

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/14/98**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 7-0371**

By/Representing: **Uecker**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Veterans - miscellaneous**

Extra Copies:

**Topic:**

DOA:.....Uecker - Residency requirement for veterans benefits-5 consecutive years

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 12/14/98	jgeller 12/14/98	jfrantze 12/14/98	_____	lrb_docadmin 12/14/98		State
/2	nelsorp1 12/23/98	jgeller 12/23/98	jfrantze 12/23/98	_____	lrb_docadmin 12/23/98		State

FE Sent For:

<END>

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/1	nelsorp1 12/14/98	jgeller 12/14/98	jfrantze 12/14/98	_____	lrb_docadmin 12/14/98		State

FE Sent For:

12/23 JG  
 12/23 JF  
 J/KM  
 <END>  
 12/23

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**Instructions:**

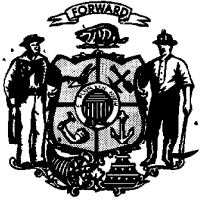
See Attached

**Drafting History:**

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1?	nelsorp1	1/13/14 JLG	2/2/14	2/2/14			

FE Sent For:

<END>



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON  
GOVERNOR  
MARK D. BUGHER  
SECRETARY

Mailing Address:  
Post Office Box 7864  
Madison, WI 53707-7864



**Date:** December 11, 1998

**To:** Steve Miller  
Legislative Reference Bureau

**From:** Deborah A. Uecker  
State Budget Analyst

**Subject:** Additional Dept. of Veterans Affairs Statutory Language Request

Request

(a) 2.c.

Please draft a statutory language change proposed by the Department of Veterans Affairs as part of their statutory language budget request. The department requests a change in s.45.35 (5)(2)(c) which would modify the residency requirement so that members of the armed services that serve on duty for five consecutive years in the state of Wisconsin would satisfy the residency requirements under this statute. If a veteran is serving in Wisconsin immediately prior to discharge, any consecutive time served prior to discharge will be credited toward satisfying the 5-consecutive year requirement. The request is included in the original package of statutory language for Veterans Affairs.

Thank you for your assistance,

Deborah A. Uecker  
State Budget Analyst  
267-0371

cc: Bob Nelson

99 b 2845  
6 2828



5000  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

LRB-1263/1

RPN...:.....

D-Note

jlg

DOA:.....Uecker - Residency requirement for veterans benefits-5 consecutive years

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

head → Veterans and Military Affairs

do not gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

Under current law, to be eligible for veterans benefits, ~~the~~ <sup>a</sup> veteran must meet certain criteria, including residency in this state, ~~and~~ living in the state at the time of making application for a benefit and service on active duty under honorable conditions in the U.S. armed forces or in forces incorporated into the U.S. armed forces, except service for training purposes. The veteran must also meet additional criteria. The veteran may be eligible for benefits if he or she meets certain types of service requirements, such as service in a war period or in specified conflicts, receipt of a specified service medal, such as the Vietnam service medal or if he or she served on active duty for ~~2~~ <sup>two</sup> consecutive years or the full period of his or ~~her~~ <sup>her</sup> initial service obligation. The veteran may ~~also~~ be eligible for benefits if his or her selective service local board and home at the time of going into service were in this state, if he or she was a resident of this state at the time of going into service or if he or she has been a resident for any consecutive ~~2~~ <sup>five</sup> year period after completing service on active duty.

This bill adds an additional group of veterans who may be eligible for benefits. Under the bill, a veteran/who is a resident and living in this state at the time of his or her application for benefits may be eligible for benefits if he or she was on active duty, living in this state and subject to state income taxes for any consecutive ~~2~~ <sup>five</sup> year period before the date of his or her application for benefits

For further information see the *state* 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:*

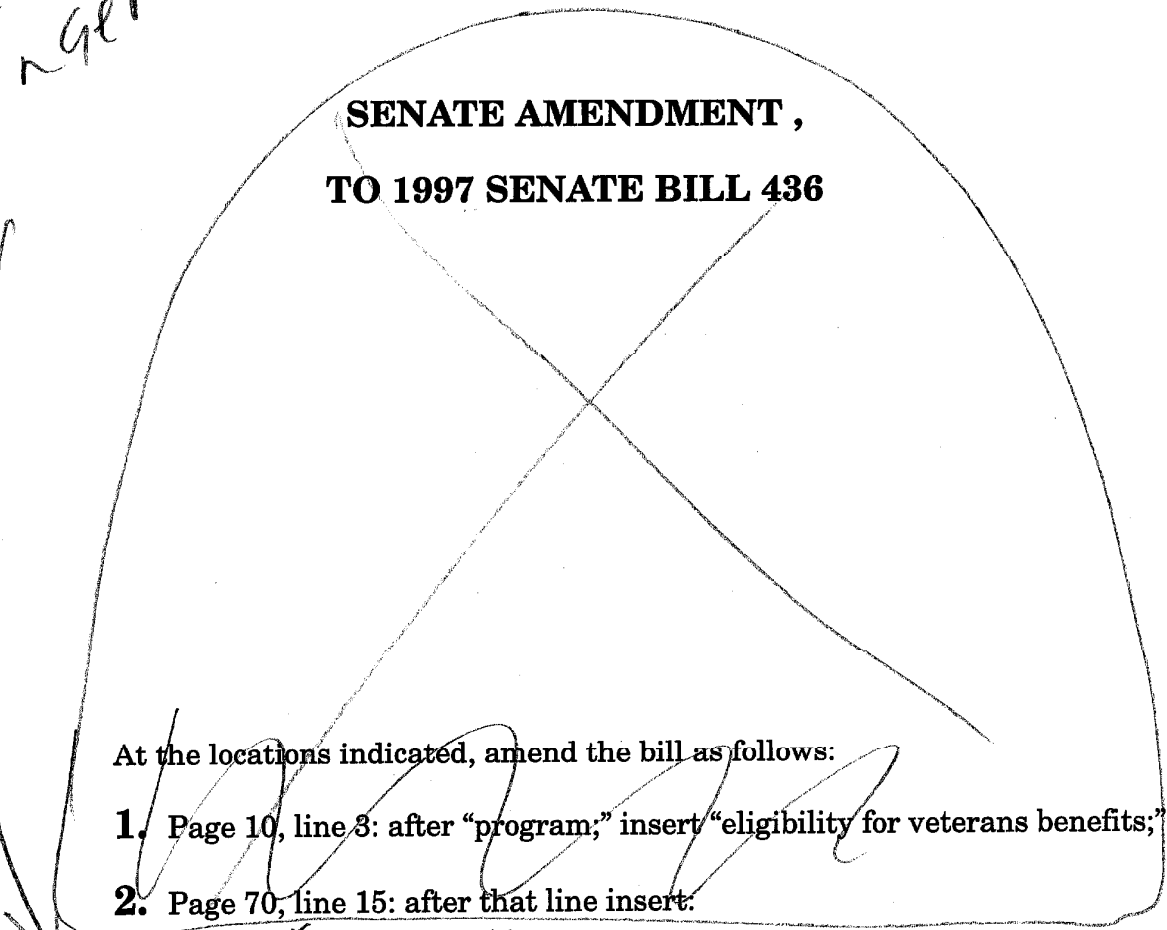
1

(END) ✓

luger 2-1

*Insert 21*

**SENATE AMENDMENT,  
TO 1997 SENATE BILL 436**



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11  
12  
13

At the locations indicated, amend the bill as follows:

- 1. Page 10, line 3: after "program;" insert "eligibility for veterans benefits;".
- 2. Page 70, line 15: after that line insert:

~~SECTION 90.~~ 45.25 (2) (d) of the statutes is amended to read:

45.25 (2) (d) The individual is a resident at the time of application for the tuition and fee reimbursement program and was a Wisconsin resident at the time of entry or reentry into service ~~or~~ was a resident for any consecutive 5-year period after completing service on active duty and before the ~~time~~ <sup>date</sup> of application ~~or was on active duty, living in this state and subject to taxation under s. 71.02 for any consecutive 5-year period before the time of application.~~ <sup>his or her</sup> If a person applying for a benefit under this section meets that either 5-consecutive-year residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she later applies for any other

*PROOF W/STATS.*

SEC. # RP; 45.37 (3)(b) (title)

1 benefit under this chapter that ~~requires a~~ has the same 5-consecutive-year  
2 residency requirement.

3 SECTION ~~90a.~~<sup>#</sup> 45.35 (5) (a) 2. c. of the statutes is amended to read:

4 45.35 (5) (a) 2. c. Has been a resident of this state for any consecutive 5-year  
5 period after completing service on active duty and before the date of his or her application or  
6 death or was on active duty, living in this state and subject to taxation under s. 71.02  
7 for any consecutive 5-year period before the date of his or her application or death. If a person  
8 applying for a benefit under this subchapter meets that either 5-consecutive-year  
9 residency requirement, the department may not require the person to reestablish  
10 that he or she meets the 5-consecutive-year residency requirement when he or she  
11 later applies for any other benefit under this chapter that ~~requires a~~ has the same  
12 5-consecutive-year residency requirement.

13 SECTION ~~90b.~~<sup>#</sup> 45.37 (3) (b) of the statutes <sup>renumbered 45.37 (3) and</sup> is amended to read:

14 45.37 (3) ~~By Nonresident~~ A veteran who was not a resident of this state at the  
15 time of enlistment or induction into service but who is otherwise qualified for  
16 membership may be admitted if the veteran has been a resident of this state for any  
17 consecutive 5-year period after completing service on active duty and before the date  
18 of his or her application or was on active duty, living in this state and subject to taxation under  
19 s. 71.02 for any consecutive 5-year period before the date of his or her application. If a person  
20 applying for a benefit under this subchapter meets that either 5-consecutive-year  
21 residency requirement, the department may not require the person to reestablish  
22 that he or she meets the 5-consecutive-year residency requirement when he or she  
23 later applies for any other benefit under this chapter that ~~requires a~~ has the same  
24 5-consecutive-year residency requirement.

25 SECTION ~~90c.~~<sup>#</sup> 45.71 (16) (a) 2m. a. of the statutes is amended to read:

PROOF W/STAFF



PROOF W/STATS.

1           45.71 (16) (a) 2m. a. Has been a resident of this state for any consecutive 5-year  
2 period after completing service on active duty and before <sup>the date of</sup> his or her application or  
3 death or was on active duty, living in this state and subject to taxation under s. 71.02  
4 for any consecutive 5-year period before <sup>the date of</sup> his or her application or death. If a person  
5 applying for a benefit under this subchapter meets that either 5-consecutive-year  
6 residency requirement, the department may not require the person to reestablish  
7 that he or she meets the 5-consecutive-year residency requirement when he or she  
8 applies for any other benefit under this chapter that ~~requires a~~ has the same  
9 5-consecutive-year residency requirement. <sup>e</sup> ②

10

END  
(end ins)

D-Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1263/1dn

RPN...  
jlg

Although the request only mentioned s. 45.35 (5) (a) 2. c.,<sup>✓</sup> I found three other sections in chapter 45 that have similar language. I amended those statutes also. OK?

Robert P. Nelson  
Senior Legislative Attorney  
267-7511

---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1263/1dn  
RPN:jlg:jf

December 14, 1998

Although the request only mentioned s. 45.35 (5) (a) 2. c., I found three other sections in chapter 45 that have similar language. I amended those statutes also. OK?

Robert P. Nelson  
Senior Legislative Attorney  
267-7511

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF EXECUTIVE BUDGET AND FINANCE  
DOA-5167 N(ROB/95)

### FACSIMILE COVER MESSAGE

**CONFIDENTIALITY:** This facsimile transmission is intended only for the use of the individual or entity to which it is addressed. It may contain information which is privileged, confidential or exempt from disclosure under applicable law.

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THE FACSIMILE MACHINE COPIES ONE SIDE OF DOCUMENT

TO <i>Bob Nelson</i>		264-8523	
Name		Facsimile Telephone Number	<del>264-5648</del>
Location	<i>Legislative Reference Bureau</i>	Room Number	Telephone Number
			<i>266-0341</i>
FROM (Sender) <i>Andrew Hecker</i>			
Name	<i>DOA - Budget Office</i>	Number of Pages Including This Cover Sheet	Facsimile Telephone Number
Location	<i>101 East Wilson Street, 10th Floor; Madison, WI 53702</i>	<i>3</i>	<i>(608) 267-0372</i>
			Telephone Number
			<i>267-0371</i>

COMMENTS / INSTRUCTIONS

*1263*



STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS



30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843  
(608) 266-1311 FAX (608) 267-0403  
1-800-947-9367 (WIS VETS)  
Tommy G. Thompson, Governor  
Raymond G. Boland, Secretary

DATE: December 18, 1998  
TO: John Scocos  
FROM: John Rosinski *HR*  
RE: Establishing State Residency After Entry Into Service

You requested draft statutory language that would enable an individual to establish state residency after entry into service. The following statutory amendment will accomplish this goal. It should be inserted in lieu of the current proposal submitted to DOA.

SECTION 1. 45.25(2)(d) of the statutes is amended to read:

45.25(2)(d) The individual is a resident at the time of application for the tuition and fee reimbursement program and was a Wisconsin resident at the time of entry or reentry into service or was a resident for any consecutive 5-year period after ~~completing entry or reentry into service on active duty~~ and before the time of application. If a person applying for a benefit under this section meets the 5-consecutive-year residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she later applies for any other benefit under this chapter that requires a 5-consecutive-year residency.

