

2019 DRAFTING REQUEST

Bill

For: **André Jacque (608) 266-3512** Drafter: **mjohns**
 By: **Bill** Secondary Drafters:
 Date: **8/8/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **Melinda.Johns@legis.wisconsin.gov**
michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Payments to veterans organizations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 8/14/2019	aernstr 8/16/2019			
/P1			dwalker 8/16/2019		State
/1			lparisi 10/10/2019	lparisi 10/10/2019	State

FE Sent For: *At Info*

<END>

Johns, Melinda

From: Barman, Mike
Sent: Thursday, August 08, 2019 11:20 AM
To: Johns, Melinda
Subject: FW: Drafting request on a Veterans topic
Attachments: 201908081053.pdf

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Thursday, August 08, 2019 11:09 AM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: Drafting request on a Veterans topic

Good Morning,

I apologize, I did not know which attorney specializes in drafting bill drafts for Veteran related issues.

Attached is the background information on a drafting request.

The request is pretty simple, let me know if it makes sense or if you have any questions.

The first page contains the change we would like. In this section of the statutes we would like to have under 2 (am) changed from \$100,000 to \$175,000

The additional pages are supporting information.

If you have any questions, or need any additional information please let me know. Thank you.

Bill Cosh

45.41 Payments to veterans organizations.

(1) In this section:

(a) "Regional office" means the U.S. department of veterans affairs regional office in Wisconsin.

(b) "State veterans organization" means the state organization or department of a national veterans organization incorporated by an act of congress.

(2)

(am) Upon application the department may make a payment to any state veterans organization that establishes that it, or its national organization, or both, has maintained a full-time service office at the regional office for 5 consecutive years out of the 10-year period immediately preceding the application. Any payment shall be calculated based on the total amount of all salaries and travel expenses under sub. (3) paid during the previous fiscal year by the state veterans organization to employees engaged in veterans claims service and stationed at the regional office. The department shall pay an amount equal to 50 percent of all salaries and travel expenses under sub. (3) or ~~\$100,000~~175,000, whichever is less, to a recipient under this paragraph.

(e) An organization that receives a payment under par. (am) shall maintain records as required by the department concerning the organization's expenditure of the payment. That organization shall give the department access to those records upon request of the department, and the department may audit those records.

(3) A state veterans organization shall file an application annually with the department for the previous 12-month period ending on March 31 of the year in which it is filed. The application shall contain a statement of salaries and travel expenses paid to employees of the organization engaged in veterans claims service activities at the regional office by the state veterans organization covering the period for which application for a payment is made. The statement shall be certified as correct by a certified public accountant licensed or certified under ch. 442 and sworn to as correct by the adjutant or principal officer of the state veterans organization. The application shall include the state organization's financial statement for its previous fiscal year and evidence of claims service activity that the department requires. The state veterans organization shall submit with its initial application sufficient evidence to establish that it or its national organization, or both, has maintained a full-time service office at the regional office for 5 consecutive years out of the 10-year period immediately preceding the application. Subsequent applications shall be accompanied by an affidavit by the adjutant or principal officer of the state veterans organization stating that the organization, on its own or with its national organization, maintained a full-time service office at the regional office for the entire 12-month period for which application for a payment is made.

(3m) If the total amount of payments committed to be paid under sub. (2) (am) exceeds the amount available for the payments from the appropriation under s. 20.485 (2) (vw), the department shall prorate the reimbursement payments among the state veterans organizations receiving the payments.

(4)

(a) From the appropriation under s. 20.485 (2) (s), the department shall annually provide a payment of \$200,000 to the Wisconsin department of the Disabled American Veterans for the provision of transportation services to veterans.

(b) The Wisconsin department of the Disabled American Veterans shall maintain records as required by the department concerning its expenditure of the payment under par. (a). The Wisconsin department of the Disabled American Veterans shall give the department access to those records upon request of the department and the department may audit those records to ensure that the Wisconsin department of the Disabled American Veterans is using the payment under par. (a) to provide transportation services to veterans.

(5) From the appropriation under s. 20.485 (2) (vs), the department may annually grant up to \$75,000 to the Wisconsin department of the American Legion for the operation of Camp American Legion.

History: 2005 a. 22; 2011 a. 32; 2013 a. 20; 2017 a. 59.



