WISCONSIN LEGISLATIVE COUNCIL
REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON RECODIFICATION OF CHAPTER 45, VETERANS

[*2005 ASSEMBLY BILL 210*]

March 15, 2005

RL 2005-01

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536
Telephone: (608) 266-1304 • Fax: (608) 266-3830 • Email: leg.council@legis.state.wi.us
http://www.legis.state.wi.us/lc

Special Committee on Recodification of Chapter 45, Veterans

Prepared by:
Richard Sweet and Pam Shannon, Senior Staff Attorneys
March 15, 2005

CONTENTS

PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATION 3

2005 Assembly Bill 210, Relating to the Powers and Duties of the Department of Veterans Affairs, Veterans Assistance, Educational Programs, Burials, Cemeteries, Homes, Housing Loans, Memorials, and Museums, the Employment Rights and Benefits Available to Persons Who Are in or Who Return From Military Service, the Educational Approval Board, Granting Rule-Making Authority, Requiring the Exercise of Rule-Making Authority, Making Appropriations, and Providing Penalties 3

PART II - COMMITTEE ACTIVITY 5

Assignment 5

Summary of Meetings 5

PART III - RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL 7

Background 7

Description 7

Appendix 1 - Committee and Joint Legislative Council Votes 9

Appendix 2 - Lists of Joint Legislative Council Members 11

Appendix 3 - List of Committee Members 13

Appendix 4 - Committee Materials List 15

Appendix 5 - Table of Contents for Reorganized Ch. 45 17

PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATION

The Special Committee on Recodification of Chapter 45, Veterans recommends the following proposal to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature.

2005 Assembly Bill 210, Relating to the Powers and Duties of the Department of Veterans Affairs, Veterans Assistance, Educational Programs, Burials, Cemeteries, Homes, Housing Loans, Memorials, and Museums, the Employment Rights and Benefits Available to Persons Who Are in or Who Return From Military Service, the Educational Approval Board, Granting Rule-Making Authority, Requiring the Exercise of Rule-Making Authority, Making Appropriations, and Providing Penalties

2005 Assembly Bill 210 does the following:

- Reorganizes ch. 45, Stats., by subdividing it into eight subchapters instead of the current two subchapters.
- Makes nonsubstantive editorial changes to modernize language.
- Repeals several provisions considered no longer necessary.
- Moves to other statutory chapters provisions that do not relate directly to veterans.
- Simplifies confusing statutory language by drafting it in a format that is easier to understand.
- Makes minor substantive changes that the Special Committee concluded are relatively noncontroversial.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Recodification of Ch. 45, Veterans, and appointed the chairperson by a May 21, 2004 mail ballot. The committee was directed to conduct a recodification of ch. 45, Stats., relating to veterans, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, making other necessary organizational changes, and making minor substantive changes.

Membership of the Special Committee, appointed by July 21 and August 5, 2004 mail ballots, consisted of three Senators, five Representatives and six public members. A list of committee members is included as ***Appendix 3*** to this report.

Summary of Meetings

The Special Committee held two meetings in Madison on the following dates:

September 30, 2004
February 1, 2005

At the September 30, 2004 meeting of the Special Committee, staff reviewed for the committee the organization of the current ch. 45, Stats. Staff also suggested a table of contents for a revised ch. 45 that would divide the current chapter, consisting of two subchapters, into eight subchapters, with similar provisions being grouped together. One of the county veteran service officer (CVSO) members suggested a different order for the subchapters, with the provisions that are used most frequently by veterans and persons who assist veterans being placed in the beginning of the chapter. The committee concurred in this suggested reorganization.

At the meeting, the committee also heard a presentation by Public Member Anthony Hardie, Executive Assistant of the Department of Veterans Affairs (DVA). Mr. Hardie cited several examples of problems with the current chapter, including varying definitions of the term "veteran" in the chapter. He suggested defining the term in the beginning of the chapter and then using an eligibility provision for each veterans program, rather than defining "veteran" differently for each program. He also suggested modernizing the language of the chapter, including citing the three veterans homes in the statutes by the municipalities in which they are located, which is what DVA calls them, rather than by their geographic location in the state.

