

State of Wisconsin



2013 Assembly Bill 734

Date of enactment: April 4, 2014
Date of publication*: April 5, 2014

2013 WISCONSIN ACT 189

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

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

SECTION 1. Chapter VA 2 (title) of the administrative code is amended to read:

Chapter VA 2

EMERGENCY, CORRESPONDENCE, AND PART-TIME STUDY, RETRAINING AND TUITION AND FEE REIMBURSEMENT GRANTS TO NEEDY VETERANS, VETERANS TUITION REIMBURSEMENT AND RETRAINING GRANTS, AND REIMBURSEMENT OF VETERANS FOR TRIBAL COLLEGE TUITION

SECTION 2. VA 1.11 (intro.) of the administrative code is amended to read:

VA 1.11 (intro.) The administrative and executive duties of the department shall be vested in the secretary to be administered under the rules and regulations of the department and subject to and in accordance with the policies established by the board. The secretary shall:

SECTION 3. VA 1.11 (2) of the administrative code is amended to read:

VA 1.11 (2) Administer and supervise all programs of the department, and shall serve as an ex-officio mem-

ber of all advisory, standing and special committees appointed by the board, unless specifically exempted.

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

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

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 VA 1.11 (13) of the administrative code is repealed.

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

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

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 VA 1.11 (18) of the administrative code is repealed.

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

VA 1.18 Trust fund stabilization loans. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage on a loan under s. 45.356, 1995 Stats., if the mortga-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

gor's equity in the property secured by the mortgage is greater than ~~40%~~ 15 percent of the property's value after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

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

VA 2.01 (2) (b) 1. 'All applicants.' Except for applicants who are eligible under subd. 3., the applicant's income shall not exceed ~~130%~~ 180 percent of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence. An applicant may apply for subsistence aid, health care aid, or both. Applications approved by the department shall have the balance of the maximum available aid allocated towards each type of aid requested, unless the applicant indicates a lesser amount in writing. Applications shall be denied if no unallocated funds are available at the time of application. The department shall indicate on each description of benefits the type of health care or subsistence aid authorized, the date the department confirmed that the applicant was eligible for the grant, a date 90 calendar days from that date, the unallocated amount available for each type of aid and for the cumulative limits of this section, and the amount of aid being authorized. No more than one description of benefits may be outstanding at any time, except where all health care providers have submitted binding quotes prior to the issuance of more than one description of benefits, and are willing to accept payment from this program in full for any service rendered to the applicant in accordance with the description of benefits. The department shall pay the lesser of the actual cost of services invoiced or the binding quote submitted by the health care provider. No payment shall be made by the department unless an itemized written invoice is received by the department within ~~30~~ 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits. Authorized applications for health care aid may not be withdrawn without the agreement of the provider of the health care aid.

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

VA 2.01 (3) (b) *Subsistence aid.* Subsistence aid is available for the ~~90 day~~ 90-day period following the date of the verified loss of income due to illness, injury, or a natural disaster. Applications may be made for any ~~30 day~~ 30-day period within the ~~90~~ 120 days following the date of the verified loss of income. No more than ~~three~~ 3 ~~30-day~~ 30-day periods of subsistence aid may be granted for any verified loss of income due to illness, injury, or natural disaster. ~~No subsistence aid will be granted for any period prior to the date the application for subsistence aid is received.~~ Subsistence aid shall be lim-

ited to the difference between the amount of earned and unearned income available before the loss of income and the earned and unearned income being received after the loss of income, subject to the limitations under s. 45.40 (1m) (b) and (3), Stats. The applicant shall verify the loss of income by submitting verification of income forms, certified public accounting statements, or any other evidence as the department deems credible. Illness or injury ~~must~~ shall be verified in writing on a form approved by the department. When the department has evidence that the incapacitation will cause an income loss for 90 days or longer, subsistence grants will be prorated for each of the ~~30-day~~ 30-day periods unless the department determines that an alternate distribution of the grant would benefit the applicant. If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify current participation in an approved treatment program.

