

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB42)

Received: 02/11/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Mark

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Veterans - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pettis@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eligibility for burial in vets cemetery

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>
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/1	rnelson2 02/11/2003	csicilia 02/11/2003	chaskett 02/11/2003	_____	sbasford 02/11/2003	sbasford 02/11/2003	

FE Sent For:

<END>

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*e-mail to
Pam Shannon
LC before 11am
today*

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1?	rnelson2	1 cjs 2/11 03	1 cpl 2/11	Self 2/11			

FE Sent For:

<END>

Cemetery Eligibility Amendment

Section 45.358 (3)(f) is amended to read:

A person who was a resident of this state at the time of his or her entry or reentry into service in the Wisconsin army national guard or air national guard or a reserve component of the U.S. armed forces or at the time of his or her death and who has 20 or more years of creditable military service for retirement pay as a member of the Wisconsin army national guard or air national guard or who is eligible for retirement pay from a reserve component of the U.S. armed forces or who would have been entitled to that retirement pay except that the person was under 60 at the time of his or her death, and the person's spouse, surviving spouse and dependent children.

or a combination of the national guard & reserve service

Date: February 10, 2003

Re: Reworking of eligibility language for Wisconsin Veterans Cemeteries.

I have reviewed the language proposed by Assembly Bill 42 and do not think it accomplishes the goals we were instructed to achieve. The changes proposed also change the residency requirements. The new language opens the cemeteries to an individual serving in any state's National Guard and became a resident of our state prior to passing away. This means an individual who spent 20 years in California's National Guard and dies here while a resident is eligible. When I discussed this with Bill Kloster he indicated this was not the result he wanted with the proposed change.

If you recall, the problem he wanted addressed was the "mixed service" problem, which the proposed changes do not address. The change allows for an individual (with enough service for retirement) in any state's National Guard to qualify, but maintains the dichotomy between the Guard and the Reserve service (it's still enough Guard service or Reserve service to retire). The change means that the individual who started this particular ball rolling would still not be eligible because he did not have enough time in either the Guard or the Reserve to retire.

The Reserves will count accumulated credits earned in any kind of eligible service (including Guard time), allowing him to "retire" from the Reserves without having served "...20 or more years of creditable service...as a member...of...a reserve component". This was not the outcome Bill had desired. He wanted the cumulative nature of the service recognized so that our veteran with 12 years of Minnesota National Guard service and 11 years of Army Reserve service would be made eligible for the cemetery under the amended law. This change doesn't accomplish that. The law, as amended by this change, still requires 20 or more years as either a Guard member or a Reserve member to qualify.



ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 42

Gen cat

1 AN ACT~~/...~~; relating to: eligibility for burial at a veterans cemetery.

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

2 SECTION 1. 45.358 (3) (f) of the statutes is amended to read:

3 45.358 (3) (f) A person who was a resident of this state at the time of his or her
4 entry or reentry into service in the Wisconsin army national guard or air national
5 guard or a reserve component of the U.S. armed forces or at the time of his or her
6 death and who has 20 or more years of creditable military service for retirement pay
7 as a member of the Wisconsin army national guard or air national guard or who is
8 eligible for retirement pay from a reserve component of the U.S. armed forces or who
9 would have been entitled to that retirement pay except that the person was under
10 60 years of age at the time of his or her death, and the person's spouse, surviving
11 spouse and dependent children.

History: 1993 a. 296; 1995 a. 27, 255; 1997 a. 27; 1999 a. 9; 2001 a. 103, 109.