and amended to
2 read:

3 45.73 **Sites for veterans' veterans memorial halls. (1)** Any ~~city, town or~~
4 ~~village~~ local unit of government may donate to any organization specified in s. 70.11
5 (9) land upon which is to be erected a memorial hall to contain the memorial tablet
6 specified in said section.

 ***NOTE: Does expanding this section to also apply to counties cause any problems.
See also Section 19

History: 1999 a. 150 s. 603; Stats. 1999 s. 45.051.

7 **SECTION 12.** 45.052 of the statutes is renumbered 45.74.

8 **SECTION 13.** 45.055 of the statutes is renumbered 45.72 (6) and amended to
9 read:

10 45.72 **(6) Joint memorials.** Any ~~city council or village, town or county board~~
11 local unit of government may contract with or make an appropriation, or both, to any
12 other unit of government or to any nonprofit corporation without capital stock
13 organized expressly for any of the purposes of s. ~~45.05~~ this section or to any duly
14 chartered and incorporated ~~veterans'~~ veterans organization established in any such
15 city, village, town or county, and for the purpose of raising funds for such memorial
16 purposes or contributions, may levy taxes upon the taxable property located in the
17 county or municipality, or borrow money and issue the bonds of the respective
18 municipalities therefor in the manner and under the regulations provided by ch. 67;
19 provided that the facilities of such memorial are made available to the residents of
20 the governmental unit making such appropriation to the extent that the governing
21 body of the governmental unit may require.

History: 1985 a. 29.

22 **SECTION 14.** 45.058 of the statutes is renumbered 45.75.

23 **SECTION 15.** 45.059 of the statutes is renumbered 45.71.

1 **SECTION 16.** 45.06 of the statutes is renumbered 45.73 (2) and amended to read:

2 45.73 (2) ~~ROOMS FURNISHED BY COUNTY OR MUNICIPALITY.~~ The action of any county
3 ~~board or municipality, or department thereof~~ local unit of government, in granting
4 veterans organizations or any other civic, patriotic, educational or historical society,
5 rooms and space within public buildings for the establishment of memorial halls and
6 museums, and occupancy thereof by its members, is authorized and confirmed. ~~Such~~
7 ~~county board or municipality~~ The local unit of government may permit the use and
8 occupancy of such rooms and space for such term and subject to conditions and
9 provisions as may be imposed by them. Any contract, lien, or agreement between
10 ~~said county board, municipality or department thereof~~ the local unit of government
11 and any ~~such~~ organization now in force shall continue in force according to the terms
12 ~~thereof of the contract, lien, or agreement.~~

13 **SECTION 17.** 45.066 of the statutes is renumbered 86.03 (7).

14 **SECTION 18.** 45.10 of the statutes is renumbered 45.85 and amended to read:

15 **45.85 County tax for needy veterans. (1)** Every county board shall
16 annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes
17 of this section, ~~such.~~ The tax to shall be levied and collected as other county taxes
18 for the purpose of providing aid to needy veterans, the needy spouses, surviving
19 spouses, minor and dependent children of ~~such~~ the veterans and the needy parents
20 of ~~such~~ veterans entitled to aid under ss. 45.10 to 45.15, and to carry out the purposes
21 of ss. 45.16 to 45.185. Aid may not be denied solely on the basis that a person
22 otherwise eligible ~~therefor~~ for aid owns a homestead ~~which~~ that the person occupies
23 ~~as such.~~

History: 1975 c. 94 s. 91 (4), (6); 1975 c. 199.

24 **SECTION 19.** 45.11 of the statutes is renumbered 45.85 (2) and amended to read:

1 45.85 **(2) ~~Estimate of amount needed.~~ (1)** Except as provided under sub.
2 ~~(2)~~, the The county veterans' veterans service commission or county veterans service
3 officer appointed under s. 45.43 (1) (b) shall estimate the probable amount required
4 under s. 45.10 and shall file such that estimate with the county board. **(2)** ~~A county~~
5 ~~veterans' service officer appointed under s. 45.43 (1) (b) shall have the powers and~~
6 ~~duties prescribed for the county veterans' service commission under sub. (1).~~

History: 1985 a. 29.