Because of the technical nature of much of the recodification, Chairperson Townsend appointed a Drafting Subcommittee in order to expedite the deliberations of the committee. The subcommittee consisted of Anthony Hardie from DVA and Larry Olson from the Department of Military Affairs. Although the subcommittee formally consisted of only those two members, Kenneth Brown and Tim Thiers, the CVSO members of the Special Committee, frequently attended and participated in the deliberations of the subcommittee. In addition, the subcommittee received a great deal of assistance from Robert Nelson, Senior Attorney with the Legislative Reference Bureau, and John Rosinski, Chief Legal Counsel at DVA.

The Drafting Subcommittee held six meetings in Madison on the following dates:

October 12, 2004	November 22, 2004
October 26, 2004	December 7, 2004
November 9, 2004	January 11, 2005

The Drafting Subcommittee developed legislation by reviewing the statutes that were to be placed in a particular subchapter, suggesting changes in those statutes, and then reviewing an initial draft and a redraft of the new subchapter. Toward the end of its deliberations, all of the subchapter drafts were combined, together with cross-reference changes that were needed because of the renumbering of many of the provisions of the chapter.

Following the deliberations of the Drafting Subcommittee, the Special Committee met on February 1, 2005. At that meeting, the committee reviewed the composite draft that was recommended by the subcommittee. Legislative Council staff summarized for the committee the process used by the subcommittee and the organization of the revised ch. 45, Stats. Staff also highlighted the minor substantive changes that the subcommittee had suggested, to allow the committee to review them and make any changes that members considered appropriate. Following review of the draft, Chairperson Townsend stated that staff would revise the draft to make changes necessitated by the committee's recommendations, and then submit the draft to the Board of Veterans Affairs for its review. He indicated that the revised draft would be sent to members of the Special Committee for final approval by mail ballot. A mail ballot was sent on February 16, 2005.

PART III

RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the bill as recommended by the Special Committee on Recodification of Ch. 45, Veterans.

Background

Chapter 45, Stats., is the chapter of the Wisconsin Statutes that governs the state DVA and the veterans benefits and programs administered by the department.

In its current form, Ch. 45 is disorganized and difficult to use. It has only two subchapters, one that pertains to the veterans housing loan program and the other containing all of the other provisions relating to veterans. In addition to being poorly organized, the current chapter contains some archaic language and some provisions that belong in other chapters of the statutes. A number of laws pertaining to veterans have been enacted in the previous two legislative sessions in response to the events of September 11, 2001. Those statutory changes have added to the disorganization and complexity of current ch. 45.

Description

The bill does the following:

1. Reorganizes the entire chapter by subdividing it into eight subchapters. Currently, the chapter consists of two subchapters, one of which relates to housing programs, and the other of which includes all other veterans programs and services. A table of contents listing all section numbers of reorganized ch. 45 and the newly created subchapters is included in ***Appendix 5*** to this report.

2. Makes nonsubstantive editorial changes to modernize language so that the language is consistent with current drafting style.

3. Repeals several provisions considered no longer necessary. For example, language regarding construction of veterans memorials that have already been constructed is eliminated. As another example, language regarding employment of disabled veterans is eliminated in light of the state Fair Employment Act and the federal Americans with Disabilities Act.

4. Moves to other chapters of the statutes provisions from current ch. 45 that are not directly related to veterans. For example, provisions dealing with military service (ss. 45.50, 45.51, and 45.53) are moved to ch. 21, which relates to military affairs. As another example, the provision dealing with the educational approval board (s. 45.54) is moved to ch. 39, which relates to educational agencies.

5. Simplifies confusing statutory language by drafting it in a format that is easier to understand. For example, the formula for awarding grants to veterans organizations in current s. 45.353 (2) is simplified in the new s. 45.41 (2) by showing how much is received by the organization depending on the level of expenditure.