SECTION 2. 45.35(5)(a)2.c. of the statutes is amended to read:

45.35(5)(a)2.c. Has been a resident of this state for any consecutive 5-year period after ~~completing entry or reentry into service on active duty~~ and before his or her application or death. If a person applying for a benefit under this subchapter meets that 5-consecutive-year residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she later applies for any other benefit under this chapter that requires a 5-consecutive-year residency.

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

**45.37(3)(b) *Nonresident.* A veteran who was not a resident of this state at the time of enlistment or induction into service but who is otherwise qualified for membership may be admitted if the veteran has been a resident of this state for any consecutive 5-year period after ~~completing enlistment or induction into service on active duty~~ and before the date of application. If a person applying for a benefit under this subchapter meets that 5-consecutive-year residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she later applies for any other benefit under this chapter that requires a 5-consecutive-year residency.**

**SECTION 4. 45.71(16)(a)2m.a. of the statutes is amended to read:**

**45.71(16)(a)2m.a. Has been a resident of this state for any consecutive 5-year period after ~~completing enlistment or induction into service on active duty~~ and before his or her application or death. If a person applying for a benefit under this subchapter meets that 5-consecutive-year residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she applies for any other benefit under this chapter that requires a 5-consecutive-year residency.**

cc: Ken Abrahamsen



500n  
State of Wisconsin  
1999 - 2000 LEGISLATURE

2  
LRB-1263X  
RPN:jlj:jf

DOA:.....Uecker - Residency requirement for veterans benefits-5 consecutive years

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

do not gen

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau  
VETERANS AND MILITARY AFFAIRS**

Under current law, to be eligible for veterans benefits, a veteran must meet certain criteria, including residency in this state, living in the state at the time of making application for a benefit and service on active duty under honorable conditions in the U.S. armed forces or in forces incorporated into the U.S. armed forces, except service for training purposes. The veteran must also meet additional criteria. The veteran may be eligible for benefits if he or she meets certain types of service requirements, such as service in a war period or in specified conflicts, receipt of a specified service medal, such as the Vietnam service medal or if he or she served on active duty for two consecutive years or the full period of his or her initial service obligation. The veteran may also be eligible for benefits if his or her selective service local board and home at the time of going into service were in this state, if he or she was a resident of this state at the time of going into service or if he or she has been a resident for any consecutive five-year period after completing service on active duty.

<sup>also</sup>  
This bill adds an additional group of veterans who may be eligible for benefits. Under the bill, a veteran may be eligible for benefits if he or she ~~was on active duty~~ <sup>was on active duty</sup> living in this state and subject to state income taxes for any consecutive five-year period before the date of his or her application for benefits. <sup>or, if applicable, before the date of his or her death</sup>

after entry, reentry, enlistment or induction into service in the U.S. armed forces

was a resident of this state

For further information see the *state* 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:**

SECTION 1. 45.25 (2) (d) of the statutes is amended to read:

45.25 (2) (d) The individual is a resident at the time of application for the tuition and fee reimbursement program and was a Wisconsin resident at the time of entry or reentry into service <sup>plain text</sup> or was a resident for any consecutive 5-year period after <sup>entry or reentry into</sup> completing service on active duty and before the time date of his or her application or was on active duty, living in this state and subject to taxation under s. 71.02 for any consecutive 5-year period before the date of his or her application. If a person applying for a benefit under this section meets <sup>plain text</sup> that ~~either~~ 5-consecutive-year <sup>plain</sup> residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year <sup>plain</sup> residency requirement when he or she later applies for any other benefit under this chapter that <sup>plain text</sup> requires a ~~has the same~~ 5-consecutive-year <sup>plain text</sup> residency requirement.

SECTION 2. 45.35 (5) (a) 2. c. of the statutes is amended to read:

45.35 (5) (a) 2. c. Has been a resident of this state for any consecutive 5-year period after <sup>entry or reentry into</sup> completing service on active duty and before the date of his or her application or death ~~or was on active duty living in this state and subject to taxation under s. 71.02 for any consecutive 5-year period before the date of his or her application or death.~~ If a person applying for a benefit under this subchapter meets <sup>plain text</sup> that ~~either~~ 5-consecutive-year <sup>plain text</sup> residency requirement, the department may not require the person to reestablish that he or she meets the 5-consecutive-year



1 residency requirement when he or she later applies for any other benefit under this  
2 chapter that <sup>plain text</sup> requires a ~~has the same~~ 5-consecutive-year <sup>plain text</sup> residency requirement.

