

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB49)

Received: 10/03/2007

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-1832

By/Representing: Mike Browne

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - parks and forestry

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lehman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Fee access to state parks and trails for veterans, change in scope

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	mglass 10/03/2007 melson2 10/03/2007	kfollett 10/05/2007	nmatzke 10/05/2007	_____	sbasford 10/05/2007	sbasford 10/05/2007	
/2	mglass 10/08/2007	bkraft 10/08/2007	pgreensl 10/08/2007	_____	sbasford 10/08/2007	sbasford 10/08/2007	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB49)

Received: 10/03/2007

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-1832

By/Representing: Mike Browne

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - parks and forestry

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lehman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Fee access to state parks and trails for veterans, change in scope

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	mglass 10/03/2007 melson2 10/03/2007	kfollett 10/05/2007	nmatzke 10/05/2007		sbasford 10/05/2007	sbasford 10/05/2007	

FE Sent For:

1/2 bjk 10/8 10/8 pg
10/8 pg
<END>

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB49)

Received: 10/03/2007

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-1832**

By/Representing: **Mike Browne**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - parks and forestry**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lehman@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Fee access to state parks and trails for veterans, change in scope

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/?	mglass	11 kif 10/5	nwn 10/5	nwn/10 10/5			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Browne, Michael
Sent: Tuesday, October 02, 2007 1:48 PM
To: Gibson-Glass, Mary
Subject: amendment for lrb 1449/1

Attachments: Sb 49-Preferred Park Admission Disabled Vets (2).doc

Mary –

Sen. Lehman was interested in having an amendment drafted for LRB 1449/1 (free state park admission for certain vets). The amendment would expand the population of eligible veterans to include the “Individually Unemployable” classification and change the procedure for admissions from having the DNR issue a card to allowing vets free admission upon producing documentation indicating their disability percentage or pow status.

I’ve attached a document from the DNR with some suggested language to give an idea of what we’re after.

Any recommendations on the best format for these changes, one or two simple amendments or a sub, are appreciated.

Rep. Musser, who authored the Assembly companion, is interested in having the same amendment(s) drafted to AB 108 (LRB 1752/1). If you need a request from his office Kathie Colbert is the staff person dealing with the bill.

Thanks.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov



Sb 49-Preferred
Park Admission...

Preferred Alternative

SECTION 1. 27.01 (7) (c) 11. of the statutes is created to read:

27.01 (7) (c) 11. Any vehicle, except a motor bus, occupied by a state resident who ~~holds a card issued by the department~~ produces evidence that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving disability compensation benefits under 38 USC 1101 to 1163 for disabilities that result in a disability rating that is 70 percent or greater under 38 USC 1114.

SECTION 2. 27.01 (7) (c) 12. of the statutes is created to read:

27.01 (7) (c) 12. Any vehicle, except a motor bus, occupied by a state resident who ~~holds a card issued by the department~~ produces evidence issued by the Wisconsin Department of Veterans Affairs that shows that he or she was a member of the U.S. armed services and was held as a prisoner of war during a war period, as defined in s. 45.01 (13), or while in service in a crisis zone, as defined in s. 45.01 (11).

(altering the state references in section 3 and 4 will still allow free trail pass admission without requiring the non-profit group that operates Heritage Hill (without any state provided operating funds) to offer free admissions to a broader audience .

SECTION 3. 27.01 (8) (c) of the statutes is amended to read:

27.01 (8) (c) Trail Pass Exemptions. No trail pass admission may be charged for:

1. Any state resident who ~~holds a card issued by the department~~ produces evidence that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving disability compensation benefits under 38 USC 1101 to 1163 for disabilities that result in a disability rating that is 70 percent or greater under 38 USC 1114.

2. Any state resident who holds a card issued by the department who ~~holds a card issued by the department~~ produces evidence issued by the Wisconsin Department of Veterans Affairs that shows that he or she was a member of the U.S. armed services and was held as a prisoner of war during a war period, as defined in s. 45.01 (13), or while in service in a crisis zone, as defined in s. 45.01 (11).

SECTION 4. 27.01 (8) (c) is simply renumbered to 27.01 (8) (d).

SECTION 5. Effective date.

(1) This act takes effect on first day of the 6th month beginning after publication.