6. Makes minor substantive changes that the Special Committee concluded are relatively noncontroversial. These include the following:

   a. Expanding the definition of "veteran" that is used in current ch. 45 to include persons who are missing in action, persons who died as the result of a service-connected disability, and persons who died in the line of duty while on inactive or active duty for training purposes.

   b. Changing the names of the state veterans facilities in current statutes to the Wisconsin Veterans Home at Union Grove, the Wisconsin Veterans Home at King, and the Wisconsin Veterans Home at Chippewa Falls, and generally applying the laws that currently apply to just one or two of the homes to all three homes.

   c. Expanding the definition of "war period" to include any period after the Iraq War that results in a person receiving an Expeditionary Medal and that the state DVA determines and designates by rule. In designating a war period, the department would be required to review the criteria used to establish the war periods currently listed in the statutes and consult with the U.S. Department of Defense.

   d. Requiring that ch. 45 be construed as liberally as the language permits in favor of applicants for veterans benefits. Currently, the liberal construction provision applies to many, but not all, parts of the chapter.

   e. Allowing deceased persons who served under honorable conditions in the National Guard or Reserves to receive military funeral honors. Currently, military funeral honors are limited to deceased persons who served in the U.S. Armed Forces.

Appendix 1

Committee and Joint Legislative Council Votes

LRB-0529/2 was recommended by the Special Committee on Recodification of Chapter 45, Veterans, to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature.

Special Committee Votes

By a mail ballot dated February 16, 2005, the Special Committee unanimously voted to recommend LRB-0529/2 to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature. The vote on the draft is as follows:

- LRB-0529/2, relating to the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties: Ayes, 14 (Reps. Townsend, Krawczyk, Loeffelholz, Musser, and Schneider; Sens. Breske, Brown, and Fitzgerald; and Public Members Brown, Hardie, O'Brien, Olson, Thiers, and Wendt); and Noes, 0.

Joint Legislative Council Votes

At its March 9, 2005 meeting, the Joint Legislative Council voted as follows on the recommendation of the Special Committee:

- Introduction by the Joint Legislative Council of LRB-0529/2 passed by a vote of Ayes, 19 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Kreuser, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Grothman, Miller, Risser, Robson, Schultz and Zien); Noes, 0; and Excused, 3 (Rep. Travis; and Sens. Fitzgerald and Kapanke).

The proposal that the Joint Legislative Council voted to introduce was subsequently introduced as 2005 Assembly Bill 210.

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair
ALAN LASEE
Senate President
2259 Lasee Road
De Pere, WI 54115

Co-Chair
STEVE WIECKERT
Representative
1702 S. Irma Street
Appleton, WI 54915

SENATORS

RONALD W. BROWN
1112 Violet Avenue
Eau Claire, WI 54701

MICHAEL G. ELLIS
1752 County Road GG
Neenah, WI 54956

MARY E. PANZER
Majority Leader
635 Tamarack Drive West
West Bend, WI 53095

G. SPENCER COGGS
3732 North 40th Street
Milwaukee, WI 53216

JON ERPENBACH
Minority Leader
2385 Branch St.
Middleton, WI 53562

FRED A. RISSER
5008 Risser Road
Madison, WI 53705

ALBERTA DARLING
1325 West Dean Road
River Hills, WI 53217

SHEILA HARSDORF
N6627 County Road E
River Falls, WI 54022

ROBERT WELCH
President Pro Tempore
P.O. Box 523
Redgranite, WI 54970

RUSSELL DECKER
6803 Lora Lee Lane
Schofield, WI 54476

REPRESENTATIVES

STEVEN M. FOTI
Majority Leader
351 Lisbon Road
Oconomowoc, WI 53066

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

DAN SCHOOFF
1955 Pebble Drive
Beloit, WI 53511

STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

MICHAEL LEHMAN
1317 Honeysuckle Road
Hartford, WI 53027

JOHN TOWNSEND
297 Roosevelt Street
Fond du Lac, WI 54935

JOHN GARD
Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

MARLIN D. SCHNEIDER
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

DAVID TRAVIS
5440 Willow Road
Waunakee, WI 53597

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

Joint Legislative Council

[Current Joint Legislative Council Members Receiving Committee Report]