DEPARTMENT OF WISCONSIN
SERVICE OFFICE

5400 W NATIONAL AVE.
MILWAUKEE, WI 53214

Apr 30, 2019

TO: The Department Executive Committee

FROM: The Department Service Officer, James Fialkowski

SUBJECT: Activity Report, January - April 2019

January – I attended to duties at the Mid-Winter Conference meetings (and the awesome concert). We represented two veterans in video conferences for the Board of Veterans Appeals (BVA) and one local hearing at the Regional Office, Milwaukee, WI. Attended Veteran Hospital (VAMC) and VA Regional Office (VARO) meetings.

February – We represented three veterans in BVA hearings at the VARO. I attended VAMC and VARO meetings. I attended Department Service Officer School and National Conference in Washington, DC. Bergmann & Moore (B&M), the new law firm has continued our training. As I have said before, the training was not to the same as the National Veteran Legal Service Program (NVLSP). They still do not have two tiers of classes as did the NVLSP. One for beginners and one for seasoned DSOs. Change is usually wrought with negativity, so I will concentrate on the positive aspects of the new format. B&M are getting better with our (Mine and fellow DSOs) suggestions and covered some court cases and law changes. Their approach has seasoned and new service officers and representatives (reps) sitting together as a team. This cultivates a mentorship environment. This helps the newer reps through the class and creates a cohesive team feeling. Since the teams change each training, the networking is increased. At the meetings, the BVA informed us that in the future, they will be scheduling BVA hearings.

March – Surprisingly, we had no local hearing BVA hearings this month. I attended VAMC and VARO meetings.

April – Submitted Service Office data required to submit WDVA Grant Request. We represented two veterans at BVA hearings in the Regional Office. We represented two veterans at local VARO hearings. The BVA scheduling change has started to cause problems. We have been unsuccessful at making changes to accommodate veterans that were easily handled when the VARO did the scheduling. An example would be creating a three-way video hearing between VARO Minneapolis, VARO Milwaukee, and the BVA in Washington, DC for a veteran who lives near Minneapolis in Wisconsin. Our requests were seemingly ignored. The veteran could not make the four-plus-hour drive and therefore, had to cancel his hearing.

The ongoing Veterans Benefits Administration transformation continues pressing for digital submission of claim paperwork. This is changing the way we track workload data.

Lump Sum Retro and Recovery from May 1st, 2018 – April 30th, 2019

Average Monthly Benefits (\$) Recovered.

Burial	13,170.81
Compensation	22,843,954.54
Pensions	2,544,722.20
DIC	1,424,613.04
Education	3,425,781.98
Voc Rehab	182,728.77
Automobile	2,672.02
Total	30,437,643.36

Annual Federal Dollars

\$365,251,720.32

Definitions

Burial Benefits – Includes plot and internment allowances and in some cases transportation.

Compensation – Payments related to service connected disabilities.

Pension – Payments to wartime veterans or their surviving spouse who meet net worth, income, service and disability requirements.

DIC – Dependent Indemnity Compensation – Payments to a deceased veteran's spouse, if the spouse meets marriage longevity requirements, for the death of the veteran due to active duty or a service connected disability or for a death of a veteran who was rated 100% or TDIU for the required period of 1, 5 or 10 years depending on veteran's qualifying status.

Education – Includes active duty, reserve and dependent education benefits.

Vocational Rehabilitation – Home adaptation, education and training benefits for veterans who due to their service connected disability need training and education to become employable.

Automobile – A special allowance to help purchase a vehicle afforded severely disabled veterans. This vehicle is then adapted to the transportation or driving needs of the veteran.



DEPARTMENT OF WISCONSIN
SERVICE OFFICE
5400 W NATIONAL AVE.
MILWAUKEE, WI 53214

January 11, 2019

TO: The Department Executive Committee
FROM: The Department Service Officer, James Fialkowski
SUBJECT: Activity Report, October - December 2018 / End of year statistics

End of year statistics	2007 *	2018
Incoming Calls	2664	5150
Walk in Clients	820	2513
Incoming Mail	10763	24155
Out Going Mail/Email	1730	18325
Decisions Reviewed	Did Not Track	2739
Hearings	47	57
Events Attended	10	10
SEP Transmittals	Did Not Track	2607
VIMS Database Entries	Did Not Track	26032
Total Client Services Performed	16034	81588

Whether I am speaking at a veteran's center at a collage or simply walking in a parade, I enjoy representing The American Legion. Your Service Office is honored to represent The American Legion, Department of Wisconsin. Your office is proud, knowing that veterans, war widows(ers) and orphans will receive their due benefits and possibly one day a college education because we were able to help. We are currently tracking 27,975 client files. Over the last 12 months, your Service Office assisted veterans and their families in attaining over 335 Million dollars in due benefits. To accomplish this, we completed over 81,000 total services including over 26,000 database client services, almost 42,500 processed pieces of mail, over 5,000 phone calls and assisted over 2,500 walk in clients. VA Benefits administered include education, vocational rehabilitation, burial, compensation, pension, death pension, dependent indemnity compensation, automobile allowance, and adaptation for automobile and home.

