

Nelson, Robert P.

From: Sweet, Richard
Sent: Friday, December 03, 2004 10:54 AM
To: Nelson, Robert P.
Cc: Shannon, Pam; Mautz, Kelly
Subject: Ch. 45 draft

Bob,

I think you said your editors could look at the ch. 45 draft by mid-December or so. I was wondering if it would be possible to have it done by Dec. 16 or 17, so that we can mail it to the subcommittee before Christmas. That way, they'll have plenty of time to look it over and we won't have to be scrambling to get it out in early January. Since we're meeting next Tuesday, that would give Pam and I about a week and a half to write the Prefatory note and other four-star notes for the subcommittee.

Thanks.

Dick



WISCONSIN LEGISLATIVE COUNCIL

RECODIFICATION OF CHAPTER 45, VETERANS

Legislative Council Conference Room
One East Main Street, Suite 401
Madison, Wisconsin

September 30, 2004
10:00 a.m. – 11:55 a.m.

[The following is a summary of the September 30, 2004 meeting of the Special Committee on Recodification of Chapter 45, Vets. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Representative Townsend, Chair, called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. John Townsend, Chair; Reps. Judy Krawczyk, Gabe Loeffelholz, Terry Musser, and Marlin Schneider; and Public Members Kenneth Brown, Anthony Hardie, John O'Brien, Larry Olson, Tim Thiers, and Kenneth Wendt.

COMMITTEE MEMBERS ABSENT: Senators Roger Breske, Ron Brown, and Scott Fitzgerald.

COUNCIL STAFF PRESENT: Dick Sweet and Pam Shannon, Senior Staff Attorneys; and Kelly Mautz, Support Staff.

APPEARANCES: Anthony Hardie, Executive Assistant, Department of Veterans Affairs.

Opening Remarks

Terry C. Anderson, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He noted that the committee's meetings are recorded and available on the Internet.

Introduction of Committee Members

Representative Townsend welcomed all members to the committee and thanked them for their willingness to serve. The members then briefly introduced themselves.

Description of Material Distributed

Dick Sweet, Legislative Council Staff, discussed the arrangement of current ch. 45, Stats., and a proposed table of contents for the reorganized chapter, prepared by staff, both of which were mailed to the committee. He pointed out that in current ch. 45, all but the housing provisions are in a single subchapter, making it difficult to find provisions. He said that provisions that should be located in proximity to other provisions, such as those relating to county veterans services, are instead scattered throughout the chapter. He also noted that the current definition of "veteran" is unwieldy, as it is lengthy and contains numerous exceptions. Referring to the proposed table of contents, Mr. Sweet explained that there would be eight subchapters in which related provisions would be grouped. He said that the content of all current provisions would be reviewed and language modified or eliminated as appropriate. He added that a few provisions would likely be moved from ch. 45 to ch. 21, the chapter governing the Department of Military Affairs.

Mr. Brown suggested a different order for the subchapters than that in the proposed table of contents, based on the provisions he uses most frequently in his work as a county veterans service officer (CVSO). His proposed order would be: Subchapter I, General Provisions; Subchapter II, Education and Training; Subchapter III, Veterans Housing Loan Program; Subchapter IV, Other Programs; Subchapter V, Care and Treatment Facilities; Subchapter VI, Funerals, Burials, and Cemeteries; Subchapter VII, Memorials; and Subchapter VIII, County Officials. Other members agreed with that proposed organization.

Representative Townsend noted that he will be designating a drafting subcommittee, comprised of committee members Anthony Hardie and Larry Olson, to be assisted by the Legislative Council attorneys, drafting attorney Bob Nelson from the Legislative Reference Bureau (LRB), and other specialists with expertise on specific subjects being considered. He explained that the drafting subcommittee will do the bulk of the redrafting work and submit a proposed bill draft to the full committee for its review, most likely in December. He said that, if necessary, the full committee will meet twice to complete its work on the draft. He noted that committee members will receive notices of the subcommittee meetings and are welcome to attend or submit written suggestions to the subcommittee, as are members of the public.

Invited Speaker

Anthony Hardie, Executive Assistant, Department of Veterans Affairs, noted he had distributed several documents, including a December 10, 2003 letter from Department of Veterans Affairs (DVA) Secretary John Scocos to legislative leaders stating that ch. 45 is in dire need of revisions and encouraging the establishment of a Legislative Council committee to recodify the chapter. Mr. Hardie cited several examples of problems with the current chapter. First, regarding its current organization, he explained that it is difficult to determine whether a veteran is eligible for a particular program or benefit, in part because there is more than one definition of "veteran." He referred to a document, titled *Eligibility for Benefits from the Department of Veterans Affairs*, that shows several

current definitions of "veteran" and the eligibility requirements for various DVA programs and benefits, which vary depending on which definition of "veteran" is used. He said that DVA supports defining "veteran" to have a single meaning throughout the entire chapter, while retaining different eligibility requirements for different programs.

Representative Townsend asked whether a person could serve 20 years in the National Guard but not be considered a veteran. John Rosinski, DVA Chief Legal Counsel, responded that the issue of whether a person is considered a veteran is tied to whether he or she has "federally-activated service" and if not, the person is not considered a veteran. Bob Nelson, LRB Senior Attorney, noted that the Legislature has decided that certain programs and benefits are available only to certain veterans, and that there will be fiscal impacts if a single definition of "veteran" is created for all purposes.

Mr. Thiers asked whether the concept of serving in a "war period" is outdated because peacetime veterans are now eligible for benefits. Mr. Rosinski responded that a person still has to have federally-activated service and that providing benefits to those that do not have such service will have a significant fiscal impact.

Mr. Hardie referred to a handout containing excerpts from Title 38 of the U.S. Code, relating to veterans benefits, in which all definitions are grouped in the very first provision. He contrasted the federal provision to ch. 45, which has definitions in numerous places and, for example, includes two separate definitions of the Persian Gulf war period. Mr. Sweet asked whether it would be possible to develop a mechanism by which any new federally-designated war period would be recognized automatically by the state without having to enact separate legislation each time. Mr. Hardie said he hoped the drafting subcommittee would consider that question as well as how to designate special covert operations. He said it would be helpful to develop various legislative options for addressing these issues that would include the number of people affected by, and the fiscal implications of, each option.

Mr. Hardie noted the need to consolidate related provisions, citing as an example the various educational grant provisions. He also said that there should be a single definition of "tuition" instead of the current two. He also noted that provisions relating to the department's powers are scattered throughout the chapter and that provisions relating to the veterans cemeteries are in more than one provision.

Regarding modernizing language, Mr. Hardie cited, as examples, that "military funeral honors" is now the preferred term over "military honors funerals" and that the Southeast Wisconsin Veterans Facility is now referred to as "Union Grove."

With respect to resolving ambiguities in current language, Mr. Hardie said that for each program that provides benefits, the statutory language for that program should be clear up front as to who is eligible for the program. He also noted the problem that in some counties, CVSO grants are not being expended for CVSO operations, which may necessitate enactment of stricter statutory language. Representative Musser said the Legislature previously tried to resolve this problem by enacting language prohibiting counties from allocating any portion of a grant for use by another county department or reducing funding to a county veterans service office based on receipt of a grant. Mr. Hardie said that that language has not worked in all cases and that the statute may have to, for example, set forth a minimum amount a county must expend on veterans services, based on the number of veterans in the county.

In the area of minor substantive changes, Mr. Hardie cited the wartime service and eligibility issues discussed previously and noted that there may be others as well.

Discussion of Committee Assignment

Representative Townsend encouraged members of the full committee to convey any recommendations they have to the drafting subcommittee and noted that they are welcome to attend drafting subcommittee meetings if they so choose. He noted that members of the public are also welcome to submit written comments to the subcommittee and to attend meetings. He added that the subcommittee will keep the full committee informed of its progress.

Representative Schneider raised an issue relating to the maintenance of the Korean War Memorial in Plover and the Vietnam Memorial in Neillsville. Representative Townsend responded that the purpose of recodifying ch. 45 is to establish a better framework for administering veterans benefits and not to consider funding issues.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held at the call of the chair, most likely in December. The first two meetings of the drafting subcommittee are scheduled for October 12 at 1:00 p.m. and October 26 at 1:00 p.m., in the Legislative Council Conference Room, One East Main Street, Suite 401, Madison, Wisconsin.

Adjournment

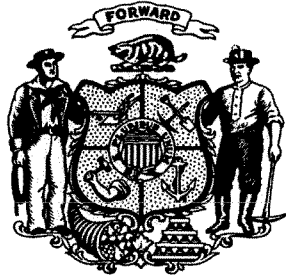
The meeting was adjourned at 11:55 a.m.

PS:ksm

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TO: MEMBERS OF THE DRAFTING SUBCOMMITTEE OF THE SPECIAL COMMITTEE ON RECODIFICATION OF CHAPTER 45, VETERANS

FROM: Pam Shannon and Dick Sweet, Senior Staff Attorneys

DATE: October 8, 2004

The first meeting of the Drafting Subcommittee of the Special Committee on Recodification of Chapter 45, Veterans is scheduled for *Tuesday, October 12, 2004, at 1:00 p.m., in the Legislative Council Conference Room, One East Main Street, Suite 401, Madison.* As a reminder, the Drafting Subcommittee members are Anthony Hardie, Department of Veterans Affairs, and Larry Olson, Department of Military Affairs. We will staff the subcommittee, along with bill drafter Bob Nelson, Legislative Reference Bureau. Legislators and public members from the full committee are welcome to attend subcommittee meetings; however, public members may not be reimbursed for their attendance.

We plan to begin by taking up some easier issues, including: (1) items to be removed from ch. 45; (2) care and treatment facilities; (3) funerals, burials, and cemeteries; (4) memorials; (5) county officials; and (6) general provisions (other than definitions and duties of the department).

Enclosed for your review in advance of that meeting are the following:

1. The minutes of the September 30, 2004 meeting of the Special Committee.
2. A revised copy of the proposed table of contents for ch. 45, Stats., dated October 8, 2004.

If you have any questions regarding the above materials or the next meeting, please feel free to call us at (608) 266-1304.

PS:RNS:ksm

Enclosures

Nelson, Robert P.

From: Shannon, Pam
Sent: Thursday, October 14, 2004 9:38 AM
To: Sweet, Richard; Nelson, Robert P.
Subject: Memorial corporations

Here's the League of Wis Municipalities response to my question on memorial corporations. I'm planning to check the LRB drafting file for 1979 AB 164 (ch. 138, Laws of '79) to see if I can glean why the corporation membership was increased in 1980. I'm wondering if you think we need to dig any further, by, for example asking DVA staff (via John R.) who deal w/ the vets memorials whether they think the provision is needed and asking DFI if they have a way of checking whether this particular type of corporation has filed articles of incorporation under ch. 181? Let me know what you think.

Pam

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

From: Curt Witynski [mailto:witynski@lwm-info.org]
Sent: Thursday, October 14, 2004 8:56 AM
To: Shannon, Pam
Subject: RE: ch. 45, Stats. query

Hi Pam: I was not aware of memorial corporations until your e-mail. I checked our database of legal opinions going back to the early 1950s and didn't find any discussion of memorial corporations or sec. 45.052. While I can't say for sure whether any continue to exist, in my 17 years at the League I've never been asked about them. Sorry I can't be of more help.

Curt Witynski
Assistant Director
League of Wisconsin Municipalities
202 State Street, Suite 300
Madison, WI 53703
Ph. (608) 267-2380
Fax (608) 267-0645

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

From: Shannon, Pam [mailto:Pam.Shannon@legis.state.wi.us]
Sent: Wednesday, October 13, 2004 3:30 PM
To: witynski@lwm-info.org
Subject: ch. 45, Stats. query

Hi Curt,

I'm staffing a Legislative Council committee that is tasked with recodifying ch. 45, Veterans. A drafting subcommittee is now working on reorganizing provisions and modernizing language in the chapter. At our first subcommittee meeting yesterday, the question came up whether s. 45.052,

Memorial corporations organized under 1919 act, is still a viable provision which should be retained in the recodification. I was asked to contact the League of Wisconsin Municipalities for help in ascertaining whether there are still memorial corporations in operation which would necessitate retention of the current statute.

Section 45.052 governs corporations organized to construct a veterans memorial under s. 45.057(5), which was in effect from 1919 to 1945. Section 45.052 (1)(c) authorizes a commission or board of trustees which governs such a corporation to convey any property under its control to a municipality and lease it back under agreed-upon terms. The membership of the corporate governing board or commission consists of residents of the municipality in which the memorial is located, appointed by various local officials. The number of members was increased in Ch. 138, Laws of 1979; it

appears that no substantive changes have been made to the section since that

time. Subsection (2) "affirms" the continuing existence of any commissions, board and corporations organized under (the repealed) s. 45.057(5) and "ratifies" the continuing operation of such commissions, board and corporations "as to the past and authorized in the future".

Representatives from the Department of Veterans Affairs said they were unaware of any current corporations of this type. I would appreciate any information you can provide.

Thanks,

Pam Shannon

Pam Shannon, Senior Staff Attorney
Wisconsin Legislative Council
(608) 266-2680

Nelson, Robert P.

From: Sweet, Richard
Sent: Wednesday, October 06, 2004 3:43 PM
To: Hardie, Anthony; 'larry.olson@wi.ngb.army.mil'
Cc: Shannon, Pam; Mautz, Kelly; Nelson, Robert P.; Flynn, John; 'kbrown@co.ozaukee.wi.us'
Subject: Ch. 45 drafting subcommittee

Anthony/Larry:

At the end of the meeting of the full committee last week, we discussed having the subcommittee take up the easier, less controversial parts of ch. 45 first and then moving on to the harder issues (like the definition of "veteran"). I put together a plan for proceeding and wanted to share it with you in advance of next week's meeting to get your thoughts. I was thinking that we could take up the following at our first meeting and see how far we get:

1. Items to be removed from ch. 45.
2. Care and treatment facilities.
3. Funeral, burials, and cemeteries.
4. Memorials.
5. County officials.
6. General provisions (other than definitions and duties of the department).

*"Home"
"Facility" in 45.37A .365*

At future meetings, we could finish the above list and then do housing loans, education and training, other programs, definitions, duties of the department, and items to be moved into ch. 45.

In addition to our staff and Bob Nelson, I also cc'ed John Flynn from Rep Townsend's office and Ken Brown of Ozaukee County, who both have indicated that they would like to attend the drafting subcommittee meetings. If I missed anyone who you think will be attending, feel free to forward this to them.

Thanks.

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 18, 2004 4:25 PM
To: Nelson, Robert P.
Cc: Shannon, Pam
Subject: FW: Cemetery question

Bob,

We might want to keep the reference to paupers' cemeteries in light of the e-mail message below.

