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VETERANS AND MILITARY BENEFITS – SUMMARY OF 2003-04 WISCONSIN LEGISLATION

Wisconsin has a long record, beginning soon after the Civil War, of offering its military veterans various benefits. Some programs have been designed to aid needy or disabled veterans and others are available to all who completed qualifying periods of wartime or other service. The “Legislative Findings” in Section 45.70 (1), Wisconsin Statutes, reflects state policy toward its resident veterans:

It is determined that veterans, who have sacrificed in the service of their country, valuable years of their lives and considerable earning potential, constitute a readily identifiable and particularly deserving segment of this state’s population.

Currently, about 500,000 veterans are Wisconsin residents. The activation of thousands of members of the National Guard and reserves for ongoing military operations in Afghanistan and Iraq, and recent peace-keeping efforts in places such as Bosnia, will increase the ranks of veterans eligible for state benefits and programs.

The state provides various types of benefits to eligible veterans through the Wisconsin Department of Veterans Affairs (WDVA). Available benefits include home mortgage and improvement loans, education aids, assistance to needy and ill veterans, skilled nursing care, military honors at funerals, and burial at state veterans cemeteries.

Section I of this brief summarizes laws enacted by the Wisconsin Legislature in the 2003-04 legislative session relating to veterans, active duty military members, members of the Army or Air National Guard, or mem-

bers of reserve components of the U.S. Armed Forces. **Section II** defines “Who is a veteran” for purposes of eligibility for state benefits, and **Section III** provides contacts to obtain further information about veterans benefits, programs, and protections.

I. 2003-04 LEGISLATION ENACTED

Thirteen acts passed in the 2003-04 legislative session relate in whole or in part to benefits and protections for veterans and military members. They range from tax exemptions for activated reservists to military-related motor vehicle license plates.

Iraqi War Veterans Eligible for Benefits

2003 Wisconsin Act 83 extended eligibility for veterans benefits to those who have served on active duty for at least 90 days during Operation Iraqi Freedom, provided they satisfy state residency requirements. Active duty for training purposes does not count for eligibility.

Differential Pay for Activated State Government Employees

2003 Wisconsin Act 162 provides that the state will make up the difference, if any, between a state government employee’s regular salary and his or her military pay (including housing allowances). The law does not apply if the total of the employees military pay and allowances exceeds his or her state government salary. A worker called to active duty will continue to accumulate sick leave and annual leave during the period of service, and may use up to 160 hours of paid leave within 30 days after

deactivation before returning to his or her state job. The law applies to those activated on or after January 1, 2003, and is retroactive to that date. The initial period of eligibility is for up to 179 days of pay, but the governor may, by executive order, extend it to up to two years.

Tax Exemption for All Activated Reserve and National Guard Members

2003 Wisconsin Act 183 creates a state income tax exemption for pay received from the federal government to reserve component members who are called to active duty regardless of where they serve. Previously, a similar exemption that related to service that was part of Operation Desert Shield or Operation Desert Storm applied only to activated reserve component members while they were serving in a designated combat zone. The current exemption also applies to members of the Wisconsin Army National Guard or Air National Guard who are called by the governor to special state service authorized by the U.S. Department of Defense for purposes such as airport security duty or other assignments related to homeland security. The exemption is retroactive to wages received since January 1, 2004*. Individuals who claim this exemption may not claim the Armed Forces Member tax credit.

Legal Rights for Residents Who Serve in the National Guard of Other States

2003 Wisconsin Act 69 extends certain legal protections previously provided only to Wisconsin residents who are members of the Wisconsin National Guard to residents of Wisconsin who are members of the National Guard of any other state. These protections, which apply to those who are on active state service or active duty with the U.S. Armed Forces, include:

- staying civil court proceedings or judgments,

- protection from eviction or mortgage foreclosure,
- capping interest rates at 6% per year on existing debts,
- extending the expiration date of professional or occupational licenses,
- the right to terminate a lease without penalty,
- certain reemployment rights after active service has ended, and
- permitting college students who are activated to take incompletes and finish courses later without charge or receive a full refund of tuition and fees and a prorated refund of any room and board.

In addition, the state is obligated to provide legal defense and pay any expenses incurred or judgment rendered against a member in a criminal case or civil suit for an act committed while performing military duty.

Housing Loans Available to Those Serving on Active Duty

2003 Wisconsin Act 83 allows a person who is serving on active duty and otherwise meets state residency requirements, to apply for a state veterans home mortgage loan or home improvement loan, even if serving out-of-state. The home loan property must be in Wisconsin. Previously, a member had to be living in the state at the time of application. It also allows a veteran to apply for loans and to request certification for eligibility as a veteran either directly to the WDVA or through a County Veterans Service Officer (CVSO). Previously, applications and certification requests had to be made through a CVSO.

National Guard Educational Benefits – Tuition Grant Limit Increased

2003 Wisconsin Act 83 changed the maximum amount of tuition reimbursable to members of the Wisconsin National Guard to 100% of the tuition charged by the school or the maximum resident undergraduate

*Corrected date.

tuition charged by the UW-Madison for a comparable number of credits, whichever is less. Previously, the grant was equal to 100% of the actual tuition charged by the school or the average of the resident undergraduate tuition charged by the 4-year institutions in the UW System, whichever was less.

Tuition Reimbursement Income Eligibility and Payments Increased

Veterans may apply for grants to pay for undergraduate courses at most Wisconsin schools of higher education through the Tuition Reimbursement Program, which is designed for full-time students who begin courses within 10 years after release from active duty. Instead, they may receive reimbursement through the Correspondence Courses and Part-Time Classroom Study Program, which has no time limit, although the coursework must be related to the veteran's occupational, professional, or employment objectives.

2003 Wisconsin Act 33 changed the maximum reimbursement under the programs to an amount not to exceed the individual's tuition and fees, minus any grants or scholarships, or the standard cost of tuition for an equivalent undergraduate semester at the UW-Madison, whichever is less. Previously, the maximum reimbursement payable was 85% of the cost of an equivalent course at the UW-Madison. 2003 Wisconsin Act 83 increased the family income limit for both programs to \$50,000 plus \$1,000 for each dependent in excess of two dependents. Previously, the limits were \$47,500 and \$500, respectively.

UW Non-Resident Tuition Exemption

2003 Wisconsin Act 185 allows veterans who qualify for state veterans benefits to pay tuition at the same rate the UW System charges for state residents, even if the veteran is not eligible for in-state tuition under UW System residency rules. Among those eligible are any veterans who served honorably on active duty for at least 90 days dur-

ing a war period. Eligibility for in-state tuition begins with the Spring 2004 semester.

Assistance From County Veterans Service Officers

County Veterans Services Officers (CVSOs) must advise persons living in their county who have served in the U.S. Armed Forces regarding any veterans benefits to which they may be entitled, or any complaint or problem arising out of such service, and to render all possible assistance to them and their dependents. 2003 Wisconsin Act 163 authorizes CVSOs to provide informational services to persons living in their county who are members of any national guard or armed forces reserve unit, or their dependents. The law allows CVSOs to cooperate with federal and state agencies that serve or grant aids or benefits to members of national guard or armed forces reserve units or their dependents. CVSOs may also provide information about military points of contact and general deployment information for activated and deployed members of national guard or military reserve units. The act directs the Wisconsin Adjutant General to provide current Wisconsin National Guard deployment information to the WDVA which, in turn, forwards the information to CVSOs.

Northwestern Veterans Campus

2003 Wisconsin Act 102 authorizes the WDVA to develop, construct, or renovate, and to operate residential, treatment, and nursing care facilities in northwestern Wisconsin, on surplus land located at the Northern Wisconsin Center for the Developmentally Disabled in Chippewa Falls. The Northwestern Veterans Campus will be similar to the Veterans Southeastern Facilities, located on property formerly occupied by the Southern Center for the Developmentally Disabled in Union Grove. The act creates a trust fund to pay for the development of the facilities, funded from net proceeds of the sale of surplus land at the center.

