



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0009/2
MGG:sac:rs

DOA:.....Lawrence, BB0382 – Residency requirements for veterans homes
and cemeteries

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

VETERANS

Current law imposes certain state residency requirements that apply to veterans and widows, widowers, and parents of living and deceased veterans who are seeking admission to veterans homes operated by the state. Also, under current law, DVA administers a priority system for admissions into a veteran home. Under the system, veterans have first priority, spouses have second priority, surviving spouses have third priority, and parents of veterans have fourth priority.

Under current law, a veteran applying to enter a veterans home operated by the state must be a state resident at the time of admission. Current law does not specify any state residency requirement for a spouse of a veteran who is seeking admission. A widow, widower, or a parent of a veteran is eligible if he or she is has been a state resident for the 12 months preceding his or her application for admission.

This bill eliminates all of these residency requirements, but gives priority to residents over nonresidents. The bill establishes a priority system within each of the four priority levels described above. Under the system, state residents who have resided in the state for more than 6 continuous months before the date of application have first priority, other state residents have second priority, and nonresidents have third priority.

Current law also imposes certain state residency requirements for being buried in a state veterans cemetery. A person who dies while on active duty in the U.S.

armed forces is eligible for burial in a state veterans cemetery if he or she was a state resident at the time he or she entered service (eligible service member). An honorably-discharged veteran is eligible if he or she was a resident of the state at the time he or she entered the service or at the time of his or her death (eligible veteran). With a limited exception, a spouse or dependent child of an eligible service member or eligible veteran may also be buried in a state veterans cemetery, regardless of state residency.

This bill expands eligibility for burial in a state veterans cemetery to include anyone who is a resident of a state veterans home. The bill also requires DVA to maintain a waiting list for each cemetery and to give priority to state residents over nonresidents.

For further information see the *state and local* 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:

SECTION 1. 45.02 (2) (intro.) of the statutes is amended to read:

45.02 (2) (intro.) Except as provided in sub. (3) and s. 45.51 (6m), to be eligible for benefits under this chapter an applicant shall be a resident of and living in this state at the time of making application or the veteran from whom the applicant derives eligibility is deceased, and the veteran from whom eligibility is derived meets one of the following conditions:

SECTION 2. 45.51 (2) (b) 1. of the statutes is repealed.

SECTION 3. 45.51 (3) (c) 1. (intro.) of the statutes is amended to read:

45.51 (3) (c) 1. (intro.) The categories for the order of priority for admission to a veterans home shall be as follows:

SECTION 4. 45.51 (3) (c) 1m. of the statutes is created to read:

45.51 (3) (c) 1m. Within each category specified in subd. 1., the following order of priority shall apply:

a. A person who is a resident of the state on the date of application for membership in a veterans home and who has been residing continuously in the state

for a period of more than 6 months immediately preceding the date of application for membership has first priority for admission.

b. A person who is a resident of the state on the date of application for membership in a veterans home and who has been residing continuously in the state for a period of 6 months or less immediately preceding the date of application for membership has 2nd priority for admission.

c. A person who is not a resident of the state on the date of application for membership in a veterans home has 3rd priority for admission.

SECTION 5. 45.51 (5) (intro.) of the statutes is amended to read:

45.51 (5) ADDITIONAL ELIGIBILITY REQUIREMENTS OF A SURVIVING SPOUSE. (intro.) The surviving spouse of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of the veteran's death~~ is eligible if the surviving spouse meets the requirements of sub. (2) (b) 3. to 5. and if the surviving spouse satisfies all of the following conditions:

SECTION 6. 45.51 (5) (f) of the statutes is repealed.

SECTION 7. 45.51 (6) (intro.) of the statutes is amended to read:

45.51 (6) ADDITIONAL ELIGIBILITY REQUIREMENTS OF PARENTS. (intro.) The parent of a person under sub. (2) (a) 1. or 2. ~~who was a resident of this state at the time of the person's death or, the parent of a living person under sub. (2) (a) 1. or 2. who is eligible for membership, or the parent of a person who died while in the service~~ is eligible if the parent meets the requirements of sub. (2) (b) 3. to 5. and if the parent satisfies all of the following conditions:

SECTION 8. 45.51 (6) (b) of the statutes is repealed.

SECTION 9. 45.51 (6m) of the statutes is created to read:

45.51 **(6m)** RESIDENCY. In order to be eligible for benefits under this subchapter, a person specified under sub. (2) (a) 1., 2., or 3. does not have to be a resident of this state on the date of application for membership.

SECTION 10. 45.61 (2) (f) of the statutes is created to read:

45.61 **(2)** (f) A person who is a member of a veterans home under s. 45.50.

SECTION 11. 45.61 (4) of the statutes is renumbered 45.61 (4) (a).

SECTION 12. 45.61 (4) (b) of the statutes is created to read:

45.61 **(4)** (b) In processing applications for burial plots, the department shall maintain a waiting list for each of the cemeteries operated under sub. (1) and shall give priority to state residents on each waiting list.

SECTION 9349. Initial applicability; Veterans Affairs.

(1) MEMBERSHIP IN VETERANS HOMES. The treatment of sections 45.02 (2) (intro.) and 45.51 (2) (b) 1., (5) (intro.) and (f), (6) (intro.) and (b), and (6m) of the statutes first applies to applications that are received by a veterans home on the effective date of this subsection.

(END)