



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 293

Assembly Amendment 1

Memo published: May 21, 2003

Contact: Pam Shannon, Senior Staff Attorney (266-2680)

2003 Assembly Bill 293 pertains to burial of veterans and family members at cemeteries. The bill provides that a cemetery authority for a cemetery (other than one affiliated with a religious society) may not prohibit the burial of a veteran or certain family members (as defined in ch. 45, Stats.) in the cemetery if the person arranging the burial has the ability to reimburse the cemetery authority for the burial.

Rather than stating that the burial may take place if the person arranging the burial has the ability to reimburse the authority, *Assembly Amendment 1* states that the burial may take place if the cemetery authority is paid in its usual and customary manner for the burial. This language was requested by the Badger State Cemetery Association.

On May 14, 2003, the Assembly Committee on Veterans and Military Affairs adopted Assembly Amendment 1 on a vote of Ayes, 14 and Noes, 0. The committee recommended the bill for passage, as amended, on a vote of Ayes, 14 and Noes, 0.

PS:wu



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2003 Wisconsin Act 70 [2003 Assembly Bill 293]	Burial of Veterans at Cemeteries
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

Wisconsin Act 70 pertains to burial of veterans and family members at cemeteries. The Act provides that a cemetery authority for a cemetery (other than one affiliated with a religious society) may not prohibit the burial of a veteran or certain family members in the cemetery if the cemetery authority is paid in its usual and customary manner for the burial. The veterans, spouses, and dependent children that are subject to the Act are those persons who are otherwise eligible for burial in a state veterans cemetery.

Effective Date: The Act takes effect on November 26, 2003.

Prepared by: Pam Shannon, Senior Staff Attorney

November 17, 2003

PS;jal;rv

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.



Johnnie E. Morris

STATE REPRESENTATIVE • 11TH ASSEMBLY DISTRICT

July 9, 2003

**Testimony of Representative Johnnie Morris
Before the Senate Committee on Homeland Security, Veterans' and Military Affairs
and Government Reform In Favor of Assembly Bill 293**

Good Morning, Chairman Brown and fellow committee members. I appreciate this opportunity to testify in favor of Assembly Bill 293 today.

Background

The passing of two veterans of the United States Armed Forces who served this country in different capacities during the Vietnam war era, and the complexities that their families and next-of-kin had to deal with in committing their remains to mother earth, precipitated the introduction of this bill that is before you today.

One of these veterans was my brother, Late Mr. James Morris. He was honorably discharged from the Armed Forces in 1976. He was until his death claiming those benefits that accrued to veterans alike. In death, he was entitled to a burial with full military honors, up to and including being laid to rest in a Veterans' cemetery within close proximity to his address of residence. – In this case, the City of Milwaukee. Our family was dismayed to hear that the Veterans cemetery in Milwaukee is not accepting any new burials due to lack of space, but even more so when we gathered that my brother's remains could not be buried in another cemetery in the vicinity. His remains had to be transported about thirty (30) miles to Union Grove where he was ultimately interred. This imposed both financial and psychological hardships on our family.

Not too long after, the family of Belton James Mickle contacted my office – another deceased war veteran. He was also honorably discharged from military service. While funeral arrangements were underway, his family was advised that although their deceased father was entitled to a full military burial, because his address was 'erroneously' listed in the municipal authority's database as a 'Town of Madison' address, it would preclude his remains from being buried in a City of Madison operated cemetery – that has a section set aside for the burial of veterans. The family's fears were allayed when the City of Madison's Tax Assessor's Office attested to the fact that the deceased had been paying property taxes to the City for fourteen (14) years. Thankfully, this family was spared the hassles involved in seeking out another cemetery that would be willing to accept the human remains of their beloved father and U.S. war veteran.



Analysis

Based on the prevailing current of constant threats of acts of terrorism/violence against our homeland, our service men and women and their families who graciously enlist to serve in the armed forces, need not be burdened with insignificant details such as the locale in which their remains would be committed to eternal rest.

AB 293 seeks to simplify those requirements that would determine the eligibility of U.S. war veterans (who died while on active duty or were honorably discharged) to be buried in a cemetery of their choice, excluding those cemeteries with religious affiliations. AB 293 also seeks to remove those 'barriers' that would inhibit a United States Armed Forces war veteran from being buried in a cemetery that provides the most cost effective and physically accessible form of burial for their immediate survivors.

AB 293 does not impose any fiscal impact on the ownership of cemeteries statewide as provided for by WI. Stats. Chap. 157.065 (1) – (5). The family of the deceased would be responsible for all financial obligations as requested by the cemetery authority. Payment method and form would be as prescribed by the cemetery authority.

In closing, I would to emphasize the importance of a favorable consideration of this bill. The bill has enjoyed overwhelming bi-partisan support. On the local level, the Dane County Board of Supervisors passed a resolution in support of AB 293. The Assembly Committee on Veterans and Military Affairs and the full body of the Assembly unanimously approved the bill.



RM
10/28/03



Johnnie E. Morris

STATE REPRESENTATIVE • 11TH ASSEMBLY DISTRICT

October 27, 2003

Senator Ronald Brown
Room 104 South, State Capitol
Madison, Wisconsin

RE: Assembly Bill 293

Dear Sen. Brown:

Just a note to express my appreciation to you for your efforts in making Assembly Bill (AB) 293 become law.

As you may know, AB 293 passed out of the Senate after deliberations on Thursday, October 23, 2003. Our next objective is to have the bill on the Governor's desk for signing in the near future. In my view, the sooner Wisconsin veterans and certain family members can start to derive benefits from this law, the better.

Again, thank you for your contributions. I hope that we can work together again on other mutually acceptable proposals in the future.

Sincerely,

Johnnie E. Morris

Johnnie E. Morris
State Representative- 11th Assembly District





Jim Doyle, Governor
John A. Scocos, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843
PHONE: (608) 266-1311 1-800-947-8387 (WIS VETS)
WEB SITE: <http://dva.state.wi.us>
E-MAIL: Headquarters@dva.state.wi.us
FAX: (608) 267-0403

WDVA Legislative Position Paper:

2003 A.B. 293 – Burial of Veterans and Certain Family Members at Cemeteries

October 22, 2003

Description of the Bill

2003 Assembly Bill 293 ____ (LRBs2140/1) (Rep. Morris-Tatum)

Under the provisions of this bill, the owner of a cemetery is prohibited from refusing to bury the human remains of veterans, their spouses or dependent children at the cemetery provide that the person is eligible for burial in a state veterans memorial cemetery. The person arranging the burial must have the ability to reimburse the cemetery for the burial. AB 293 exempts cemeteries affiliated with religious societies.

WDVA Position

WDVA Position: SUPPORT.

This bill ensures the right of those veterans, their spouses and dependent children who are eligible to be buried in one of the state's veterans cemeteries to be buried in the cemetery of their choice. The only exception is those cemeteries affiliated with religious societies. It is WDVA's position that that the individuals affected by this bill should have the right to be buried in the cemetery of their choice. The bill has no fiscal or programmatic impact on WDVA.