7 **SECTION 20.** 45.12 of the statutes is renumbered 45.81.

8 **SECTION 21.** 45.13 of the statutes is renumbered 45.82 and amended to read:

9 **45.82 Records of meetings and investigations kept by service officer.**

10 The county ~~veterans' veterans~~ service officer shall serve as executive secretary of the
11 county ~~veterans' veterans~~ service commission and shall make or direct all necessary
12 investigations to determine eligibility for aid under s. 45.10 when so requested by the
13 commission. The county service officer, in making such investigation, may use the
14 facilities for investigating that are made available by the county board ~~of the county.~~

History: 1989 a. 56.

15 **SECTION 22.** 45.14 (title) of the statutes is repealed.

16 **SECTION 23.** 45.14 (1) of the statutes is repealed.

17 **SECTION 24.** 45.14 (2) of the statutes is renumbered 45.81 (3) and amended to
18 read:

19 45.81 **(3)** (a) Except as provided under sub. (3), the commission may furnish
20 aid to any person ~~within~~ described in s. 45.10 if the right of that person to aid is
21 established to the commission's satisfaction.

22 (b) The secretary of the commission shall make and deposit with the county
23 clerk treasurer a list containing the name, place of residence, and amount to be paid

1 to each person furnished with aid under par. (a), which shall be signed by the
2 chairperson and secretary of the commission.

3 History: 1985 a. 29; 1993 a. 184; 2001 a. 103.

3 (c) The total disbursements made by the commission under this subsection
4 ~~shall~~ may not exceed the amount collected from the tax levied. When a list under par.
5 (b) is filed, the county clerk shall issue an order upon the county treasurer for the sum
6 designated in the list in each case and deliver that sum to the person entitled to that
7 sum.

8 (d) The commission may furnish aid in a different manner than by supplying
9 money. The commission may request the county clerk to issue an order upon the
10 county treasurer to a purveyor of services or commodities for the purchase of services
11 or commodities, or the commission may furnish supplies, as it considers best.

***NOTE: Should the county clerk still be involved?

12 (e) The commission shall make a detailed report to the county board ~~at each~~
13 ~~annual session of the county board~~ annually showing the amount expended under
14 this subsection. The report may not include any personal identifying information
15 regarding the persons that received aid under this subsection.

16 History: 1985 a. 29; 1993 a. 184; 2001 a. 103.

16 **SECTION 25.** 45.14 (3) of the statutes is renumbered 45.81 (4).

17 **SECTION 26.** 45.15 of the statutes is renumbered 45.81 (5) and amended to read:

18 45.81 (5) **Commission, compensation.** The county board shall allow the
19 members of the commission a reasonable rate of compensation for services and actual
20 expenses incurred in the performance of their duties to be determined pursuant to
21 under s. 59.22. The county board may provide for the employment of clerical
22 assistance to the commission.

23 History: 1995 a. 201.

23 **SECTION 27.** 45.16 of the statutes is renumbered 45.83 and amended to read:

1 **45.83 Burial allowance. (1)** Each county veterans' veterans service officer
2 shall cause to be interred in a decent and respectable manner in any cemetery in this
3 state, other than those used exclusively for the burial of paupers, the body of any
4 person veteran, spouse, or surviving spouse who was living in the county at the time
5 of death, ~~meets the definition of a "veteran" under s. 45.35 (5) and who dies not~~
6 ~~leaving sufficient means to defray the necessary expenses of a decent burial, or under~~
7 ~~financial circumstances that would distress the person's family to pay the expenses~~
8 ~~of the burial, and the body of a spouse or surviving spouse of the person who dies not~~
9 ~~leaving such means or under the same financial circumstances and who was living~~
10 ~~in the county at the time of death,~~ at an expense to the county of not more than \$300
11 in addition to the burial allowance payable under laws administered by the U.S.
12 department of veterans affairs.

History: 1971 c. 125, 163; 1975 c. 94 s. 91 (3), (5); 1975 c. 199; 1983 a. 430; 1987 a. 399; 1987 a. 403 s. 255; 1989 a. 31, 56, 359; 1991 a. 2, 165; 1993 a. 16; 1995 a. 255; 1997 a. 27.

