

1983 Senate Bill 500

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1983 Wisconsin Act 430

AN ACT *to amend* 28.035 (3) (a), 45.01, 45.16, 45.28 (title), (1) (a) and (b) and (2) (a), 45.35 (5) (intro.), 45.37 (1a), 45.42, 45.43 (1), 45.52, 45.71 (16) (a) (intro.), 49.19 (9), 188.26, 230.16 (7) and 341.14 (6); and *to create* 45.34 of the statutes, *relating to* extending eligibility for veterans benefits to veterans of United States military action in Lebanon and Grenada.

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

SECTION 1. 28.035 (3) (a) of the statutes is amended to read:

28.035 (3) (a) The written lease entered into between the Wisconsin state department of the American Legion and the department of natural resources dated June 15, 1944, which leases Camp American Legion for a period of 10 years commencing June 1, 1944, shall continue in full force for an additional 10 years, and may be renewed for additional 10-year periods thereafter, notwithstanding the expiration of the term expressed therein, so long as the Wisconsin state department of the American Legion or any of the American Legion posts organized under s. 188.08 maintains on such property structures which were constructed prior to May 31, 1956, at the expense of the Wisconsin state department of the American Legion or any such post, for the purpose of the rehabilitation, restoration or recreation of veterans and their dependents of the Spanish-American war, the Philippine insurrection, the Mexican border service, World Wars I and II ~~and~~, the Korean conflict, the Vietnam era and Grenada or Lebanon under s. 45.34.

SECTION 2. 45.01 of the statutes is amended to read:

45.01 G.A.R. memorial hall; space for. The department of administration shall provide suitable rooms in the capitol and properly prepare them for the purpose of a memorial hall, designated as the G.A.R. memorial hall, dedicated to the men and women of Wisconsin who served in the armed forces of the United States in the civil war of 1861 to 1865 or in any subsequent wars, as enumerated in s. 45.35 (5) (a) to (g), or Grenada or Lebanon under s. 45.34, and the department of veterans affairs shall operate and conduct such memorial hall.

SECTION 3. 45.16 of the statutes is amended to read:

45.16 Burial allowance. Each county veterans service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who served in any war of the United States, in the Korean conflict, in the ~~Viet Nam~~ Vietnam era, under section 1 of executive order 10957, dated August 10, 1961, or had service which entitled the person to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the ~~Viet Nam~~ Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon under s. 45.34 and who was discharged under honorable conditions therefrom after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for disability incurred in line of duty and who was living in such county at the time of death, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances which would distress the person's family to pay the expenses of such burial, and the body of a spouse or surviving spouse of any such person who dies not leaving such means or under the same financial circumstances and who was living in such county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws administered by the veterans administration.

SECTION 4. 45.28 (title), (1) (a) and (b) and (2) (a) of the statutes are amended to read:

45.28 (title) Vietnam and post-Vietnam era veterans educational grant program. (1) (a) There is established, to be administered by the department, a grant program for Vietnam and post-Vietnam era veterans enrolling as full-time undergraduates in accredited institutions of higher education in this state. This program shall be administered exclusively for the benefit of eligible veterans.

(b) In this section, "veteran" means any person who served on active duty under honorable conditions in the U.S. armed forces for 90 days or more for other than training purposes between August 5, 1964, and July 1, 1975, or who is eligible to receive

education benefits from the veterans administration for active service in the U.S. armed forces between August 5, 1964, and July 1, 1975, or who served in Grenada or Lebanon under s. 45.34 and whose selective service local board, if any, and home of record at time of entry into active service as shown on the report of separation from the U.S. armed forces were in this state, or who was a resident of this state at the time of entry into active duty, and who has not received a bonus from another state for such service.

- (2) (a) The student is a ~~Vietnam-era~~ veteran.

SECTION 5. 45.34 of the statutes is created to read:

45.34 Service in Lebanon and Grenada. A person shall be considered to have served in Lebanon or Grenada if the person was on active duty in Lebanon or its territorial waters under honorable conditions between August 1, 1982, and the date of withdrawal of U.S. armed forces from Lebanon, as established by the department by rule, or in Grenada between October 23, 1983, and November 21, 1983 and:

- (1) Was entitled to receive the armed forces expeditionary medal established by executive order 10977 on December 4, 1961;
- (2) Was entitled to receive the marine corps or navy expeditionary medal; or
- (3) Was not entitled to receive a medal under sub. (1) or (2) but submits other proof of service acceptable to the department.

SECTION 6. 45.35 (5) (intro.) of the statutes is amended to read:

45.35 (5) VETERAN DEFINED; BENEFIT. (intro.) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces, except service on active duty for training purposes, which service was in Grenada or Lebanon under s. 45.34 or which service entitled the veteran to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or any person who served for 90 days or more during a war-time period as enumerated under pars. (a) to (g) or under section 1 of executive order 10957 dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service, who is either a resident of and living in this state at the time of making application or is deceased, and whose selective service local board, if any, and home of record at time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state or who was either a resident of this state at the time of entry or reentry into active duty or has been a resident of this state for at least 10 years next preceding the veteran's application or death. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge for the purpose of establishing eligibility under this section and s. 45.37 (1a). Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for benefits from the department. The benefits available to veterans shall also be made available to the widows who are not remarried, widowers and minor or dependent children of deceased veterans if such widows, widowers or minor or dependent children are residents of and living in this state at the time of making application. Any person whose service on active duty with the U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes such person eligible for general veterans administration benefits shall be deemed to have served under honorable conditions for the purpose of this subsection and s. 45.37 (1a).

