

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0207/2)-SB170)

Received: **10/28/2003**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Melissa**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Veterans - def. of veteran
Veterans - memorials/museum**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Definition of veteran, museum and headquarters

Instructions:

Delete SEC 30 of sub.

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	rnelson2 10/28/2003	kfollett 10/28/2003	pgreensl 10/28/2003	_____	sbasford 10/28/2003	sbasford 10/28/2003	

FE Sent For:

<END>

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This file may be shown to any legislator: NO

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May Contact:

Addl. Drafters:

Subject: Veterans - def. of veteran
Veterans - memorials/museum

Extra Copies: { Dick Sweet } LC
email { Mary Offord } LC

Submit via email: YES

Requester's email: Sen.Brown@legis.state.wi.us

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Delete SEC 30 of sub. see attached.

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/?	rnelson2	11/1/03 10/28	10/28 P8	10/28 TOS SUS			
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FE Sent For:

<END>

~~Sexual predator & criminal~~

1. P 12, line 15

add "and museum"

2. P 5, line 16

~~add~~
take out stuff between
to commas & commas

3. P 45.001(4)(a) l. c.

see note

For the sub for
SB 190. Tomorrow
at noon

Call Melissa

Nelson, Robert P.

From: Offerdahl, Mary
Sent: Tuesday, October 28, 2003 9:28 AM
To: Nelson, Robert P.
Subject: FW: LRB 03s0207 Topic: Veterans benefits

Bob, Here's the email (bottom) I just read to you on the phone, and Dick's response to it.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Sweet, Richard
Sent: Thursday, October 23, 2003 2:34 PM
To: Gilbert, Melissa; Offerdahl, Mary
Subject: RE: LRB 03s0207 Topic: Veterans benefits

Melissa,

Chuck is right on the first point. Since you can't get both a National Guard tuition grant and a veterans' tuition grant in the same semester, the material on page 5, line 16 between the commas (and the commas themselves) should be shown as stricken. You may want to pass this suggestion on to the Legislative Fiscal Bureau so they can incorporate it into any Joint Finance amendment that is adopted.

On his second point, there isn't any significance to having a gap in the numbering. Subsection (21) was going to deal with service delivery, but that was deleted. There isn't any need to renumber the succeeding subsections.

Dick

-----Original Message-----

From: Gilbert, Melissa
Sent: Thursday, October 23, 2003 1:59 PM
To: Offerdahl, Mary; Sweet, Richard
Subject: FW: LRB 03s0207 Topic: Veterans benefits

Hi Dick and Mary,

The following comments were forwarded to us from Vets for Vets on the substitute to SB 170. Any thoughts?

Thanks,
Missy

-----Original Message-----

From: vets [mailto:Vets@mail.studentorg.wisc.edu]
Sent: Wednesday, October 22, 2003 6:33 PM

10/28/2003

To: Gilbert, Melissa

Subject: LRB 03s0207 Topic: Veterans benefits

Whew! I am getting a headache making cross-references.

It looks great to me. CVSO concerns aside, those items dealing with veterans education are excellent. Thank you for including the Guard grant fix in this veterans bill.

A couple of minor technical points I noticed:

Section 11, (page 5, line 16) says that money received under 21.49 (the Guard grant) should be deducted from the TFRG payment, thereby suggesting that one could properly use both in the same semester. Section 15 (page 7, line 17) would prohibit using the TFRG and 21.49 in the same semester. Confusing and seemingly contradictory, but probably not fatal.

Sections 16 and 17 (page 7, lines 8-15) create 45.35 (20) and 45.35 (22). There seems to be no 45.35 (21). Does that matter?

Thanks for sharing. Is it OK yet for me to share with others, explaining that it is subject to change of course?

Chuck Goranson, Advisor

Vets for Vets

University of Wisconsin-Madison

714 University Ave

Madison, WI 53715

(608) 263-3456

Home 224-0631

Cell 225-2929

Nelson, Robert P.