The WDVA will pursue federal grants to supplement these monies.

Veterans Personal Loans – Amounts and Purposes Expanded

2003 Wisconsin Act 83 increased the amount that the WDVA could lend to veterans under the Veterans Personal Loans Program from \$15,000 to \$25,000. In addition, the law made these low-interest loans, which may have repayment periods of up to 10 years, available for any purpose. Previously, veterans could receive these loans only for specified uses. Act 83 requires that veterans must secure loans over \$5,000 with a mortgage and that loans of \$5,000 or less must be secured with either a mortgage or a guarantor (cosigner).

Tuition Vouchers for Sounding “Taps”

2003 Wisconsin Act 42 allows funeral directors to issue \$25 tuition vouchers to students in grades 6 to 12 who play “Taps” on a bugle, trumpet, or cornet at a military honors funeral held in Wisconsin. The vouchers must be accepted toward undergraduate tuition at any UW System or Wisconsin Technical College System school. The law directs the WDVA to encourage private colleges and universities to accept the vouchers. The law also directs the State Superintendent of Public Instruction to encourage school boards to grant an excused absence to pupils performing “Taps” at military funerals.

Burial Benefits

2003 Wisconsin Act 58 expands the eligibility of members of the national guard or reserves for burial in a state veterans cemetery. A person who was not a resident of Wisconsin at the time of entry into service with a military unit in another state must be a resident of this state for at least 12 consecutive months preceding death to be eligible for burial in a Wisconsin veterans cemetery and must be eligible for burial in a national cemetery.

2003 Wisconsin Act 70 generally precludes discrimination against deceased veterans by prohibiting a cemetery, other than one affiliated with a religious society, from denying the burial of a veteran or certain family members in that cemetery if it is paid in its usual and customary manner.

Purple Heart and National Guard Member License Plates

2003 Wisconsin Act 71 adds the words “combat-wounded veteran” to the special motor vehicle license plates available to recipients of the Purple Heart Medal. The law also requires the Department of Transportation to gain the written approval of WDVA for the combination of colors and design of the Purple Heart license plate.

2003 Wisconsin Act 184 allows a member or a retired member of the national guard to obtain special distinguishing “Wisconsin Guard Member” registration plates for a motor home, light farm truck, light dual purpose mobile home, or light dual purpose farm truck. Previously, guard members could only obtain the special plates for automobiles or light trucks.

Prior Authorization Allowed for Health Care Aid Grants

2003 Wisconsin Act 83 repeals a provision that prohibited WDVA from issuing a prior authorization of health care aid to eligible veterans and their dependents. The law permits WDVA to issue a certificate of entitlement stating that the veteran is eligible for a health care aid grant. WDVA may not grant health care aid before the period identified in the certificate of entitlement, except for emergency care, if the veteran files the application for aid within 90 days after the emergency care ends.

Multifamily Transitional Housing for Homeless Veterans

The WDVA’s Veterans Assistance Program (VAP) provides a variety of programs for homeless veterans and those at risk of

becoming homeless. 2003 Wisconsin Act 83 allows the WDVA to provide a loan guarantee for multifamily transitional housing for homeless veterans.

II. WHO IS A VETERAN?

Anyone who has ever served in the military can be considered a “veteran”. However, in order to receive state veterans benefits or services one must, with some exceptions, satisfy both of two eligibility requirements: 1) military service in the U.S. Armed Forces or service in forces incorporated into the U.S. Armed Forces; and 2) state residency.

