



1999 SENATE BILL 291

November 17, 1999 – Introduced by Senators MOEN, PLACHE, BURKE, BRESKE, GROBSCHMIDT, DRZEWIECKI, BAUMGART, FITZGERALD, WELCH, ROESSLER, WIRCH and DARLING, cosponsored by Representatives MUSSER, LADWIG, TURNER, J. LEHMAN, RYBA, ALBERS, PLOUFF, RILEY, BOYLE, HUNDERTMARK, PETTIS, GRONEMUS, HAHN and GUNDERSON, by request of Wisconsin Department of Veterans Affairs. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1 **AN ACT to repeal** 45.37 (8), 45.71 (9) (a) and (b), 45.73 (title), 45.73 (2), 45.74 (3),
2 45.74 (5), 45.745 (3), 45.745 (5), 45.76 (3) (a) 2., 45.79 (2) (c), 45.79 (3) (a) 2. and
3 45.85; **to renumber** 45.73 (1); **to renumber and amend** 45.71 (9) (intro.) and
4 45.79 (3) (a) 1.; **to consolidate, renumber and amend** 45.76 (3) (a) (intro.)
5 and 1.; **to amend** 16.96 (2) (f), 20.485 (1) (title), 20.485 (1) (gk), 20.485 (1) (go),
6 20.485 (1) (h), 20.485 (1) (i), 20.485 (1) (m), 20.485 (1) (mj), 20.485 (1) (mn),
7 20.485 (1) (t), 20.485 (2) (vo), 20.485 (2) (yn), 25.17 (1) (yv), 25.37, 29.219 (2) (c),
8 29.563 (3) (a) 8., 40.02 (48) (am), 45.01, 45.365 (title), 45.365 (1) (b) and (d),
9 45.365 (2a), 45.365 (2b), 45.365 (5), 45.365 (6), 45.37 (1), 45.37 (2) (intro.), 45.37
10 (2) (a), 45.37 (2) (f), 45.37 (2) (h), 45.37 (4) (a), 45.37 (4) (b), 45.37 (4) (c) (intro.),
11 45.37 (4) (c) 3., 45.37 (4) (c) 4., 45.37 (9) (c), 45.37 (9) (d), 45.37 (9) (g), 45.37 (9)
12 (h), 45.37 (9c), 45.37 (17), 45.397 (2) (a), 45.71 (7), 45.71 (12) (intro.), 45.74
13 (intro.), 45.745 (intro.), 45.76 (1) (a) 1., 45.79 (3) (a) (title), 46.27 (1) (b), 46.27
14 (1) (dr), 46.27 (6) (a) 2. cm., 49.45 (6m) (bg), 50.034 (4), 70.11 (3a) (title), 150.31

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1 (5m), 150.46 (1), 230.36 (1), 230.36 (3) (a) (intro.), 851.09 and 880.60 (4); **to**
2 **repeal and recreate** 45.365 (1) (a); and **to create** 45.35 (19), 45.365 (1) (am),
3 45.37 (18) and 45.71 (6m) of the statutes; **relating to:** veterans benefits,
4 facilities and institutions.

Analysis by the Legislative Reference Bureau

Under current law, the department of veterans affairs (DVA) has authority to construct and operate residential, treatment and nursing care facilities in southeastern Wisconsin. DVA also has authority to employ staff necessary to manage those facilities. This bill adds the language necessary in the statutes to implement this authority and to treat persons residing in the southeastern facilities in the same manner as those residents of the facilities at King.

The bill provides that members of the veterans facility in southeastern Wisconsin are considered residents of the town of Dover and Racine County for state revenue sharing purposes. The bill allows federal money received for the care of veterans to be used for veterans admitted to the home at King and at the veterans facilities in southeastern Wisconsin. The bill applies the Wisconsin veterans home members fund to veterans at King and at other veterans facilities. Under the bill, veterans in any facility operated by DVA are eligible for an annual fishing license without charge, as is currently done only for veterans in the home at King. The bill allows the fire department at the southeastern facility to respond to emergency fire calls beyond the confines of the southeastern facility, as is currently allowed for the fire department at the home at King. The bill makes the nursing care facility at the southeastern facility subject to the regulation of nursing homes to the same extent as the home at King. The bill creates the same membership and eligibility criteria for the southeastern facility as are required for the home at King, except that eligibility to all of the southeastern facilities, other than the nursing care facility, is limited to persons who have sufficient income and resources to pay for the costs at the facility.

The bill authorizes DVA to enter into contracts to collect delinquent veterans' loans payments. The bill gives DVA the authority to release information about a veteran that is otherwise confidential to contractors providing collection services.

Currently, a veteran enrolled in a training course at a technical college or engaged in on-the-job training who meets other eligibility requirements is eligible for a retraining grant of up to \$3,000. This bill adds proprietary schools, other than those offering four-year programs, to the schools a veteran may attend.

