

2007 DRAFTING REQUEST

Bill

Received: **09/25/2006**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Palchik**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Veterans - veterans benefits**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Palchik, BB0056 -

Topic:

Eligibility for veteran's cemeteries

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>
/?				_____			State
/1	rnelson2 09/26/2006	kfollett 09/27/2006	pgreensl 09/29/2006	_____	sbasford 09/29/2006		

FE Sent For:

<END>

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/?	rnelson2	1/kjf 9/27	9 ps	9/28 Self			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

Topic: Ch 45 statutory changes – eligibility for veterans cemeteries

- Tracking Code: BB0056
- SBO team: State Government Operations
- SBO analyst: Laurie Palchik
 - Phone: 608-267-0371
 - Email: laurie.palchik@doa.state.wi.us
- Agency acronym: DVA
- Agency number: 485
- Priority (Low, Medium, High): Medium

Eligibility Changes for Veterans Cemeteries

1. Realign the allowable discharge status of veterans eligible for burial to reflect the same discharge requirements of the National Cemetery Service.

§45.61(2)(a) of the statutes is repealed and recreated to read:

read

(2) **ELIGIBILITY.** The following persons are eligible for burial at a cemetery constructed and operated under sub. (1):
(a) A person who died while on active duty or who was discharged and released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her entry or reentry into active service and his or her dependent child and surviving spouse.

§45.61(2)(b) of the statutes is repealed and recreated to read:

(b) A person who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her death and his or her dependent child and surviving spouse.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0366/1

RPN: kjf

DOA:.....Palchik, BB0056 - Eligibility for veteran's cemeteries

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

UPS:
fix
request
sheet pls.

Do Not Gen

attachment

UPS + PA:
note: pls. attach to
bill & d-note.

1 AN ACT ...; relating to: eligibility for burial in a state veteran's cemetery.

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

Under current law, to be eligible for burial at one of the state veteran's cemeteries, a veteran must fit within one of the following categories:

1. Die while on active duty in the U.S. armed forces or be discharged or released from active duty under honorable conditions and have been a state resident at the time of his or her entry into service.

2. Die while a resident of this state and have been discharged or released from active duty in the U.S. armed forces under honorable conditions.

This bill changes the conditions of discharge or release to being discharged under conditions other than dishonorable.

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:

2 SECTION 1. 45.61 (2) (a) of the statutes is amended to read:

3 45.61 (2) (a) A person who died while on active duty or who was discharged or

4 released from active duty in the U.S. armed forces under honorable conditions other

1 than dishonorable and who was a resident of this state at the time of his or her entry
2 ~~or reentry~~ into active service and his or her dependent child and surviving spouse.

3 History: 2005 a. 22. ✓

SECTION 2. 45.61 (2) (b) of the statutes is amended to read:

4 45.61 (2) (b) A person who was discharged or released from active duty in the
5 U.S. armed forces under ~~honorable~~ conditions other than dishonorable and who was
6 a resident of this state at the time of his or her death and his or her dependent child
7 and surviving spouse.

8 History: 2005 a. 22.

(END)

D- Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0366/1dn

RPN: *kgf*

Date

By inter-D mail,

In a separate document I am sending you

Laurie,

X
I want you to be aware of the constitutional problem with section 45.61 (2) (a) of the statutes, which is amended in this bill. That section may be found unconstitutional because of its requirement that the veteran be a resident at the time of his or her entry into active service. Attached is an opinion of the Illinois Attorney General that lays out the issues and the cites the cases in a fairly concise manner. I call this to your attention for information only. Call me with any questions.

X
I also changed the request to amend, not repeal and recreate, and I deleted the phrase "or reentry" because the department told me last year that they consider every time that a person goes into service as an "entry", so the extra language is unnecessary.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0366/1dn
RPN:kjf:pg

September 28, 2006

Laurie,

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Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.wisconsin.gov

LRB-03661

Eligibility Changes for Veterans Cemeteries

1. Realign the allowable discharge status of veterans eligible for burial to reflect the same discharge requirements of the National Cemetery Service.

§45.61(2)(a) of the statutes is repealed and recreated to read:

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- (b) A person who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her death and his or her dependent child and surviving spouse.

BB0056



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0366/1
RPN:kjf:pg

DOA:.....Palchik, BB0056 - Eligibility for veteran's cemeteries
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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5 U.S. armed forces under ~~honorable~~ conditions other than dishonorable and who was
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7 and surviving spouse.

8 (END)