Gibson-Glass, Mary

From: Browne, Michael
Sent: Wednesday, October 03, 2007 10:35 AM
To: Gibson-Glass, Mary
Subject: dnr contact

Mary –

I've been talking to Amber Meyer-Smith, the leg liaison (608) 266-2243, on this issue but the language itself was suggested by Kim Currie, her # is (608) 264-6035.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov

VA Disability Rating Criteria: A former 30 year employee of the Veterans Administration wrote the following after his retirement. He is also a disabled vet. It addresses the lack of knowledge many applicants have about what is involved in processing their disability claims. His statements are not to be interpreted in any way as being officially sanctioned by the Department of Veterans Affairs. The information is meant for general understanding only. There are always exceptions and the law is subject to change. We hope this helps alleviate some of the anger and frustration many experience due to the seemingly endless delay in processing their claim. When a veteran submits a claim to the VA, he/she should understand there are several prerequisites for a successful disability claim. Among them are:

1. The evidence of record must show the claimed condition was incurred in (first occurred or diagnosed) during military service. That means the medical evidence provided by the veteran and/or the service department (usually the Fed. Records Center in St. Louis) must show the claimed disability. If the disability pre-existed service, such as a knee condition, the evidence must show that the condition became worse during military service. That is one reason it is important to insist on a discharge physical examination. It is your last chance to make certain disabilities are in your record. REMEMBER, if the claimed disability is not shown in your service medical records it DIDN'T happen. Exceptions to this rule are conditions, which may not manifest until after military service is complete. For example PTSD. In such cases, the veteran's service record is requested to determine if his/her service was under such conditions, that the present diagnosis can clearly be associated with military service. The fact that your drill sergeant was mean to you would not qualify.
2. Assuming service medical records show the claimed disability exists, then it must be determined how disabling the condition is at the present time. Usually the claimant is scheduled for an examination at the nearest VA Medical Center. The examining physician completes a report showing his/her diagnoses and clinical findings. Keeping with the knee example. The doctor will check for range of motion, looseness of the joint, pain, etc. For sake of our discussion, we will assume the knee was initially injured during military service.
3. The report is sent to the Regional Office for review. The rating specialist reviews all the medical evidence, with special consideration to the examining physician's report. The rating specialist then consults a rating schedule. The diagnosis tells him/her under which disability to rate the knee. For example, chronic knee strain, torn ACL, traumatic arthritis, etc. The clinical findings will be compared to descriptions given to various percentages. The percentage, which closest agrees with the physician's findings, will be given as the evaluation of the disability.
4. If the veteran has more than one disability, each of which is considered at least 10% disabling, they will be applied to a combined rating schedule to yield a combined evaluation. The individual disabilities are not added to give a final percentage. For example. Assume our hypothetical veteran has 3 disabilities: knee, heart, and psychological. Each disability is considered 50% disabling. The veteran is not considered 150% disabled. What happens is Each % is applied to the remaining healthy person. With no disabilities the veteran is considered 100% healthy. When the knee condition is considered, the veteran is now 50% disabled and 50% healthy. The 50% evaluation of his heart is applied to the remaining healthy 50% and he/she is considered 75% disabled and 25%

healthy. Since evaluations are only in even 10%, the evaluation is rounded off to 80% disabled and 20% healthy. The final 50% psychological condition is applied to the remaining 25% healthy person. Remember the actual combined evaluation was 75%. It was just rounded to 80%. He/she is now 88% disabled. The evaluation is rounded to 90% disabled and 10% healthy.

5. The veteran would automatically be considered for individual unemployability. The rating specialist would determine that if based on the veteran's education, skills, etc. are his/her disabilities so severe as to render him/her individually unemployable. If the answer is yes, he/she is paid at the 100% rate although his/her disabilities only warrant a 90% evaluation. Although the monetary benefit is the same, there is an important distinction between a combined scheduler 100% and 100% due to individual unemployability. If the 100% is by the schedule, the veteran may, if able, hold a regular job. If the 100% is due to being unemployable, he/she may not engage in anything other than marginal employment. The VA checks annually through the individual states for veterans, who are considered unemployable and are holding a regular job. It can become very ugly financially for the veteran, if he/she is caught. It could result in anything from a reduced evaluation, to full repayment, to jail time. Contrary to popular belief, the mind set in the VA is to resolve all doubt in favor of the veteran. Consider, if the claimed benefit can be granted, there is a happy veteran and one less file someone must review.

[Return To VFVC Home](#)

SUBSTITUTE
SENATE AMENDMENT
TO

2007 SENATE BILL 49

February 20, 2007 – Introduced by Senators LEHMAN, MILLER, COGGS, RISSER, KEDZIE, LASSA, ERPENBACH, KREITLOW, BRESKE, PLALE, ROESSLER and SCHULTZ, cosponsored by Representatives MUSSER, GRONEMUS, BOYLE, HEBL, HUBLER, BERCEAU, SHERIDAN, PETROWSKI, NERISON, KLEEFISCH, TURNER, BIES, HINES, CULLEN, SINICKI, STEINBRINK, TOWNSEND, SEIDEL, HRAYCHUCK, M. WILLIAMS, OWENS, HAHN, LEMAHIEU, LOTHIAN, GUNDERSON and ALBERS. Referred to Committee on Veterans and Military Affairs, Biotechnology and Financial Institutions.

