

State of Wisconsin



2025 Assembly Bill 935

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT *to repeal* 45.03 (13) (j) and 45.03 (13) (k); *to amend* 45.01 (9), 45.03 (2m), 45.03 (3) (a), 45.03 (3) (b), 45.03 (13) (f) 2., 45.03 (15), 45.03 (21) (d), 45.04 (2), 45.07 (1), 45.10 (2), 45.40 (1m) (a), 45.40 (2) (c), 45.44 (2), 45.44 (3) (intro.), 45.44 (4), 45.51 (3) (b), 45.51 (4) (am) 2., 45.51 (4) (bm), 45.51 (13) (intro.), 45.55, 45.60 (1) (b), 45.60 (2), 45.61 (5), 45.62 (1) (g), 45.81 (2) and 45.85 (1); *to create* 45.01 (4m) of the statutes; **relating to:** repealing expired programs within the Department of Veterans Affairs; definition, terminology, and grammatical changes for the Department of Veterans Affairs, mental health services for post-traumatic stress disorder; reporting on rules proposed by the Department of Veterans Affairs; asset calculation for determining eligibility for veterans assistance payments; and deceased veterans' graves (suggested as remedial legislation by the Department of Veterans Affairs).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Veterans Affairs and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 45.01 (4m) of the statutes is created to read:

45.01 (4m) "Council" means the council on veterans programs created under s. 15.497 (2).

NOTE: SECTION 1 creates the definition "council" for the Council on Veterans Programs, a body currently housed within the Department of Veterans Affairs.

SECTION 2. 45.01 (9) of the statutes is amended to read:

45.01 (9) "Permanently and totally disabled veteran" means a person who is receiving 100 percent disability compensation from the U.S. department of veterans affairs under 38 USC 1101 to ~~1104~~ 1104, 1110 to

~~1120~~, 1131 to 1137, and 1151 to ~~1162~~ 1163, due to a permanent and total service-connected disability.

NOTE: SECTION 2 updates outdated references to federal law.

SECTION 3. 45.03 (2m) of the statutes is amended to read:

45.03 (2m) ~~RULE-MAKING~~ RULE MAKING; BOARD COMMENTS. The secretary shall provide the board with a copy of any rule that the department is preparing as a proposed rule under s. 227.14 (1). The board may ~~prepare~~ submit a report to the department containing written comments and its opinion regarding the proposed rule. In preparing the proposed rule, the department shall include in the analysis under s. 227.14 (2) a copy of any such written comments and opinion.

NOTE: SECTION 3 makes clarifying changes regarding the procedure for the Board of Veterans Affairs to report on rules proposed by the Department of Veterans Affairs.

SECTION 4. 45.03 (3) (a) of the statutes is amended to read:

45.03 (3) (a) The council ~~on veterans programs created under s. 15.497~~ shall advise the board and the de-

* 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."

partment on solutions and policy alternatives relating to the problems of veterans.

NOTE: SECTION 4 replaces an existing reference to the Council on Veterans Programs with "council" because it is a defined term.

SECTION 5. 45.03 (3) (b) of the statutes is amended to read:

45.03 (3) (b) The council ~~on veterans programs~~ and the department, jointly or separately, shall submit a report regarding the council ~~on veterans programs~~ to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) by September 30 of every odd-numbered year. The report shall include a general summary of the activities and membership over the past 2 years of the council and each organization on the council.

NOTE: SECTION 5 replaces existing references to the Council on Veterans Programs with "council" because it is a defined term.

SECTION 6. 45.03 (13) (f) 2. of the statutes is amended to read:

45.03 (13) (f) 2. Information on the availability of post-traumatic stress disorder medical or mental health services and referrals to those services.

NOTE: Under current law, the Department of Veterans Affairs must provide certain services related to post-traumatic stress disorder to service members and veterans. To fulfill this requirement, the department may provide information on the availability of medical services and referrals. SECTION 6 specifies that the department may instead fulfill this requirement by providing information on the availability of mental health services and referrals.

SECTION 7. 45.03 (13) (j) of the statutes is repealed.

