



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5805/1
MJW:klm

2023 ASSEMBLY BILL 1104

February 20, 2024 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

AN ACT *to repeal* 45.03 (13) (j), 45.03 (13) (k), 45.04 (1) (intro.) and 45.04 (1) (b); *to renumber and amend* 45.04 (1) (a); *to amend* 16.283 (1) (c), 20.485 (2) (rm), 45.03 (3) (a), 45.03 (3) (b), 45.03 (13) (f) 2., 45.04 (2), 45.04 (3), 45.04 (5), 45.04 (8), 45.05, 45.08 (1), 45.08 (2), 45.60 (1) (b), 45.60 (2), 45.82 (1) and 69.30 (1) (bm); and *to create* 45.01 (4m) of the statutes; **relating to:** the Council on Veterans Programs; county veterans service offices; repealing expired programs within the Department of Veterans Affairs; mental health services for post-traumatic stress disorder; and celebration of Memorial Day (suggested as remedial legislation by the Department of Veterans Affairs).

Analysis by the Legislative Reference Bureau

This bill 1) defines “council” for the purposes of the Veterans Affairs chapter to mean the Council on Veterans Programs and amends statutory references within the chapter accordingly, 2) amends references to county veterans service offices in chapter 45 of the statutes for consistency, and 3) repeals from the statutes

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governing the Department of Veterans Affairs two grant programs, one that expired in 2007 and one that expired in 2011.

The bill also clarifies that DVA must provide information on the availability of and referrals for medical or mental health services for post-traumatic stress disorder.

Additionally, the bill removes May 30 as a description of Memorial Day in the statutes and amends the grammar describing government workers' leaves of absence for Memorial Day.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Veterans Affairs and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy, or has determined that the statutes treated in this bill are in need of revision.

SECTION 1. 16.283 (1) (c) of the statutes is amended to read:

16.283 (1) (c) "Duly authorized representative" has the meaning given in s. ~~45.04 (1) (a)~~ 45.01 (6m).

NOTE: SECTION 1 amends a cross-reference consistent with the renumbering of s. 45.04 (1) (a) by SECTION 10.

SECTION 2. 20.485 (2) (rm) of the statutes is amended to read:

20.485 (2) (rm) *Veterans assistance programs*. Biennially, the amounts in the schedule for general program operations of the veterans assistance program under s. 45.43 and for grants under s. ~~45.03 (13) (j)~~.

SECTION 3. 45.01 (4m) of the statutes is created to read:

45.01 (4m) "Council" means the council on veterans programs created under s. 15.497 (2).

NOTE: SECTION 3 creates the definition "council" for the Council on Veterans Programs, a body currently housed within the Department of Veterans Affairs.

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SECTIONS 4, 5, 19, and 20 replace existing references to the Council on Veterans Programs with references to the new definition.

SECTION 4. 45.03 (3) (a) of the statutes is amended to read:

45.03 (3) (a) The council ~~on veterans programs created under s. 15.497~~ shall advise the board and the department on solutions and policy alternatives relating to the problems of veterans.

SECTION 5. 45.03 (3) (b) of the statutes is amended to read:

45.03 (3) (b) The council ~~on veterans programs~~ and the department, jointly or separately, shall submit a report regarding the council ~~on veterans programs~~ to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) by September 30 of every odd-numbered year. The report shall include a general summary of the activities and membership over the past 2 years of the council and each organization on the council.

SECTION 6. 45.03 (13) (f) 2. of the statutes is amended to read:

45.03 (13) (f) 2. Information on the availability of post-traumatic stress disorder medical or mental health services and referrals to those services.

NOTE: Under current law, the Department of Veterans Affairs must provide certain services related to post-traumatic stress disorder to service members and veterans. To fulfill this requirement, the department may provide information on the availability of medical services and referrals. SECTION 6 specifies that, if the department provides this information, it must also include information on the availability of mental health services and referrals.

SECTION 7. 45.03 (13) (j) of the statutes is repealed.

NOTE: SECTION 7 repeals an obsolete grant program to identify, train, and place volunteers to assist certain persons who return to this state after serving on active duty. The program expired on July 1, 2011. SECTION 2 removes the appropriation for this program.

SECTION 8. 45.03 (13) (k) of the statutes is repealed.

NOTE: SECTION 8 repeals an obsolete grant program for certain housing

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authorities to supplement the housing costs of chronically homeless veterans and their families. The program expired after the 2006-07 fiscal year.

SECTION 9. 45.04 (1) (intro.) of the statutes is repealed.

NOTE: SECTION 9 repeals introductory material pertaining to definitions that are either repealed or renumbered by this bill.

SECTION 10. 45.04 (1) (a) of the statutes is renumbered 45.01 (6m) and amended to read:

45.01 (6m) “Duly authorized representative” means any person authorized in writing by the veteran to act for the veteran, the veteran’s guardian if the veteran is adjudicated incompetent, or a legal representative of the estate if the veteran is deceased. Where for proper reason no representative has been or will be appointed, the veteran’s spouse, an adult child, or, if the veteran is unmarried, either parent of the veteran shall be recognized as the duly authorized representative.

NOTE: SECTION 10 renumbers a definition so that it appears at the beginning of ch. 45, consistent with current style. It also amends the definition to clarify that a “legal representative” is a “legal representative of the estate” of a deceased veteran.

SECTION 11. 45.04 (1) (b) of the statutes is repealed.

NOTE: SECTION 11 repeals the definition of “service office.” SECTIONS 12, 13, 14, 15, 21, and 22 make conforming changes to reflect the repeal of this definition.