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

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

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

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

VA 2.03 (1) (c) "Earned income" ~~has the meaning specified in s. VA 9.01 (5)~~ means all anticipated monthly and academic year take-home earnings from employment, including armed forces reserve and national guard pay and work-study pay, after all payroll deductions of the veteran and the veteran's spouse, except payroll deductions for savings plans and payment of debts.

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

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

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

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

abilities, armed forces disability retirement pay, or parental contributions.

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

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

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

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

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

VA 2.06 Tribal college tuition reimbursement program. (1) **DEFINITIONS.** In this section:

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

(b) “Veteran” has the meaning given in s. 45.01 (12), Stats.

(2) **REIMBURSEMENT APPLICATION.** (a) An applicant for tuition reimbursement under this section shall submit an application on a form approved by the department. The applicant may submit the application electronically, and the applicant shall submit the application either directly to the department or through a county veterans service officer or other agent authorized by the department. Each initial application shall be received by the department or its designee no later than 60 days after the starting date of the course, term, or semester for which reimbursement is requested. The department shall consider an initial application received under this paragraph once all required student information in the initial application is completed and a physical or electronic date stamp is affixed to the application.

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

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

(b) *Veterans benefits.* A veteran may not receive reimbursement for any semester or course for which he or she is eligible or received a grant under s. 321.40, Stats., or [10 USC 2007](#). A veteran who is eligible for but does not receive a grant under s. 321.40, Stats., or [10 USC 2007](#) because the veteran fails to comply with applicable procedural requirements for the grant or maintain the requisite grade point average to receive the grant, or who takes any other action that prevents the veteran from receiving the grant, is considered eligible for the grant for purposes of this paragraph.

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

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

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

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

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

VA 4.01 (16) “Veteran” means either a veteran as defined in s. ~~45.71(16)(a)~~ 45.01 (12), Stats., or a ~~deceased veteran’s unremarried surviving spouse or minor or dependent child who is a resident of and living in this state at the time of making application for a certifi-~~

cate of eligibility of a primary loan person who is eligible for a loan under s. 45.33, Stats.

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

VA 4.08 (1) (c) If the applicant is a veteran who was a resident of the state of Wisconsin at the time of entry into military service or has been a resident of this state for any consecutive 5-year 12-month period after entry or reentry into service on active duty, the certificate of eligibility shall be issued for an indefinite period. If the applicant qualifies as a veteran by virtue of being the unremarried spouse of a deceased veteran, the certificate shall become null and void upon the remarriage of the applicant and shall so state upon its face.

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

VA 4.09 (4) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the mortgagor's equity in the property secured by the mortgage is verified by the department to be greater than 40% 15 percent after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria, and the repayment history for the 6 months immediately preceding the request has been satisfactory on the loan.

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

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

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

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

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

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

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

VA 5.03 (3) Restore, preserve and safeguard all articles in the memorial collection. The director may not sell, mortgage, transfer or dispose of in any manner or remove from the museum, except for temporary purposes, any articles which are a part of the memorial collection,

except that, upon the recommendation of the secretary and the approval of the board, any duplicate articles or articles outside the field of the memorial collection may be sold or exchanged for the purpose of procuring additional materials for display.

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

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

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

Chapter VA 6

WISCONSIN VETERANS HOME HOMES

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

VA 6.01 (1) OBJECTIVE. The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall maintain and operate the Wisconsin veterans home homes and shall admit as members eligible veterans, their eligible spouses, surviving spouses, and parents, and eligible parents of any child who died while serving in the armed forces of the United States. The department or its designated contractor shall furnish provide directly to all members, or ensure that all members receive, personal maintenance, and medical and nursing care to include, including programs and facilities which promote comfort, recreation, well-being, and rehabilitation. The department shall be the payer of last resort for the personal maintenance care, medical and nursing care, programs, and facilities provided under this subsection and subs. (11) and (12) that are not paid for by the designated contractor or 3rd parties.

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

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

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

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

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

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

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

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

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

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

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

VA 6.01 (4) SPOUSE. A veteran's In addition to the documents required under sub. (3), an applicant who is a spouse of a veteran shall also furnish a certified copy of his or her certificate of marriage to the veteran or any other verifiable evidence of marriage that is acceptable to the department.

