



## 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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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.

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

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

2           15.04 (1) (a) *Supervision.* Except as provided in s. ss. 15.03 and 15.05 (1) (am),  
3 plan, direct, coordinate and execute the functions vested in the department or  
4 independent agency.

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

6           15.05 (1) (am) For the department of veterans affairs, the secretary of veterans  
7 affairs, after consulting with the board of veterans affairs, shall promulgate rules for  
8 administering the department of veterans affairs and for performing the duties of the  
9 department.

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

11          15.05 (1) (b) Except as provided in pars. (c) ~~and~~, (d), and (e), if a department  
12 is under the direction and supervision of a board, the board shall appoint a secretary  
13 to serve at the pleasure of the board outside the classified service. In such  
14 departments, the powers and duties of the board shall be regulatory, advisory and  
15 policy-making, and not administrative. All of the administrative powers and duties  
16 of the department are vested in the secretary, to be administered by him or her under  
17 the direction of the board. The secretary, with the approval of the board, shall

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1 promulgate rules for administering the department and performing the duties  
2 assigned to the department, except as provided in par. (am).

3 **SECTION 4.** 15.05 (1) (e) of the statutes is created to read:

4 15.05 (1) (e) The secretary of veterans affairs shall be nominated by the  
5 governor, and with the advice and consent of the senate appointed, to serve at the  
6 pleasure of the governor. Before making his or her nomination, the governor shall  
7 personally consult with the presiding officers of at least 6 Wisconsin veterans  
8 organizations.

9 **SECTION 5.** 15.49 of the statutes is renumbered 15.49 (2) and amended to read:

10 15.49 (2) There is created a department of veterans affairs under the direction  
11 and supervision of the board of veterans affairs. The board shall consist of 7 9  
12 members who all of whom shall be veterans, ~~including at least 2 who shall be~~  
13 ~~Vietnam war veterans, who have served on active duty.~~ The members shall be  
14 appointed for staggered 6-year 3-year terms. The board shall be composed so that  
15 for each congressional district in the state there is at least one member of the board  
16 who is a resident of that district. If a member ceases to reside within the boundaries  
17 of the congressional district where he or she resided as that district existed at the  
18 time that member's current term began, the member vacates his or her office.

19 **SECTION 6.** 15.49 (1) of the statutes is created to read:

20 15.49 (1) In this section, "veteran" has the meaning given in s. 45.01 (12) (a)  
21 to (d).

22 **SECTION 7.** 45.03 (2) of the statutes is amended to read:

23 45.03 (2) ~~BOARD FUNCTIONS. RULE-MAKING; RECORDS.~~ The ~~board~~ secretary may  
24 promulgate rules necessary to carry out the purposes of this chapter and the powers  
25 and duties conferred upon it in the manner provided in s. 15.05 (1) (am). The records

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1 and files of the department of military affairs and of any other state department or  
2 officer shall, upon request, be made available to the secretary or to the board.

3 **SECTION 8.** 45.03 (4) (a) of the statutes is amended to read:

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

9 **SECTION 9. Nonstatutory provisions.**

10 (1) Any incumbent holding the office of secretary of veterans affairs on the  
11 effective date of this subsection shall cease to hold office on that date. Thereafter,  
12 any person nominated to hold the office of secretary of veterans affairs shall be  
13 appointed in the manner provided in section 15.05 (1) (e) of the statutes, as created  
14 by this act.

15 (2) Notwithstanding section 15.49 (2) of the statutes, as affected by this act, any  
16 person serving as a member of the board of veterans affairs on the effective date of  
17 this subsection whose nomination has been confirmed by the senate on or before that  
18 date may continue to hold office and exercise the powers and duties of that office for  
19 the residue of his or her unexpired 6-year term and until his or her successor is  
20 appointed and qualified.

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

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

6           (5) Notwithstanding the length of terms specified in section 15.49 (2) of the  
7 statutes, as affected by this act, the 2 additional members of the board of veterans  
8 affairs to be appointed under section 15.49 (2) of the statutes, as affected by this act,  
9 shall serve for terms that expire as follows:

10           (a) One member shall serve for a term that expires on May 1, 2014.

11           (b) One member shall serve for a term that expires on May 1, 2015.

12

(END)