13 **SECTION 28.** 45.17 of the statutes is renumbered 45.83 (2) and amended to read:
14 **45.83 (2) Investigation and report.** Before assuming the burial expense, the
15 county veterans' veterans service officer shall make a careful inquiry into and
16 examination of all the circumstances in the case to ascertain the existence of either
17 financial condition required by ~~s. 45.16~~ s. 45.83 (1). The county veterans service
18 officer, in making the inquiry, may use the facilities for investigation that are made
19 available by the county board. The officer shall report to the county clerk that the
20 officer found the required financial condition, the facts supporting the finding, the
21 name and date of death of the deceased, the place where buried and an itemized
22 statement of the burial expenses.

History: 1989 a. 56; 1997 a. 116.

23 **SECTION 29.** 45.18 of the statutes is renumbered 45.83 (3) and amended to read:

1 **45.83 (3) Order for expenses; headstone.** The chairperson of the county
2 board and the clerk of the county on the receipt of the report under s. 45.17 shall draw
3 an order on the county treasurer for the amount of expenses so incurred, payable to
4 the person designated in the report as being entitled ~~thereto~~ to that payment. The
5 county ~~veterans'~~ veterans service officer of each county shall, upon the death and
6 burial of ~~any such person~~ a veteran described under sub. (1) who was living in the
7 county at the time of death, make application to the proper authorities for a suitable
8 headstone as provided for by act of congress, and at the expense of the county cause
9 the same to be placed at the head of ~~his or her~~ the deceased's grave.

History: 1983 a. 538; 1987 a. 403 s. 255.

10 **SECTION 30.** 45.185 of the statutes is renumbered 45.84 and amended to read:

11 **45.84 Care of soldiers' graves. (1)** Every town board, village board or
12 common council of every city shall at all times see that the graves and tombstones
13 of all ~~members of the armed forces of the United States~~ veterans, including women's
14 auxiliary organizations created by act of congress, who shall at any time have served
15 in any branch of the armed forces of the United States, and of the spouses or
16 surviving spouses of ~~all such members of the armed forces~~ those veterans, receive
17 proper and decent care, and may employ all necessary assistance to carry out this
18 section. The expense of the care of ~~such~~ the graves and tombstones shall be borne
19 by the ~~respective counties~~ county where the said graves are located, except where
20 suitable care is otherwise provided. The amount of expense ~~so charged~~ to the county
21 for ~~such~~ the care shall may not exceed the charge made for the care of other graves
22 in the same cemetery.

23 **(2)** The ~~municipal governing bodies~~ body specified in sub. (1) shall report to the
24 county clerk of ~~their respective counties~~ its county, on or before September 1 of each

1 year, the respective locations of the graves cared for by them under sub. (1), together
2 with the names of the deceased and the amount claimed for care of the graves for the
3 fiscal year from the previous July 1 to June 30.

4 (3) The chairperson of the county board and the county clerk, upon receipt of
5 the report under sub. (2), shall draw an order on the county treasurer for the amount
6 of the expenses incurred in caring for the graves, payable to the person or persons
7 designated in the report as being entitled thereto the payment.

History: 1975 c. 94 s. 91 (4), (6); 1993 a. 184; 1997 a. 116; 2001 a. 103.

8 SECTION 31. 45.19 of the statutes is renumbered 45.60, and amended to read:

9 45.60 (title) **Military funeral honors ~~funerals~~**.

10 45.60 (1) STIPENDS. (a) The department shall administer a program to
11 coordinate the provision of military funeral honors ~~funerals~~ to deceased veterans.

12 (b) Military funeral honors may be provided by local units of member
13 organizations of the council on veterans programs and, by local units of veterans
14 organizations certified by the department to provide military funeral honors, by
15 members of the Wisconsin national guard activated under s. 21.11 (3), or by staff of
16 the department.

17 (c) From the appropriation under s. 20.485 (2) (q), the department shall
18 reimburse a local unit of a member organization of the council on veterans programs
19 or a local unit of a veterans organization certified by the department to provide
20 military funeral honors for the costs of providing a military funeral honors ~~funeral~~
21 to a deceased veteran. The reimbursement may not exceed \$50 for each funeral for
22 which military honors ~~funeral~~ are provided.