Currently, a veteran may not receive a veterans housing loan if the total cost of the housing, including a garage but excluding land and other nonhousing improvements, exceeds twice the veteran's annual income or if the total cost of the housing including a garage, land and other nonhousing improvements, exceeds 2.5 times the veteran's annual income. This eligibility limit is removed by this bill.

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Currently, a loan may not be granted if the total cost of the property exceeds the property's market value. Under this bill, a loan may be granted in these situations if the borrower pays the amount that the property exceeds the property's market value as part of his or her down payment.

Under current law, DVA uses veterans trust fund moneys to defray the cost of the annual convention, operations and publications of the veterans of World War I. Under this bill, those moneys are used to defray the cost of publications, exhibits and other educational material regarding the veterans of World War I prepared by the Wisconsin veterans museum staff.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.96 (2) (f) of the statutes is amended to read:

2 16.96 (2) (f) ~~Persons who are members in the Wisconsin veterans home~~
3 Veterans Home at King shall be considered residents of the town of Farmington and
4 of Waupaca county County and persons who are members in the Wisconsin veterans
5 facility in southeastern Wisconsin shall be considered residents of the town of Dover
6 and of Racine County for purposes of the state revenue sharing distribution under
7 subch. ~~II~~ I of ch. 79.

8 **SECTION 2.** 20.485 (1) (title) of the statutes, as affected by 1999 Wisconsin Act
9 9, is amended to read:

10 20.485 (1) (title) ~~HOME~~ HOMES AND FACILITIES FOR VETERANS.

11 **SECTION 3.** 20.485 (1) (gk) of the statutes, as affected by 1999 Wisconsin Act 9,
12 is amended to read:

13 20.485 (1) (gk) *Institutional operations.* The amounts in the schedule for the
14 care of the Wisconsin Veterans Home at King and veterans facilities. All moneys
15 received under par. (m) and s. 45.37 (9) (d) and (9d) shall be credited to this
16 appropriation.

SENATE BILL 291**SECTION 4**

1 **SECTION 4.** 20.485 (1) (go) of the statutes is amended to read:

2 20.485 (1) (go) *Self-amortizing housing facilities; principal repayment and*
3 *interest.* From the moneys received for providing housing services at the Wisconsin
4 Veterans Home at King and the Wisconsin veterans facility in southeastern
5 Wisconsin, a sum sufficient to reimburse s. 20.866 (1) (u) for the principal and
6 interest costs incurred in acquiring, constructing, developing, enlarging or
7 improving housing facilities at the Wisconsin Veterans Home at King and the
8 Wisconsin veterans facility in southeastern Wisconsin and to make the payments
9 determined by the building commission under s. 13.488 (1) (m) that are attributable
10 to the proceeds of obligations incurred in financing such facilities.

11 **SECTION 5.** 20.485 (1) (h) of the statutes is amended to read:

12 20.485 (1) (h) *Gifts and bequests.* All moneys received under s. 45.37 (10) and
13 (11), or any moneys received by gifts or bequests, to carry out the purposes of ss.
14 45.365 ~~and~~, 45.37 and 45.385.

15 **SECTION 6.** 20.485 (1) (i) of the statutes is amended to read:

16 20.485 (1) (i) *State-owned housing maintenance.* The amounts in the schedule
17 for maintenance of state-owned housing at the Wisconsin veterans home Veterans
18 Home at King and veterans facility in southeastern Wisconsin. All moneys received
19 by the department from rentals of state-owned housing shall be credited to this
20 appropriation account.

21 **SECTION 7.** 20.485 (1) (m) of the statutes is amended to read:

22 20.485 (1) (m) *Federal aid; care at veterans home and facilities.* All moneys
23 received from the federal government for care of veterans of any war or military
24 expedition of the United States who have been admitted to and cared for at the
25 Wisconsin veterans home Veterans Home at King and veterans facilities. The net

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1 revenues accruing under this paragraph shall be credited to the appropriation under
2 par. (gk).

3 **SECTION 8.** 20.485 (1) (mj) of the statutes is amended to read:

4 20.485 (1) (mj) *Federal aid; geriatric unit.* All moneys received from the federal
5 government for the geriatric program at the Wisconsin ~~veterans home~~ Veterans
6 Home at King and veterans facilities, to carry out the purpose of s. 45.365 (1) (d).

7 **SECTION 9.** 20.485 (1) (mn) of the statutes is amended to read:

8 20.485 (1) (mn) *Federal projects.* All moneys received from the federal
9 government for specific veterans programs other than for the care of veterans at the
10 Wisconsin ~~veterans home~~ Veterans Home at King and veterans facilities, for such
11 purposes.

12 **SECTION 10.** 20.485 (1) (t) of the statutes is amended to read:

13 20.485 (1) (t) *Veterans home* homes and facilities member accounts. From the
14 Wisconsin ~~veterans home~~ Veterans Home at King and veterans facilities members
15 fund, all moneys received under s. 25.37 to make payments as provided under s.
16 45.37 (9c), (10) and (11).

