

## 2011 DRAFTING REQUEST

### Bill

Received: 05/05/2011

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Lucas Moench**

May Contact:

Drafter: **mglass**

Subject: **Veterans - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Composition, terms and board of veterans affairs

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#### Instructions:

Same as s0096/2

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 05/06/2011	csicilia 05/09/2011	phenry 05/09/2011	_____	ggodwin 05/09/2011	mbarman 05/10/2011	

FE Sent For:

<END>

*None*

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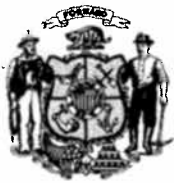
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/?	mglass	1 jjs 5/9 11	5/9 ph	<u>SPH</u>			

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE



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MGG:cjs:md

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ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2011 ~~ASSEMBLY~~ BILL 96

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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.

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

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6 SECTION 1. 15.05 (1m) of the statutes is created to read:  
7 15.05 (1m) SECRETARY OF VETERANS AFFAIRS. Before making his or her  
8 nomination for the secretary of veterans affairs, the governor shall personally  
9 consult with the presiding officers of at least 6 Wisconsin veterans organizations.

10 SECTION 2. 15.07 (1) (b) 18m. of the statutes is created to read:  
11 15.07 (1) (b) 18m. Board of veterans affairs.

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

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

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

14           15.49 (1) In this section, “veteran” means a veteran, as defined in s. 45.01 (12)  
15 (a) to (f), who has served on active duty, as defined in s. 45.01 (1).

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

17           45.03 (2) ~~BOARD FUNCTIONS. RULE-MAKING; RECORDS.~~ The board secretary, after  
18 consulting with the board, may promulgate rules necessary to carry out the purposes  
19 of this chapter and the powers and duties conferred upon it. The records and files  
20 of the department of military affairs and of any other state department or officer  
21 shall, upon request, be made available to the secretary or to the board.

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

23           45.03 (2m) ~~RULE-MAKING; BOARD COMMENTS.~~ The secretary shall provide the  
24 board with a copy of any rule that the department is preparing as a proposed rule  
25 under s. 227.14 (1). The board may prepare a report containing written comments

1 and its opinion regarding the proposed rule. In preparing the proposed rule, the  
2 department shall include in the analysis under s. 227.14 (2) a copy of any such  
3 written comments and opinion.

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

5 45.03 (4) (a) The department shall employ staff necessary to carry out its  
6 functions. The secretary shall appoint under the classified service such persons as  
7 are necessary to carry out the policy of the ~~board~~ department. All persons appointed  
8 by the department shall, if possible, be veterans and preference shall be given to  
9 disabled veterans.

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

11 227.14 (2) (a) 6m. A copy of any comments and opinion prepared by the board  
12 of veterans affairs under s. 45.03 (2m) for rules that are proposed by the department  
13 of veterans affairs.

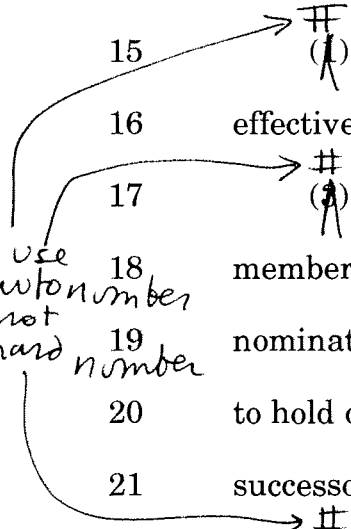
14 **SECTION 9. Nonstatutory provisions.**

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

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

22 ~~(4)~~ Until the membership of the board of veterans affairs comes into compliance  
23 with the residency requirements under section 15.49 (2) of the statutes, as affected  
24 by this act, the governor, in making appointments under section 15.49 (2) of the

use  
auto number  
not  
hard number



1 statutes, as affected by this act, shall ensure that the residency of the members of the  
2 board adheres, to the maximum extent possible, to these residency requirements.

3 *use auto number  
not hand number*  
4 (a) Notwithstanding the length of terms specified in section 15.49, 2009  
5 stats., and section 15.49 (2) of the statutes, as affected by this act, the members of  
6 the board of veterans affairs shall serve the terms as follows:

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

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

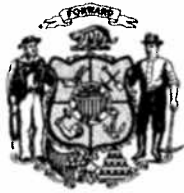
12 3. The two members who are serving on the board on the effective date of this  
13 subdivision and who were appointed for terms beginning on May 1, 2010, shall serve  
14 for terms expiring on May 1, 2013.

15 4. Three of the members whose terms are not specified in subdivisions 1. to 3.  
16 shall serve for terms expiring on May 1, 2017.

17 5. The remaining member whose term is not specified under subdivisions 1. to  
18 4. shall serve for a term expiring on May 1, 2015.

19 (b) For purposes of paragraph (a) 4. and 5., the governor shall determine which  
20 three members will have terms that expire on May 1, 2017, and which member will  
21 have a term that expires on May 1, 2015.

(END)



## 2011 ASSEMBLY BILL 96

April 15, 2011 - Introduced 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, cosponsored by Senators LEIBHAM, MOULTON and LASEE. Referred to Committee on Veterans and Military Affairs.

1 **AN ACT to renumber and amend** 15.49; **to amend** 15.04 (1) (a), 15.05 (1) (b),  
2 45.03 (2) and 45.03 (4) (a); and **to create** 15.05 (1) (am), 15.05 (1) (e) and 15.49  
3 (1) of the statutes; **relating to:** the composition of the Board of Veterans Affairs,  
4 the appointment of the Secretary of Veterans Affairs, and promulgating rules  
5 for the Department of Veterans Affairs.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the secretary of veterans affairs is appointed by the Board of Veterans Affairs to serve at the pleasure of the board. Under this bill, the secretary is appointed by the governor to serve at his or her pleasure subject to confirmation by the senate. Under the bill, before the governor makes his or her appointment, he or she must personally consult with the presiding officers of at least six Wisconsin veterans organizations.

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 ~~three~~ years so that all members appointed and confirmed after the date this bill becomes law will be appointed for ~~three~~ 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

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**ASSEMBLY BILL 96**

must have served on active duty, but need not have served in any particular war or conflict.

Under current law, the secretary of veterans affairs promulgates, with the approval of the board, the rules for administering the Department of Veterans Affairs (DVA) and for performing DVA's duties. Under this bill, the secretary must consult with the Board of Veterans Affairs before promulgating these rules, but approval by the board is not required.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 15.04 (1) (a) of the statutes is amended to read:

15.04 (1) (a) *Supervision.* Except as provided in s. ss. 15.03 and 15.05 (1) (am), plan, direct, coordinate and execute the functions vested in the department or independent agency.

**SECTION 2.** 15.05 (1) (am) of the statutes is created to read:

15.05 (1) (am) For the department of veterans affairs, the secretary of veterans affairs, after consulting with the board of veterans affairs, shall promulgate rules for administering the department of veterans affairs and for performing the duties of the department.

**SECTION 3.** 15.05 (1) (b) of the statutes is amended to read:

15.05 (1) (b) Except as provided in pars. (c) and (d), and (e), if a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board outside the classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy-making, and not administrative. All of the administrative powers and duties of the department are vested in the secretary, to be administered by him or her under the direction of the board. The secretary, with the approval of the board, shall


2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2045/?ins  
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**Insert ANLB**

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 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.*

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**Basford, Sarah**

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**From:** Stephenson, Sean  
**Sent:** Monday, May 09, 2011 7:25 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2045/1 Topic: Composition, terms and board of veterans affairs

Please Jacket LRB 11-2045/1 for the SENATE.