23 (2) TUITION VOUCHER (a) The department shall create a tuition voucher form to
24 be used by funeral directors under sub. (3). The department shall distribute copies

1 of the tuition voucher form, plus an explanation of the form's use, to every operator
2 of a funeral establishment. The department may not charge a fee for the tuition
3 voucher form or for the distribution of the form.

4 **(3) (b)** A funeral director may issue a tuition voucher in the amount of \$25 to
5 an individual who sounds "Taps" on a bugle, trumpet, or cornet during a each funeral
6 for which military honors funeral are held in this state for a deceased veteran and
7 who is a student in grades 6 to 12 or at an institution of higher education, as defined
8 under s. 895.515 (1) (b). The tuition voucher may be used at any time for the payment
9 of tuition and required program activity fees at a University of Wisconsin System
10 institution as provided under s. 36.27 (3r) or a technical college as provided under
11 s. 38.24 (6). The department shall encourage private institutions of higher education
12 to accept the vouchers. The vouchers are not transferable.

History: 1999 a. 136; 2001 a. 103; 2003 a. 42.

13 **SECTION 32.** Subchapter II (title) of chapter 45 [precedes 45.20] of the statutes
14 is repealed and recreated to read:

15 **CHAPTER 45**

16 **SUBCHAPTER II**

17 **EDUCATION AND TRAINING**

18 **SECTION 33.** 45.25 (1m) of the statutes is amended to read:

19 45.25 **(1m)** ADMINISTRATION. The department shall administer a tuition
20 reimbursement program for eligible veterans enrolling as undergraduates in any
21 institution of higher education, as defined in s. 45.396 (1) (a), in this state, enrolling
22 in a school that is approved under s. 45.35 (9m), enrolling in a proprietary school that
23 is approved under s. ~~45.54~~ 39.90, or receiving a waiver of nonresident tuition under
24 s. 39.47.

1 **SECTION 34.** 45.25 (3) (a) of the statutes is amended to read:

2 45.25 **(3)** (a) Except as provided in par. (am), a veteran who meets the
3 requirements under sub. (2), upon satisfactory completion of a full-time
4 undergraduate semester in any institution of higher education, as defined in s.
5 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any
6 proprietary school that is approved under s. 45.54 39.90, or any institution from
7 which the veteran receives a waiver of nonresident tuition under s. 39.47, may be
8 reimbursed an amount not to exceed the total cost of the veteran's tuition minus any
9 grants or scholarships that the veteran receives specifically for the payment of the
10 tuition, or the standard cost of tuition for a state resident for an equivalent
11 undergraduate semester at the University of Wisconsin–Madison, whichever is less.
12 Reimbursement is available only for tuition that is part of a curriculum that is
13 relevant to a degree in a particular course of study at the institution.

14 **SECTION 35.** 45.25 (4) (a) of the statutes is amended to read:

15 45.25 **(4)** (a) A veteran is not eligible for reimbursement under sub. (2) for more
16 than 120 credits or 8 full semesters of full-time study at any institution of higher
17 education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full semesters
18 of full-time study at any institution of higher education, as defined in s. 45.396 (1)
19 (a), in this state that offers a degree upon completion of 60 credits, or an equivalent
20 amount of credits at a school that is approved under s. 45.35 (9m), at a proprietary
21 school that is approved under s. 45.54 39.90, or at an institution where he or she is
22 receiving a waiver of nonresident tuition under s. 39.47.