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

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

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

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

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

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

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

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

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

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

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

VA 6.01 (12) MEDICAL AND NURSING CARE. Medical The department or its designated contractor under s. 45.50 (2m) (c), Stats., shall provide directly to all members, or shall ensure as payer of last resort that all members receive, medical and nursing care, as their needs may require. Medical and nursing care includes physician's services, nursing care, hospitalization, medications, spe-

cial diets, dental care including dental prosthesis, eye glasses, braces, hearing aid batteries and repairs, and ancillary medical care services will be furnished members as their needs may require.

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

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

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

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

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

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

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

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

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

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

VA 6.03 (1) **DRIVER'S LICENSE REQUIRED.** No person may operate any motor vehicle on any roadway; or driveway or in any parking lot of the a home unless the person holds a valid and current operator's license or unless he or she is exempt from the requirement that ~~such a~~ an operator's license be held in order to operate a motor vehicle on the highways of this state, ~~and no.~~ No person may operate a motor vehicle, other than an authorized maintenance motor vehicle, anywhere on the home grounds of a home except on a roadway; or driveway or in a parking lot. Members using power wheelchairs are exempt from the requirements of this subsection.

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

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

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

VA 6.03 (4) **DUMPING PROHIBITED.** The dumping of any waste, trash, debris, or other rubbish on the home grounds of a home or along the home grounds any lake-shore on or abutting the grounds of a home is prohibited, except in disposal areas designated by the commandant or elsewhere as may be specifically designated by the commandant.

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

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

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

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

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

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

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

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

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

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

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

VA 6.03 (10) **LAKESHORE USE.** Except as specifically authorized by the commandant of a home, use of the ~~home~~ lakeshore, beaches, piers, or boating and swimming facilities on or abutting the grounds of the home by persons other than members and employees or guests of members or employees is prohibited. Use of such facilities shall be at the risk of the individuals using them and shall be limited to daylight hours.

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

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

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

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

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

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

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

VA 6.04 (5) **ADMINISTRATION OF MEMBERS' MEMBERS' PERSONAL FINANCES.** Members of a home shall be permitted to receive, disburse, and manage their personal finances as long as they are capable of doing so. Upon determination by the medical staff that a member is unable to manage funds wisely, the commandant of the home shall automatically assume control over the member's funds and prepare a letter setting forth ~~such~~ the determination and assumption of control, ~~copies a copy~~ of which shall be mailed to any relatives concerned and to the secretary of the department. Immediately upon assumption of control over a member's funds by the commandant, they shall be deposited in a personal account in the ~~home~~ administrative office of the home, and withdrawals from ~~such~~ the account shall be confirmed by the commandant or the commandant's designee. Relatives and friends of members whose funds are under the control of the commandant may not be permitted to receive or disburse these members' funds or exercise control over their funds unless specifically authorized by appropriate court order.

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

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

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

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

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

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

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

VA 6.04 (15) **LOAN OF PROPERTY TO MEMBER.** Property loaned to a member of a home by a nonmember ~~must~~ shall be declared to be loaned property at the time its possession is transferred to the member, ~~and the~~ The nonmember loaning the property to the member ~~must~~ shall at ~~such~~ the time of the loan file a sales slip, invoice, or other evidence of ownership with the ~~home~~ office of the home and shall affix an identifying tag to the loaned property ~~which~~ The tag ~~must~~ shall remain affixed to ~~such~~ the property during the term of the member's stay at the home. Any property not so identified ~~will be deemed~~ shall become the property of the member upon death, and will shall be distributed to the state.

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

VA 6.05 (1) **DISCIPLINARY PROCEDURE FOR SERIOUS OFFENCES OFFENSES.** ~~The~~ Each home shall maintain a complete record of each offense by a member of the home for which the member could be given a dishonorable discharge under sub. (7), showing the name of the offender, date and place of the offense, and the nature of the offense. Each member charged with such an offense shall be furnished with a copy of the charge or charges placed against the member. No member may be given a dishonorable discharge or disciplined in any way for the offense without a hearing before the commandant of the home at a time and place to be fixed by the commandant. Each member charged with an offense shall be furnished with a copy of the charge or charges placed against the mem-

ber. No member may be given a dishonorable discharge or disciplined in any way for the offense without a hearing before the commandant at a time and place to be fixed by the commandant. A summary of evidence introduced, ~~and~~ the findings and the decision of the commandant shall be filed in each case.

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

VA 6.05 (2) DISCIPLINARY ORDERS, REVIEW, AND APPEAL. A member found guilty by ~~the a~~ commandant under sub. (1) of an offense may be dishonorably discharged, given an enforced leave of absence for a period not exceeding 60 days, restricted to the ~~home grounds of~~ the home or designated ~~portions thereof~~ parts of the grounds, or disciplined in ~~such any~~ other manner as the commandant ~~deems~~ determines to be just and proper. Upon written application by the member involved within 10 days of issuance of a disciplinary order by the commandant, the secretary shall review any discharge, enforced leave of absence, restriction, or other disciplinary action ordered by the commandant, and shall confirm, modify, or reverse the order. The member involved may, within 10 days of action by the secretary, ~~appeal from the decision by the department before the appropriate departmental committee. In these cases, recommendations by the committee shall be submitted promptly to the board for review and final action on the appeal. Upon application for review or appeal~~ file a request for a hearing under s. 227.42, Stats. If a request for hearing is filed, the disciplinary order involved shall be stayed pending determination of the review or appeal the final decision by the department.

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

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

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

VA 6.05 (4) GRIEVANCE PROCEDURE. Any member ~~having of a home who has~~ a grievance or complaint of any kind against the home or its management may present ~~such the~~ grievance or complaint in writing to the commandant. ~~In the event of the home. If~~ the member is not satisfied with action by the commandant ~~upon such on~~ the grievance or complaint, the member may refer the matter to the secretary, and the commandant shall promptly transmit ~~such the~~ grievance or complaint together with a written report of investigation and action thereon on the grievance or complaint to the secretary. ~~In the event the member is not satisfied with action by the commandant and the secretary upon such grievance or complaint he or she may appeal the matter to the board.~~

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

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

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

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

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

VA 6.05 (7) DISHONORABLE DISCHARGE. A member of a home may be given a dishonorable discharge for frequent or habitual intoxication; ~~for~~ willful disobedience of proper orders; ~~for~~ failure to maintain restrictions imposed as a disciplinary measure; ~~for~~ habitual use of profane, obscene, or abusive language; ~~for~~ defacing the defacement of, damage to, or destruction of any structures, buildings, improvements, shrubs, trees, or plants on the ~~home grounds, of the home;~~ for unauthorized discharge of firearms within the limits of the home; ~~for~~ assault on another person; ~~for~~ theft; ~~for~~ committing any other crime; or for immoral or indecent conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VA 12.02 (3) (b) A copy of the prior year's income tax returns except if the applicant's employer, type of employment, or method of compensation has changed.

Applicants verifying their income by the prior year's income tax returns shall submit a complete copy of the state and federal tax return including all schedules, W-2s, and attachments.

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

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

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

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

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

VA 12.02 (13) SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE. The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the department verifies that the mortgagor's equity in the property secured by the mortgage is greater than ~~40%~~ 15 percent after the execution of the subordination agreement or partial release, the applicant is current on the loan, the applicant meets current underwriting criteria and the repayment history for the 6 months immediately preceding the request has been satisfactory.

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

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

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

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

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

VA 14.02 (title) Interment and disinterment fees and assessments.

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

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

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

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

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

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

VA 15.02 (1) APPLICATION. Application for American Indian grants shall be made by the governing body of a Wisconsin American Indian tribe or band not later than

~~June 30~~ May 15 of each the calendar year for which the grant is claimed, on forms prepared by the department. An application shall be accompanied by a copy of the budget proposed for the tribal veterans' service office for the fiscal year for which the grant is claimed. Application shall be made annually. The tribe or band must agree to meet minimum budget and operating standards established by the department for the tribal veterans' service office in order to qualify for the initial grant and for each succeeding grant.

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

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

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

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