- Regen*
- 1 AN ACT *to create* 27.01 (7) (c) 11., 27.01 (7) (c) 12., 27.01 (8) (b) 4. and 27.01 (8)
- 2 (b) 5. of the statutes; **relating to:** free access to state parks and state trails by
- 3 certain disabled veterans and former prisoners of war.

Analysis by the Legislative Reference Bureau

Currently, most vehicles entering state parks must have a vehicle admission receipt (sticker), either for annual use or for one-day use. Some vehicles are exempt from having a sticker, including vehicles operated by a unit of government, vehicles occupied by an adult holding a conservation patron license, vehicles occupied by a person who holds a senior citizen recreation card, and vehicles operated for transporting pupils of a public or private school. This bill adds to those exemptions vehicles occupied by a resident who is a veteran with a 70 percent or greater military-related disability and vehicles occupied by a resident who was a prisoner of war.

Currently, a fee is charged for admission to Heritage Hill State Park and to state trails. There are exemptions from the admission fee, including persons who hold a senior citizen recreation card and adults holding a conservation patron license. This bill adds to those exemptions residents who are veterans with a 70 percent or greater military-related disability and residents who were prisoners of war.

SENATE BILL 49

For further information see the *state and local* 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. 27.01 (7) (c) 11. of the statutes is created to read:

2 27.01 (7) (c) 11. Any vehicle, except a motor bus, occupied by a state resident
3 who ^{produces evidence} holds a card issued by the department that shows that he or she is a veteran,
4 as defined in 38 USC 101, and is receiving disability compensation benefits under ^{use twice}
5 38 USC 1101 to 1163 ^{as individually unemployable under 38 USC 1502 or} for disabilities that result in a disability rating that is 70 percent
6 or greater under 38 USC 1114.

7 SECTION 2. 27.01 (7) (c) 12. of the statutes is created to read:

8 27.01 (7) (c) 12. Any vehicle, except a motor bus, occupied by a state resident
9 who ^{produces evidence} holds a card issued by the department that shows that he or she was a member
10 of the U.S. armed services and was held as a prisoner of war during a war period, as
11 defined in s. 45.01 (13), or while in service in a crisis zone, as defined in s. 45.01 (11).

12 ~~SECTION 3. 27.01 (8) (b) 4. of the statutes is created to read:~~

13 1. ~~27.01 (8) (b) 4.~~ Any state resident who holds a card issued by the department
14 that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving
15 disability compensation benefits under 38 USC 1101 to 1163 for disabilities that
16 result in a disability rating that is 70 percent or greater under 38 USC 1114.

17 ~~SECTION 4. 27.01 (8) (b) 5. of the statutes is created to read:~~

18 2. ~~27.01 (8) (b) 5.~~ Any state resident who holds a card issued by the department
19 that shows that he or she was a member of the U.S. armed services and was held as
20 a prisoner of war during a war period, as defined in s. 45.01 (13), or while in service
21 in a crisis zone, as defined in s. 45.01 (11).

INS 2-11

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0143/?ins
MGG:.....

1 **Insert 2-11**

2 **SECTION 1.** 27.01 (8) (a) of the statutes is amended to read:

3 27.01 (8) (a) *Admission fee.* Except as provided under ~~par.~~ pars. (b) and (bn),
4 the department may charge a person an admission fee to enter Heritage Hill state
5 park or a state trail.

History: 1971 c. 125, 215, 326; 1973 c. 90 s. 538; 1973 c. 245; 1975 c. 365 s. 62; 1977 c. 29, 71, 424; 1979 c. 34, 175; 1981 c. 20, 343; 1983 a. 19; 1983 a. 27 ss. 644 to 674, 2202 (38); 1983 a. 325; 1985 a. 29, 125; 1987 a. 27, 277, 295, 399; 1989 a. 31, 56, 213, 359; 1991 a. 39, 269; 1993 a. 16, 213; 1995 a. 27, 312, 391; 1997 a. 27, 248; 1999 a. 9, 83; 2001 a. 16; 2005 a. 25, 94.