17 **SECTION 11.** 20.485 (2) (vo) of the statutes is amended to read:

18 20.485 (2) (vo) *Veterans of World War I.* The amounts in the schedule to help
19 defray the cost of ~~the annual convention, operations and publications of the,~~ exhibits
20 and other educational material prepared by the staff of the Wisconsin veterans
21 museum relating to veterans of World War I.

22 **SECTION 12.** 20.485 (2) (yn) of the statutes is amended to read:

23 20.485 (2) (yn) *Veterans trust fund loans and expenses.* Biennially, the amounts
24 in the schedule for the purpose of providing loans under s. 45.356 and for the
25 payment of expenses and other payments as a consequence of being a mortgagee or

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1 owner under home improvement loans made under s. 45.79 (7) (c), 1997 stats. or
2 under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s. 45.80, 1989 stats., and s.
3 45.356. All moneys received under ss. 45.356 (9) (a) and (b) and 45.79 (7) (c) for the
4 purpose of providing loans under the personal loan program under s. 45.356 shall be
5 credited to this appropriation account. All payments of interest and repayments of
6 principal for loans made under s. 45.351 (2), 1995 stats., s. 45.352, 1971 stats., s.
7 45.80, 1989 stats., ~~and s. 45.356~~ and s. 45.79 (7) (c), 1997 stats. shall revert to the
8 veterans trust fund.

9 **SECTION 13.** 25.17 (1) (yv) of the statutes is amended to read:

10 25.17 (1) (yv) Wisconsin veterans home Veterans Home at King and veterans
11 facilities members fund (s. 25.37);

12 **SECTION 14.** 25.37 of the statutes is amended to read:

13 **25.37 Wisconsin veterans home facilities members fund.** There is
14 established a separate nonlapsible trust fund designated as the Wisconsin veterans
15 home facilities members fund. The fund shall consist of moneys belonging to persons
16 residing in Wisconsin veterans facilities, including members of the Wisconsin
17 ~~veterans home Veterans Home at King,~~ that are paid to the home and veterans
18 facilities and that are transferred into the fund by the department of veterans affairs
19 under s. 45.37 (9c).

20 **SECTION 15.** 29.219 (2) (c) of the statutes is amended to read:

21 29.219 (2) (c) A resident annual fishing license issued to any resident who is
22 a member of the Wisconsin Veterans Home at King or at the facilities operated by the
23 department of veterans affairs under s. 45.385 shall be issued at no charge.

24 **SECTION 16.** 29.563 (3) (a) 8. of the statutes is amended to read:

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1 29.563 (3) (a) 8. Annual fishing issued to a resident at Wisconsin Veterans
2 Home at King and at the facilities operated by the department of veterans affairs
3 under s. 45.385: \$0.

4 **SECTION 17.** 40.02 (48) (am) of the statutes, as affected by 1999 Wisconsin Act
5 9, is amended to read:

6 40.02 (48) (am) "Protective occupation participant" includes any participant
7 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
8 is a conservation warden, conservation patrol boat captain, conservation patrol boat
9 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
10 member of the state traffic patrol, state motor vehicle inspector, police officer, fire
11 fighter, sheriff, undersheriff, deputy sheriff, state probation and parole officer,
12 county traffic police officer, state forest ranger, fire watcher employed by ~~the~~ at
13 Wisconsin veterans ~~home~~ facilities, state correctional-psychiatric officer, excise tax
14 investigator employed by the department of revenue, special criminal investigation
15 agent in the department of justice, assistant or deputy fire marshal, or person
16 employed under s. 61.66 (1).

17 **SECTION 18.** 45.01 of the statutes is amended to read:

18 **45.01 Wisconsin veterans museum; ~~space for.~~** The department of
19 administration shall provide suitable space for the purpose of a memorial hall,
20 designated as the Wisconsin veterans museum, dedicated to the men and women of
21 Wisconsin who served in the armed forces of the United States in the civil war of 1861
22 to 1865 or who ~~meets~~ meet one of the conditions listed in s. 45.35 (5) (a) 1. a. to d.,
23 and the department of veterans affairs shall operate and conduct the Wisconsin
24 veterans museum. The mission of the Wisconsin veterans museum is to
25 acknowledge, commemorate and affirm the role of Wisconsin veterans in the United

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1 States of America's military past by means of instructive exhibits and other
2 educational programs.

3 **SECTION 19.** 45.35 (19) of the statutes is created to read:

4 45.35 (19) COLLECTIONS. The department may enter into contracts to collect
5 delinquent loan payments owed to the department. The department may allocate a
6 portion of the amounts collected under the contracts to pay contract costs.
7 Notwithstanding the provisions of s. 45.36, the department may release information
8 contained in its files pertaining to applications for benefits to contractors providing
9 collection services to the department.

10 **SECTION 20.** 45.365 (title) of the statutes is amended to read:

11 **45.365 (title) Wisconsin veterans home Veterans Home at King and**
12 **southeastern facility; management.**

13 **SECTION 21.** 45.365 (1) (a) of the statutes is repealed and recreated to read:

14 45.365 (1) (a) In this section and s. 45.37:

15 1. "Department" means the department of veterans affairs.