From: Offerdahl, Mary
Sent: Thursday, October 23, 2003 3:14 PM
To: Sweet, Richard; Nelson, Robert P.
Cc: Gilbert, Melissa
Subject: RE: SB 170 sub

According to Maj. David Dziobkowski at DMA (242-3073) the orders for anyone who served in Iraq during Operation Iraqi Freedom actually stated "Operation Enduring Freedom," and therefore they would all be covered under the Middle East Crisis provision.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Sweet, Richard
Sent: Thursday, October 23, 2003 3:07 PM
To: Nelson, Robert P.
Cc: Offerdahl, Mary
Subject: SB 170 sub

Bob,

I was looking at the sub. am. to SB 170 again and was thinking that Iraq should have been listed in s. 45.001(4)(a)1.a. in addition to being listed in s. 45.001(5). Or, in the alternative, they should be listed in s. 45.34, since 45.001(4)(a)1.a. references that statute. As drafted, I don't think that the veterans of the Iraq War will come under the general definition of "veteran" for purposes of ch. 45. What do you think?

Dick Sweet
Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.state.wi.us

Nelson, Robert P.

From: Sweet, Richard
Sent: Monday, October 27, 2003 3:19 PM
To: Gilbert, Melissa
Cc: Nelson, Robert P.; Shannon, Pam; Offerdahl, Mary
Subject: RE: SB 170 and Iraqi Freedom

Sounds good. Also, as long as you're doing a fix-up amendment, you might want to add "and museum" on page 12, line 15, after "headquarters". You could roll these all into one simple amendment if you want.

Dick

-----Original Message-----

From: Gilbert, Melissa
Sent: Monday, October 27, 2003 3:13 PM
To: Offerdahl, Mary; Sweet, Richard
Cc: Nelson, Robert P.; Shannon, Pam
Subject: RE: SB 170 and Iraqi Freedom

OK -- thank you! So the simple amendments to the sub need to incorporate that wording as well as delete ",including those made under s. 21.49," on line 16 of page 5 (deleting reference to DMA tuition grant program since bill already precludes a veteran from receiving both a DMA and a DVA tuition grant).

-----Original Message-----

From: Offerdahl, Mary
Sent: Monday, October 27, 2003 2:58 PM
To: Offerdahl, Mary; Gilbert, Melissa; Sweet, Richard
Cc: Nelson, Robert P.; Shannon, Pam
Subject: RE: SB 170 and Iraqi Freedom

Just heard back with respect to the last issue in my email below--John Rozinski explained we do **not** need to make any change to Section 5 of the sub. to SB 170, since anyone serving during the timeframe described in Section 5 is covered whether they were in the U.S. or in Iraq. Bottom line: the only change needed is the insertion of "or" after "war period" in s. 45.001 (4) (a) 1.c., Stats., as explained in the email below.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Offerdahl, Mary
Sent: Monday, October 27, 2003 2:08 PM
To: Gilbert, Melissa; Sweet, Richard
Cc: Nelson, Robert P.; Shannon, Pam
Subject: RE: SB 170 and Iraqi Freedom

Col. McArdle from DMA and John Rosinski, Chief Attorney at DVA, left a joint message on my machine this morning.

First, they both confirmed that **they want the word "or" added after "war period" in s. 45.001 (4) (a) 1. c., Stats.**, so that it reads "Has served for 90 days or more during a war period **or** under section 1 of executive order 10957" [emphasis added]. This change has the effect of bringing in all the war periods listed in s. 45.001(5), Stats., separate from the executive order, which they said covers the Berlin wall crisis of 1961 rather than a war period. According to Col. McArdle and John Rosinski, the "or" had originally been in the statute, and a revisor bill (they think it was Revisor Bill Act 103) had inadvertently taken it out when making a technical change taking out an adjoining phrase. So they said the absence of "or" in the current statute is a mistake and DVA has continued to interpret the statute as if the "or" were still in, and it should therefore be inserted back in.