Dick

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

From: E. Glen Porter [mailto:egporter@highlandmemorial.com]
Sent: Friday, October 15, 2004 11:02 AM
To: Sweet, Richard
Cc: 'PETAK, George GAP (7135)'; 'Christine Hentges'
Subject: RE: Cemetery question

Dear Mr. Sweet:

To the best of my knowledge there are no active cemeteries that are "...used exclusively for the burial of paupers...".

However, I believe that there may be many very old cemeteries that were used for such purposes. And it is possible that there is available space in them that could accommodate additional burials if the governing body of that cemetery were inclined to allow them.

I would imagine that most, if not all, of these "paupers" cemeteries were originally connected to governmental institutions. A quick search on the internet yielded hits for the words "Wisconsin Poor Farm" and "Wisconsin Poor House(s)". It is almost certain that each of these institutions had cemeteries attached to them. You would also find similar results when researching Mental Institutions or Asylums. My guess it that if a complete search were conducted, that there could be hundreds of such cemeteries. Likely there is at least 1 in every County.

Another resource for you would be the Burial Sites Preservation Program at the Historical Society. Dr. Leslie Eisenberg is in charge of the Program. They have the most comprehensive list of cemeteries in the State.

E. Glen Porter III
Highland Memorial Park, Inc.
Wisconsin Cemetery Association
Telephone 262-786-6450
Fax 262-786-7010

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

From: PETAK, George GAP (7135) [mailto:GPetak@whdlaw.com]
Sent: Friday, October 15, 2004 9:14 AM
To: E. Glen Porter
Subject: FW: Cemetery question

Glen,

It's nice to see Mr. Sweet seeking our input.
He's a good guy who staffed several committees for Legislative Council during my time in the state senate.
GP

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

From: Sweet, Richard [mailto:Richard.Sweet@legis.state.wi.us]
Sent: Wednesday, October 13, 2004 4:08 PM
To: egporter@highlandmemorial.com
Cc: PETAK, George GAP (7135); Shannon, Pam
Subject: Cemetery question

Mr. Porter,

I work as staff to the Legislative Council and am currently working on a recodification of ch. 45, the chapter of the statutes relating to veterans. At a meeting yesterday, a question came up about s. 45.16, Stats., which relates to burial allowances for veterans. (I've included a copy of the statute below.) The question relates to the phrase in that section that refers to cemeteries "other than those used exclusively for the burial of paupers." The question was whether there are such cemeteries in Wisconsin that are only for paupers. None of us had ever heard of any.

Thanks for your help.

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

45.16 Burial allowance. Each county veterans' service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who was living in the county at the time of death, meets the definition of a "veteran" under s. 45.35 (5) and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances that would distress the person's family to pay the expenses of the burial, and the body of a spouse or surviving spouse of the person who dies not leaving such means or under the same financial circumstances and who was living in the county at the time of death, at an expense to the county of not more than \$300 in addition to the burial allowance payable under laws

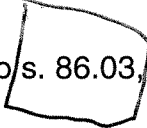
administered by the U.S. department of veterans affairs. (Emphasis added.)

The information in this e-mail is confidential and may be protected by the attorney's work product doctrine or the attorney/client privilege. It is intended solely for the addressee(s); access to anyone else is unauthorized. If this message has been sent to you in error, do not review, disseminate, distribute or copy it. Please reply to the sender that you have received the message in error, then delete it. Thank you for your cooperation.

Nelson, Robert P.

From: Sweet, Richard
Sent: Monday, October 18, 2004 4:28 PM
To: Nelson, Robert P.
Cc: Shannon, Pam
Subject: FW: Unusual question

Bob/Pam,

Should we move the tree provision to  s. 86.03, as suggested in the last paragraph of the DOT response?

Dick

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

From: Maassen, Joe
Sent: Friday, October 15, 2004 10:28 AM
To: Vieth, David; Rhinesmith, Rory
Cc: Sweet, Richard; Shannon, Pam
Subject: RE: Unusual question

Thanks Dave! I suspect this gives Legislative Council staff lots of background! Dick! Pam! If you need more, Dave Vieth is the person to talk with. Joe!

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

From: Vieth, David
Sent: Friday, October 15, 2004 9:56 AM
To: Maassen, Joe; Rhinesmith, Rory
Cc: Sweet, Richard; Shannon, Pam
Subject: RE: Unusual question

Joe, I was unfamiliar with 45.066, having never heard of such a request being made to WisDOT for permission under that provision. I checked with Dick Stark, one of our experienced landscape architects, responsible for managing roadside vegetation. He also had no familiarity with that section of the law, even though he would generally be consulted by any district about any request to trim, alter, or remove any vegetation on the right of way. We do deal with requests to cut vegetation on the right of way for a variety of reasons, but none to our knowledge with regard to memorial trees along highways. I don't think it is necessary to dig any deeper or involve districts at this time.