23 **SECTION 36.** Subchapter III (title) of chapter 45 [precedes 45.30] of the statutes
24 is created to read:

25

CHAPTER 45

1 SUBCHAPTER III

2 HOUSING LOAN PROGRAM

3 **SECTION 37.** 45.30 of the statutes is repealed.4 **SECTION 38.** 45.35 (3m) of the statutes is renumbered 45.70 (3).5 **SECTION 39.** 45.358 of the statutes is renumbered 45.63 and amended to read:6 **45.63 Wisconsin veterans cemeteries. (1) DEFINITIONS.** ~~In this section;~~7 (a) ~~“Dependent child” means any natural or adoptive child under 18 years of~~
8 ~~age, or under the age of 26 if in full attendance at a recognized school of instruction,~~
9 ~~or of any age if the child is unmarried and incapable of self-support by reason of~~
10 ~~mental or physical disability.~~11 (b) ~~“Veteran” means a person who has served on active duty, except service on~~
12 ~~active duty for training purposes, in the U.S. armed forces.~~13 ~~(2) (1) CONSTRUCTION AND OPERATION OF CEMETERIES.~~ Subject to authorization
14 under ss. 13.48 (10) and 20.924 (1), the department may construct and operate
15 veterans cemeteries in central, northwestern and southeastern Wisconsin and may
16 employ any personnel that are necessary for the proper management of the
17 cemeteries. The cemetery in central Wisconsin is the Central Wisconsin Veterans
18 Memorial Cemetery. The cemetery in southeastern Wisconsin is the Southern
19 Wisconsin Veterans Memorial Cemetery. The cemetery in northwestern Wisconsin
20 is the Northern Wisconsin Veterans Memorial Cemetery. The department may
21 acquire, by gift, purchase, or condemnation, lands necessary for the purposes of the
22 cemeteries. Title to the properties shall be taken in the name of this state. Every
23 deed of conveyance shall be immediately recorded in the office of the proper register
24 of deeds and thereafter filed with the secretary of state. The department may accept
25 for the state all gifts, grants, and bequests for the purposes of maintenance.

1 restoration, preservation, and rehabilitation of the veterans cemeteries constructed
2 under this subsection. All cemeteries operated by the department are exempt from
3 the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

****NOTE: All of these references to “southeastern,” “southern,” are very confusing.
Should we change to place names? Can we clean this up some?

4 ~~(3)~~ (2) ELIGIBILITY. The following persons are eligible for burial at a cemetery
5 constructed and operated under sub. ~~(2)~~ or s. ~~45.37 (15)~~ (1):

6 (a) A ~~veteran~~ person who died while on active duty or who was discharged or
7 released from active duty in the U.S. armed forces under honorable conditions and
8 who was a resident of this state at the time of his or her entry or reentry into active
9 service and his or her dependent children and surviving spouse.

10 (b) A ~~veteran~~ person who was discharged or released from active duty in the
11 U.S. armed forces under honorable conditions and who was a resident of this state
12 at the time of his or her death and his or her dependent children and surviving
13 spouse.

14 (c) The spouse or dependent child of a ~~veteran~~ person who is serving on active
15 duty at the time of the spouse’s or dependent child’s death if the veteran was a
16 resident of this state at the time of the veteran’s entry or reentry into active service.

17 (d) The spouse or dependent child of a ~~veteran~~ person if the veteran was a
18 resident of this state at the time of his or her entry or reentry into active service and
19 was discharged or released from active duty in the U.S. armed forces under
20 honorable conditions.

21 (e) The spouse or dependent child of a ~~veteran~~ person who was discharged or
22 released from active duty in the U.S. armed forces under honorable conditions if the

1 veteran and spouse or dependent child were residents of this state at the time of the
2 spouse's or dependent child's death.

3 (f) A person who was a resident of this state at the time of his or her entry or
4 reentry into service in any national guard or in a reserve component of the U.S.
5 armed forces or who was a resident of this state for at least 12 consecutive months
6 immediately preceding his or her death, and the person's spouse, surviving spouse
7 and dependent children, if the person is eligible for burial in a national cemetery
8 under 38 USC 2402.

9 (g) A ~~veteran~~ person who was discharged or released from active duty in the
10 U.S. armed forces under honorable conditions and who was a resident of the state for
11 at least 12 consecutive months after entering or reentering service on active duty.

12 ~~(3m)~~ **(3)** FEES AND COSTS. The department may charge a fee for burials under
13 this section and may promulgate rules for the assessment of the any fee. The cost
14 of preparing the grave and the erection of a marker for a veteran shall be paid from
15 the appropriation under 20.485 (1) (gk).

****NOTE: Check all of the appropriation language, because that language is not
consistent with the new language. See 20.485 (1) (gd) and (gk) for example.