3 SECTION 3. 45.37 (3) (b) (title) of the statutes is repealed.

4 SECTION 4. 45.37 (3) (b) of the statutes is renumbered 45.37. (3) and amended  
5 to read:

6 45.37 (3) *Nonresident*. A veteran who was not a resident of this state at the  
7 time of enlistment or induction into service but who is otherwise qualified for  
8 membership may be admitted if the veteran has been a resident of this state for any  
9 consecutive 5-year period after <sup>enlistment or induction into</sup> completing service on active duty and before the date  
10 of his or her application or was on active duty, living in this state and subject to  
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13 ~~either~~ 5-consecutive-year <sup>plain text</sup> residency requirement, the department may not require  
14 the person to reestablish that he or she meets the 5-consecutive-year <sup>plain text</sup> residency  
15 requirement when he or she later applies for any other benefit under this chapter  
16 that <sup>plain text</sup> requires a ~~has the same~~ 5-consecutive-year <sup>plain text</sup> residency requirement.

17 SECTION 5. 45.71 (16) (a) 2m. a. of the statutes is amended to read:

18 45.71 (16) (a) 2m. a. Has been a resident of this state for any consecutive 5-year  
19 period after <sup>enlistment or induction into</sup> completing service on active duty and before the date of his or her  
20 application or death or was on active duty, living in this state and subject to taxation  
21 under s. 71.02 for any consecutive 5-year period before the date of his or her  
22 application or death. If a person applying for a benefit under this subchapter meets

23 <sup>plain text</sup> that ~~either~~ 5-consecutive-year <sup>plain text</sup> residency requirement, the department may not  
24 require the person to reestablish that he or she meets the 5-consecutive-year

1 residency requirement when he or she applies for any other benefit under this  
2 <sup>plain text</sup> chapter that requires a ~~has the same~~ 5-consecutive-year residency <sup>explain text</sup> ~~requirement~~.

3 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1263/2  
RPN:jlg:jf

DOA:.....Uecker - Residency requirement for veterans benefits-5  
consecutive years

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**VETERANS AND MILITARY AFFAIRS**

Under current law, to be eligible for veterans benefits, a veteran must meet certain criteria, including residency in this state, living in the state at the time of making application for a benefit and service on active duty under honorable conditions in the U.S. armed forces or in forces incorporated into the U.S. armed forces, except service for training purposes. The veteran must also meet additional criteria. The veteran may be eligible for benefits if he or she meets certain types of service requirements, such as service in a war period or in specified conflicts, receipt of a specified service medal, such as the Vietnam service medal or if he or she served on active duty for two consecutive years or the full period of his or her initial service obligation. The veteran may also be eligible for benefits if his or her selective service local board and home at the time of going into service were in this state, if he or she was a resident of this state at the time of going into service or if he or she has been a resident for any consecutive five-year period after completing service on active duty.

Under the bill, a veteran may also be eligible for benefits if he or she was a resident of this state for any consecutive five-year period after entry, reentry, enlistment or induction into service in the U.S. armed forces and before the date of his or her application for benefits or, if applicable, before the date of his or her death.

For further information see the *state* 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.** 45.25 (2) (d) of the statutes is amended to read:

2           45.25 (2) (d) The individual is a resident at the time of application for the  
3 tuition and fee reimbursement program and was a Wisconsin resident at the time of  
4 entry or reentry into service or was a resident for any consecutive 5-year period after  
5 ~~completing entry or reentry into service on active duty~~ and before the time date of  
6 his or her application. If a person applying for a benefit under this section meets that  
7 5-consecutive-year residency requirement, the department may not require the  
8 person to reestablish that he or she meets the 5-consecutive-year residency  
9 requirement when he or she later applies for any other benefit under this chapter  
10 that requires a 5-consecutive-year residency.

11           **SECTION 2.** 45.35 (5) (a) 2. c. of the statutes is amended to read:

12           45.35 (5) (a) 2. c. Has been a resident of this state for any consecutive 5-year  
13 period after ~~completing entry or reentry into service on active duty~~ and before the  
14 date of his or her application or death. If a person applying for a benefit under this  
15 subchapter meets that 5-consecutive-year residency requirement, the department  
16 may not require the person to reestablish that he or she meets the  
17 5-consecutive-year residency requirement when he or she later applies for any other  
18 benefit under this chapter that requires a 5-consecutive-year residency.

19           **SECTION 3.** 45.37 (3) (b) (title) of the statutes is repealed.

20           **SECTION 4.** 45.37 (3) (b) of the statutes is renumbered 45.37. (3) and amended  
21 to read:

