

1 **AN ACT** *to repeal* 45.375 (title) and 45.385 (title), (1) (title) and (2) (title); *to*
 2 *renumber* 45.38; *to renumber and amend* 45.365, 45.37 (title), 45.37 (1) to (14),
 3 45.37 (17) and (18) and 45.385 (1) and (2); *to consolidate, renumber and amend*
 4 45.375 (1) and (2); and *to create* 45.001 (4m) of the statutes; **relating to:** care and
 5 treatment facilities for veterans.

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

6 **SECTION 1.** 45.001 (4m) of the statutes is created to read:

7 45.001 (**4m**) “Veterans facility” means the Wisconsin Veterans Home at Union Grove,
 8 the Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Spooner.

9 **SECTION 2.** 45.365 of the statutes is renumbered 45.50 and amended to read:

10 **45.50 ~~Wisconsin Veterans Home at King and southeastern facility~~ Veterans**
 11 **facilities; management.** (1) ~~(a) In this section and s. 45.37:~~

12 ~~2. “Home” means the Wisconsin Veterans Home at King.~~

13 ~~3. “Southeastern facility” means any of the residential, treatment or nursing care~~
 14 ~~facilities operated by the department in southeastern Wisconsin under s. 45.385.~~

15 (am) The department shall operate the ~~home~~ Wisconsin Veterans Home at King, and
 16 employ a commandant and the officers, nurses, attendants, and other personnel necessary for
 17 the proper conduct of the home. The department may employ a commandant for the
 18 ~~southeastern facility~~ Wisconsin Veterans Home at Union Grove or the Wisconsin Veterans
 19 Home at Spooner. In compliance with the compensation plan established pursuant to s. 230.12
 20 (3), a commandant may recommend to the director of personnel charges for meals, living

1 quarters, laundry, and other services furnished to employees and members of the employees'
2 family maintained at ~~the home and the southeastern facility~~ veterans facilities. Complete
3 personal maintenance and medical care to include programs and facilities that promote
4 comfort, recreation, well-being, or rehabilitation shall be furnished to all members of the
5 ~~home~~ veterans facilities under the policy of the department.

6 (b) All money received in reimbursement for services to ~~home or southeastern facility~~
7 veterans facilities employees under par. (a) or in payment for meals served to guests at the
8 ~~home or southeastern facility~~ veterans facilities shall be accumulated in an account named
9 "employee maintenance credits" and shall be paid into the general fund within one week after
10 receipt and credited to the appropriation under s. 20.485 (1) (gk).

11 (d) ~~The home and southeastern facility~~ Veterans facilities shall include a geriatric
12 evaluation, research and education program. The program staff shall be funded from the
13 appropriations under s. 20.485 (1) (hm), (j) and (mj).

14 (e) The department may employ any personnel that are necessary for the proper
15 management of veterans facilities.

COMMENT: The language of par. (e) is taken from current s. 45.385.

16 (2) The department may acquire, by gift, purchase, or condemnation, lands necessary
17 for the purposes of ~~the home~~ veterans facilities. Title ~~thereto~~ to the lands shall be taken in the
18 name of this state and shall be held by and for the uses and purposes of ~~said home so long as~~
19 ~~used for the present objects and purposes thereof~~ the facilities. No payment shall may be made
20 out of the state treasury or otherwise for ~~any such~~ the land until the title has been examined
21 and approved by the attorney general. Every such deed of conveyance shall be immediately
22 recorded in the office of the proper register of deeds and ~~thereafter~~ filed with the secretary of
23 state.

1 **(2a)** The department may use moneys appropriated pursuant to ~~under~~ s. 20.485 (1) (h)
2 to purchase, erect, construct, or remodel buildings, and to provide additions and
3 improvements thereto, and to provide equipment therefor and to provide, materials, supplies,
4 and services necessary for the purposes of the ~~home and southeastern~~ veterans facilities, and
5 for such expenses as ~~may be~~ that are necessary and incidental to acquisition of property
6 pursuant to s. ~~45.37~~ 45.51 (10) and (11).

7 **(2b)** The department may accept gifts, bequests, grants or donations of money or of
8 property from private sources to be administered by the department for the purposes of ~~the~~
9 ~~home and southeastern facility~~ veterans facilities. All moneys so received shall be paid into
10 the general fund and are appropriated therefrom as provided in s. 20.485 (1) (h), except that
11 gifts or grants received specifically for the purposes of the geriatric program at ~~the home and~~
12 ~~southeastern facility~~ veterans facilities are appropriated as provided in s. 20.485 (1) (hm). The
13 department ~~shall~~ may not apply to the gifts and bequests fund interest on certificate of savings
14 deposits for those members who do not receive maximum monthly retained income. The
15 department shall establish for ~~such~~ those persons upon their request individual accounts with
16 savings and interest applied pursuant to ~~such~~ the member requests.

17 **(2m)** (a) The department may enter into agreements for furnishing and charging for
18 water and sewer service from facilities constructed at and for ~~the home~~ veterans facilities to
19 public and private properties lying in the immediate vicinity of ~~the home~~ veterans facilities.

20 (b) Agreements under this section shall be drafted to hold harmless the department, to
21 require all expense thereof to be paid by the applicant, and to be terminable by the department
22 when other water and sewer services become available to the applicant.

23 **(3)** A commandant and employees designated by the commandant may summarily
24 arrest all persons within or upon the grounds of ~~the home or southeastern facility~~ veterans

1 facilities who are guilty of any offense against the laws of this state or the rules and regulations
2 governing ~~the home or southeastern facility~~ veterans facilities. For this purpose, a
3 commandant and deputies have the power of constables.

4 (5) The fire department at ~~the home or southeastern facility~~ veterans facilities in
5 response to emergency fire calls may make runs and render fire fighting service beyond the
6 confines of ~~the home or southeastern facility~~ veterans facilities.

7 (6) ~~The home and the nursing care facility within the southeastern facility~~ Veterans
8 facilities are subject to ch. 150.

9 (7) The department may develop a program to provide stipends to individuals to attend
10 school and receive the necessary credentials to become employed at ~~the home or the~~
11 ~~southeastern facility~~ veterans facilities. If the department ~~does develop~~ develops a stipend
12 program under this subsection, the department shall promulgate administrative rules related
13 to the program, including the application process, eligibility criteria, stipend amount,
14 repayment provisions, and other provisions that the department determines are necessary to
15 administer the program.

16 **SECTION 3.** 45.37 (title) of the statutes is renumbered 45.51 (title) and amended to read:

17 **45.51 (title) Who are eligible to Eligibility for membership.**

18 **SECTION 4.** 45.37 (1) to (14) of the statutes are renumbered 45.51 (1) to (14) and
19 amended to read:

20 45.51 (1) GENERAL STATEMENT. Within the limitations of ~~the home and southeastern~~
21 ~~facility~~ veterans facilities, the department may admit to membership in ~~the home and~~
22 ~~southeastern facility~~ veterans facilities persons who meet the qualifications set forth in this
23 section.

1 **(1a) DEFINITION OF VETERAN.** ~~Except as provided in sub. (15) (a) and (b), in~~ In this
2 section, “veteran” has the meaning given in s. 45.001 (4) (a) or means any person who served
3 on active duty under honorable conditions in the U.S. armed forces or in forces incorporated
4 as part of the U.S. armed forces for at least one day during a war period or under section 1 of
5 executive order 10957, dated August 10, 1961, and who was officially reported missing in
6 action or killed in action or who died in service, or who was discharged under honorable
7 conditions after 90 days or more of active service, or if having served less than 90 days was
8 honorably discharged for a service-connected disability or for a disability subsequently
9 adjudicated to have been service connected, or who died as a result of a service-connected
10 disability.

11 **(2) BASIC ELIGIBILITY REQUIREMENTS.** A veteran may be admitted to ~~the home or~~
12 ~~southeastern~~ a veterans facility if the veteran:

13 (a) *Residence.* Was a resident of this state at the time of entering service with the armed
14 forces and is a resident of this state on the date of admission to the ~~home or southeastern~~
15 veterans facility.

16 (b) *Disability test.* Is permanently incapacitated due to physical disability or age from
17 following any substantially gainful occupation.