16 2. "Home" means the Wisconsin Veterans Home at King.

17 3. "Southeastern facility" means any of the residential, treatment or nursing
18 care facilities operated by the department in southeastern Wisconsin under s.
19 45.385.

20 **SECTION 22.** 45.365 (1) (am) of the statutes is created to read:

21 45.365 (1) (am) The department shall operate the home, and employ a
22 commandant and the officers, nurses, attendants and other personnel necessary for
23 the proper conduct of the home. In compliance with the compensation plan
24 established pursuant to s. 230.12 (3), the commandant may recommend to the
25 director of personnel charges for meals, living quarters, laundry and other services

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1 furnished to employes and members of the employes' family maintained at the home.
2 Complete personal maintenance and medical care to include programs and facilities
3 which promote comfort, recreation, well-being or rehabilitation shall be furnished
4 to all members of the home under the policy of the department.

5 **SECTION 23.** 45.365 (1) (b) and (d) of the statutes are amended to read:

6 45.365 (1) (b) All money received in reimbursement for services to ~~institutional~~
7 home or southeastern facility employes under par. (a) or in payment for meals served
8 to guests at the ~~institution~~ home or southeastern facility shall be accumulated in an
9 account named "employe maintenance credits" and shall be paid into the general
10 fund within one week after receipt and credited to the appropriation under s. 20.485
11 (1) (gk).

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

15 **SECTION 24.** 45.365 (2a) of the statutes is amended to read:

16 45.365 (2a) The department may use moneys appropriated pursuant to s.
17 20.485 (1) (h) to purchase, erect, construct or remodel buildings, and to provide
18 additions and improvements thereto, and to provide equipment therefor and to
19 provide materials, supplies and services necessary for the purposes of the home and
20 southeastern facilities, and for such expenses as may be necessary and incidental to
21 acquisition of property pursuant to s. 45.37 (10) and (11).

22 **SECTION 25.** 45.365 (2b) of the statutes is amended to read:

23 45.365 (2b) The department may accept gifts, bequests, grants or donations of
24 money or of property from private sources to be administered by the department for
25 the purposes of the home and southeastern facility. All moneys so received shall be

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1 paid into the general fund and are appropriated therefrom as provided in s. 20.485
2 (1) (h), except that gifts or grants received specifically for the purposes of the geriatric
3 program at the home and southeastern facility are appropriated as provided in s.
4 20.485 (1) (hm). The department shall not apply to the gifts and bequests fund
5 interest on certificate of savings deposits for those members who do not receive
6 maximum monthly retained income. The department shall establish for such
7 persons upon their request individual accounts with savings and interest applied
8 pursuant to such member requests.

9 **SECTION 26.** 45.365 (5) of the statutes is amended to read:

10 45.365 (5) The fire department at the home or southeastern facility in response
11 to emergency fire calls may make runs and render fire fighting service beyond the
12 confines of the home or southeastern facility.

13 **SECTION 27.** 45.365 (6) of the statutes is amended to read:

14 45.365 (6) The home is and the nursing care facility within the southeastern
15 facility are subject to ch. 150, as specified in s. 150.46.

16 **SECTION 28.** 45.37 (1) of the statutes is amended to read:

17 45.37 (1) GENERAL STATEMENT. Within the limitations of the ~~facilities of the~~
18 home and southeastern facility, the department may admit to membership in the
19 home and southeastern facility persons who meet the qualifications set forth in this
20 section.

21 **SECTION 29.** 45.37 (2) (intro.) of the statutes is amended to read:

22 45.37 (2) BASIC ELIGIBILITY REQUIREMENTS. (intro.) A veteran may be admitted
23 to the home or southeastern facility if the veteran:

24 **SECTION 30.** 45.37 (2) (a) of the statutes is amended to read:

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1 45.37 (2) (a) *Residence.* Was a resident of this state at the time of entering
2 service with the armed forces and is a resident of this state on the date of admission
3 to the home or southeastern facility.

4 **SECTION 31.** 45.37 (2) (f) of the statutes is amended to read:

5 45.37 (2) (f) *Financial information.* Provides a complete financial statement
6 containing information that the department determines is necessary to evaluate the
7 financial circumstances of the veteran and his or her spouse. The department may
8 require a member of the home or southeastern facility to provide the department
9 with information necessary for the department to determine the financial
10 circumstances of the member and his or her spouse. If a member fails to provide the
11 additional information, the department may discharge the member from the home
12 or southeastern facility.

13 **SECTION 32.** 45.37 (2) (h) of the statutes is amended to read:

14 45.37 (2) (h) *Care needs.* Has care needs which the home or southeastern
15 facility is able to provide within the resources allocated for the care of members of
16 the home or southeastern facility.

17 **SECTION 33.** 45.37 (4) (a) of the statutes is amended to read:

18 45.37 (4) (a) *Order of eligibility of veterans.* Applications from veterans except
19 in cases where there is an immediate need for physical care or economic assistance
20 shall be passed upon in order of priority based upon the date of receipt of the
21 application by the home or southeastern facility. Establishment of the priority date
22 of the application may be deferred to the date that the home or southeastern facility
23 is able to verify its ability to provide appropriate care to the applicant or to assure
24 that the appropriate care setting is available within the home or southeastern
25 facility.