In my view, the provision is not essential with regard to state highway rights-of-way. We do manage those rights of way and would not allow cutting or trimming of any trees, planted for whatever purpose or volunteer growth, without permission. Most any activity on the right of way requires a permit from the department. Sec. 80.01(3) makes it unlawful to cut any vegetation without the consent of the highway authorities - while requiring the highway authorities to remove vegetation to provide safety to highway users. Another provision, and a part of our authority, resides in 86.03 (4). We do provide a general permission to county highway departments (providing maintenance services to us under contract) to do cutting that we deem necessary. Section 84.07(1) references our obligation to care for and protect trees and other roadside vegetation on state highways. Sec. 84.01(29) also obligates us to increase the number of hardy and aesthetically pleasing trees planted on state highway rights of way. The various provisions could certainly be improved and addressed more effectively than the various provisions that have evolved over time; recodifying these chapters would be a worthy endeavor.

In my view there is not a very compelling need for this provision with regard to highways under local control either, as they also are covered by 80.01(3) and under parts of 86.03.

To my knowledge we have no information or inventory of any trees planted as a memorial to war time veterans on state highway rights of way. When we receive requests to cut vegetation, there is no database to raise any special concern about trees that may have been planted for that specific purpose. It is possible that there could be some local district knowledge about those situations, if any such plantings exist on state highway rights of way, but our supposition is that any such plantings that occurred before the passage of 45.066 (in 1977) are no longer part of our corporate memory. Again, on highways under local control there may be trees planted as this type of memorial. In the event those situations do exist, it may be reasonable to retain this provision, as it does provide a penalty provision for

violations that is not available under some of the other statutory provisions related to cutting highway vegetation.

If the provision were to be retained in state law, it may be more logical to move it to Chapter 86, perhaps as part of 86.03. If that were done it would need to be set out as an exception to the fines provision in (6).

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

From: Rhinesmith, Rory
Sent: Thursday, October 14, 2004 11:36 AM
To: Maassen, Joe; Vieth, David
Cc: Sweet, Richard; Shannon, Pam
Subject: RE: Unusual question

I'll let Dave take the lead on this one.

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

From: Maassen, Joe
Sent: Thursday, October 14, 2004 10:42 AM
To: Rhinesmith, Rory; Vieth, David
Cc: Sweet, Richard; Shannon, Pam
Subject: FW: Unusual question

Rory, Dave! Have either of you come across a request based on sec. 45.066, involving veterans right to ask for permission to cut or trim a tree along (in) STH ROW? For whichever of you is the most appropriate person, could you ask the districts if they have received and responded to any such requests? Can you also comment on the Mr. Sweet's second question regarding location of this provision in the statutes?

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

From: Sweet, Richard [mailto:Richard.Sweet@legis.state.wi.us]
Sent: Wednesday, October 13, 2004 3:50 PM
To: Maassen, Joe
Cc: Shannon, Pam
Subject: Unusual question

Joe,

The Legislative Council has a study committee this year that is recodifying ch. 45, Stats., the chapter on veterans. At a meeting yesterday, questions came up about s. 45.066, Stats. That statute says that persons who want to cut or trim a tree that was planted along a federal or state trunk highway as a memorial to armed services personnel have to get the written permission of DOT.

The first question is whether DOT actually gets requests like this. If so, how are they handled?

The second question is whether this statute might be more appropriately placed in a transportation chapter, rather than in the veterans chapter.

Thanks for your help.

Dick Sweet

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

Nelson, Robert P.

From: Sweet, Richard
Sent: Tuesday, October 19, 2004 11:20 AM
To: Rosinski, John; Hardie, Anthony
Cc: Shannon, Pam; Nelson, Robert P.; Kennedy, Debora
Subject: Section 45.30

John/Anthony,

Pam, Bob, and I were looking at 45.30 and considering moving parts of it to 51.20 for mentally ill or drug dependent veterans and to 51.45 for alcoholic veterans. Could you take a look at 45.30 and maybe we could discuss how to accomplish that and how much of it should be moved? Debora Kennedy from LRB had suggested amending 51.20(10)(cm) and we could make a similar change in 51.45 (13)--probably in par. (h).

Thanks.

Dick Sweet

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

Nelson, Robert P.

From: Hardie, Anthony
Sent: Monday, October 25, 2004 5:30 PM
To: Sweet, Richard
Cc: Rosinski, John; Shannon, Pam; Nelson, Robert P.; Kennedy, Debora
Subject: RE: Section 45.30

Dick,

As WDVA has no responsibility to administer or otherwise exercise any decisionmaking authority relative to these placements, and the provision deals with placements under chapter 51 of the statutes, WDVA concurs with the recommendation to move this section to Ch. 51.

Anthony Hardie
WDVA Executive Assistant
Office of the Secretary
Wisconsin Department of Veterans Affairs

Direct Phone: (608) 266-0517 -- Fax: (608) 264-7616
Wisconsin Department of Veterans Affairs
30 West Mifflin Street
P.O. Box 7843
Madison, WI 53707-7843
Toll-Free: (800) 947-8387 (800-WIS-VETS)
Web Site: <http://dva.state.wi.us>

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

From: Sweet, Richard
To: Rosinski, John; Hardie, Anthony
Cc: Shannon, Pam; Nelson, Robert P.; Kennedy, Debora
Sent: 10/19/04 11:19 AM
Subject: Section 45.30

John/Anthony,

Pam, Bob, and I were looking at 45.30 and considering moving parts of it to 51.20 for mentally ill or drug dependent veterans and to 51.45 for alcoholic veterans. Could you take a look at 45.30 and maybe we could discuss how to accomplish that and how much of it should be moved? Debora Kennedy from LRB had suggested amending 51.20(10)(cm) and we could make a similar change in 51.45 (13)--probably in par. (h).

