



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0404/P2  
JAM:wlj

DOA:.....Stinebrink, BB0012 - Wisconsin veterans cemetery eligibility requirements

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**VETERANS**

***Wisconsin veterans cemetery eligibility requirements***

This bill changes an eligibility requirement for an individual to be buried in one of the state veterans cemeteries. Under current law, an individual who was discharged under other than dishonorable conditions must have been a Wisconsin resident in order to be eligible for burial in one of the state veterans cemeteries. In select cases, children and spouses of eligible veterans must also be Wisconsin residents in order to be buried in a state veterans cemetery. This bill removes the Wisconsin residency eligibility requirements in determining whether an individual or his or her spouse or children may be buried in a state veterans cemetery. The bill also directs from which appropriation account some eligible individuals' burial expenses may be paid.

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

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

45.61 (2) (a) A person who died while on active duty or 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 entry into active service and his or her dependent child and surviving spouse.

**SECTION 2.** 45.61 (2) (am) of the statutes is repealed.

**SECTION 3.** 45.61 (2) (b) of the statutes is repealed.

**SECTION 4.** 45.61 (2) (c) (intro.) of the statutes is repealed.

**SECTION 5.** 45.61 (2) (c) 1. of the statutes is amended to read:

45.61 (2) (c) 1. Is The spouse or dependent child of a person who is serving on active duty at the time of the spouse's or dependent child's death if the person was a resident of this state at the time of his or her entry or reentry into active service.

**SECTION 6.** 45.61 (2) (c) 2. of the statutes is amended to read:

45.61 (2) (c) 2. ~~Was a resident of this state at the time of his or her entry or reentry into active service and~~ The spouse of a person who was discharged or released from active duty in the U.S. armed forces under honorable conditions.

**SECTION 7.** 45.61 (2) (c) 3. of the statutes is repealed.

**SECTION 8.** 45.61 (2) (d) of the statutes is amended to read:

45.61 (2) (d) A person who was a resident of this state at the time of his or her entry or reentry into service served in any a national guard or a reserve component of the U.S. armed forces or who was a resident of this state for at least 12 consecutive months immediately preceding his or her death, and the person's spouse, surviving spouse, and dependent children, if the person is eligible for burial in a national cemetery under [38 USC 2402](#).

**SECTION 9.** 45.61 (2) (e) of the statutes is repealed.

**SECTION 10.** 45.61 (3) of the statutes is amended to read:

45.61 (3) FEES AND COSTS. The department may charge a fee for burials under this section and may promulgate rules for the assessment of any fee. The cost of preparing the grave and the erection of a marker for a person described under sub. (2) (a), ~~(b)~~, or (d), ~~or~~ (e) shall be paid from the appropriation under s. 20.485 (1) (gk).

**SECTION 11.** 45.61 (4) (a) of the statutes is amended to read:

45.61 (4) (a) Application for burial shall be made to the department. The surviving spouse of the person described under sub. (2) (a), ~~(b)~~, or (d), ~~or~~ (e), if that person is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the privilege of selecting a plot next to that person if available. The department shall hold the plot for the surviving spouse for a period of one year from the date of granting the privilege, but may extend the hold, on request, for additional one-year periods.

**SECTION 12.** 45.61 (5) (a) of the statutes is renumbered 45.61 (5) and amended to read:

45.61 (5) Expenses incident to the burial under this section of persons described in sub. (2) (a) ~~and (b) to (e)~~ shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation accounts under s. 20.485 (4) (g), (m), or (q) or, for members of veterans homes, from the appropriation account under s. 20.485 (1) (gk) for members of veterans homes, and the. The amount expended for those expenses under this subsection shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

**SECTION 13.** 45.61 (5) (b) of the statutes is repealed.

(END)