



2011 SENATE BILL 97

May 19, 2011 - Introduced by Senators LEIBHAM, MOULTON and LASEE, cosponsored by Representatives PETERSEN, WYNN, PETRYK, SPANBAUER, A. OTT, KOOYENGA, MURSAU, KESTELL, WILLIAMS, BIES, HONADEL, BALLWEG, JACQUE, KLEEFISCH, PRIDEMORE, LITJENS, RIPP, THIESFELDT, J. OTT and NERISON. Referred to Committee on Economic Development and Veterans and Military Affairs.

1 **AN ACT** *to renumber and amend* 15.49; *to amend* 45.03 (2) and 45.03 (4) (a);
2 and *to create* 15.05 (1m), 15.07 (1) (b) 18m., 15.49 (1), 45.03 (2m) and 227.14
3 (2) (a) 6m. of the statutes; **relating to:** the composition of the Board of Veterans
4 Affairs, the appointment of the Secretary of Veterans Affairs, and direction and
5 supervision of the Department of Veterans Affairs.

Analysis by the Legislative Reference Bureau

Under current law, the Board of Veterans Affairs is composed of seven members appointed by the governor for six-year terms. Under this bill, the number of board members is increased to nine. The bill reduces the length of the term to four years so that all members appointed and confirmed after the date this bill becomes law will be appointed for four-year terms. Under the bill, for each congressional district in the state there must be at least one member of the board who is a resident of that district.

Under current law, all of the members must be veterans, and at least two of the members must be Vietnam War veterans. Under the bill, all of the board members must have served on active duty, but need not have served in any particular war or conflict.

Under current law, the Department of Veterans Affairs (DVA) is under the direction and supervision of the Board of Veterans Affairs. The governor appoints the members of the board, and the board in turn appoints the secretary of veterans affairs. Under this bill, the secretary is appointed by the governor to serve at the

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governor's pleasure subject to confirmation by the senate, and the direction and supervision of DVA is transferred from the board to the secretary. The bill also requires that the secretary be a veteran.

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

1 **SECTION 1.** 15.05 (1m) of the statutes is created to read:

2 15.05 **(1m)** SECRETARY OF VETERANS AFFAIRS. Before making his or her
3 nomination for the secretary of veterans affairs, the governor shall personally
4 consult with the presiding officers of at least 6 Wisconsin veterans organizations.

5 **SECTION 2.** 15.07 (1) (b) 18m. of the statutes is created to read:

6 15.07 **(1)** (b) 18m. Board of veterans affairs.

7 **SECTION 3.** 15.49 of the statutes is renumbered 15.49 (2) and amended to read:

8 15.49 **(2)** There is created a department of veterans affairs ~~under the direction~~
9 ~~and supervision of the~~ and a board of veterans affairs. ~~Except as otherwise provided~~
10 by law, the department shall be under the direction and supervision of the secretary
11 of veterans affairs, who shall be a veteran. The board shall consist of ~~7~~ 9 members
12 who all of whom shall be veterans, including at least ~~2~~ who shall be Vietnam war
13 veterans, ~~The members shall be appointed for staggered 6-year~~ 4-year terms. The
14 board shall be composed so that for each congressional district in the state there is
15 at least one member of the board who is a resident of that district. If a member ceases
16 to reside within the boundaries of the congressional district where he or she resided
17 as that district existed at the time that member's current term began, the member
18 vacates his or her office.

19 **SECTION 4.** 15.49 (1) of the statutes is created to read:

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1 15.49 (1) In this section, “veteran” means a veteran, as defined in s. 45.01 (12)
2 (a) to (f), who has served on active duty, as defined in s. 45.01 (1).

3 **SECTION 5.** 45.03 (2) of the statutes is amended to read:

4 45.03 (2) ~~BOARD FUNCTIONS.~~ RULE-MAKING; RECORDS. The ~~board~~ secretary, after
5 consulting with the board, may promulgate rules necessary to carry out the purposes
6 of this chapter and the powers and duties conferred upon it. The records and files
7 of the department of military affairs and of any other state department or officer
8 shall, upon request, be made available to the secretary or to the board.

9 **SECTION 6.** 45.03 (2m) of the statutes is created to read:

10 45.03 (2m) RULE-MAKING; BOARD COMMENTS. The secretary shall provide the
11 board with a copy of any rule that the department is preparing as a proposed rule
12 under s. 227.14 (1). The board may prepare a report containing written comments
13 and its opinion regarding the proposed rule. In preparing the proposed rule, the
14 department shall include in the analysis under s. 227.14 (2) a copy of any such
15 written comments and opinion.

16 **SECTION 7.** 45.03 (4) (a) of the statutes is amended to read:

17 45.03 (4) (a) The department shall employ staff necessary to carry out its
18 functions. The secretary shall appoint under the classified service such persons as
19 are necessary to carry out the policy of the ~~board~~ department. All persons appointed
20 by the department shall, if possible, be veterans and preference shall be given to
21 disabled veterans.

22 **SECTION 8.** 227.14 (2) (a) 6m. of the statutes is created to read:

23 227.14 (2) (a) 6m. A copy of any comments and opinion prepared by the board
24 of veterans affairs under s. 45.03 (2m) for rules that are proposed by the department
25 of veterans affairs.

SENATE BILL 97**1 SECTION 9. Nonstatutory provisions.**

2 (1) Any incumbent holding the office of secretary of veterans affairs on the
3 effective date of this subsection shall cease to hold office on that date.

4 (2) Notwithstanding section 17.20 (2) of the statutes, any person serving as a
5 member of the board of veterans affairs on the effective date of this subsection whose
6 nomination has not been confirmed by the senate on or before that date may continue
7 to hold office and exercise the powers and duties of that office only until his or her
8 successor is appointed and qualified.

9 (3) Until the membership of the board of veterans affairs comes into compliance
10 with the residency requirements under section 15.49 (2) of the statutes, as affected
11 by this act, the governor, in making appointments under section 15.49 (2) of the
12 statutes, as affected by this act, shall ensure that the residency of the members of the
13 board adheres, to the maximum extent possible, to these residency requirements.

14 (4) (a) Notwithstanding the length of terms specified in section 15.49, 2009
15 stats., and section 15.49 (2) of the statutes, as affected by this act, the members of
16 the board of veterans affairs shall serve the terms as follows:

17 1. The two successors for the members whose terms expired on May 1, 2011,
18 shall serve for terms expiring on May 1, 2015.

19 2. The member who is serving on the board on the effective date of this
20 subdivision and who was appointed for a term beginning on May 1, 2007, shall serve
21 for a term that expires on May 1, 2013.

22 3. The two members who are serving on the board on the effective date of this
23 subdivision and who were appointed for terms beginning on May 1, 2010, shall serve
24 for terms expiring on May 1, 2013.

