



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 935**

March 27, 1996 – Offered by Representative MUSSER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 19: after “board;” insert: “eligibility for burial at veterans
3 cemeteries; exemption of veterans cemeteries from certain requirements;”.

4 **2.** Page 23, line 24: after that line insert:

5 “**SECTION 40m.** 45.358 (1) of the statutes, as created by 1995 Wisconsin Act 27,
6 is renumbered 45.358 (1) (intro.) and amended to read:

7 45.358 (1) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, “veteran”;

8 (b) “Veteran” means a person who has served on active duty in the U.S. armed
9 forces.

10 **SECTION 40p.** 45.358 (1) (a) of the statutes is created to read:

11 45.358 (1) (a) “Dependent child” means any natural or adoptive child under 18
12 years of age, or under the age of 26 if in full attendance at a recognized school of
13 instruction, or of any age if the child is unmarried and incapable of self-support by
14 reason of mental or physical disability.

1 **SECTION 40r.** 45.358 (2) of the statutes, as affected by 1995 Wisconsin Act 27,
2 is amended to read:

3 45.358 (2) CONSTRUCTION AND OPERATION OF CEMETERIES. Subject to
4 authorization under ss. 13.48 (10) and 20.924 (1), the department of veterans affairs
5 may construct and operate veterans cemeteries in northwestern and southeastern
6 Wisconsin and may employ such personnel as are necessary for the proper
7 management of the cemeteries. The department may acquire, by gift, purchase or
8 condemnation, lands necessary for the purposes of the cemeteries. Title to the
9 properties shall be taken in the name of this state. Every deed of conveyance shall
10 be immediately recorded in the office of the proper register of deeds and thereafter
11 filed with the secretary of state. All cemeteries operated by the department are
12 exempt from the requirements of ss. 157.061 to 157.70 and 440.90 to 440.95.

13 **SECTION 40s.** 45.358 (3) of the statutes, as created by 1995 Wisconsin Act 27,
14 is amended to read:

15 45.358 (3) ELIGIBILITY. The following persons are eligible for burial at a
16 cemetery constructed and operated under sub. (2) or s. 45.37 (15):

17 (a) A veteran who died while on active duty or who was discharged or released
18 from active duty in the U.S. armed forces under honorable conditions and who was
19 a resident of this state at the time of his or her entry or reentry into active service
20 and his or her dependent children and unremarried surviving spouse ~~who are~~
21 ~~residents of this state at the time of their deaths.~~

22 (b) A veteran who was discharged or released from active duty in the U.S.
23 armed forces under honorable conditions ~~other than dishonorable~~ and who was a
24 resident of this state at the time of his or her death and his or her dependent children

1 and unremarried surviving spouse ~~who are residents of this state at the time of their~~
2 ~~deaths.~~

3 (c) The spouse or dependent child of a veteran who is serving ~~an~~ on active duty
4 at the time of the spouse's or dependent child's death if the veteran was a resident
5 of this state at the time of the veteran's entry or reentry into active service ~~and if the~~
6 ~~spouse was a resident of this state at the time of the spouse's death.~~

7 (d) The spouse or dependent child of a veteran if the veteran was a resident of
8 this state at the time of his or her entry or reentry into active service and was
9 discharged or released from active duty in the U.S. armed forces under honorable
10 conditions ~~other than dishonorable and if the veteran and spouse were residents of~~
11 ~~this state at the time of the spouse's death.~~

12 **SECTION 40t.** 45.358 (3) (e), (f) and (g) and (3g) of the statutes are created to
13 read:

14 45.358 (3) (e) The spouse or dependent child of a veteran who was discharged
15 or released from active duty in the U.S. armed forces under honorable conditions if
16 the veteran and spouse or dependent child were residents of this state at the time of
17 the spouse's or dependent child's death.

18 (f) A person who was a resident of this state at the time of his or her death and
19 who has 20 or more years of creditable military service for retirement pay as a
20 member of the Wisconsin army national guard or air national guard or a reserve
21 component of the U.S. armed forces or who would have been entitled to that
22 retirement pay except that the person was under 60 years of age at the time of his
23 or her death, and the person's spouse, unremarried surviving spouse and dependent
24 children who are residents of this state at the time of the spouse's, unremarried
25 surviving spouse's or dependent children's death.

1 (g) A veteran who was discharged or released from active duty in the U.S.
2 armed forces under honorable conditions and who was a resident of the state for at
3 least 5 consecutive years after completing service on active duty.

4 (3g) HONORABLE CONDITIONS. Any person whose service on active duty with the
5 U.S. armed forces or in forces incorporated as part of the U.S. armed forces makes
6 that person eligible for general U.S. department of veterans affairs benefits shall be
7 considered to have served under honorable conditions for purposes of sub. (3).

8 **SECTION 40v.** 45.37 (1a) of the statutes is amended to read:

9 45.37 (1a) DEFINITION OF VETERAN. ~~“Veteran” as used in this section~~ Except as
10 provided in sub. (15) (a) and (b), in this section “veteran” means any person who
11 served on active duty under honorable conditions in the U.S. armed forces or in forces
12 incorporated as part of the U.S. armed forces who was entitled to receive the armed
13 forces expeditionary medal, established by executive order 10977 on December 4,
14 1961, the Vietnam service medal established by executive order 11231 on July 8,
15 1965, the navy expeditionary medal or the marine corps expeditionary medal or who
16 served in Grenada, Lebanon, Panama, Somalia or a Middle East crisis under s. 45.34
17 or any person who served for at least one day during a war period, as defined in s.
18 45.35 (5) (a) to (h) or under section 1 of executive order 10957, dated August 10, 1961,
19 and who was officially reported missing in action, or killed in action or who died in
20 service, or who was discharged under honorable conditions ~~therefrom~~ after 90 days
21 or more of active service, or if having served less than 90 days was honorably
22 discharged for a service-connected disability or for a disability subsequently
23 adjudicated to have been service connected, or who died as a result of
24 service-connected disability.

25 **SECTION 40x.** 45.37 (15) (a) and (b) of the statutes are amended to read:

