

# State of Wisconsin



2023 Assembly Bill 1079

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

AN ACT *to repeal* 45.61 (2) (am), 45.61 (2) (b), 45.61 (2) (c) (intro.), 45.61 (2) (c) 3., 45.61 (2) (e), 45.61 (5) (b), 230.212 and 322.120 (3) (a) 2.; *to renumber and amend* 45.61 (5) (a); *to amend* 16.53 (1) (d) 1., 45.61 (2) (a), 45.61 (2) (c) 1., 45.61 (2) (c) 2., 45.61 (2) (d), 45.61 (3), 45.61 (4) (a) and 230.05 (7); and *to create* 16.53 (1) (d) 5. and 230.212 of the statutes; **relating to:** employment of direct-care employees by veterans homes, eligibility for burial in veterans cemeteries, and elements of sexual assault under the Wisconsin Code of Military Justice.

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

**SECTION 1.** 16.53 (1) (d) 1. of the statutes is amended to read:

16.53 (1) (d) 1. The secretary, with the approval of the joint committee on employment relations, shall fix the time and frequency for payment of salaries due elective and appointive officers and employees of the state. As Except as provided in subd. 5., as determined under this subdivision, the salaries shall be paid either monthly, semimonthly or for each 2-week period.

**SECTION 2.** 16.53 (1) (d) 5. of the statutes is created to read:

16.53 (1) (d) 5. Beginning on April 1, 2025, at the request of the employee, the salary for an employee who provides direct care to residents of a veterans home, as defined in s. 45.01 (12m), shall be paid on a weekly basis.

**SECTION 3.** 45.61 (2) (a) of the statutes is amended to read:

45.61 (2) (a) A person who died while on active duty or who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable ~~and who was a resident of this state at the time of his~~

~~or her entry into active service~~ and his or her dependent child and surviving spouse.

**SECTION 4.** 45.61 (2) (am) of the statutes is repealed.

**SECTION 5.** 45.61 (2) (b) of the statutes is repealed.

**SECTION 6.** 45.61 (2) (c) (intro.) of the statutes is repealed.

**SECTION 7.** 45.61 (2) (c) 1. of the statutes is amended to read:

45.61 (2) (c) 1. Is The spouse or dependent child of a person who is serving on active duty at the time of the spouse's or dependent child's death ~~if the person was a resident of this state at the time of his or her entry or reentry into active service.~~

**SECTION 8.** 45.61 (2) (c) 2. of the statutes is amended to read:

45.61 (2) (c) 2. ~~Was a resident of this state at the time of his or her entry or reentry into active service and~~ The spouse of a person who was discharged or released from active duty in the U.S. armed forces under honorable conditions.

**SECTION 9.** 45.61 (2) (c) 3. of the statutes is repealed.

**SECTION 10.** 45.61 (2) (d) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

45.61 (2) (d) A person who was a resident of this state at the time of his or her entry or reentry into service served in any a national guard or a reserve component of the U.S. armed forces or who was a resident of this state for at least 12 consecutive months immediately preceding his or her death, and the person's spouse, surviving spouse, and dependent children, if the person is eligible for burial in a national cemetery under 38 USC 2402.

**SECTION 11.** 45.61 (2) (e) of the statutes is repealed.

**SECTION 12.** 45.61 (3) of the statutes is amended to read:

45.61 (3) FEES AND COSTS. The department may charge a fee for burials under this section and may promulgate rules for the assessment of any fee. The cost of preparing the grave and the erection of a marker for a person described under sub. (2) (a), ~~(b)~~, or (d), ~~or (e)~~ shall be paid from the appropriation under s. 20.485 (1) (gk).

**SECTION 13.** 45.61 (4) (a) of the statutes is amended to read:

45.61 (4) (a) Application for burial shall be made to the department. The surviving spouse of the person described under sub. (2) (a), ~~(b)~~, or (d), ~~or (e)~~, if that person is interred at the Central Wisconsin Veterans Memorial Cemetery, shall have the privilege of selecting a plot next to that person if available. The department shall hold the plot for the surviving spouse for a period of one year from the date of granting the privilege, but may extend the hold, on request, for additional one-year periods.

**SECTION 14.** 45.61 (5) (a) of the statutes is renumbered 45.61 (5) and amended to read:

45.61 (5) Expenses incident to the burial under this section of persons described in sub. (2) (a) and (b) to (e) shall be paid from the estate of the decedent, except that if there is no estate or the estate is insufficient, the expense of burial, or necessary part of the burial, shall be paid from the appropriation accounts under s. 20.485 (4) (g), (m), or (q) or, for members of veterans homes, from the appropriation account under s. 20.485 (1) (gk) ~~for members of veterans homes, and the.~~ The amount expended for those expenses under this subsection shall not exceed the amount established for funeral and burial expenses under s. 49.785 (1) (b).

**SECTION 15.** 45.61 (5) (b) of the statutes is repealed.

**SECTION 16.** 230.05 (7) of the statutes is amended to read:

230.05 (7) ~~The~~ Except as provided in s. 230.212 (1), the director shall use techniques and procedures designed to certify eligible applicants to any vacant permanent position within 30 days after the filing of an appropriate request by an appointing authority.

**SECTION 17.** 230.05 (7) of the statutes, as affected by 2023 Wisconsin Act .... (this act), is amended to read:

230.05 (7) ~~Except as provided in s. 230.212 (1),~~ the The director shall use techniques and procedures designed to certify eligible applicants to any vacant permanent position within 30 days after the filing of an appropriate request by an appointing authority.

**SECTION 18.** 230.212 of the statutes is created to read:

**230.212 Veterans homes recruiting.** (1) The director shall use techniques and procedures designed to certify eligible applicants to any vacant permanent position at a veterans home, as defined in s. 45.01 (12m), within 7 business days after the filing of an appropriate request from the department of veterans affairs. Notwithstanding s. 230.25 (3), the director shall maintain a register of certified eligible applicants for veterans homes until notified by the department of veterans affairs that the department no longer needs that register of certified eligible applicants.

(2) The director shall allow a veterans home, as defined in s. 45.01 (12m), to fill permanent vacant positions for nurses, nurse aides, medical assistants, and dietitians who are graduates of an institution of higher education or completed an instructional or training program in this state without using the procedures established under this subchapter if all of the following apply:

(a) The offer of employment is made before the individual graduates from the institution of higher education or completes a training or instructional program.

(b) For a nursing position, the individual is eligible to be licensed under ch. 441.

(c) For a nurse aide position, the instructional program the individual completed was approved under s. 146.40 (3) or (3g).

(d) For a medical assistant position, the training program the individual completed was accredited by the National Commission for Certifying Agencies, a national medical association, or a state medical association.

(e) For a dietitian position, the individual is eligible to be certified under subch. V of ch. 448.

(e) The offer of employment is contingent upon graduation or successful completion of a training program.

(3) Notwithstanding s. 230.16, the director shall exempt from rating panels and interview panels any applicant for a position that is not supervisory and that provides direct care to a resident of a veterans home, as defined in s. 45.01 (12m).

**SECTION 19.** 230.212 of the statutes, as created by 2023 Wisconsin Act .... (this act), is repealed.

**SECTION 20.** 322.120 (3) (a) 2. of the statutes is repealed.

**SECTION 21. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of s. 230.05 (7) (by SECTION 17) and the repeal of s. 230.212 take effect on January 1, 2029.