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1 **SECTION 34.** 45.37 (4) (b) of the statutes is amended to read:

2 45.37 (4) (b) *Basis for eligibility of nonveterans.* Spouses, surviving spouses
3 and parents derive their eligibility from the eligibility of the veteran upon whose
4 service it is based. Surviving spouses and parents of eligible veterans shall not be
5 eligible for admission at a southeastern facility. Surviving spouses and parents of
6 eligible veterans shall not be eligible for admission at the home except for those
7 admitted to the home prior to May 5, 1976, or unless the home's overall occupancy
8 level is below an optimal level as determined by the board.

9 **SECTION 35.** 45.37 (4) (c) (intro.) of the statutes is amended to read:

10 45.37 (4) (c) *Order of priority.* (intro.) The order of priority for admission to the
11 home or southeastern facility shall be as follows:

12 **SECTION 36.** 45.37 (4) (c) 3. of the statutes is amended to read:

13 45.37 (4) (c) 3. Surviving spouses of eligible veterans shall be given 3rd priority
14 for admission to the home;

15 **SECTION 37.** 45.37 (4) (c) 4. of the statutes is amended to read:

16 45.37 (4) (c) 4. Parents of eligible veterans shall be given 4th priority for
17 admission to the home;

18 **SECTION 38.** 45.37 (8) of the statutes is repealed.

19 **SECTION 39.** 45.37 (9) (c) of the statutes is amended to read:

20 45.37 (9) (c) *Work therapy program compensation.* The board shall establish
21 a pay plan for compensation of members for services rendered to the home or
22 southeastern facility under its work therapy program.

23 **SECTION 40.** 45.37 (9) (d) of the statutes is amended to read:

24 45.37 (9) (d) *Member payments.* Members shall pay the amount due the state
25 for care and maintenance of the member within 30 days after the receipt of the home's

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1 or southeastern facility's billing statement by the member or by the member's
2 personal representative. The department may subject any bill not paid within 30
3 days after receipt of the billing statement to an interest assessment of 1% per month
4 or fraction of a month. If payment is not made within 60 days after the receipt of the
5 billing statement, the department may discharge the member from the home or
6 southeastern facility.

7 **SECTION 41.** 45.37 (9) (g) of the statutes is amended to read:

8 45.37 (9) (g) *Work therapy or hobby shop income.* A member is not required to
9 use income received from services rendered to the home or southeastern facility
10 under its work therapy program or from the sale of products or services through the
11 hobby shop as payment for the care or maintenance of the member at the home or
12 southeastern facility.

13 **SECTION 42.** 45.37 (9) (h) of the statutes is amended to read:

14 45.37 (9) (h) *Home or southeastern facility exchange.* The operation of the home
15 or southeastern facility exchange, including the operation of the hobby shop for the
16 sale of products made by all members, shall be conducted under the supervision of
17 the department.

18 **SECTION 43.** 45.37 (9c) of the statutes is amended to read:

19 45.37 (9c) **PERSONAL FUNDS OF MEMBER.** A member may, in writing, authorize
20 the home or southeastern facility to receive, hold and account for his or her personal
21 funds. Section 49.498 (8) and the rules promulgated under that subsection apply to
22 the funds of a member held by the home or southeastern facility under this
23 subsection. The department may transfer the personal funds of a member received
24 under this subsection to the Wisconsin veterans ~~home~~ facilities members fund under

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1 s. 25.37. Upon request of the member, the department shall pay to the member the
2 amount of the member's personal funds requested by the member.

3 **SECTION 44.** 45.37 (17) of the statutes is amended to read:

4 45.37 (17) ADDITIONAL ELIGIBILITY REQUIREMENTS. Any person admitted to the
5 home ~~after December 31, 1973, or the nursing care facility operated by the~~
6 department within the southeastern facility shall meet during residence at the home
7 or at the nursing care facility operated by the department within the southeastern
8 facility the eligibility requirements under ss. 49.45 and 49.46 and rules promulgated
9 thereunder except that:

10 (a) Persons with sufficient income and resources to meet the expenses of care
11 for one or more months may be admitted to or remain in membership at the home
12 or the nursing care facility operated by the department within the southeastern
13 facility but shall apply income and resources to costs to the extent required by ss.
14 49.45 and 49.46 and rules promulgated thereunder; or

15 (b) Persons who meet all the requirements of this section but whose degree of
16 physical disability does not meet the minimum requirements in ss. 49.45 and 49.46
17 and rules promulgated thereunder may be admitted to or remain in membership at
18 the home or the nursing care facility operated by the department within the
19 southeastern facility but shall apply income and resources to costs to the extent
20 required by ss. 49.45 and 49.46 and rules promulgated thereunder.