16 ~~(4)~~ GIFTS, GRANTS, AND BEQUESTS. ~~The department may accept for the state all~~
17 ~~gifts, grants, and bequests for the purposes of maintenance, restoration,~~
18 ~~preservation, and rehabilitation of the veterans cemeteries constructed under sub.~~
19 ~~(2).~~

History: 1993 a. 296; 1995 a. 27, 255; 1997 a. 27; 1999 a. 9; 2001 a. 103, 109; 2003 a. 58, 83.

20 **SECTION 40.** 45.37 (15) (a) of the statutes is repealed.

21 **SECTION 41.** 45.37 (15) (b) of the statutes is renumbered 45.63 (4) and amended
22 to read:

1 45.63 (4) APPLICATION Application for burial shall be made to the department.
2 The surviving spouse of the veteran, ~~as defined in s. 45.358 (1) (b)~~, shall have the
3 privilege of selecting a lot next to the veteran if available. Permission shall be given
4 by the department for a period of one year from date of granting, but may be
5 extended, on request, for additional one–year periods.

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103; 2003 a. 33.

6 **SECTION 42.** 45.37 (15) (c) of the statutes is renumbered 45.63 (5) and amended
7 to read:

8 45.63 (5) EXPENSES Expenses incident to the burial at the ~~home of a member~~
9 under this section shall be paid from the estate of the decedent, except that if there
10 is no estate or the estate is insufficient, the expense of burial, or necessary part
11 thereof of the burial, shall be paid from the appropriation under s. 20.485 (1) (gk) and
12 the amount expended ~~therefor~~ for those expenses shall not exceed the amount
13 established for funeral and burial expenses under s. 49.785 (1) (b).

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103; 2003 a. 33.

14 **SECTION 43.** 45.396 (2) of the statutes is amended to read:

15 45.396 (2) Any veteran upon the completion of any correspondence course or
16 part–time classroom study from an institution of higher education located in this
17 state, from a school that is approved under s. 45.35 (9m), from a proprietary school
18 that is approved under s. 45.54 ~~39.90~~, or from any public or private high school may
19 be reimbursed in part for the cost of the course by the department upon presentation
20 to the department of a certificate from the school indicating that the veteran has
21 completed the course and stating the cost of the course and upon application for
22 reimbursement completed by the veteran and received by the department no later
23 than 60 days after the termination of the course for which the application for

1 reimbursement is made. The department shall accept and process an application
2 received more than 60 days after the termination of the course if the applicant shows
3 good cause for the delayed receipt. The department may not require that an
4 application be received sooner than 60 days after a course is completed. Benefits
5 granted under this section shall be paid out of the appropriation under s. 20.485 (2)
6 (th).

7 **SECTION 44.** 45.396 (3) (intro.) of the statutes is amended to read:

8 45.396 **(3)** (intro.) A veteran who is a resident of this state and otherwise
9 qualified to receive benefits under this section may receive the benefits under this
10 section upon the completion of any correspondence courses or part-time classroom
11 study from an institution of higher education located outside this state, from a school
12 that is approved under s. 45.35 (9m), or from a proprietary school that is approved
13 under s. ~~45.54~~ 39.90, if any of the following applies:

14 **SECTION 45.** 45.397 (2) (a) of the statutes is amended to read:

15 45.397 **(2)** (a) The veteran is enrolled in a training course in a technical college
16 under ch. 38 or in a proprietary school in the state approved by the educational
17 approval board under s. ~~45.54~~ 39.90, other than a proprietary school offering a
18 4-year degree or 4-year program, or is engaged in a structured on-the-job training
19 program that meets program requirements promulgated by the department by rule.

20 **SECTION 46.** Subchapter IV (title) of chapter 45 [precedes 45.40] of the statutes
21 is created to read:

22 **CHAPTER 45**

23 **SUBCHAPTER IV**

24 **OTHER PROGRAMS**

25 **SECTION 47.** 45.42 of the statutes is renumbered 45.65.

1 **SECTION 48.** 45.43 of the statutes is renumbered 45.80, and 45.80 (1) (am), (2),
2 and (7m) (c), as renumbered, are amended to read:

3 **45.80 (1) (am)** Except as provided under par. (b), the county board may appoint
4 assistant county ~~veterans'~~ veterans service officers who shall be Wisconsin residents
5 who served on active duty, other than active duty for training, under honorable
6 conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed
7 forces and who meet at least one of the conditions listed in ~~s. 45.35 (5) (a) 1. a. to d.~~
8 s. 45.001 (4) (a) 1. a. to d. and at least one of the conditions listed in ~~s. 45.35 (5) (a)~~
9 ~~2. a. to c.~~ s. 45.001 (4) (a) 2. a. to c.

10 **(2) TERM.** A county ~~veterans'~~ veterans service officer elected under sub. (1) (a)
11 shall serve until the first Monday in January of the 2nd year subsequent to the year
12 of his or her election, and, if reelected, shall continue to serve unless removed under
13 s. 17.10 (2). ~~All county veterans' service officers who have been reelected prior to May~~
14 ~~18, 1967, may continue to serve unless removed under s. 17.10 (2).~~

History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109; 2003 a. 33 ss. 1093, 9160; 2003 a. 163, 321.

15 **(7m) (c)** ~~A county may not allocate any portion of a grant awarded under this~~
16 ~~subsection for use by another county department and may not reduce funding to a~~
17 ~~county veterans' veterans service office based upon receipt of a grant.~~

****NOTE: We discussed removing s. 45.43 (7) and (7m) from this section and placing those subsections in the section dealing with the powers of the department, but I did not do so at this time.

Cross Reference: Cross Reference: Cross Reference: See also ch. VA 16, Wis. adm. code.
History: 1973 c. 90; 1977 c. 196 s. 130 (2); 1983 a. 27 ss. 947, 2200 (15); 1983 a. 430; 1985 a. 29; 1987 a. 399; 1989 a. 31, 56; 1991 a. 2, 39, 269; 1993 a. 16, 254; 1995 a. 201, 255; 1997 a. 27; 2001 a. 16, 103, 109; 2003 a. 33 ss. 1093, 9160; 2003 a. 163, 321.

18 **SECTION 49.** Subchapter V (title) of chapter 45 [precedes 45.50] of the statutes
19 is created to read:
20

CHAPTER 45

SUBCHAPTER V

CARE AND TREATMENT FACILITIES

23

1 department shall contact the U.S. department of veterans affairs to determine if the
2 person is eligible for treatment at a U.S. department of veterans affairs facility. If
3 the person is eligible for that treatment, the county department shall include that
4 information in the treatment plan. The treatment plan shall address the individual's
5 needs for inpatient care, residential services, community support services,
6 medication and its monitoring, case management, and other services to enable the
7 person to live in the community upon release from an inpatient facility. The
8 treatment plan shall contain information concerning the availability of the needed
9 services and community treatment providers' acceptance of the individual into their
10 programs. The treatment plan is only a recommendation and is not subject to
11 approval or disapproval by the court. Failure to furnish a treatment plan under this
12 paragraph does not constitute grounds for dismissal of the petition unless the failure
13 is made in bad faith.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1–1–80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326.

14 **SECTION 58. 51.45 (13) (h) of the statutes is amended to read:**

15 51.45 (13) (h) A person committed under this subsection shall remain in the
16 custody of the county department for treatment for a period set by the court, but not
17 to exceed 90 days. During this period of commitment the county department may
18 transfer the person from one approved public treatment facility or program to
19 another as provided in par. (k). If the person is a veteran the county department shall
20 contact the U.S. department of veterans affairs to determine if the person is eligible
21 for treatment at a U.S. department of veterans affairs facility. If the person is eligible
22 for that treatment, the county department may transfer the person to that facility.
23 At the end of the period set by the court, the person shall be discharged automatically

1 unless the county department before expiration of the period obtains a court order
2 for recommitment upon the grounds set forth in par. (a) for a further period not to
3 exceed 6 months. If after examination it is determined that the person is likely to
4 inflict physical harm on himself or herself or on another, the county department shall
5 apply for recommitment. Only one recommitment order under this paragraph is
6 permitted.

