



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 150**

May 6, 2019 - Offered by Representative KULP.

1 **AN ACT to amend** 45.85 (1) and 45.85 (2); and **to create** 20.485 (2) (cm) and 45.85
2 (2m) of the statutes; **relating to:** care of the graves of veterans and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Veterans Affairs to reimburse cities, villages, and towns for costs incurred in the care of veterans' graves, subject to the following limitations:

1. A city, village, or town may receive reimbursement only for amounts in excess of any amount paid by the applicable county. Under current law, counties must reimburse cities, villages, and towns for amounts expended for the care of veterans' graves.

2. A city, village, or town may not receive more than \$5 per grave per fiscal year.

3. All cities, villages, and towns located in the same county may not receive more than a total of \$10,000 under the bill per fiscal year.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

2019-20 2020-21

3 **20.485 Veterans affairs, Department of**

4 (2) LOANS AND AIDS TO VETERANS

5 (cm) Care of graves; local assistance GPR A 720,000 720,000

6 **SECTION 2.** 20.485 (2) (cm) of the statutes is created to read:

7 20.485 (2) (cm) *Care of graves; local assistance.* The amounts in the schedule
8 for the purpose of making reimbursement payments to municipalities under s. 45.85
9 (2m) for expenses incurred in caring for veterans’ graves.

10 **SECTION 3.** 45.85 (1) of the statutes is amended to read:

11 45.85 (1) Every town board, village board, ~~or~~ and common council of every city
12 shall at all times see that the graves and tombstones of all veterans, including
13 women’s auxiliary organizations created by act of Congress, who shall at any time
14 have served in any branch of the armed forces of the United States, and of the spouses
15 or surviving spouses of all those veterans, receive proper and decent care, and may
16 employ all necessary assistance to carry out this section. The Subject to
17 reimbursement under subs. (2m) and (3), the expense of the care of the graves and
18 tombstones shall be borne by the county where the graves are located, except where
19 suitable care is otherwise provided by a veterans organization. The amount of
20 expense charged the county for the care may not exceed the charge made for the care
21 of other graves in the same cemetery. Care is not proper and decent under this
22 subsection unless it includes keeping headstones free of mildew, clean, upright, and
23 level, with grass mowed below the level of the engravings if the headstone is upright.

1 **SECTION 4.** 45.85 (2) of the statutes is amended to read:

2 45.85 (2) ~~The governing body specified in sub. (1)~~ Each city, village, or town
3 shall report to the county clerk of its county, on or before September 1 of each year,
4 the locations of the graves cared for by the governing body under sub. (1), including
5 the name and location of the cemetery, together with the names of the deceased and
6 the amount ~~claimed~~ expended for care of the graves for the fiscal year from the
7 previous July 1 to June 30. The report shall certify that all graves cared for by the
8 city, village, or town for which reimbursement is sought have received care that is
9 proper and decent, as required under sub. (1).

10 **SECTION 5.** 45.85 (2m) of the statutes is created to read:

11 45.85 (2m) (ag) In addition to any reimbursement amount paid under sub. (3),
12 each city, village, or town may submit an application for reimbursement under this
13 subsection. The application shall include all of the following:

14 1. All information required in the report under sub. (2).

15 2. A certification that all graves cared for by the city, village, or town for which
16 reimbursement is sought have received care that is proper and decent, as required
17 under sub. (1).

18 3. A statement of all amounts the city, village, or town received from the county
19 under sub. (3) for the relevant fiscal year.

20 (ar) From the appropriation under s. 20.485 (2) (cm) and subject to the
21 limitations under par. (b), the department shall reimburse each city, village, or town
22 for the expenditure amounts shown in its application for reimbursement under par.
23 (ag) that exceed the amounts received under sub. (3) for the relevant fiscal year.

24 (b) 1. All cities, villages, and towns located in the same county may not receive
25 more than \$10,000 under par. (ar) in the aggregate for any fiscal year. If the

1 aggregate amount of expenditures shown in all applications for reimbursement
2 submitted under par. (ag) by cities, villages, and towns located in the same county
3 exceeds \$10,000 for a fiscal year, the department shall prorate the amounts paid
4 under par. (ar) among those cities, villages, and towns.

5 2. No city, village, or town may receive a reimbursement under par. (ar) for any
6 fiscal year that exceeds \$5 per grave cared for under sub. (1).

7 **SECTION 6. Effective date.**

8 (1) This act takes effect on the day after publication, or on the 2nd day after
9 publication of the 2019 biennial budget act, whichever is later.

10 (END)