21 **SECTION 45.** 45.37 (18) of the statutes is created to read:

22 45.37 (18) SOUTHEASTERN FACILITY ADDITIONAL ELIGIBILITY REQUIREMENT. An
23 otherwise eligible person may be admitted to or remain in residency at a residential
24 or treatment facility within the southeastern facility only if the person has sufficient
25 income and resources, and applies the income and resources to fully reimburse the

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1 department for the cost of providing care to the person. This income and resource
2 limit on eligibility does not apply to persons admitted to the nursing care facility
3 operated by the department within the southeastern facility.

4 **SECTION 46.** 45.397 (2) (a) of the statutes is amended to read:

5 45.397 (2) (a) The veteran is enrolled in a training course in a technical college
6 under ch. 38 or in a proprietary school in the state approved by the educational board
7 under s. 39.51, other than a school offering four-year degrees or programs, or is
8 engaged in a structured on-the-job training program that meets program
9 requirements promulgated by the department by rule.

10 **SECTION 47.** 45.71 (6m) of the statutes is created to read:

11 45.71 (6m) "Federal Home Loan Mortgage Corporation" means the corporation
12 created under 12 USC 1451 to 1459.

13 **SECTION 48.** 45.71 (7) of the statutes is amended to read:

14 45.71 (7) "Funds" include cash on hand, and liquid investments, ~~and any asset~~
15 ~~the conversion of which to cash would not result in a substantial loss, except as~~
16 ~~provided under s. 45.85.~~ The funds of a veteran include all funds owned by the
17 veteran and spouse, individually or jointly, unless the veteran and spouse are
18 permanently separated.

19 **SECTION 49.** 45.71 (9) (intro.) of the statutes is renumbered 45.71 (9) and
20 amended to read:

21 45.71 (9) "Income" means the amount of adjusted gross income a veteran is
22 receiving for regular work together with any income from other sources that may
23 reasonably be expected to be regular and dependable, ~~except as provided under s.~~
24 ~~45.85.~~

25 **SECTION 50.** 45.71 (9) (a) and (b) of the statutes are repealed.

SENATE BILL 291**SECTION 51**

1 **SECTION 51.** 45.71 (12) (intro.) of the statutes is amended to read:

2 45.71 **(12)** (intro.) “~~Mobile home~~” “Manufactured home” means a mobile home
3 structure, as defined under ~~s. 340.01 (29)~~, by the Federal Home Loan Mortgage
4 Corporation which:

5 **SECTION 52.** 45.73 (title) of the statutes is repealed.

6 **SECTION 53.** 45.73 (1) of the statutes is renumbered 45.73.

7 **SECTION 54.** 45.73 (2) of the statutes is repealed.

8 **SECTION 55.** 45.74 (intro.) of the statutes is amended to read:

9 **45.74 Eligible persons; disqualifying factors.** (intro.) Except as provided
10 under s. 45.745 ~~or 45.85~~, no person may receive a loan under this subchapter if the
11 department or authorized lender determines that any of the following applies:

12 **SECTION 56.** 45.74 (3) of the statutes is repealed.

13 **SECTION 57.** 45.74 (5) of the statutes is repealed.

14 **SECTION 58.** 45.745 (intro.) of the statutes is amended to read:

15 **45.745 Loans to disabled veterans; qualifying factors.** (intro.) A veteran
16 who is receiving 100% disability compensation from the U.S. department of veterans
17 affairs under 38 USC 301 to 315, 331 to 337 and 350 to 362 due to a permanent and
18 total service-connected disability may receive a loan under this subchapter if the
19 department or authorized lender determines, ~~after disregarding any payment~~
20 ~~received under s. 45.85~~, that all of the following apply:

21 **SECTION 59.** 45.745 (3) of the statutes is repealed.

22 **SECTION 60.** 45.745 (5) of the statutes is repealed.

23 **SECTION 61.** 45.76 (1) (a) 1. of the statutes is amended to read:

24 45.76 **(1)** (a) 1. A mobile manufactured home or real property on which a mobile
25 manufactured home is to be situated, but only if the veteran has available and

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1 applies on the total cost of the property, an amount equivalent to at least 15% of the
2 total cost. This 15% requirement does not apply to a person who qualifies under s.
3 45.745.

4 **SECTION 62.** 45.76 (3) (a) (intro.) and 1. of the statutes are consolidated,
5 renumbered 45.76 (3) (a) and amended to read:

6 45.76 (3) (a) *Cost and value of property.* No loan may be made under this
7 subchapter if the department or authorized lender determines that: ~~1. The the total~~
8 ~~cost of the property exceeds its market value unless the amount by which the cost of~~
9 ~~the property exceeds its market value is paid by the borrower in addition to the~~
10 ~~downpayment required by s. 45.77.~~ This ~~subdivision~~ paragraph does not apply to a
11 person who qualifies under s. 45.745.

12 **SECTION 63.** 45.76 (3) (a) 2. of the statutes is repealed.

13 **SECTION 64.** 45.79 (2) (c) of the statutes is repealed.