Thanks.

Dick Sweet
Senior Staff Attorney
Wisconsin Legislative Council

10/12 - 1

Anthony	sub ch II	
John R	Ch 21.74	21.74
Move out	45.54	.53 & .51
	.50 →	21.77 (21.78)
Combine	45.365 &	.385 & .37
		& .375

45.37 King - Vets with at least 1 day of a war period

Create def. of vets. as service related, not residency or type of service

45.375 - keep, but refer to vets facilities & keep max. 16 beds

45.38 put w/ powers of the board

* Does 45.30 belong in ch. 51 -- 51.20? Or delete

Move 45.16 - 45.185 to subch VIII

1) stipends
2) Tuition
or certified
org. council
NY

45.19 Military funeral honors
Separate (1) into 3 pieces.
1. Volunteers 2. Nat'l Gd.
3. Reimbursement - what about staff of DVA

to get reimbursement

45.19 DVA staff? Add language as an alternative "certified by Dept."

45.358 with 45.37 (15) Remove "veteran" in (1)(b) Don't use vet in sub (8)

central
southern
northern

Put "dependent child" .001 in definition in front of ch (1) Eligibility (2) const. (3) & (4) to Subch VII 45.70 Dept powers

45.03 leave as is? Remove to whole thing - not needed? keep (2) & (3)

45.04 (1)(a) "inf kind of govt" needed? used more than in this sec.

Repeal to whole section but define "memorial" in .001

45.05 (b) not needed. Fix language - 051 - leave "Local unit of govt"

45.052 ? not sure if needed keep for now

45.055 put in 45.05
058 leave

45.059 put after ~~45.02~~ 45.03

→ 45.06 make (2) of 45.051.

45.066 Move to DOT? Dick Scott call

45.35 (32) part in with DVA 45.02-05

Subch
Local
Area

45.43 (1)(a) "elect" is
this the right term, looking
at removal under s. 17.10(2)
(2) - last sentence not needed

Ask
MES
JTK

then ~~45.42~~

45.43 (7) & (7m) part
in DVA duties? No - cross-ref.
Break (7m) in pieces
(7a)(c) take out 1st
part of the sentence about
"another county"

then 45.12, 45.13

45.14 & 45.15 in with
45.12

45.14 (2)(b) & (c) confidential
list -- treasurer, not county
clerk.

(2)(e) detailed report - w/out
personal info. refer. & annually
(2)(a) "described in"

45.16 take out "exclusively for papers"

45.35 (5) does not define
"veteran"

"Burial of indigent veterans"

45.16, 17 & 18 Put together

45.17 requirement, but no authority. Leave for now

45.185 "Care of graves"

Subch II Care + Treatment
45.365-385, except .38

Definitions -- "vets facilities"

Put ³⁷⁵ 365, + 385 together

Then .37, but take
definition out of 'veteran' but
note about "veteran"

"membership" out

45.37(15) goes to
cemetaries

45.38 to powers of dept.
sub ch I. 45.08?

Suggested language revision for 45.14, 45.16 and 45.17.

45.14 Administration of Aid.

45.14 (2)(b) The Secretary of the Commission shall maintain a list containing the name, place of residence, and amount of aid delivered to each person assisted under par. (a), which shall be signed by the secretary and the Chairperson of the Committee.

45.14 (c) The total disbursements made by the commission shall not exceed the amount collected from the tax levied, except where specifically authorized by the County Board. The Commission shall provide the County Treasurer with sufficient information to deliver the designated aid to each person determined to be eligible for such aid by the Commission.

45.14 (d) The Commission may furnish aid in a different manner than by supplying money. The Commission may request the County Treasurer to pay a designated purveyor of services or commodities for purchase of services or commodities, or the Commission may furnish supplies, as it deems most appropriate.

45.16 **Burial Allowance.** Each County Veterans Service Officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, ^{exclusively} the body of any person who is living in the county at the time of death, and who meets the definition of a veteran or a surviving spouse of a veteran under 45.01, and who dies not leaving sufficient means to defray the necessary expensed of a decent burial, or under circumstances that would cause financial distress to that persons family. The cost of this internment shall be the responsibility of the county, at a rate to be determined by the county, and shall be in addition to any burial allowance payable under laws administered by the U.S. Department of Veterans Affairs.

45.17 **Investigation and Report.** Before assuming the burial expense, the county veterans service officer shall exercise due diligence in attempting to determine the financial condition required by 45.16, and report the results of that determination to the appropriate authorities designated by the county.

DEFINITION OF WISCONSIN VETERANS

ERA of Service	DATES	Requirement for Veterans Status
INDIAN WAR	Between 1860 and 1898	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
SPANISH AMERICAN WAR*	Between April 21, 1898 - April 11, 1899	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
PHILIPPINE INSURECTION*	Between April 12, 1899 - July 4, 1902 (extended to July 15, 1903, if actually engaged in Moro Province hostilities)	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
BOXER REBELLION*	Between June 16, 1900 - May 12, 1901	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
MEXICAN BORDER SERVICE*	Between June 19, 1916 - April 5, 1917	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
WORLD WAR I*	Between April 6, 1917 - November 11, 1918 (extended to April 1, 1920, if service was in Russia)	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
PEACETIME	Between World War I and World War II	Served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.
WORLD WAR II*	Between August 27, 1940 - July 25, 1947	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
PEACETIME	Between July 26, 1947 - June 26, 1950	Served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.

KOREAN CONFLICT*	Between June 27, 1950 - January 31, 1955	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
PEACETIME	Between February 1, 1955 - August 4, 1964	Served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.
VIETNAM WAR*	Between August 5, 1964 - January 1, 1977, excepting service on active duty for training purposes only	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
PEACETIME	Between January 2, 1977 - July 31, 1990	Served on active duty in the U.S. armed forces for 2 continuous years or more or the full period of the individual's initial service obligation, whichever is less. An individual discharged for reasons of hardship or a service-connected disability or released due to a reduction in the U.S. armed forces prior to the completion of the required period of service is eligible, regardless of the actual time served.
IRAN	1980-1981	(a) The person was awarded the humanitarian service medal for participating in the attempt to rescue American hostages in Iran or (b) The person was awarded the valor ribbon bar by the U.S. state department for having been a hostage in Iran during the Iranian hostage crisis in 1980 and 1981.
LEBANON OR ITS TERRITORIAL WATERS	Between August 1, 1982 - August 1, 1984	Must provide one of the three following qualifiers: (a) Was entitled to receive the armed forces expeditionary medal established by executive order 10977 on December 4, 1961; (b) Was entitled to receive the marine corps or navy expeditionary medal; or (c) Was not entitled to receive a medal under par. (a) or (b) but submits other proof of service acceptable to the department.
GRENADA	October 23, 1983 - November 21, 1983	Must provide one of the three following qualifiers: (a) Was entitled to receive the armed forces expeditionary medal established by executive order 10977 on December 4, 1961; (b) Was entitled to receive the marine corps or navy expeditionary medal; or (c) Was not entitled to receive a medal under par. (a) or (b) but submits other proof of service acceptable to the department.
LIBYA	April 14, 1986	The person participated in the April 14, 1986, military action against Libya.
U.S.S. STARK	May 17, 1987	The person served on the U.S.S. Stark on May 17, 1987.
PANAMA	December 20, 1989 - January 31, 1990	One day of active duty (not for training) in Panama or its territorial waters

OPERATION DESERT SHEILD OR OPERATION DESERT STORM	Between August 1, 1990, and the ending date of Operation Desert Shield or Operation Desert Storm, as established by the department by rule	One day of active duty (not for training) under an active duty order, a unit assignment order or an involuntary extension of an active duty order or in the Middle East or in territorial or international waters adjacent to the Middle East.
PERSIAN GULF WAR*	Between August 1, 1990, and the ending date of Operation Desert Shield or the ending date of Operation Desert Storm as established by the department by rule	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
SOMALIA	Between December 9, 1992, and the ending date of Operation Restore Hope, as established by the department by rule	One day of active duty (not for training) in Somalia or in territorial waters adjacent to Somalia
AFGANISTAN WAR*	Between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department by rule	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.
IRAQ WAR*	Between March 19, 2003, and the ending of Operation Iraqi Freedom or an operation that is a successor to Operation Iraqi Freedom, as established by the department by rule	90 days or more or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected or died in service.

***Statutory War Periods**

- Any individual who served on active duty (other than for training purposes) under honorable conditions and was entitled to receive the armed forced expeditionary medal, established by executive order 10977 on December 4, 1961, the Vietnam service medal established by executive order 11231 on July 8, 1965, the navy expeditionary medal, or the marine corps expeditionary medal.

All service must be active duty service (other than active duty for training), under honorable conditions, in the U.S. armed forces or forces incorporated into the armed services

Eligibility dates are for General Eligibility purposes: Eligibility dates, character of service and time in service may vary in selected programs.

Nelson, Robert P.

From: Sweet, Richard
Sent: Wednesday, October 27, 2004 2:12 PM
To: Hardie, Anthony; Rosinski, John
Cc: Shannon, Pam; Nelson, Robert P.
Subject: Chapter 45 questions

Anthony/John,

We were going over our notes from the meeting and came up with this list of questions that the Department was going to look into and a couple more questions that weren't discussed yesterday:

1. Can 45.03 be repealed?
2. Are any language changes needed in s. 45.43(7)(a) regarding allocation of a CVSO grant to another county department? Does WLC:0036/P1 handle (7m) appropriately?
3. For those provisions of s. 45.365 (renumbered 45.50) that are made applicable to all 3 homes, should this be the case or should some just be applicable to 1 or 2 of the homes?
4. In s. 45.365(3), is the reference to power of constables still needed? If retained, is clarification needed?
5. Can s. 45.37(2)(e) be eliminated or tacked on to the end of par. (h) (i.e., including alcohol . . .).
6. In s. 45.37(9)(h), we are going to reword the paragraph to be in the active voice (i.e. The department may supervise the operation of . . .). Okay?
7. In s. 45.72(intro.), is the reference to the 1971 statutes still needed?
8. Can s. 45.79(7) be moved to ch. 25, Stats., which creates a number of other Funds?

Thanks for your help.

Dick Sweet

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Nelson, Robert P.

From: Kahler, Pam
Sent: Wednesday, October 27, 2004 4:44 PM
To: Sweet, Richard
Cc: Nelson, Robert P.; Shannon, Pam
Subject: RE: Another question for Pam K.

Dick:

I'm not familiar with this subject area so I don't know if there is any need for the spouse to have been a spouse for a certain length of time, but s. 45.37 (5) (c) seems to be getting at how long the spouse will be considered to have been validly married to the veteran. If no length of time is necessary now, maybe that used to be a requirement and when that requirement was removed this paragraph was not removed with it. (????)

Pam

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

From: Sweet, Richard
Sent: Wednesday, October 27, 2004 4:36 PM
To: Nelson, Robert P.; Kahler, Pam; Shannon, Pam
Subject: Another question for Pam K.

Is s. 45.37(5)(c) even needed? If they validate their invalid marriage before applying for admission, does ch. 45 really even need to mention that they're considered married?

Dick

Nelson, Robert P.

From: Munson, Bruce
Sent: Wednesday, October 27, 2004 2:59 PM
To: Sweet, Richard
Cc: Shannon, Pam; Nelson, Robert P.; Hoesly, Bruce
Subject: RE: Chapter 45 recodification

Dick,

When a chapter is completely revised it's important that the old section numbers not be used for the new sections. If the numbers are re-used, our check links program will not identify erroneous newly-created cross-references that were intended to cite the old section. If you have any questions or concerns regarding this, please let me know.

Bruce

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

From: Munson, Bruce
Sent: Tuesday, October 26, 2004 10:08 AM
To: Sweet, Richard
Cc: Shannon, Pam; Nelson, Robert P.; Hoesly, Bruce
Subject: RE: Chapter 45 recodification

Dick,

The only problem with repealing and recreating whole chapters is that readers can't easily trace the "lineage" of the sections in the new chapter. That problem can be alleviated by providing a conversion table showing the old sections on which the new sections are based. We generally print these tables in the statutes for several years.

It's actually easier for us to incorporate the changes in the statutes when the chapter is repealed and recreated rather than renumbering and amending. We don't have a program that automatically incorporates the renumbering and amending. The changes are made manually and the work can be quite painstaking. With a repeal and recreate, we simply replace the old chapter with the new chapter. If there is a long-delayed effective date, we print one version of the chapter in text and the other as a note. With renumbering and amending, a long-delayed effective date means we have to print versions of each affected part in both places until the date arrives. A real pain for us and fraught with the possibility of errors.

Bruce

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

From: Sweet, Richard
Sent: Monday, October 25, 2004 4:12 PM
To: Munson, Bruce
Cc: Shannon, Pam; Nelson, Robert P.
Subject: Chapter 45 recodification

Bruce,

Pam Shannon and I, along with Bob Nelson from LRB, are staffing a committee that is recodifying ch. 45, the veterans chapter. We've started preparing bill drafts and, so far, are renumbering and amending. We've been tempted to repeal and recreate the whole chapter

since readers would then see what it's going to look like. However, Bob mentioned that both LRB and you frown on repealing and recreating whole chapters.

If we keep proceeding with renumbering and amending, is there any software that you have that would allow us to print out a clean ch. 45, after the renumbering and amending, to show the committee what it will eventually look like? When you deal with a bill like this that is enacted into law, do you have to make the changes section by section, or is there something in your computer system that automatically makes the changes?

Thanks for your help.

Dick Sweet

Senior Staff Attorney

Wisconsin Legislative Council

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Nelson, Robert P.

From: Shannon, Pam
Sent: Thursday, November 11, 2004 2:21 PM
To: Sweet, Richard; Nelson, Robert P.
Subject: housing re-draft question

Working on the housing re-draft, I was going to move the language creating the vets mortgage loan repayment fund out of (current) 45.79 (7) (a) into ch. 25, as we'd discussed. However, I noted a reference in current s. 45.79 (6)(b) to the vets housing loan fund under s. 234.41, in the WHEDA stats. Section 234.41(1) establishes a vets housing loan fund under the jurisdiction of the authority. I'm thinking that since that fund is created in 234 and there are several references in 234.40 and 234.41 back to ch 45.79 provisions, it might more consistent and less confusing to leave the vets mortgage loan repayment fund language in ch. 45 after all. Please look at these provisions and tell me what you both think.

Thanks.

Pam Shannon
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