Military Service Requirements. To be eligible for state veterans benefits, a person must satisfy one of the following criteria:

- Completed two continuous years of active duty, under honorable conditions, regardless of when or where the service occurred, including during peacetime. Also eligible are those discharged prior to completing two years due to a service-connected disability, hardship, or because of a reduction in forces.
- Performed active service of 90 days or more during a designated war period or a period of duty during specified conflicts or peacekeeping missions.
- Was a member of the National Guard or Reserve called up for federal service during the Berlin Crisis or Operations Desert Shield and Storm.

Persons who served in the National Guard or any reserve component are not eligible for benefits unless they fulfilled the military service requirements described above. An exception is that persons who served in the guard or reserves for at least 20 years and qualify for a military pension (or would have qualified but death occurred before age 60) are eligible for burial in a state veterans cemetery.

Wisconsin Residency Requirements.

To qualify for most state veterans benefits, a veteran must be living in Wisconsin at the time of application. In addition, the veteran must have been either:

- A Wisconsin resident when he or she entered or reentered active duty service, or
- A Wisconsin resident for at least 12 consecutive months after entry or reentry into active duty service. Active duty service in Wisconsin may count toward the 12 consecutive months of residency if the member changed his or her official residency to Wisconsin for that period.

III. MORE INFORMATION ABOUT BENEFITS AND PROTECTIONS

Employment Discrimination Prohibited. Discrimination in private or government jobs is prohibited on the basis of a person’s membership in the national guard, state defense force, or any reserve component of the military forces of the United States or the State of Wisconsin. [Contact: Department of Workforce Development’s Equal Rights Division, (608) 266-6860]

Reemployment Rights. A classified state civil service employee who enlists or is ordered or inducted into active military service must be restored to the same or a similar position and be afforded the same benefits of seniority, status, pay, pay advancement, performance awards, and pension rights as if his or her employment with the state had been continuous. [Contact: Office of State Employment Relations, (608) 266-9820] Public or private sector workers who are members of the national guard or state defense force and called to active state service by the governor are also eligible for certain reemployment rights. [Contact: Office of the Staff Judge Advocate in the Office of the Adjutant General, (608) 242-3077] For information about job protections under the federal Uniformed Services Employment and Reemployment Rights Act, contact

Employer Support of the Guard and Reserve, (800) 336-4590, NCESGR-OMBUD@osd.mil (email) or <http://www.esgr.com> (website).

Civil Service Preference – State and Local Government. Applicants for classified positions in the state civil service may be awarded veteran preference points in addition to the score achieved on a competitive employment examination. Eligible applicants may receive the following: 10 points for a veteran; 15 points for a disabled veteran with a service-connected disability; 20 points for a veteran who is at least 30% disabled; and 10 points each for the spouse of a veteran who is at least 70% disabled, for the unremarried spouse of a veteran who was killed in action, or the unremarried spouse of a veteran who died of a service-connected disability. Veterans with a disability rating of at least 30% may be appointed to a civil service job on a noncompetitive basis if qualified to perform the position's duties. [Contact: Office of State Employment Relations, Division of Merit Recruitment and Selection, (608) 266-1732] Cities, villages, or towns that establish civil service systems must give similar preference points to veterans.

State Veterans Benefits. The Wisconsin Department of Veterans Affairs administers a variety of state benefits and programs for veterans. There are income limits to qualify for some benefits. Benefits and programs available to eligible veterans include:

- Home mortgage and improvement loans
- Personal loans
- Education tuition grants
- Job skills retraining grants
- Subsistence aid and health care grants
- Assistance for homeless veterans or those at risk of becoming homeless
- Nursing home care or assisted living at state veterans homes
- Military honors funerals and burial at state veterans cemeteries

For information about veterans benefits and programs, contact the WDVA at (800) WIS-VETS; Headquarters@dva.state.wi.us (email); or <http://dva.state.wi.us> (website). County Veterans Service Officers (CVSO) are located in each county and in the Oneida Nation. A list of CVSOs is at http://dva.state.wi.us/Ben_cvso.asp. Veterans may receive help in applying for federal veterans benefits by contacting a CVSO or calling the WDVA at (414) 902-5757.