14 **SECTION 65.** 45.79 (3) (a) (title) of the statutes is amended to read:

15 45.79 (3) (a) (title) *First or 2nd mortgage Mortgage or guarantor required.*

16 **SECTION 66.** 45.79 (3) (a) 1. of the statutes is renumbered 45.79 (3) (a) and
17 amended to read:

18 45.79 (3) (a) Each loan made under this section, except a loan of \$3,000 or less
19 for a purpose specified under s. 45.76 (1) (c), shall be evidenced by a promissory
20 instalment note and secured by a mortgage on the real estate in respect to which the
21 loan is granted. A loan of \$3,000 or less made for a purpose specified under s. 45.76
22 (1) (c) shall be evidenced by a promissory instalment note and shall be secured by a
23 guarantor or by a mortgage on the real estate in respect to which the loan is granted.
24 Any loan having as its source funds provided through sub. (6) (a) and secured by a
25 mortgage shall have the mortgage name the department as mortgagee and payee.

SENATE BILL 291**SECTION 66**

1 Any loan having as its source funds provided through sub. (6) (b) and secured by a
2 mortgage shall have the mortgage name the authorized lender involved as
3 mortgagee and payee, and such mortgage and note shall be assigned by the
4 authorized lender to the authority immediately upon execution. A mortgage
5 securing a loan made for a purpose specified in s. 45.76 (1) (a), (b) or (d) must have
6 priority over all liens against the mortgaged premises and the buildings and
7 improvements thereon, except tax and special assessment liens filed after the
8 recording of the mortgage. A mortgage securing a loan made for a purpose specified
9 under s. 45.76 (1) (c) ~~may be junior and subject to not more than one prior mortgage,~~
10 ~~and, except for that prior mortgage, must have priority over all liens against the~~
11 ~~mortgaged premises and the buildings and improvements on those premises, except~~
12 ~~tax and special assessment liens filed after the recording of the mortgage is~~
13 acceptable if the applicant can establish a minimum equity in the property as
14 established by the department by rule.

15 **SECTION 67.** 45.79 (3) (a) 2. of the statutes is repealed.

16 **SECTION 68.** 45.85 of the statutes is repealed.

17 **SECTION 69.** 46.27 (1) (b) of the statutes is amended to read:

18 46.27 (1) (b) "Nursing home" means a facility that meets the definition in s.
19 50.01 (3) and that is licensed under s. 50.03 (1) and includes a state center for the
20 developmentally disabled and, the Wisconsin veterans home Veterans Home at King
21 and the nursing care facility operated by the department of veterans affairs under
22 s. 45.385.

23 **SECTION 70.** 46.27 (1) (dr) of the statutes is amended to read:

24 46.27 (1) (dr) "State-operated long-term care facility" means a state center for
25 the developmentally disabled and, the Wisconsin veterans home Veterans Home at

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1 King and the nursing care facility operated by the department of veterans affairs
2 under s. 45.385.

3 **SECTION 71.** 46.27 (6) (a) 2. cm. of the statutes is amended to read:

4 46.27 (6) (a) 2. cm. Persons under subd. 1. seeking admission to or about to be
5 admitted to the Wisconsin veterans home Veterans Home at King under subd. 1. or
6 to the nursing care facility operated by the department of veterans affairs under s.
7 45.385 who are informed about the program but waive the assessment.

8 **SECTION 72.** 49.45 (6m) (bg) of the statutes is amended to read:

9 49.45 (6m) (bg) The department shall determine payment levels for the
10 provision of skilled, intermediate, limited, personal or residential care or care for the
11 mentally retarded in the state centers for the developmentally disabled and, in the
12 Wisconsin veterans home Veterans Home at King and in the nursing care facility
13 operated by the department of veterans affairs under s. 45.385 separately from the
14 payment principles, applicable costs and methods established under this subsection.

15 **SECTION 73.** 50.034 (4) of the statutes is amended to read:

16 50.034 (4) LIMITATION. A nursing home or a community-based residential
17 facility may not convert a separate area of its total area to a residential care
18 apartment complex unless the department first approves the conversion. A nursing
19 home, other than the nursing ~~home~~ homes operated at the Wisconsin Veterans Home
20 at King or in southeastern Wisconsin by the department of veterans affairs under s.
21 45.385, that intends to convert a separate area of its total area to a residential care
22 apartment complex shall also agree to reduce its licensed nursing home beds by the
23 corresponding number of residential care apartment complex residential units
24 proposed for the conversion.

25 **SECTION 74.** 70.11 (3a) (title) of the statutes is amended to read:

SENATE BILL 291**SECTION 74**

1 70.11 **(3a)** (title) BUILDINGS AT THE WISCONSIN VETERANS HOME AT KING OR IN
2 SOUTHEASTERN WISCONSIN.

3 **SECTION 75.** 150.31 (5m) of the statutes is amended to read:

4 150.31 **(5m)** The department shall decrease the statewide bed limit specified
5 in sub. (1) to account for any reduction in the approved bed capacity of the nursing
6 home operated at the Wisconsin Veterans Home at King or at the nursing care facility
7 operated by the department of veterans affairs under s. 45.385, as specified in s.
8 45.375 (2).

