

2015 DRAFTING REQUEST

Bill

Received: **12/20/2014** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 6-8593** By/Representing: **McElgunn**
May Contact: Drafter: **mgallagh**
Subject: **Veterans - facilities** Addl. Drafters:
Veterans - veterans benefits Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**
sbostatlanguage@webapps.wi.gov
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

DOA:.....McElgunn, BB0327 -

Topic:

Criteria for admission to veterans homes and Assistance to Needy Veterans Program.

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>
/P1	mgallagh 1/22/2015	kfollett 1/22/2015	jfrantze 1/23/2015	_____	lparisi 1/14/2015		State
/P2				_____	mbarman 1/23/2015		State

FE Sent For:

<END>

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FE Sent For: 1/22/15 jf 1/23/15
1/22/15 jf
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/P1	mgallagh			<u>1/14</u>			
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FE Sent For:

<END>

Gallagher, Michael

From: CathleneH <cathleneh@gmail.com>
Sent: Friday, December 19, 2014 7:15 PM
To: Gallagher, Michael
Subject: Fwd: Statutory Language Drafting Request - BB0327

Sent from my iPhone

Begin forwarded message:

From: <christopher.mcelgunn@wisconsin.gov>
Date: December 19, 2014 at 4:40:15 PM CST
To: <cathlene.hanaman@legis.wisconsin.gov>
Cc: <Jana.Steinmetz@wisconsin.gov>, <christopher.mcelgunn@wisconsin.gov>, <Christopher.Connor@wisconsin.gov>
Subject: Statutory Language Drafting Request - BB0327

Biennial Budget: 2015-17

DOA Tracking Code: BB0327

Topic: Criteria for admission to veterans homes and Assistance to Needy Veterans Program

SBO Team: HSI

SBO Analyst: McElgunn, Christopher
Phone: 608-266-8593
E-mail: christopher.mcelgunn@wisconsin.gov

Agency Acronym: DVA

Agency Number: 485

Priority: Medium

Intent:

Eliminate a discrepancy relating to eligibility for admission into homes for parents of veterans and clarify the qualifications for Assistance to Needy Veterans program to remove some restrictions that limit participation in the program. Amend sections 45.02 and 45.51, Stats. as follows:

45.02(2) Except as provided in sub. (3), 45.40, and s. 45.51 (6m) to be eligible for benefits under this chapter an applicant shall be a resident of (strike "and living in") this state at the time of making application or the veteran from whom the applicant derives eligibility is derived meets one of the following conditions:

(a) His or her selective service local board, if any, and home of record at the time of entry or reentry into active service as shown on the veteran's report of separation from the U.S. armed forces for a qualifying period were in this state.

(b) The veteran was a resident of this state at the time of entry or reentry into active duty.

(c) The veteran was a resident of this state for any 12-month period after reentry into service and before the date of his or her application or death.

45.51 Eligibility for membership.

(1) General statement. Within the limitations of veterans home, the department may admit to membership in veterans homes persons who meet the qualifications set forth in this section.

(2) Eligibility

(a) The following persons are eligible for benefits under this subchapter if they meet the applicable requirements of this subchapter:

1. A veteran.

2. A person who has served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces for 90 days or more and at least one day during a war period or under section 1 of executive order 10957, dated August 10, 1961.

3. A spouse or surviving spouse of a person under subd. 1. or 2., or parent, any of whose children died while serving in the Armed Forces.

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov



4/15

cmh

DOA:.....McElgunn, BB0327 – Criteria for admission to veterans homes and Assistance to Needy Veterans Program.

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

1 AN ACT ^{don't yell} ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
VETERANS

Under current law, DVA ^{is} may provide subsistence payments and healthcare assistance to certain veterans and ^{their} dependents. Also under current law, a person may be eligible for benefits under programs administered by DVA only if the person is a resident of and living in Wisconsin at the time the person applies for benefits. This bill exempts from that eligibility requirement persons who may receive subsistence payments and healthcare assistance under DVA's program to assist needy veterans. ^{the}

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. 45.40 (6) of the statutes is created to read:

3 45.40 (6) EXPANDED ELIGIBILITY. The eligibility requirements under s. 45.02 (2)

4 do not apply to a person applying for assistance under this section.

Gallagher, Michael

From: Gallagher, Michael
Sent: Monday, January 19, 2015 3:59 PM
To: 'McElgunn, Christopher J - DOA'
Subject: RE: BB0416

"Armed forces" is not defined in ch. 45. Do you mean any or all of the following?

1. U.S. armed forces, including any reserve component.
2. Forces incorporated as a part of the U.S. armed forces.
3. The national guard of Wisconsin or the national guard of any state.
4. Anything else?

Thanks.

Michael Gallagher
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 267-7511

From: McElgunn, Christopher J - DOA [mailto:ChristopherJ.McElgunn@wisconsin.gov]
Sent: Monday, January 19, 2015 9:26 AM
To: Gallagher, Michael
Subject: BB0416

Michael,

I consulted with DVA on the current draft and they provide the following feedback:

We need 45.51(2)(a)3. amended to read "A spouse or surviving spouse of a person under subd. 1. or 2, or parent, any of whose children died while serving in the Armed Forces.

We are seeking to restrict the eligibility of parents to only those whose children died while serving in the Armed Forces in order to be consistent with federal eligibility guidelines.

Let me know if there would be any issues with what they are asking or you would like to discuss.

Thank you!

Chris

Christopher J. McElgunn
Division of Executive Budget and Finance
Wisconsin Department of Administration
(608) 267-9546

Gallagher, Michael

From: McElgunn, Christopher J - DOA <ChristopherJ.McElgunn@wisconsin.gov>
Sent: Monday, January 19, 2015 9:26 AM
To: Gallagher, Michael
Subject: BB0416

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We need 45.51(2)(a)3. amended to read "A spouse or surviving spouse of a person under subd. 1. or 2, or parent, any of whose children died while serving in the Armed Forces.

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Wisconsin Department of Administration
(608) 267-9546



E. K. J.

DOA:.....McElgunn, BB0327 – Criteria for admission to veterans homes and Assistance to Needy Veterans Program.

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

1/22

Insect

1/23

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS

X Under current law, DVA may provide subsistence payments and healthcare assistance to certain veterans and their dependents. Also under current law, a person may be eligible for benefits under programs administered by DVA only if the person is a resident of and living in Wisconsin at the time the person applies for the benefits. This bill exempts from that eligibility requirement persons who may receive subsistence payments and healthcare assistance under DVA's program to assist needy veterans.

X For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Insect A

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

- 2 SECTION 1. 45.40 (6) of the statutes is created to read: ✓
- 3 45.40 (6) EXPANDED ELIGIBILITY. The eligibility requirements under s. 45.02 (2)
- 4 do not apply to a person applying for assistance under this section.

Insect 1-4

****NOTE: I did not include the change requested for s. 45.51 (2) (a) 3. because a parent of a veteran is already included under that subdivision, and the definition of veteran, under s. 45.01(12)(g), includes a "person who died while in service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces." Okay? MPG

1

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1008/P2ins
MPG:cmh:jf

1 INSERT A

Also under current law, the parent of a veteran or certain persons who have served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces may be eligible for admission as a resident in a veterans home in Wisconsin. Under the bill, only a parent of a person who died while serving in the U.S. armed forces is eligible to be a resident of a veterans home.

2 END INSERT A

3 INSERT 1-4

4 **SECTION 1.** 45.51 (2) (a) 3. of the statutes is amended to read:

5 45.51 (2) (a) 3. A spouse, or surviving spouse, ~~or~~ parent of a person under subd.

6 1. or 2 or a parent of a person who died while serving in the U.S. armed forces.

 ****NOTE: "U.S. armed forces" is not defined in ch. 45. Please let me know if you want to include reserve units, forces incorporated as a part of the U.S. armed forces, which is often treated as distinct from "U.S. armed forces" (see. 45.51 (2) (a) 2.), or any other category that may or may not be clearly included under the U.S. armed forces.

7 END INSERT 1-4



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1008/P2
MPG:cmh&kjf:jf

DOA:.....McElgunn, BB0327 – Criteria for admission to veterans homes and Assistance to Needy Veterans Program.

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

VETERANS

Under current law, DVA may provide subsistence payments and health care assistance to certain veterans and their dependents. Also under current law, a person may be eligible for benefits under programs administered by DVA only if the person is a resident of and living in Wisconsin at the time the person applies for the benefits. This bill exempts from that eligibility requirement persons who may receive subsistence payments and health care assistance under DVA's program to assist needy veterans.

Also under current law, the parent of a veteran or certain persons who have served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces may be eligible for admission as a resident in a veterans home in Wisconsin. Under the bill, only a parent of a person who died while serving in the U.S. armed forces is eligible to be a resident of a veterans home.

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:

SECTION 1

1 **SECTION 1.** 45.40 (6) of the statutes is created to read:

2 45.40 (6) EXPANDED ELIGIBILITY. The eligibility requirements under s. 45.02 (2)
3 do not apply to a person applying for assistance under this section.

4 **SECTION 2.** 45.51 (2) (a) 3. of the statutes is amended to read:

5 45.51 (2) (a) 3. A spouse, or surviving spouse,~~or parent~~ of a person under subd.
6 1. or 2 or a parent of a person who died while serving in the U.S. armed forces.

 ****NOTE: "U.S. armed forces" is not defined in ch. 45. Please let me know if you
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which is often treated as distinct from "U.S. armed forces" (see. 45.51 (2) (a) 2.), or any
other category that may or may not be clearly included under the U.S. armed forces.

7

(END)