SECTION 8. 45.37 (1a) of the statutes is amended to read:

45.37 (1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served Grenada or in Lebanon under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

SECTION 9. 45.42 of the statutes is amended to read:

45.42 Burial places compiled. (1) The department may compile a record of the burial places within the state of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or Grenada or Lebanon under s. 45.34, or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the ~~Viet Nam~~ Vietnam service medal established by executive order 11231 on July 8, 1965. The record, so far as practicable, may indicate the name of each person; the service in which engaged; the appropriate designation of armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which the body is interred; the location of the grave in the cemetery or other place; and the character of headstone or other marker, if any, at the grave.

(2) The department may have blank forms prepared whereby the information required for the record may be transmitted to it and may distribute the forms to county veterans service officers. The county veterans service officer within whose county and cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5) (a) to (g) or Grenada or Lebanon under s. 45.34 or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the ~~Viet Nam~~ Vietnam service medal established by executive order 11231 on July 8, 1965, shall submit the facts required for such record to the department on the forms provided by it, if so requested by the department.

SECTION 10. 45.43 (1) of the statutes is amended to read:

45.43 (1) ELECTION. The county board shall elect a county veterans' service officer who shall be a Wisconsin resident who served under honorable conditions in the armed forces of the United States in time of war as set forth in s. 45.35 (5) (a) to (g) or Grenada or Lebanon under s. 45.34.

SECTION 11. 45.52 of the statutes is amended to read:

45.52 Physical disability of veterans not to disqualify for public employment, when. ~~An honorably discharged~~ ~~A veteran of any war participated in by the United States, as defined under s. 45.37 (1a),~~ who has suffered a physical disability as a direct result of his military or naval service ~~during such war~~ shall not on that account be barred from employment in any public position or employment whether under state, county or municipal civil service or otherwise, provided that the licensed physician making a physical examination of such veteran for the public employer shall certify that such applicant's disability will not materially handicap him in the performance of the duties of the position for which he is making application.

SECTION 12. 45.71 (16) (a) (intro.) of the statutes is amended to read:

45.71 (16) (a) (intro.) Any person who served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who is entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon under s. 45.34 or any person who served for 90 days or more during a war period as enumerated under subs. 1 to 9 or under section 1 of executive order 10957, dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected or died in service, or who served on active duty for more than 6 months during the period between February 1, 1955, and August 4, 1964, and was honorably discharged, and who has been a resident of this state for at least 5 years next preceding an application or death or who was a resident of this state at the time of enlistment or induction into service and is either a resident of and living in this state at the time of making application or is deceased. If the person had more than one qualifying term of service, at least one term of service must have been under honorable conditions or have been terminated by an honorable discharge. Veterans who are otherwise eligible and who are serving on active duty in the U.S. armed forces need not be living in this state on date of application to qualify for a loan under this chapter. The following are designated as war periods:

SECTION 14. 49.19 (9) of the statutes is amended to read:

49.19 (9) If the head of a family is a war veteran, as defined in s. 45.37 (1a), and is hospitalized or institutionalized because of disabilities in a county other than that of his residence or settlement at time of admission, aid shall be granted to the dependent children of such veteran by the county wherein the head of the family had his residence or settlement at the time of admission so long as he remains hospitalized or institutionalized.

SECTION 15. 188.26 of the statutes is amended to read:

188.26 Veterans; corporations. Whenever any corporation is formed under ch. 180 or 181 or this chapter for the purpose of assisting ~~veterans of any war of the United States~~ veteran, as defined in s. 45.37 (1a), or operating social clubs in which the name "veteran" appears, the secretary of state shall investigate the same to ascertain the character thereof, and whether or not the same has been procured by fraudulent representation or concealment of any material fact relating to such veteran's name, purpose, membership, organization, management or control or other material fact. If the secretary of state so finds, such findings, misrepresentation or concealment shall be reported to the attorney general, and the attorney general thereupon shall as provided in s. 776.35 bring an action to vacate or annul the corporate charter.

SECTION 16. 230.16 (7) of the statutes is amended to read:

230.16 (7) A preference shall be given to any qualifying veteran who gains eligibility on any competitive employment register and who does not currently hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position. A preference means that if a veteran gains eligibility on any competitive employment register and does not currently hold a permanent appointment or have mandatory restoration rights to a permanent appointment to any position, 5 points shall be added to his or her grade. If a veteran has a disability which is directly traceable to war service, the veteran shall be accorded a total of 10 points. "Veteran" as used in this subsection means any person who served on active duty under honorable conditions in the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the ~~Viet Nam~~ Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon under s. 45.34 or any person who served for at least one day during a war period, as defined in s. 45.35 (5) (a) to (g) or under section 1 of executive order

10957 dated August 10, 1961. This subsection applies to the award of credit to veterans under ss. 62.13 (4) (d), 63.05 (2), 63.37 and 66.19 (1).

SECTION 17. 341.14 (6) of the statutes is amended to read:

341.14 (6) Upon application to register an automobile or station wagon by any person who was a member of any of the U.S. armed services and who was held as a prisoner of war during any of the conflicts described in s. 45.35 (5) (b) to (g) or Grenada or Lebanon under s. 45.34, and upon submission of a statement from the U.S. veterans administration certifying that the person was a prisoner of war during one of the conflicts described in s. 45.35 (5) (b) to (g) or Grenada or Lebanon under s. 45.34, the department shall issue to the person a special plate which is colored red, white and blue and which has the words "ex-prisoner of war" placed on the plate in the manner designated by the department. An additional fee of \$10 shall be charged for the issuance of the plates. Registration plates issued under this subsection shall expire annually on August 31.
