



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4809/P3
MJW:wlj&skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 45.04 (1) (intro.) and 45.04 (1) (b); *to renumber and amend*
2 45.04 (1) (a); and *to amend* 16.283 (1) (c), 45.04 (2), 45.04 (3), 45.04 (5), 45.04
3 (8), 45.05, 45.82 (1) and 69.30 (1) (bm) of the statutes; **relating to:** county
4 veterans service offices (suggested as remedial legislation by the Department
5 of Veterans Affairs).

Analysis by the Legislative Reference Bureau

This bill amends references to county veterans service offices in chapter 45 of the statutes for consistency.

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

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 changes to statutes or session laws that the Law Revision Committee determined to be in need of revision.

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

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 this bill.

SECTION 2. 45.04 (1) (intro.) of the statutes is repealed.

NOTE: SECTION 2 repeals introductory material pertaining to definitions that are either repealed or renumbered by this bill.

SECTION 3. 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 3 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 4. 45.04 (1) (b) of the statutes is repealed.

NOTE: SECTION 4 repeals the definition of “service office.” SECTIONS 5 to 8, 10, and 11 make conforming changes to reflect the repeal of this definition.

****NOTE: Check autoreferenced section numbers in the above note if this bill is compiled with others for introduction.

SECTION 5. 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

1 department or county veterans service office and information entered in these
2 records may be disclosed only to veterans and their duly authorized representatives
3 or to interested governmental agencies for the purpose of assisting veterans and
4 their dependents to obtain the rights and benefits to which they may be entitled.

5 **SECTION 6.** 45.04 (3) of the statutes is amended to read:

6 45.04 (3) U.S. DEPARTMENT OF VETERANS AFFAIRS RECORDS. Records and papers
7 in the possession of the department or county veterans service office that are
8 released to the department or county veterans service office by the U.S. department
9 of veterans affairs or that contain information provided by the U.S. department of
10 veterans affairs are confidential. Release of information from these records or
11 papers may be made only under regulations of the U.S. department of veterans
12 affairs.

13 **SECTION 7.** 45.04 (5) of the statutes is amended to read:

14 45.04 (5) VITAL RECORDS. The county veterans service office may obtain a copy
15 of a vital record under s. 69.30 (2) and may transmit the copy to the department or
16 to the U.S. department of veterans affairs to assist a veteran or his or her dependent
17 in obtaining a benefit.

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

19 45.04 (8) DISCLOSURE OF OTHER INFORMATION. Except as provided in subs. (2) to
20 (6), all files, records, reports, papers, and documents pertaining to applications for
21 benefits from the department, and information contained in them, may be released
22 by the department or county veterans service office only under rules of the
23 department. The rules shall provide for the furnishing of information required
24 under sub. (7) and for official purposes by any agency of the U.S. government, by any
25 agency of this state, by any law enforcement, social services, or human services

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

7 **SECTION 9.** 45.05 of the statutes is amended to read:

8 **45.05 Registration of certificate of discharge.** Every person who has
9 served in the U.S. armed forces at any time, and who has been honorably discharged
10 or given a certificate of service or relieved from active service may record with the
11 register of deeds of any county, in a suitable book provided by the county for that
12 purpose, a certificate of discharge or release. The certificate shall be accessible only
13 to the discharged person or that person's dependents or duly authorized
14 representative, ~~as defined in s. 45.04 (1) (a),~~ the county veterans service officer, the
15 department, or any person with written authorization from the discharged person
16 or that discharged person's dependents. The register of deeds may not charge for
17 recording, except that in counties where the register of deeds is under the fee system
18 and not paid a fixed salary, the county shall pay the fee specified in s. 59.43 (2) (ag).
19 The record of any certificate of discharge or release made prior to July 6, 1919, is
20 legalized.

NOTE: SECTION 9 removes a cross-reference rendered unnecessary by the
renumbering of s. 45.04 (1) (a) by this bill.

21 **SECTION 10.** 45.82 (1) of the statutes is amended to read:

22 **45.82 (1)** Each county may annually apply to the department for a grant for the
23 improvement of service to former military personnel of the county through the

1 county veterans service office. A county may not allocate any portion of a grant for
2 use by another county department nor may the county reduce funding to a county
3 veterans service office based upon receipt of a grant. The county veterans service
4 officer of any county applying for the grant shall enter into an agreement with the
5 department. The agreement shall state the goals and objectives to be attained by the
6 county veterans service office during the remainder of the year covered by the grant
7 application. The department shall prepare the basic form of this agreement in
8 consultation with the county veterans service officers association and provide a copy
9 and an explanation of that agreement to each county veterans service officer. The
10 department shall develop reasonable budget and operating standards to assure
11 improved services, but full operating control of the county veterans service office
12 shall be left to each county.

13 **SECTION 11.** 69.30 (1) (bm) of the statutes is amended to read:

14 69.30 (1) (bm) "Service office" ~~has the meaning given in s. 45.04 (1) (b)~~ means
15 a county veterans service office.

16 (END)