9 **SECTION 76.** 150.46 (1) of the statutes is amended to read:

10 150.46 **(1)** This subchapter ~~applies~~ does not apply to the Wisconsin Veterans
11 Home at King ~~only with respect to the statewide bed limit under s. 150.31 and with~~
12 ~~respect to the application, review and approval procedures relating to an increase in~~
13 ~~the nursing home bed capacity of the Wisconsin Veterans Home, under ss. 150.21 (2),~~
14 ~~150.33, 150.35, 150.39, 150.40, 150.41 and 150.43~~ or to the nursing care facility
15 operated by the department of veterans affairs under s. 45.385.

16 **SECTION 77.** 230.36 (1) of the statutes is amended to read:

17 230.36 **(1)** If a conservation warden, conservation patrol boat captain,
18 conservation patrol boat engineer, state forest ranger, conservation field employe of
19 the department of natural resources who is subject to call for fire control duty,
20 member of the state patrol, state motor vehicle inspector, lifeguard, excise tax
21 investigator employed by the department of revenue, special criminal investigation
22 agent employed by the department of justice, special tax agent, state drivers' license
23 examiner, state fair park police officer, University of Wisconsin System police officer
24 and other state facilities police officer and patrol officer, security officer, watcher,
25 engineer, engineering aide, building construction superintendent, fire fighter

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1 employed at the Wisconsin Veterans Home at King or at the facilities operated by the
2 department of veterans affairs under s. 45.385, or guard or institutional aide or a
3 state probation, extended supervision and parole officer or any other employe whose
4 duties include supervision and discipline of inmates or wards of the state at a state
5 penal institution, including a secured correctional facility, as defined in s. 938.02
6 (15m), or while on parole supervision or extended supervision outside of the confines
7 of the institutions, or supervision of persons placed on probation by a court of record,
8 or supervision and care of patients at a state mental institution, and the University
9 of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or
10 her duties, as defined in subs. (2) and (3); or any other state employe who is not listed
11 in this subsection and who is ordered by his or her appointing authority to accompany
12 any employe listed in this subsection while the listed employe is engaged in the
13 duties defined in sub. (3), or any other state employe who is not listed in this
14 subsection and who is ordered by his or her appointing authority to perform the
15 duties, when permitted, in lieu of the listed employe and while so engaged in the
16 duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall
17 continue to be fully paid by the employing agency upon the same basis as paid prior
18 to the injury, with no reduction in sick leave credits, compensatory time for overtime
19 accumulations or vacation and no reduction in the rate of earning sick leave credit
20 or vacation. The full pay shall continue while the employe is unable to return to work
21 as the result of the injury or until the termination of his or her employment upon
22 recommendation of the appointing authority. At any time during the employe's
23 period of disability the appointing authority may order physical or medical
24 examinations to determine the degree of disability at the expense of the employing
25 agency.

SENATE BILL 291**SECTION 78**

1 **SECTION 78.** 230.36 (3) (a) (intro.) of the statutes is amended to read:

2 230.36 (3) (a) (intro.) A forest ranger or field employe of the department of
3 natural resources who is subject to call for forest fire control duty or fire watcher
4 employed at the Wisconsin ~~veterans home~~ Veterans Home at King or at the facilities
5 operated by the department of veterans affairs under s. 45.385, and lifeguard, at all
6 times while:

7 **SECTION 79.** 851.09 of the statutes is amended to read:

8 **851.09 Heir.** "Heir" means any person, including the surviving spouse, who
9 is entitled under the statutes of intestate succession to an interest in property of a
10 decedent. The state is an heir of the decedent and a person interested under s. 45.37
11 (10) and (11) when the decedent was a member of the Wisconsin ~~veterans home~~
12 Veterans Home at King or at the facilities operated by the department of veterans
13 affairs under s. 45.385 at the time of the decedent's death.

14 **SECTION 80.** 880.60 (4) of the statutes is amended to read:

15 880.60 (4) LIMITATION ON NUMBER OF WARDS. No person or corporate entity other
16 than a county having a population of 100,000 or more, or a bank or trust company
17 ~~or the commandant of the Wisconsin veterans home at King~~ shall be guardian of
18 more than 5 wards at one time, unless all the wards are members of one family. Such
19 A county shall act only for patients in its county hospital or mental hospital and for
20 residents of its county home or infirmary, and shall serve without fee. The
21 ~~commandant shall act only for members of the Wisconsin veterans home and shall~~
22 ~~serve without fee.~~ Upon presentation of a petition by an attorney of the U.S.
23 department of veterans affairs or other interested person, alleging that a guardian
24 is acting in a fiduciary capacity for more than 5 wards ~~as herein provided~~ and
25 requesting the guardian's discharge for that reason, the court, upon proof

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1 substantiating the petition, shall require a final accounting ~~forthwith~~ from ~~such~~ the
2 guardian and shall discharge the guardian from guardianship in excess of 5 and
3 ~~forthwith~~ appoint a successor.

4 (END)