18 (d) *Crimes.* Has not been convicted of a felony or of a crime involving moral turpitude
19 or, if so, has produced sufficient evidence of subsequent good conduct and reformation of
20 character as to be satisfactory to the department.

21 (e) *Chronic ailments.* Is not a chronic alcoholic, drug addict, psychotic or active
22 tuberculosis case, unless the department determines that the ~~home~~ veterans facility is capable
23 of providing satisfactory care for the person.

1 (f) *Financial information.* Provides a complete financial statement containing
2 information that the department determines is necessary to evaluate the financial
3 circumstances of the veteran and his or her spouse. The department may require a member
4 of the ~~home or southeastern~~ veterans facility to provide the department with information
5 necessary for the department to determine the financial circumstances of the member and his
6 or her spouse. If a member fails to provide the additional information, the department may
7 discharge the member from the ~~home or southeastern~~ veterans facility.

8 (h) *Care needs.* Has care needs which the ~~home or southeastern~~ veterans facility is able
9 to provide within the resources allocated for the care of members of the ~~home or southeastern~~
10 veterans facility.

11 **(3) EXCEPTIONS TO THE BASIC ELIGIBILITY REQUIREMENTS.** A veteran who was not a
12 resident of this state at the time of enlistment or induction into service but who is otherwise
13 qualified for membership may be admitted if the veteran has been a resident of this state for
14 any consecutive 12-month period after enlistment or induction into service and before the date
15 of his or her application. If a person applying for a benefit under this ~~subchapter~~ chapter meets
16 the residency requirement of 12 consecutive months, the department may not require the
17 person to reestablish that he or she meets that residency requirement when he or she later
18 applies for any other benefit under this chapter that requires residency.

COMMENT: Should the 2nd sentence above be moved to a more general
 provision in a new subchapter I?

19 **(4) ADMISSION PRIORITIES.** (a) *Order of eligibility of veterans.* ~~Applications from~~
20 ~~veterans except~~ Except in cases where there is an immediate need for physical care or
21 economic assistance, applications from veterans shall be passed upon in order of priority
22 based upon the date of receipt of the application by the ~~home or southeastern~~ veterans facility.

1 Establishment of the priority date of the application may be deferred to the date that the ~~home~~
2 ~~or southeastern~~ veterans facility is able to verify its ability to provide appropriate care to the
3 applicant or to assure that the appropriate care setting is available within the ~~home or~~
4 ~~southeastern~~ facility.

5 (b) *Basis for eligibility of nonveterans.* Spouses, surviving spouses and parents derive
6 their eligibility from the eligibility of the veteran upon whose service it is based. Surviving
7 spouses and parents of eligible veterans shall not be eligible for admission at a ~~southeastern~~
8 ~~facility~~ the Wisconsin Veterans Home at Union Grove or the Wisconsin Veterans Home at
9 Spooner. Surviving spouses and parents of eligible veterans shall not be eligible for admission
10 at the ~~home~~ Wisconsin Veterans Home at King except for those admitted to the home prior to
11 May 5, 1976, or unless the home's overall occupancy level is below an optimal level as
12 determined by the board.

COMMENT: The sentence dealing with the Union Grove facility was
expanded to include the Spooner facility. Is this okay? Also, is the
separate sentence dealing with the King facility still needed?

13 (c) *Order of priority.* 1m. The order of priority for admission to the ~~home or~~
14 ~~southeastern~~ a veterans facility shall be as follows:

15 a. Eligible veterans shall have 1st priority.

16 b. Spouses of eligible veterans shall be given 2nd priority.

17 c. Surviving spouses of eligible veterans shall be given 3rd priority for admission to the
18 home.

19 d. Parents of eligible veterans shall be given 4th priority for admission to the home.

20 5. The department may deviate from this sequence upon order of the board in order to
21 prevent the separation of a family unit of husband and wife.

1 **(5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SPOUSE OF A VETERAN.** A spouse of an
2 eligible veteran is eligible only if the spouse meets the requirements of sub. (2) (d) to (h) and
3 if:

4 (a) The veteran is a member, or if not a member is institutionalized elsewhere because
5 of physical or mental disability, and the spouse had lived with the veteran for not less than 6
6 months immediately before making application for membership.

7 (b) Separation from ~~such~~ the spouse necessitated by reason of employment,
8 hospitalization or because of a physical or mental disability of either spouse shall not be taken
9 to constitute an interruption of ~~such~~ the one-year period.

10 (c) A spouse of an eligible veteran by virtue of a bona fide marriage invalidly entered
11 into but validated prior to application for admission shall, for the purpose of this subsection
12 and sub. (6), be considered married to ~~such~~ the eligible veteran from the date such invalid
13 marriage was entered into.

14 **(6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE.** The surviving
15 spouse of a veteran who was a resident of this state at the time of the veteran's death, is eligible
16 if the surviving spouse meets the requirements of sub. (2) (d) to (h) and if the surviving spouse
17 satisfies all of the following:

18 (a) Was married to and living with the deceased veteran not less than 6 months
19 immediately prior to the death of the veteran, or was married to the veteran at the time the
20 veteran entered the service and was widowed by the death of the veteran in the service or as
21 a result of physical disability incurred during ~~such~~ the service, or the period during which the
22 surviving spouse was married to and lived with the deceased veteran plus the period of
23 widowhood is 6 months or more, or if the surviving spouse was married to and living with the
24 veteran less than 6 months and a child was born of the marriage; ~~and,~~

- 1 (b) Has not remarried; ~~and.~~
- 2 (c) Is 45 years of age or over on the date of application; ~~and.~~
- 3 (d) Is physically disabled; ~~and.~~
- 4 (e) Is unable adequately to care for himself or herself and lacks adequate means of
- 5 support; ~~and.~~
- 6 (f) Has been a resident of this state for the 12 months immediately preceding the date
- 7 of application for membership.

8 (7) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. The parent of a veteran who was

9 a resident of this state at the time of the veteran's death or, the parent of a living veteran who

10 is eligible for membership, is eligible if the parent meets the requirements of sub. (2) (d) to

11 (h) and if the parent satisfies all of the following:

- 12 (a) Has reached 60 years of age; ~~and.~~
- 13 (b) Has been a resident of this state for the 12-months preceding the date of application
- 14 for membership; ~~and.~~
- 15 (c) Is physically disabled, unable adequately to care for himself or herself, and lacks
- 16 adequate means of support.

17 (9) MEMBER INCOME RETENTION AND PAYMENT. (c) *Work therapy program*

18 *compensation.* The board shall establish a pay plan for compensation of members for services

19 rendered to ~~the home or southeastern~~ a veterans facility under its work therapy program.

20 (d) *Member payments.* Members shall pay the amount due the state for care and

21 maintenance of the member within 30 days after the receipt of the ~~home's or southeastern~~

22 veterans facility's billing statement by the member or by the member's personal

23 representative. The department may subject any bill not paid within 30 days after receipt of

24 the billing statement to an interest assessment of 1% per month or fraction of a month. If

1 payment is not made within 60 days after the receipt of the billing statement, the department
2 may discharge the member from the ~~home or southeastern~~ veterans facility.

3 (e) *U.S. department of veterans affairs payments.* Payment of amounts due the state
4 for care and maintenance of a member shall be made to the fullest extent possible from sources
5 of income other than pension or compensation paid by the U.S. department of veterans affairs.

6 (g) *Work therapy or hobby shop income.* A member is not required to use income
7 received from services rendered to the ~~home or southeastern~~ veterans facility under its work
8 therapy program or from the sale of products or services through the hobby shop as payment
9 for the care or maintenance of the member at the ~~home or southeastern~~ veterans facility.

10 (h) *Home or southeastern Veterans facility exchange.* The operation of the ~~home or~~
11 ~~southeastern~~ veterans facility exchange, including the operation of the hobby shop for the sale
12 of products made by all members, shall be conducted under the supervision of the department.

13 **(9c) PERSONAL FUNDS OF MEMBER.** A member may, in writing, authorize the ~~home or~~
14 ~~southeastern~~ veterans facility to receive, hold and account for his or her personal funds.
15 Section 49.498 (8) and the rules promulgated under that subsection apply to the funds of a
16 member held by the ~~home or southeastern~~ veterans facility under this subsection. The
17 department may transfer the personal funds of a member received under this subsection to the
18 Wisconsin veterans facilities members fund under s. 25.37. Upon request of the member, the
19 department shall pay to the member the amount of the member's personal funds requested by
20 the member.

21 **(9d) MEDICAL ASSISTANCE PAYMENTS.** All moneys received under ~~title XIX of the Social~~
22 ~~Security Act~~ medical assistance, as defined in s. 49.43 (8), for the care of members shall be
23 transferred to the appropriation under s. 20.485 (1) (gk).

1 **(10)** CONVEYANCE OF PROPERTY; DESCENT. (a) Except as otherwise provided in this
2 subsection, the application and admission of any applicant admitted under this section shall
3 constitute a valid and binding contract between a member and the department. If a member
4 dies leaving a relative that is entitled to an interest in the property of the member under the
5 rules of intestate succession or a will the existence of which is made known to the commandant
6 of the ~~home~~ veterans facility within 60 days of the member's death, the member's property
7 shall constitute a part of the member's estate, except that personal effects of nominal monetary
8 value of a deceased member who is not survived by a member spouse may be distributed by
9 the commandant of the ~~home or the southeastern~~ veterans facility to surviving relatives of the
10 member who request the personal effects within a reasonable time after the member's death.

11 (c) The department may manage, sell, lease, or transfer property descending to the state
12 pursuant to this section or conveyed to it by members, defend and prosecute all actions
13 concerning it, pay all just claims against it, and do all other things necessary for the protection,
14 preservation, and management of such the property. All expenditures necessary for the
15 execution of functions under this paragraph or sub. (11) shall be made from the appropriation
16 in s. 20.485 (1) (h).

17 (d) A person who at the time of death is a member of the ~~home~~ Wisconsin Veterans
18 Home at King is a resident of Waupaca County for the probate of the person's will, issuance
19 of letters testamentary or other letters authorizing the administration of the decedent's estate,
20 and the administration of the estate.

COMMENT: Should a provision similar to par. (d) apply to the other 2
veterans facilities?

21 **(11)** DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies without a relative
22 that is entitled to an interest in the property of the member under the rules of intestate

1 succession and without leaving a will the existence of which is made known to the
2 commandant of the home within 60 days of the member's death, the member's property shall
3 be converted to cash and turned over by the commandant of ~~the home~~ a veterans facility to the
4 secretary of administration to be paid into the appropriation under s. 20.485 (1) (h), without
5 administration. The amount is subject to refund within 6 years to the estate of a veteran if it
6 is subsequently discovered that the veteran left a will or a relative that is entitled to an interest
7 in the property of the member under the rules of intestate succession or to any creditor of the
8 veteran who establishes right to the ~~fund~~ funds or property or any portion ~~thereof~~ of the funds
9 or property. The department, upon being satisfied that a claim out of ~~such~~ the funds or property
10 is legal and valid, shall pay the ~~same~~ claim out of ~~such~~ the funds or property, except that
11 payment of claims for a member's funeral and burial expenses may not exceed a total of \$1,500
12 including any amount allowed by the United States for the member's funeral and burial and
13 the right for burial and interment provided in sub. (15) (a) [____].

14 **(12) CERTIFICATES OF LIEN.** All certificates of lien filed prior to July 31, 1975 are void
15 and shall be released by the department upon request without consideration.

16 **(14) POWERS OF COMMANDANT OVER PERSONAL FUNDS OF MEMBERS.** A commandant may
17 receive, disburse, and account for funds of members.

18 **SECTION 5.** 45.37 (17) and (18) of the statutes are renumbered 45.51 (17) and (18) and
19 amended to read:

20 45.51 **(17) ADDITIONAL ELIGIBILITY REQUIREMENTS.** Any person admitted to ~~the~~ a nursing
21 ~~home or the nursing care~~ at a veterans facility ~~operated by the department within the~~
22 ~~southeastern facility~~ shall meet during residence at the nursing home ~~or at the nursing care~~
23 ~~facility operated by the department within the southeastern facility~~ the eligibility requirements

1 under ss. 49.45 and 49.46 and rules promulgated ~~thereunder~~ under those sections except that
2 if any of the following apply:

3 (a) Persons with sufficient income and resources to meet the expenses of care for one
4 or more months may be admitted to or remain in membership at ~~the home or the nursing care~~
5 ~~facility operated by the department within the southeastern facility~~ home but shall apply
6 income and resources to costs to the extent required by ss. 49.45 and 49.46 and rules
7 promulgated ~~thereunder~~; or under those sections.

8 (b) Persons who meet all the requirements of this section but whose degree of physical
9 disability does not meet the minimum requirements in ss. 49.45 and 49.46 and rules
10 promulgated ~~thereunder~~ under those sections may be admitted to or remain in membership at
11 the nursing home or ~~the nursing care facility operated by the department within the~~
12 ~~southeastern facility~~ but shall apply income and resources to costs to the extent required by
13 ss. 49.45 and 49.46 and rules promulgated ~~thereunder~~ under those sections.

14 **(18)** ~~SOUTHEASTERN FACILITY ADDITIONAL~~ ADDITIONAL ELIGIBILITY REQUIREMENT FOR THE
15 WISCONSIN VETERANS HOME AT UNION GROVE. An otherwise eligible person may be admitted
16 to or remain in residency at a residential or treatment facility within the ~~southeastern facility~~
17 Wisconsin Veterans Home at Union Grove only if the person has sufficient income and
18 resources, and applies the income and resources to fully reimburse the department for the cost
19 of providing care to the person. This income and resource limit on eligibility does not apply
20 to persons admitted to the nursing care facility home operated by the department within the
21 ~~southeastern facility~~ Wisconsin Veterans Home at Union Grove.

22 **SECTION 6.** 45.375 (title) of the statutes is repealed.

23 **SECTION 7.** 45.375 (1) and (2) of the statutes are consolidated, renumbered 45.50 (8)
24 and amended to read:

1 45.50 (8) The department may establish a hospital at ~~the Wisconsin Veterans Home at~~
2 ~~King a veterans facility.~~

3 ~~(2) A hospital~~ All hospitals established under ~~sub. (1) this subsection~~ may not have an
4 ~~a total~~ approved bed capacity, as defined in s. 150.01 (4m), greater than 16 beds. The approved
5 bed capacity of ~~the a nursing home licensed under s. 50.03 on July 1, 1995, and operated at~~
6 ~~the Wisconsin Veterans Home at King a veterans facility~~ is reduced by one bed for each
7 approved bed at the hospital established under ~~sub. (1) this subsection at that facility.~~

8 **SECTION 8.** 45.38 of the statutes is renumbered [_____].

COMMENT: The drafting subcommittee decided to move this section of
the statutes to a new subchapter I, which will incorporate general powers
and duties of the department of veterans affairs.

9 **SECTION 9.** 45.385 (title), (1) (title) and (2) (title) of the statutes are repealed.

10 **SECTION 10.** 45.385 (1) and (2) of the statutes are renumbered 45.50 (1m) (a) and (b)
11 and amended to read:

12 45.50 (1m) (a) Subject to authorization under ss. 13.48 (10) and 20.924 (1), the
13 department may construct or renovate and operate residential, treatment, and nursing care
14 facilities ~~in southeastern Wisconsin, including a community-based residential facility, to be~~
15 known as the ~~Southern Wisconsin Veterans Retirement Center~~ Wisconsin Veterans Home at
16 Union Grove. ~~The department may employ any personnel that are necessary for the proper~~
17 ~~management of the Southern Wisconsin Veterans Retirement Center. The department may~~
18 ~~acquire by gift, purchase, or condemnation lands necessary for the purposes of the Southern~~
19 ~~Wisconsin Veterans Retirement Center. Title to any properties acquired under this section~~
20 ~~shall be taken in the name of this state. Every deed of conveyance shall be immediately~~
21 ~~recorded in the office of the proper register of deeds and filed with the secretary of state.~~