History: 1973 c. 198; 1975 c. 200, 428; 1975 c. 430 s. 80; 1977 c. 29; 1977 c. 187 ss. 44, 134, 135; 1977 c. 203 s. 106; 1977 c. 428; 1977 c. 449 s. 497; Sup. Ct. Order, 83 Wis. 2d xiii (1987); 1979 c. 32 s. 92 (11); Sup. Ct. Order, eff. 1-1-80; 1979 c. 221 ss. 417, 2200 (20); 1979 c. 300, 331, 356; 1981 c. 20; 1981 c. 79 s. 17; 1981 c. 289, 314; 1983 a. 27 ss. 1116 to 1121, 2202 (20); 1985 a. 29 s. 3202 (56); 1985 a. 139; 1985 a. 176 ss. 533 to 556, 615; 1985 a. 265; 1985 a. 332 s. 251 (1); 1987 a. 339, 366; 1989 a. 31, 336, 359; 1991 a. 39; 1993 a. 16, 27, 213, 451, 490; 1995 a. 27 ss. 3268, 3269, 9145 (1); 1995 a. 77, 225; 1997 a. 27, 35, 237; 1999 a. 9; 2001 a. 61.

7 **SECTION 59. 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:**

8 **71.05 (6) (b) 28. (intro.)** An amount paid by a claimant for tuition expenses for
9 a student who is the claimant or who is the claimant's child and the claimant's
10 dependent who is claimed under section 151 (c) of the Internal Revenue Code, to
11 attend any university, college, technical college or a school approved under s. 45.54
12 39.90, that is located in Wisconsin or to attend a public vocational school or public
13 institution of higher education in Minnesota under the Minnesota-Wisconsin
14 reciprocity agreement under s. 39.47, calculated as follows:

15 **SECTION 60. 86.03 (4) of the statutes is amended to read:**

16 **86.03 (4) CUTTING OR INJURING TREES ON HIGHWAY.** No person shall cut down,
17 break, girdle, bruise the bark or in any other manner injure, or allow any animal
18 under that person's control to injure, any public or private trees, shrubs or hedges
19 growing within the highway, except as the owner thereof or the public authority
20 maintaining the highway may cut down, trim and remove trees, shrubs and hedges
21 for the purpose of and conducing to the benefit and improvement of the owner's land
22 or the highway facility, subject to sub. (7).

History: 1991 a. 316; 1993 a. 490; 2001 a. 107.

23 **SECTION 61. 86.03 (6) of the statutes is amended to read:**

1 **86.03 (6) FINES.** ~~Any~~ Except as provided in sub. (7), any person violating any
2 of the provisions of this section shall be deemed guilty of a misdemeanor and upon
3 conviction thereof shall be punished by a fine not to exceed \$25 for each tree or shrub
4 damaged, felled or destroyed.

History: 1991 a. 316; 1993 a. 490; 2001 a. 107.

5 **SECTION 62.** 182.028 of the statutes is amended to read:

6 **182.028 School corporations.** Any corporation formed for the establishment
7 and maintenance of schools, academies, seminaries, colleges, or universities or for
8 the cultivation and practice of music shall have power to enact bylaws for the
9 protection of its property, and provide fines as liquidated damages upon its members
10 and patrons for violating the bylaws, and may collect the same in tort actions, and
11 to prescribe and regulate the courses of instruction therein, and to confer such
12 degrees and grant such diplomas as are usually conferred by similar institutions or
13 as shall be appropriate to the courses of instruction prescribed, except that no
14 corporation shall operate or advertise a school that is subject to s. 45.54 39.90 (10)
15 without complying with the requirements of s. 45.54 39.90. Any stockholder may
16 transfer his or her stock to the corporation for its use; and if the written transfer so
17 provides the stock shall be perpetually held by the board of directors with all the
18 rights of a stockholder, including the right to vote.

19 **SECTION 63.** 460.05 (1) (e) 1. of the statutes is amended to read:

20 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork
21 approved by the educational approval board under s. 45.54 39.90 or completed a
22 training program approved by the department under the rules promulgated under
23 s. 460.04 (2) (b).

24 **SECTION 64.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

