

State of Wisconsin



2011 Assembly Bill 96

Date of enactment: **July 13, 2011**
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2011 WISCONSIN ACT 36

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

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

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

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

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

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

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

15.49 (2) There is created a department of veterans affairs ~~under the direction and supervision of the~~ and a board of veterans affairs. ~~Except as otherwise provided by law, the department shall be under the direction and supervision of the secretary of veterans affairs, who shall be a veteran.~~ The board shall consist of ~~7~~ 9 members ~~who all of whom~~ shall be veterans, ~~including at least 2 who shall be Vietnam war veterans.~~ The members shall be appointed for staggered 6-year 4-year terms. The board shall be composed so that for each congressional district in the state there is at least one member of the board who

is a resident of that district. If a member ceases to reside within the boundaries of the congressional district where he or she resided as that district existed at the time that member's current term began, the member vacates his or her office.

SECTION 4. 15.49 (1) of the statutes is created to read:
15.49 (1) In this section, "veteran" means a veteran, as defined in s. 45.01 (12) (a) to (f), who has served on active duty, as defined in s. 45.01 (1).

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2009–10: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

SECTION 9. Nonstatutory provisions.

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

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

(4) Until the membership of the board of veterans affairs comes into compliance with the residency require-

ments under section 15.49 (2) of the statutes, as affected by this act, the governor, in making appointments under section 15.49 (2) of the statutes, as affected by this act, shall ensure that the residency of the members of the board adheres, to the maximum extent possible, to these residency requirements.

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

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

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

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

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

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

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