With respect to the issue of whether Operation Noble Eagle should also be referenced in Section 5 of the sub. to SB 170, LRB s0207/2, to cover persons on active duty within the U.S. during Iraqi operations, Col. McArdle forgot to bring this up with John Rosinski this morning, so he will give John a call and they will get back to us on that issue.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Gilbert, Melissa
Sent: Friday, October 24, 2003 4:06 PM
To: Offerdahl, Mary; 'david.dziobkowski@wimadi.ang.af.mil'; Sweet, Richard
Cc: Nelson, Robert P.
Subject: RE: SB 170 and Iraqi Freedom

Sounds good. Thanks!

-----Original Message-----

From: Offerdahl, Mary
Sent: Friday, October 24, 2003 4:05 PM
To: Offerdahl, Mary; 'david.dziobkowski@wimadi.ang.af.mil'; Sweet, Richard
Cc: Nelson, Robert P.; Gilbert, Melissa
Subject: RE: SB 170 and Iraqi Freedom

I just heard back from Col. McArdle and Maj. Dziobkowski at DMA. They will meet with John Rosinski and James Stewart from DVA on Monday morning to iron out the issues discussed in my email below. With respect to the issue in the first par. of my email below, it appears that the executive order may be an outdated reference in the statute that needs to be changed, and with respect to the issue in the second par., their discussions will also include whether Operation Noble Eagle should be referenced to cover persons on active duty within the U.S. during Iraqi operations.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Offerdahl, Mary
Sent: Friday, October 24, 2003 9:47 AM
To: 'david.dziobkowski@wimadi.ang.af.mil'; Sweet, Richard
Cc: Nelson, Robert P.; Gilbert, Melissa
Subject: SB 170 and Iraqi Freedom

<< File: Executive Order 10957.htm >>

To: Maj. David Dziobkowski, DMA and Dick Sweet, my colleague at Leg. Council

Hi David and Dick, Attached is the executive order referred to in s. 45.001 (4) (a) 1.c. Dick, David is from the legal office in DMA and thinks that maybe the executive order covers all war periods listed under s. 45.001 (5). I didn't think it appeared to, because of the words "until July 1, 1962" in the executive order, but David said he would like to take a look at the executive order and get back to us later today. If it doesn't cover all war periods in (5), we thought maybe that would be odd and perhaps the statute should be revised so that it does, but David will get back to us later today after he has time to think about it.

Also, David confirmed that the orders for anyone who has served in Iraq during Operation Iraqi Freedom up until now actually state "Operation Enduring Freedom," and therefore those people would be covered under the Middle East crisis provision of s. 45.001 (4) (a) 1.a., which references s. 45.34, Stats. However, David mentioned that whether orders would continue to be written that way in the future is unpredictable.

David, when you get back to us later today regarding your interpretation of the attached executive order, could you also please let me know if I've summarized our discussion correctly in the rest of this email? Thank you very much for your help! Mary

Mary Offerdahl



**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0207/2),
TO 2003 SENATE BILL 170**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 4, line 3: after that line insert:

3 **"SECTION 4m.** 45.001 (4) (a) 1. c. of the statutes is amended to read:

4 45.001 (4) (a) 1. c. Has served for 90 days or more during a war period or under
5 section 1 of executive order 10957 dated August 10, 1961, or if having served less
6 than 90 days was honorably discharged for a service-connected disability or for a
7 disability subsequently adjudicated to have been service connected or died in
8 service."

History: 2001 a. 103 ss. 69, 70, 95 to 97, 99 to 102.

9 **2.** Page 5, line 16: delete ", including those made under s. 21.49," and
10 substitute "~~, including those made under s. 21.49,~~".

11 **3.** Page 12, line 15: after "headquarters" insert "and museum".

12

(END)