* 2007 is the first year I was in the service office and is there for reference

Our office administers the National Level Children and Youth, Temporary Financial Assistance program (TFA), our Department Troop and Family Support (T&FS) Fund, and the Veterans Assistance Fund (VAF). Additionally, we speak at events, staff Veterans Benefit Supermarkets and Stand Downs around the state. We are in direct contact monthly with the Directors of the Milwaukee VA Medical Center and Regional Office. We are proud the word is finally getting out about the Radiation Exposure Compensation Act (RECA). I am still filing claims and I have fielded many questions on the subject. The Service Office received the WDVA Grant of \$100,000.

NOTE: The ongoing Veterans Benefits Administration transformation to digital submission of claim paperwork is changing the way we will track workload data in 2018. We have gone to digital processing of ratings, awards, and receipts from CVSOs (thanks again to Maynard for the hard work). These changes are focused on the reduction of office supplies cost and streamlining the process, lowering workload intensity. Look for more changes to come.

October – Attended Department Fall Committee meetings and submitted report to the DEC. Attended monthly VARO and VAMC Service Officer Meetings. I was once again requested to represent the Veteran Service Organizations while training the new VA Hospital Social Workers. We provided services at a Veterans event in Milwaukee. Represented two veterans at their hearings at the VA Regional Office Milwaukee and one veteran at their Board of Veteran Appeals Video Board hearings at the VA Regional Office Milwaukee.

November – Attended American Legion tour of the Chippewa Falls WDVA Veterans Home and a meeting with the Commandant. Provided services at UW Green Bay at a veteran's event. Represented two veterans at their hearings at the VA Regional Office Milwaukee. I continue to be a VARO fire marshal. Attended monthly VARO and VAMC Service Officer meetings. Represented two veterans at their Board of Veteran Appeals Travel Board hearings at the VA Regional Office Milwaukee.

December – Attended American Legion tour of the Milwaukee VA Medical Center and a meeting with the Director. Attended monthly VARO and VAMC Service Officer Meetings. Represented three veterans at their Board of Veteran Appeals Video Board hearings at the VA Regional Office Milwaukee. Attended monthly VARO and VAMC Service Officer meetings.

The returning Warrior's spirit perceives life through a new paradigm - J.F.



Wisconsin Department of Veterans Affairs

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS
2135 Rimrock Road, P.O. Box 7843, Madison, WI 53713-7843
(608) 266-1311 | 1-800-WIS-VETS (947-8387)

APPLICATION FOR VETERANS SERVICE ORGANIZATION GRANT

The information requested on this form is authorized for collection by Ch. 45, Wis. Stats. and VA 7, Wis. Adm. Code. This information collected is used to determine eligibility for programs administered by the department. Completion of this form is voluntary; however, failure to furnish the requested information may result in denial of eligibility for programs. Personally identifiable information collected on this form is not likely to be used for any other purpose.
This department does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or provision of services.

Pursuant to Wisconsin Statute, s.45.41, states, the American Legion, Dept. of WI (VSO) hereby applies for a State Veterans Organization Grant for Fiscal Year beginning April 1, 2018, and ending March 31, 2019, for the purpose of providing services and representation to former military personal, their dependents and survivors in relation to claims for any benefit available from the federal government where such claims have risen out of or by reason of service in the United States Armed Forces.

In accordance with Wisconsin Statutes, s. 45.41, and/or VA 7, Wisconsin Administrative Code, an application shall provide evidence of eligibility and the following exhibits, which are included with this application:

- 1. A statement of salaries and travel expenses paid to employees working in the VA Regional Office, covering the period, April 1, 2018 to March 31, 2019. The statement shall be certified as correct by a Certified Public Accountant licensed as certified under Wisconsin Statutes Chapter 442 and sworn to as correct by the adjutant or principal officer of the State Veteran's Organization.
2. A financial statement for your service organization for the previous fiscal year and evidence of claims service.
3. An affidavit by the adjutant or principal officer of your service organization stating that a full-time service office was maintained at the VA Regional Office for the period, April 1, 2018 to March 31, 2019.
4. A completed Annual Report for Federal Benefits using the WDVA VSO Grant-Federal Benefits Report form provided with this letter.

James Flalkowski
State Service Officer

Amber L. Nikolai
Commander, Adjutant, or other official designated to sign for the VSO

Please submit with this application the required exhibits referenced above and two signed copies of the Agreement between the Wisconsin Department of Veterans Affairs and your service organization.

Sworn Statement of Veterans Service Office

State of Wisconsin)
) SS
County of Columbia)

Amber L. Nikolai, being first duly sworn, on oath deposes and says:

That she was duly appointed Adjutant for the American Legion, Department of Wisconsin for the period of April 1, 2018 through March 31, 2019. Ms. Nikolai has reviewed financial information and attests that the enclosed information is correct.

The sum of \$280,652.10 was paid by The American Legion, Department of Wisconsin in salaries and the sum of \$6,028.85 in travel expenses to employees engaged in veterans claims service and maintained by said Department at the Veterans Administration Regional Office at Zablocki VA Center, Milwaukee, Wisconsin for the period from April 1, 2018 to March 31, 2019, as per the attached statement which is true and correct:

That the enclosed herewith is a true and correct copy of the expenses for the Veterans Administration Regional Office at Zablocki VA Center, Milwaukee for the time period April 1, 2018 to March 31, 2019.

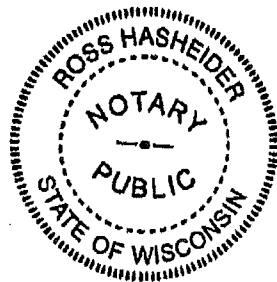
That a full-time Service Officer was maintained at said Veterans Administration Regional Office during the period from April 1, 2018 through March 31, 2019 by The American Legion, Department of Wisconsin.

Amber L. Nikolai
Amber L. Nikolai
Department Adjutant
The American Legion
Department of Wisconsin

State of Wisconsin, County of Columbia
Subscribed and Sworn to before me,
This 9 Day of May, 2019

Ross Hasheider

Ross Hasheider, State of Wisconsin Notary
My Commission Expires 10-14-2022





Wisconsin Department of Veterans Affairs

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS
2135 Rimrock Road, P.O. Box 7843, Madison, WI 53713-7843
(608) 266-1311 | 1-800-WIS-VETS (947-8387)

Wis. Stats. Chapter 45

VETERANS SERVICE ORGANIZATION GRANT – FEDERAL BENEFITS REPORT

The information requested on this form is authorized for collection by Ch. 45, Wis. Stats. and VA 7, Wis. Adm. Code. The information collected is used to determine eligibility for programs administered by the department. Completion of this form is voluntary; however, failure to furnish the requested information may result in denial of eligibility for programs. Personally identifiable information collected on this form is not likely to be used for any other purpose.

This department does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or provision of services.

REPORT FOR THE FISCAL YEAR

2019

; FOR

THE AMERICAN LEGION VSO
DEPARTMENT OF WISCONSIN

From April 1, 2018, to March 31, 2019

FEDERAL BENEFITS

ACTIVITY	NUMBER	COMMENTS
1. Power of Attorney Indicate the number of new VA Form 21-22s submitted to WDVA/Other VSOs for representation	/ 1915	CVSO submissions not tracked unless there is direct Service Office involvement
2. Disability Compensation Indicate the number of new and re-opened VA Form 21-526s, reconsiderations VA 21-526 or 21-527 or other communications submitted for compensation benefits to WDVA/VA or other VSOs	5701	
3. Pension Indicate the number of VA Form 21-527s or other communications submitted for veterans Pension benefits to WDVA/VA or other VSO	1873	
4. Medical Expenses for Pension Indicate the number of VA Form 21p-8416s submitted for Unreimbursed Medical Expenses for pension and death pension to WDVA/VA or other VSOs	71	As of October 2018, this information is included in the pension claim forms
5. Loan Guaranty Indicate the number of Federal Home Loan applications submitted	0	We help with Certificates of eligibility not loan applications
6. Educational Indicate the number of Federal Educational benefit applications submitted	10	
7. Vocational Rehabilitation Indicate the number of Federal VocRehab applications submitted	12	
8. Medical Indicate the number of VA Form 1010EZ forms submitted for enrollment into VA Healthcare	*	Most are submitted via VA website
9. USDVA Notices of Disagreement Indicate the number of Notice of Disagreements, VA Form 21-0958, DRO Request forms submitted to WDVA/VA and other VSOs	175	Decisions made 366 days before today or after 2/19/2019 use forms 20-0995 and 20-0996
10. USDVA Waiver Requests Indicate the number of requests for waivers of Federal benefits regulations submitted	16	
11. BVA Appeals Indicate the number of VA Form 9s submitted to WDVA/VA and other VSOs	52	Decisions made 366 days before today or after 2/19/2019 use VA form 10182
12. Insurance Indicate the number of applications for VA Insurance programs submitted	*	Not Tracked - Submitted externally via US mail
13. Burial Allowances Indicate the number of applications for VA Burial Allowance submitted	157	
14. Flag Applications Indicate the number of applications submitted for Burial Flags	*	Not tracked - Form printed via internet
15. Marker Applications Indicate the number of applications submitted for Burial Markers	*	Not tracked - Form printed via internet
16. DIC Indicate the number of applications for Dependency and Indemnity Compensation, VA Form 21-534, submitted to WDVA/VA and other VSOs	47	
17. Survivor's Pension Indicate the number of applications for VA Death Pension, VA Form 21-534, submitted to WDVA/VA and other VSOs	139	
18. Discharge Correction Indicate the number of applications for discharge upgrades submitted	*	Submitted through AL National
19. Miscellaneous Indicate the number of applications for other federal benefits, not listed, submitted by your office. Include types in comments	25581	Client services tracked in our database