6 **SECTION 2.** 27.01 (8) (b) (intro.) of the statutes is amended to read:

7 27.01 (8) (b) *Exemptions; Heritage Hill and state trails.* (intro.) No admission
8 fee to enter Heritage Hill state park or any state trail may be charged for entry by
9 any of the following:

History: 1971 c. 125, 215, 326; 1973 c. 90 s. 538; 1973 c. 245; 1975 c. 365 s. 62; 1977 c. 29, 71, 424; 1979 c. 34, 175; 1981 c. 20, 343; 1983 a. 19; 1983 a. 27 ss. 644 to 674, 2202 (38); 1983 a. 325; 1985 a. 29, 125; 1987 a. 27, 277, 295, 399; 1989 a. 31, 56, 213, 359; 1991 a. 39, 269; 1993 a. 16, 213; 1995 a. 27, 312, 391; 1997 a. 27, 248; 1999 a. 9, 83; 2001 a. 16; 2005 a. 25, 94.

10 **SECTION 3.** 27.01 (8) (bn) of the statutes is created to read:

11 27.01 (8) (bn) *Exemptions; state trails only.* No admission fee to enter any state
12 trail may be charged for entry by any of the following:

Gibson-Glass, Mary

From: Browne, Michael
Sent: Monday, October 08, 2007 8:59 AM
To: Gibson-Glass, Mary
Subject: question re: vets park admission draft

Mary –

Thanks for the quick turnaround on the draft of 143/1, free park admission for certain veterans. I do have one question: in Section 1&2 the requirement is that a vet “produce evidence ...” to receive a free admission but in Section 5 the requirement is that a vet “hold a card issued by the department ...”, is there a reason for the difference? Our preference would be to have the Sec 1&2 requirements throughout.

Thanks.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov

Today ←

LRBs0143/D
MGG:kjf (WD)

2 RMR
Libjk
stays

SENATE SUBSTITUTE AMENDMENT,
TO 2007 SENATE BILL 49 ✓

SAV ✓

regen. cat.

1 AN ACT *to amend* 27.01 (8) (a) and 27.01 (8) (b) (intro.); and *to create* 27.01 (7)
2 (c) 11., 27.01 (7) (c) 12. and 27.01 (8) (bn) of the statutes; **relating to:** free access
3 to state parks and state trails by certain disabled veterans and former prisoners
4 of war.

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

5 SECTION 1. 27.01 (7) (c) 11. of the statutes is created to read:
6 27.01 (7) (c) 11. Any vehicle, except a motor bus, occupied by a state resident
7 who produces evidence that shows that he or she is a veteran, as defined in 38 USC
8 101, and is receiving disability compensation benefits under 38 USC 1101 to 1163 as
9 individually unemployable under 38 USC 1502 or for disabilities that result in a
10 disability rating that is 70 percent or greater under 38 USC 1114.

11 SECTION 2. 27.01 (7) (c) 12. of the statutes is created to read:

1 27.01 (7) (c) 12. Any vehicle, except a motor bus, occupied by a state resident
2 who produces evidence that shows that he or she was a member of the U.S. armed
3 services and was held as a prisoner of war during a war period, as defined in s. 45.01
4 (13), or while in service in a crisis zone, as defined in s. 45.01 (11).

5 **SECTION 3.** 27.01 (8) (a) of the statutes is amended to read:

6 27.01 (8) (a) *Admission fee.* Except as provided under par. pars. (b) and (bn),
7 the department may charge a person an admission fee to enter Heritage Hill state
8 park or a state trail.

9 **SECTION 4.** 27.01 (8) (b) (intro.) of the statutes is amended to read:

10 27.01 (8) (b) *Exemptions; Heritage Hill and state trails.* (intro.) No admission
11 fee to enter Heritage Hill State Park or any state trail may be charged for entry by
12 any of the following:

13 **SECTION 5.** 27.01 (8) (bn) of the statutes is created to read:

14 27.01 (8) (bn) *Exemptions; state trails only.* No admission fee to enter any state
15 trail may be charged for entry by any of the following:

16 1. Any state resident who ~~holds a card issued by the department~~ *produces evidence* that shows
17 that he or she is a veteran, as defined in 38 USC 101, and is receiving disability
18 compensation benefits under 38 USC 1101 to 1163 as individually unemployable
19 under 38 USC 1502 or for disabilities that result in a disability rating that is 70
20 percent or greater under 38 USC 1114.

21 2. Any state resident who ~~holds a card issued by the department~~ *produces evidence* that shows
22 that he or she was a member of the U.S. armed services and was held as a prisoner
23 of war during a war period, as defined in s. 45.01 (13), or while in service in a crisis
24 zone, as defined in s. 45.01 (11).

25 **SECTION 6. Effective date.**

(1) This act takes effect on first day of the 6th month beginning after publication.

(END)