

**ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
CREATING RULES**

The Wisconsin Department of Veterans Affairs proposes an order creating Chapter VA 17 of the Wisconsin Administrative Code relating to the administration of the military funeral honors program.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: s. 45.35 (3), Stats.

Statute interpreted: s. 45.19, Stats.

The creation of chapter VA 17 will enable the Wisconsin department of veterans affairs to address several issues relating to the administration of the military funeral honors program under s. 45.19, Stats. The proposed order will provide a stipend payment, up to the statutory maximum, based upon the level of honors provided by a veterans organization. Additionally, the proposed order will impose a training and certification requirement for stipend reimbursement, as well as requiring a veterans organization to apply for available federal funding prior to the payment of a stipend. The proposed order also provides that burials in a state veterans cemetery will be accompanied by the provision of honors, unless the family requests that honors not be provided. Finally, the proposed order identifies the requirements applicable to the provision of a special burial coin to family members.

TEXT OF RULE

SECTION 1: Chapter VA 17 is created to read:

MILITARY FUNERAL HONORS PROGRAM

VA 17.01 Definitions. In this chapter:

- (1) "Department" means the department of veterans affairs.
- (2) "Military funeral honors coin" means a coin created by the department for presentation with a flag during military funeral honors.
- (3) "Military funeral honors team" means a team of individuals employed by the department for the purpose of providing military funeral honors.
- (4) "Veterans organization" means a local unit of a member organization of the council of veterans programs, as identified in s. 15.497 (2), Stats.

VA 17.02 Process for arranging military funeral honors. Except as provided under s.VA 17.04, a funeral director or a family member may initiate a request for military funeral honors by contacting the department. Upon verification of the individual's eligibility through a review of the individual's discharge documents or other trustworthy documentation, the department shall coordinate the provision of military funeral honors under s.VA 17.03.

VA 17.03 Provision of military funeral honors. The following types of honors may be rendered for a deceased veteran:

(1) **BASIC HONORS.** The department shall arrange for the attendance at a funeral of at least two uniformed service representatives. At least one of these representatives shall be from the branch of service of the deceased. Taps shall be sounded and a flag shall be folded and presented to the next of kin. Taps may be sounded in person or with the aid of an electronic device provided by a military funeral honors team, military service personnel, or a veterans organization.

(2) **FULL HONORS.** Upon the request of the family and when available, the department shall arrange for a firing detail of at least three individuals in addition to the honors provided under sub. (1).

VA 17.04 Military funeral honors at state veterans cemeteries. Military funeral honors shall be provided at a cemetery operated by the department under ss. 45.358 or 45.37, Stats., unless a family directs the department not to perform any honors. The family shall be notified of the department's intent to provide military funeral honors when the burial arrangements are being made. To the extent practicable, a military funeral honors team shall perform the honors. If requested by the family, a veterans organization may assist the funeral honors team in providing honors or provide military funeral honors in lieu of a military funeral honors team.

VA 17.05 Eligibility, reimbursement and training and certification for providing military funeral honors.

(1) **ELIGIBILITY.** In order to receive reimbursement for providing military funeral honors, a veterans organization shall do all of the following:

(a) Complete and file with the department a Taxpayer Identification Number Verification Form.

(b) Submit a request for reimbursement on a form developed by the department, within 90 days of providing military funeral honors.

(2) **REIMBURSEMENT.** (a) Reimbursement to veterans organizations for providing military funeral honors shall be as follows:

1. If a single veterans organization provides basic honors, \$25.

2. If a single veterans organization provides full honors, \$50.

3. If two or more veterans organizations participate in providing full honors and one of the organizations provides a firing detail, \$50. The organizations may request that the department split the reimbursement.
4. If two or more veterans organizations participate in providing basic honors, \$25. Payment shall be to one veterans organization, as determined by the department.

(b) A veterans organization may not receive an honorarium or donation or request payment from the funeral home or the family for military funeral honors for which reimbursement is sought under this section.

(c) Notwithstanding par. (a) the department may not reimburse a veterans organization if federal funding is available to reimburse the veterans organization for providing military funeral honors. The veterans organization shall request reimbursement from federal sources. If a veterans organization receives federal funding for providing military funeral honors at one funeral in a day, the department may reimburse the organization for the provision of military funeral honors at any additional funerals on that day.

(3) TRAINING AND CERTIFICATION. Effective July 1, 2004, a veterans organization shall satisfactorily complete or be scheduled for a training and certification program approved by the department to be eligible to receive reimbursement for providing funeral honors. As a continuing condition of eligibility for reimbursement, a veterans organization having a 60% or greater turnover in personnel in a 12 month period or identified by the department as failing to meet minimal requirements in the provision of military funeral honors shall undergo and successfully complete a refresher training program approved by the department.

VA 17.06 Military funeral honors coin. At the request of a veterans organization, the department may authorize a veterans organization to present a military funeral honors coin to the family in conjunction with the provision of military funeral honors under the following circumstances:

(1) A veteran organization shall be scheduled or have satisfactorily completed the funeral honors training and certification program approved by the department.

(2) A veterans organization shall agree to purchase the coins directly from the vendor approved by the department or from the department.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, February 5, 2004

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

JOHN A. SCOCOS, SECRETARY