ARTICLE 11. ARBITRATION

Disputes relating to this Agreement should be addressed to Chad Koppen, Legal Counsel, Department of Veterans Affairs, 2135 Rimrock Road, P.O. Box 7843, Madison, Wisconsin 53713-7843. Any disputes arising as to quality or quantity shall be subject to arbitration as provided in Chapter 788, Wisconsin Statutes. A good faith dispute creates an exemption to prompt payment.

ARTICLE 12. PAYMENT OF GRANT

The Department shall pay the VSO the entire grant consistent with Article 2 above provided the VSO has abided by all of the terms and conditions of this Agreement including the submission of the reports and information requested by the Department in relation to this Agreement and the submission of the annual application for the grant.

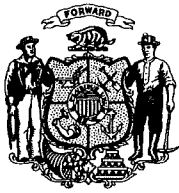
STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

James Bond
Deputy Secretary

THE AMERICAN LEGION, DEPT. OF WI
VETERAN SERVICE ORGANIZATION

BY: Amber L. Nikolai
Print Name: Amber L. Nikolai
Department Adjutant

BY: James Fialkowski
Print Name: James Fialkowski
State Service Officer



State of Wisconsin
2019 - 2020 LEGISLATURE

DUE 8/16/19

LRB-3900/?

MLJ:...

ah

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

sav

gen

during the funding application period

1 AN ACT ...; relating to: payments to certain state veterans organizations.

Analysis by the Legislative Reference Bureau

Under current law, the department of veterans affairs may make payments to certain state veterans organizations who apply for funding. The amount payable is equal to 50 percent of all salaries and travel expenses of the employees of the organization who are engaged in veterans claims service activities for the period for which application for a payment is made or \$100,000, whichever is less. Under this bill, the amount payable is equal to 50 percent of all salaries and travel expenses of the employees of the organization who are engaged in veterans claims service activities for the period for which application for a payment is made or \$175,000, whichever is less.

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. 45.41 (2) (am) of the statutes is amended to read:

3 45.41 (2) (am) Upon application the department may make a payment to any
4 state veterans organization that establishes that it, or its national organization, or
5 both, has maintained a full-time service office at the regional office for 5 consecutive

the funding limit is increased from \$100,000 to \$175,000.

1 years out of the 10-year period immediately preceding the application. Any payment
2 shall be calculated based on the total amount of all salaries and travel expenses
3 under sub. (3) paid during the previous fiscal year by the state veterans organization
4 to employees engaged in veterans claims service and stationed at the regional office.
5 The department shall pay an amount equal to 50 percent of all salaries and travel
6 expenses under sub. (3) or ~~\$100,000~~ \$175,000, whichever is less, to a recipient under
7 this paragraph.

8

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3900/P1
MLJ:ahc

11

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NO
Changes

1 AN ACT to amend 45.41 (2) (am) of the statutes; relating to: payments to certain
2 state veterans organizations.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Veterans Affairs may make payments to certain state veterans organizations who apply for funding. The amount payable is equal to 50 percent of all salaries and travel expenses of the employees of the organization who are engaged in veterans claims service activities during the funding application period or \$100,000, whichever is less. Under this bill, the funding limit is increased from \$100,000 to \$175,000.

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

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3 under sub. (3) paid during the previous fiscal year by the state veterans organization
4 to employees engaged in veterans claims service and stationed at the regional office.
5 The department shall pay an amount equal to 50 percent of all salaries and travel
6 expenses under sub. (3) or \$100,000 \$175,000, whichever is less, to a recipient under
7 this paragraph.

8

(END)