Co-Chair
ALAN LASEE
Senate President
2259 Lasee Road
De Pere, WI 54115

Co-Chair
STEVE WIECKERT
Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

RONALD W. BROWN
1112 Violet Avenue
Eau Claire, WI 54701

DAN KAPANKE
1610 Lakeshore Drive
La Crosse, WI 54603

DALE SCHULTZ
Majority Leader
515 N. Central Avenue
Richland Center, WI 53581

RUSSELL DECKER
6803 Lora Lee Lane
Schofield, WI 54476

MARK MILLER
4903 Roigan Terrace
Monona, WI 53716

DAVID ZIEN
President Pro Tempore
1716 63rd Street
Eau Claire, WI 54703

SCOTT FITZGERALD
N4692 Maple Road
Juneau, WI 53039

FRED A. RISSER
5008 Risser Road
Madison, WI 53705

GLENN GROTHMAN
111 South 6th Avenue
West Bend, WI 53095

JUDY ROBSON
Minority Leader
2411 E. Ridge Road
Beloit, WI 53511

REPRESENTATIVES

JOHN AINSWORTH
W6382 Waukechon Road
Shawano, WI 54166

DEAN KAUFERT
1360 Alpine Lane
Neenah, WI 54956

MARLIN D. SCHNEIDER
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

STEPHEN J. FREESE
Speaker Pro Tempore
310 East North Street
Dodgeville, WI 53533

JIM KREUSER
Minority Leader
3505 14th Place
Kenosha, WI 53144

DAVID TRAVIS
5440 Willow Road
Waunakee, WI 53597

JOHN GARD
Speaker
481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

ANN NISCHKE
202 W. College Avenue
Waukesha, WI 53186

MICHAEL HUEBSCH
Majority Leader
419 West Franklin
West Salem, WI 54669

MARK POCAN
309 North Baldwin St.
Madison, WI 53703

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

Appendix 3

Recodification of Chapter 45, Veterans

Representative John Townsend, **Chair**
297 Roosevelt
Fond du Lac, WI 54935

Senator Roger M. Breske
8800 Hwy. 29
Eland, WI 54427

Senator Ronald W. Brown
1112 Violet Avenue
Eau Claire, WI 54701

Senator Scott Fitzgerald
N4692 Maple Road
Juneau, WI 53039

Representative Judy Krawczyk
2294 Manitowoc Road
Green Bay, WI 54311

Representative Gabe Loeffelholz
1497 Airport Road
Platteville, WI 53818

Representative Terry M. Musser
W13550 Murray Road
Black River Falls, WI 54615

Representative Marlin D. Schneider
3820 Southbrook Lane
Wisconsin Rapids, WI 54494

Kenneth Brown
Ozaukee County Vets. Service Officer
P.O. Box 994
Port Washington, WI 53074

Anthony Hardie
Department of Veterans Affairs
30 West Mifflin Street
Madison, WI 53707

John O'Brien
26570 Fiddlers Green Road
Richland Center, WI 53581

Larry Olson
Department of Military Affairs
2400 Wright Street
Madison, WI 53708

Tim Thiers
Manitowoc County Administration Building
1110 South 9th Street
Manitowoc, WI 54220-5374

Kenneth Wendt
AmVets Hospital & Services Foundation
231 South 9th Street
Sturgeon Bay, WI 54235

STUDY ASSIGNMENT: The committee is directed to conduct a recodification of ch. 45, Stats., relating to veterans, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, making other necessary organizational changes, and making minor substantive changes.

14 MEMBERS: 3 Senators, 5 Representatives, and 6 Public Members.

LEGISLATIVE COUNCIL STAFF: Richard Sweet and Pam Shannon, Senior Staff Attorneys, and Kelly Mautz, Support Staff.

Appendix 4

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

February 1, 2005 Meeting

- LRB-0529/P8, relating to the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties

January 11, 2005 Drafting Subcommittee Meeting

- LRB-0529/P6, relating to the powers and duties of the Department of Veterans Affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or who return from military service, the Educational Approval Board, granting rule-making authority, requiring the exercise of rule-making authority, making appropriations, and providing penalties.

December 7, 2004 Drafting Subcommittee Meeting

- LRB-0529/P4, relating to the powers and duties of the department of veterans affairs, veterans assistance, educational programs, burials, cemeteries, homes, housing loans, memorials, and museums, the employment rights and benefits available to persons who are in or return from military service, the educational approval board, and making appropriations

November 22, 2004 Drafting Subcommittee Meeting

- Outline of proposed table of contents for the revised ch. 45, Stats., dated November 17, 2004

- LRB-0529/P3, relating to the educational approval board, the employment rights and benefits available to persons who are in or return from military service, the powers and duties of the department of veterans affairs, veterans memorials and museums, the benefits available to veterans, veterans burials, facilities for veterans, and making appropriations

- WLC-0061/P1, relating to powers and duties of the department of veterans affairs and other general provisions pertaining to veterans

- WLC-0060/P1, relating to assistance programs

November 9, 2004 Drafting Subcommittee Meeting

- WLC: 0036/P2, relating to care and treatment facilities

- LRB-0529/P2, relating to the educational approval board, the employment rights and benefits available to persons who are in or return from military service, the powers and duties of the department of veterans affairs, veterans memorials and museums, the benefits available to veterans, veterans burials, facilities for veterans, and making appropriations

- LRB-0529/P2ins, relating to the educational approval board, the employment rights and benefits available to persons who are in or return from military service, the powers and duties of the department of veterans affairs, veterans memorials and museums, the benefits available to veterans, veterans burials, facilities for veterans, and making appropriations
- WLC: 0051/P1, relating to veterans education and training
- WLC: 0049/P1, relating to veterans education and training
- WLC: 0053/P1, relating to the veterans housing loan program
- LRB-0529/P2insV, relating to the definition of "veteran"
- LRB-0529/P2insVa, relating to the definition of "veteran"

October 26, 2004 Drafting Subcommittee Meeting

- WLC: 0036/P1, relating to care and treatment facilities for veterans
- LRB-0529/P1, relating to the educational approval board, the employment rights and benefits available to persons who are in or return from military service, the powers and duties of the department of veterans affairs, veterans memorials and museums, the benefits available to veterans, veterans burials, facilities for veterans, and making appropriations

October 12, 2004 Drafting Subcommittee Meeting

- Outline of proposed table of contents for the revised ch. 45, Stats., dated October 8, 2004

September 30, 2004 Meeting

- A copy of ch. 45, Stats.
- Outline of proposed table of contents for the revised ch. 45, Stats., dated September 20, 2004
- Handout from Anthony Hardie, Executive Assistant, Department of Veterans Affairs

Appendix 5

Table of Contents for Reorganized Ch. 45

Subchapter I
General Provisions
45.001 Recognition of persons who served in the armed forces.
45.01 Definitions.
45.02 Eligibility for benefits.
45.03 Department of veterans affairs.
45.04 Release of information and records.
45.05 Registration of certificate of discharge.
45.06 Security.
45.07 Wisconsin Veterans Museum.
45.08 Memorial Day.

Subchapter II
Education and Training
45.20 Veterans education programs.
45.21 Retraining assistance program.

Subchapter III
Veterans Housing Loan Program
45.30 Purpose.
45.31 Definitions.
45.32 Powers of the department.
45.33 Eligibility and disqualifying factors.
45.34 Uses for loan proceeds.
45.35 Contribution.
45.36 Manner of repayment.
45.37 Mortgage loan program.

Subchapter IV
Assistance Programs
45.40 Economic assistance.
45.41 Payments to veterans organizations.
45.42 Veterans personal loans.
45.43 Veterans assistance program.

Subchapter V
Veterans Homes
45.50 Veterans homes; management.
45.51 Eligibility for membership.

Subchapter VI
Funerals, Burials, and Cemeteries
45.60 Military funeral honors.
45.61 Wisconsin veterans cemeteries.
45.62 Burial places compiled.

Subchapter VII
Memorials
45.70 Veterans memorials.
45.71 Catalog of memorials.

45.72 County and municipal memorials.
45.73 Sites for veterans memorial halls.
45.74 Memorial corporations organized under 1919 act.
45.75 Memorials in populous counties.

Subchapter VIII
Local Responsibilities

45.80 County veterans service officer.
45.81 County veterans service commission.
45.82 Grants to counties and tribes for improvement of services.
45.83 Transportation services grants to counties.
45.84 Burial allowance.
45.85 Care of graves.
45.86 County tax for needy veterans.