NOTE: SECTION 7 repeals an obsolete grant program to identify, train, and place volunteers to assist certain persons who return to this state after serving on active duty. The program expired on July 1, 2011.

SECTION 8. 45.03 (13) (k) of the statutes is repealed.

NOTE: SECTION 8 repeals an obsolete grant program for certain housing authorities to supplement the housing costs of chronically homeless veterans and their families. The program expired after the 2006-07 fiscal year.

SECTION 9. 45.03 (15) of the statutes is amended to read:

45.03 (15) DEFERRAL OF PAYMENTS AND INTEREST ON LOANS. When a veteran or a member of the veteran's family makes application for deferment of payment of monthly installments and waiver of interest charges on veterans loans made under this chapter, showing that the ability of the veteran to make payment is materially and adversely affected by reason of military service, the department may, with the approval of the board, defer payment of monthly installments and waive interest charges on veterans loans made under this chapter for the duration of any period of service in the U.S. armed forces ~~of the United States~~ during a national emergency or in time of war or under P.L. 87-117 and 6 months from date of

discharge or separation and the time for payment may be extended for the same period.

NOTE: SECTION 9 conforms a military reference to current style.

SECTION 10. 45.03 (21) (d) of the statutes is amended to read:

45.03 (21) (d) Create information on the ~~Internet~~ department's website about the health effects of depleted uranium exposure, the detection programs that are available to determine if a national guard member or veteran has been exposed to depleted uranium, the federal treatment programs that are available to those who may have been exposed to depleted uranium, and the federal and state benefits that are available to those national guard members or veterans who have been exposed to depleted uranium.

NOTE: SECTION 10 conforms a website reference to current style.

SECTION 11. 45.04 (2) of the statutes is amended to read:

45.04 (2) SEPARATION DOCUMENTS. Separation documents and copies of separation documents evidencing service in the U.S. armed forces ~~of the U.S.~~ are confidential and privileged. Examination of these records in the possession of the department or service office is limited to authorized employees of the department or service office and information entered in these records may be disclosed only to veterans and their duly authorized representatives or to interested governmental agencies for the purpose of assisting veterans and their dependents to obtain the rights and benefits to which they may be entitled.

NOTE: SECTION 11 conforms a military reference to current style.

SECTION 12. 45.07 (1) of the statutes is amended to read:

45.07 (1) The department of administration shall provide suitable space for the purpose of a memorial hall, designated as the Wisconsin Veterans Museum, dedicated to the veterans of Wisconsin and to the men and women of Wisconsin who served in the U.S. armed forces ~~of the United States~~ during the civil war of 1861 to 1865 and during any subsequent period. The department ~~of veterans affairs~~ shall operate the Wisconsin Veterans Museum. The mission of the Wisconsin Veterans Museum is to acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United States of America's military past by means of instructive exhibits and other educational programs.

NOTE: SECTION 12 changes "department of veterans affairs" to "department" because it is a defined term and conforms a military reference to current style.

SECTION 13. 45.10 (2) of the statutes is amended to read:

45.10 (2) Notwithstanding ss. 16.53 (12) (c) and

20.916 (8) and (9), the department may reimburse all documented travel expenses but reimbursement ~~shall~~ may not exceed \$2,000 annually per veteran.

NOTE: SECTION 13 conforms grammar to current style.

SECTION 14. 45.40 (1m) (a) of the statutes is amended to read:

45.40 (1m) (a) The department may provide subsistence payments to a veteran on a month-to-month basis or for a 3-month period. The department may pay subsistence aid for a 3-month period if the veteran will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. The department may provide subsistence payments only to a veteran who has suffered a loss of income due to illness, injury, or natural disaster. The department may grant subsistence aid under this subsection to a veteran whose loss of income is the result of abuse of alcohol or other drugs only if the veteran is participating in an alcohol and other drug abuse treatment program that is approved by the department. No payment may be made under this subsection if the veteran has other assets or income available to meet basic subsistence needs or if the veteran is eligible to receive aid from other sources to meet those needs. When determining the assets available to the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance policy.

NOTE: SECTIONS 14 and 15 clarify that "life insurance" means "life insurance policy" for purposes of calculating its cash surrender value.

SECTION 15. 45.40 (2) (c) of the statutes is amended to read:

45.40 (2) (c) The department may not provide health care aid under this subsection unless the aid recipient's health care provider agrees to accept, as full payment for the health care provided, the amount of the payment, the amount of the recipient's health insurance or other 3rd-party payments, if any, and the amount that the department determines the veteran is capable of paying. The department may not pay health care aid under this subsection if the liquid assets of the veteran are in excess of \$1,000. When determining the liquid assets of the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance policy.

SECTION 16. 45.44 (2) of the statutes is amended to read:

45.44 (2) PROGRAM. The department ~~of veterans affairs~~ shall establish and maintain a program under which the department shall verify whether an applicant is eligible for a fee waiver for the issuance of a license. Before approving a fee waiver, the licensing agency, or

the supreme court, if the supreme court agrees, shall request the department ~~of veterans affairs~~ to verify whether the applicant for the license is ~~a~~ eligible for a fee waiver. If the department verifies that the applicant for a license is eligible for a fee waiver, the licensing agency or the supreme court shall waive the accompanying fee for the license.

NOTE: SECTION 16 changes "department of veterans affairs" to "department" because it is a defined term and corrects a typographical error.

SECTION 17. 45.44 (3) (intro.) of the statutes is amended to read:

45.44 (3) ELIGIBILITY. (intro.) For the purpose of being eligible for a license fee waiver under the program established under sub. (2), an applicant shall be applying for an initial license, ~~shall~~ may not have received a previous fee waiver under the program for any type of license, and shall be all of the following:

NOTE: SECTION 17 conforms grammar to current style.

SECTION 18. 45.44 (4) of the statutes is amended to read:

45.44 (4) INFORMATION ON PROGRAM. The department ~~of veterans affairs~~ shall ~~establish an Internet provide on its website informing the public of information regarding~~ the fee waiver program and shall include a list of the licenses and the licensing agencies to contact to receive each fee waiver. Each licensing agency shall also provide on ~~their Internet~~ its website information regarding the fee waiver program and a list of the licenses that the licensing agency issues that are eligible for the fee waiver.

NOTE: SECTION 18 changes "department of veterans affairs" to "department" because it is a defined term, conforms a website reference to current style, and makes clarifying changes.

SECTION 19. 45.51 (3) (b) of the statutes is amended to read:

45.51 (3) (b) Spouses, surviving spouses, and parents derive their eligibility from the eligibility of the person under sub. (2) (a) 1. or 2. Surviving spouses and parents of eligible persons under sub. (2) (a) 1. or 2. ~~shall~~ are not ~~be~~ eligible for admission to the Wisconsin Veterans Home at Union Grove, the Wisconsin Veterans Home at King, or the Wisconsin Veterans Home at Chippewa Falls unless a home's overall occupancy level is below an optimal level as determined by the board.

NOTE: SECTIONS 19, 20, and 21 conform grammar to current style.

SECTION 20. 45.51 (4) (am) 2. of the statutes is amended to read:

45.51 (4) (am) 2. Separation from the spouse necessitated by reason of employment, hospitalization, or because of a physical or mental disability of either spouse ~~shall~~ may not be taken to constitute an interruption of the 6-month period.

SECTION 21. 45.51 (4) (bm) of the statutes is amended to read:

45.51 (4) (bm) A spouse of an eligible person under sub. (2) (a) 1. or 2. is eligible if the spouse meets the requirements of sub. (2) (b) 2. to 5., and the spouse had lived with the person for not less than 6 months immediately before making application for the membership. Separation from the spouse necessitated by reason of employment, hospitalization, or because of a physical or mental disability of either spouse ~~shall~~ may not be taken to constitute an interruption of the 6-month period under this paragraph. A spouse of an eligible person under sub. (2) (a) 1. or 2. by virtue of a marriage that was void when entered into but validated under s. 765.21 before applying for admission shall, for the purpose of this paragraph and sub. (6), be considered married to the eligible person under sub. (2) (a) 1. or 2. from the date the marriage was entered into.

SECTION 22. 45.51 (13) (intro.) of the statutes is amended to read:

45.51 (13) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES. (intro.) Any person admitted to a skilled nursing facility at a veterans home shall meet the eligibility requirements under ss. 49.45 and 49.46, and, if applicable, s. 49.471, and rules promulgated under those sections, ~~during residence~~ residence ~~residency~~ residency at the skilled nursing facility except if any of the following apply:

NOTE: SECTION 22 conforms punctuation and grammar to current style.

SECTION 23. 45.55 of the statutes is amended to read:

45.55 Notes and mortgages of minor veterans. Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active U.S. armed forces ~~of the United States~~ at any time after August 27, 1940, and the husband or wife of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen's readjustment act of 1944, the national housing act, or any acts supplementing or amending these acts. In connection with these transactions, the minors may sell, release or convey the mortgaged property and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. The notes, mortgages, releases, deeds and other necessary papers or instruments when so executed are not subject to avoidance by the minor or the husband or wife of the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

NOTE: SECTION 23 conforms a military reference to current style.

SECTION 24. 45.60 (1) (b) of the statutes is amended to read:

45.60 (1) (b) Military funeral honors may be provided by local units of member organizations of the council ~~on veterans programs~~, by local units of veterans organizations certified by the department to provide military funeral honors, by members of the Wisconsin national guard activated under s. 321.04 (2) (e), or by staff of the department.

NOTE: SECTION 24 replaces an existing reference to the Council on Veterans Programs with "council" because it is a defined term.

SECTION 25. 45.60 (2) of the statutes is amended to read:

45.60 (2) STIPENDS. From the appropriation under s. 20.485 (2) (sm), the department shall reimburse a local unit of a member organization of the council ~~on veterans programs~~ or a local unit of a veterans organization certified by the department to provide military funeral honors for the costs of providing military funeral honors in this state to a person described in sub. (1). The reimbursement may not exceed \$50 for each funeral for which military honors are provided.

NOTE: SECTION 25 replaces an existing reference to the Council on Veterans Programs with "council" because it is a defined term.

SECTION 26. 45.61 (5) of the statutes is amended to read:

45.61 (5) EXPENSES. Expenses incident to the burial under this section of persons described in sub. (2) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation accounts under s. 20.485 (4) (g), (m), or (q) or, for members of veterans homes, from the appropriation account under s. 20.485 (1) (gk). The amount expended for those expenses under this subsection ~~shall~~ may not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

NOTE: SECTION 26 conforms grammar to current style.

SECTION 27. 45.62 (1) (g) of the statutes is amended to read:

45.62 (1) (g) ~~The character~~ A description of the headstone or other marker, if any, at the deceased veteran's grave.

NOTE: SECTION 27 makes a clarifying change regarding information the Department of Veterans Affairs may compile about a headstone or other marker at a deceased veteran's grave.

SECTION 28. 45.81 (2) of the statutes is amended to read:

45.81 (2) The commission shall be organized by the election of one of their ~~number~~ members as chairperson. The county executive or county board chairperson in a

county that does not have a county executive after the expiration of the terms of those first appointed shall annually on or before the 2nd Monday in December appoint one person as a member of the commission for the term of 3 years. Except as provided in s. 59.21 (1) (intro.), the county executive or county board chairperson shall require each member of the commission and the county veterans service officer to execute to the county an individual surety bond, with sufficient sureties to be approved by the county executive or county board chairperson, each bond to be in an amount equal to the tax levied in the current year for expenditure by the commission. Each bond shall be filed with the county clerk.

NOTE: SECTION 28 conforms grammar to current style.

SECTION 29. 45.85 (1) of the statutes is amended to read:

45.85 (1) Every town board, village board, or common council of every city shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the U.S. armed forces ~~of the United States~~, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section. The expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided. The amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery.

NOTE: SECTION 29 conforms a military reference to current style.