SECTION 12. 45.04 (2) of the statutes is amended to read:

45.04 (2) SEPARATION DOCUMENTS. Separation documents and copies of separation documents evidencing service in the armed forces of the U.S. are confidential and privileged. Examination of these records in the possession of the department or county veterans service office is limited to authorized employees of the department or county veterans service office and information entered in these records may be disclosed only to veterans and their duly authorized representatives

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or to interested governmental agencies for the purpose of assisting veterans and their dependents to obtain the rights and benefits to which they may be entitled.

SECTION 13. 45.04 (3) of the statutes is amended to read:

45.04 (3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS. Records and papers in the possession of the department or county veterans service office that are released to the department or county veterans service office by the U.S. department of veterans affairs or that contain information provided by the U.S. department of veterans affairs are confidential. Release of information from these records or papers may be made only under regulations of the U.S. department of veterans affairs.

SECTION 14. 45.04 (5) of the statutes is amended to read:

45.04 (5) VITAL RECORDS. The county veterans service office may obtain a copy of a vital record under s. 69.30 (2) and may transmit the copy to the department or to the U.S. department of veterans affairs to assist a veteran or his or her dependent in obtaining a benefit.

SECTION 15. 45.04 (8) of the statutes is amended to read:

45.04 (8) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to (6), all files, records, reports, papers, and documents pertaining to applications for benefits from the department, and information contained in them, may be released by the department or county veterans service office only under rules of the department. The rules shall provide for the furnishing of information required under sub. (7) and for official purposes by any agency of the U.S. government, by any agency of this state, by any law enforcement, social services, or human services

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agency of any Wisconsin county, or by members of the state senate and assembly. The rules shall otherwise provide for release of personal information pertaining to or contained in any application for benefits, whether pending or adjudicated, only when authorized in writing by the applicants or when necessary to assist applicants in securing veterans benefits that the applicants may be entitled to or when necessary for the efficient management of loans made by the department.

SECTION 16. 45.05 of the statutes is amended to read:

45.05 Registration of certificate of discharge. Every person who has served in the U.S. armed forces at any time, and who has been honorably discharged or given a certificate of service or relieved from active service may record with the register of deeds of any county, in a suitable book provided by the county for that purpose, a certificate of discharge or release. The certificate shall be accessible only to the discharged person or that person's dependents or duly authorized representative, ~~as defined in s. 45.04 (1) (a),~~ the county veterans service officer, the department, or any person with written authorization from the discharged person or that discharged person's dependents. The register of deeds may not charge for recording, except that in counties where the register of deeds is under the fee system and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag). The record of any certificate of discharge or release made prior to July 6, 1919, is legalized.

NOTE: SECTION 16 removes a cross-reference rendered unnecessary by the renumbering of s. 45.04 (1) (a) by SECTION 10.

SECTION 17. 45.08 (1) of the statutes is amended to read:

45.08 (1) Every department and agency of the state government, every court

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of the state, and every political subdivision of the state, shall give a leave of absence with pay for the last Monday in May of each year, the day of celebration for ~~May 30,~~ Memorial Day, to every person in the employ of the state or political subdivision who has at any time served in and been honorably discharged from the U.S. armed forces or from forces incorporated as part of the U.S. armed forces. A refusal to give the leave of absence to a person entitled to the leave constitutes neglect of duty.

NOTE: SECTION 17 removes redundant language describing the legal holiday that occurs on the last Monday in May.

SECTION 18. 45.08 (2) of the statutes is amended to read:

45.08 (2) If the nature of the duties of the department, agency, court, or political subdivision necessitates the employment of persons eligible for a leave of absence under sub. (1), the department, agency, court, or political subdivision shall arrange and assign the necessary work so as to permit the largest possible numbers of eligible persons to have a leave of absence for either all or part of Memorial Day.

NOTE: SECTION 18 conforms grammar to current style.

SECTION 19. 45.60 (1) (b) of the statutes is amended to read:

45.60 (1) (b) Military funeral honors may be provided by local units of member organizations of the council ~~on veterans programs~~, by local units of veterans organizations certified by the department to provide military funeral honors, by members of the Wisconsin national guard activated under s. 321.04 (2) (e), or by staff of the department.

SECTION 20. 45.60 (2) of the statutes is amended to read:

45.60 (2) STIPENDS. From the appropriation under s. 20.485 (2) (sm), the department shall reimburse a local unit of a member organization of the council ~~on veterans programs~~ or a local unit of a veterans organization certified by the

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department to provide military funeral honors for the costs of providing military funeral honors in this state to a person described in sub. (1). The reimbursement may not exceed \$50 for each funeral for which military honors are provided.

SECTION 21. 45.82 (1) of the statutes is amended to read:

45.82 (1) Each county may annually apply to the department for a grant for the improvement of service to former military personnel of the county through the county veterans service office. A county may not allocate any portion of a grant for use by another county department nor may the county reduce funding to a county veterans service office based upon receipt of a grant. The county veterans service officer of any county applying for the grant shall enter into an agreement with the department. The agreement shall state the goals and objectives to be attained by the county veterans service office during the remainder of the year covered by the grant application. The department shall prepare the basic form of this agreement in consultation with the county veterans service officers association and provide a copy and an explanation of that agreement to each county veterans service officer. The department shall develop reasonable budget and operating standards to assure improved services, but full operating control of the county veterans service office shall be left to each county.

SECTION 22. 69.30 (1) (bm) of the statutes is amended to read:

69.30 (1) (bm) "Service office" ~~has the meaning given in s. 45.04 (1) (b)~~ means a county veterans service office.

(END)