

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB96)

Received: 05/04/2011

Received By: mglass

Wanted: As time permits

Companion to LRB:

For: Kevin Petersen (608) 266-3794

By/Representing: Jim Bowers

May Contact:

Drafter: mglass

Subject: Veterans - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Petersen@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Terms and powers of board of veterans affairs

Instructions:

See attached

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>
/?							
/P1	mglass 05/04/2011	csicilia 05/04/2011	mduchek 05/04/2011	_____	lparisi 05/04/2011		
/1	rkite 05/04/2011	kfollett 05/04/2011	rschluet 05/04/2011	_____	mbarman 05/04/2011	mbarman 05/04/2011	
/2	mglass 05/04/2011		mduchek 05/04/2011	_____	sbasford 05/04/2011	sbasford 05/04/2011	

CMH Oked ending
out a new "12"
jacket w/o return
(per M66)

50096 → ~~50096~~
lost
jacket
M66

FE Sent For:

<END>

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/1	rkite 05/04/2011	kfollett 05/04/2011	rschluet 05/04/2011	_____	mbarman 05/04/2011	mbarman 05/04/2011	

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/P1	mglass 05/04/2011	csicilia 05/04/2011	mdushek 05/04/2011	_____	lparisi 05/04/2011		

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<END>

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See attached

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FE Sent For:

<END>

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Assembly Amendment (AA-AB96)

Received: 05/03/2011

Received By: **mglass**

Wanted: **As time permits**

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By/Representing: **Jim Bowers**

May Contact:

Drafter: **mglass**

Subject: **Veterans - miscellaneous**

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Extra Copies:

Submit via email: **YES**

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes in terms, powers and qualifications of secretary and board of veterans affairs

converted to sub.

Instructions:

1. make department under direction and supervision of secretary, terms up to 4 years, define active duty see attached

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>
/?	mglass	<i>1/11</i>	<i>5/4</i>	<i>RS</i>			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Bowers2, Jim
Sent: Tuesday, April 26, 2011 9:31 AM
To: Gibson-Glass, Mary
Subject: Possible Amendments to AB 96 - LRB 1026/3
Attachments: Board terms spreadsheet - Re AB 96.xlsx

1) AB 96 does NOT address the most important intention of the bill; assuring that the Secretary is able to do their job in the best interests of veterans without having their hands tied by the domination and overbearing actions of a politicized, disconnected, or ineffective Board of Veterans Affairs that does not have any public accountability. I refer you to Wis Stat 15.49: "Dept of Veterans affairs; creation. There is created a department of veterans affairs "under the direction and supervision" of the BOARD of VETERANS AFFAIRS. (caps added for emphasis). Clearly, this would conflict head on with the purpose of the bill, and would be used by future boards to still claim power over the administration, supervision and direction of the WDVA. This can be easily remedied by replacing Board of Veterans Affairs with "Secretary".

2) AB 96 states that members appointed to the Board must meet the statutory definition of "veteran" under Chapter 45, BUT, it does not set forth this same requirement for the Secretary. definitely should be an amendment to do so.

3) AB 96 says that the definition of veteran is set forth in Wis Stat 45.01 (a)-(d). However, (e) and (f) should also be included as they discuss separation from the military due to a service connected disability (medical discharge) and due to a reduction in the armed forces. Neither which are to the fault or action of the serviceperson and they should not be disqualified from service on the Board as such.

4) Should define the requirement of "active duty" as what is stated at beginning of Chapter 45.01(1) which says "does not include active duty for training purposes". I recognize that if there were ever a question the definition of "active duty" that LRB would probably refer to this anyway, but if you wanted to assure this perhaps mentioning this statutory reference in the bill somewhere would not be a bad idea.

5) In AB 96 where you talk about the Governor personally consulting with presiding "officers" of at least 6 VSOs, I would suggest that you change officers to officer (singular) just to assure that you have the Commander be the only requirement that the Governor consult with, otherwise, as can and does happen, you may get various individuals within the VSOs who may or may not agree with their commander, demanding they be heard. VSOs are not always perfect either and you cannot always guarantee unison, even among the officers of the same VSO. In addition, to avoid a

plethora of supposed VSOs demanding to be one of the 6, and causing an additional headache there, this language should be clarified. You may also get organizations who have a definite political agenda such as "Veterans Against the War in Iraq" or organizations that have a national head, but no Wisconsin head as they are loosely organized or do not have enough members in the state to qualify for a WI Chapter. I would definitely agree with Anthony's suggested language at 5(a) where he suggests: "The Governor shall personally consult with the Wisconsin head or presiding officer of each of Wisconsin's six largest veterans organizations, as defined by the U.S. Dept of Veterans Affairs".

The first chart shows the staggered terms under AB 96 as currently drafted (LRB /3). As you can see, the stagger would have 5 board members expiring in one year, 3 the next, 1 the next.... in perpetuity. Every third year, 5 members would rotate off and on, a large turnover. Under AB 96 as currently drafted, this required one new Board member to serve a 4-year term expiring in 2015.

The second chart, right below the first, shows another option that would provide for 3 of the 9 members rotating on and off every year. This would require 1 new board member to serve a 4-year term expiring in 2015, and 2 new newly appointed board members to serve 2-year (or, alternately, 5-year) terms. After this initial stagger, every year, 3 board members would rotate on and 3 off, in perpetuity.

Finally, the second spreadsheet lays out a different option, with 4-year terms in case the powers that be thought the appointment confirmation by the Senate in even numbered years was going to be a problem. The rotation would have board members shifting off only in odd numbered years, with 5 in one year, then 4 two years later, in perpetuity.

Jim Bowers
Legislative Assistant
Office of
Representative Kevin Petersen
1-608-266-3794 Office

Gibson-Glass, Mary

From: Bowers2, Jim
Sent: Tuesday, May 03, 2011 10:17 AM
To: Gibson-Glass, Mary
Subject: FW: Veterans Board

From: Gibson-Glass, Mary
Sent: Thursday, April 28, 2011 1:22 PM
To: Bowers2, Jim
Subject: RE: Veterans Board

Jim:

Under current law, the DNR secretary is not appointed by the DNR board but is appointed by the Governor. Under current law, the DVA board is not like the DNR board because the DVA secretary is appointed by the DVA board and not by the Governor. The bill changes this so the DVA secretary is appointed by the Governor, just like the DNR secretary.

Even though the DVA secretary will be appointed by the Governor, the DVA will continue to have certain powers and responsibilities. These include participating in the leasing of certain structures and facilities, approving payment deferrals for veterans' loans, interest rates on mortgage loans. Even though the DNR secretary is appointed by the Governor, the DNR board also has certain powers and responsibilities. Under the bill, the powers of the DVA board will differ from the DNR board because the DVA board does not approve rules that will be promulgated.

Hope this helps,

Mary

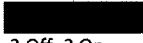
From: Bowers2, Jim
Sent: Thursday, April 28, 2011 10:35 AM
To: Gibson-Glass, Mary
Subject: Veterans Board

Can you put in plain language why the board is like the DNR Board

Jim Bowers
Legislative Assistant
Office of
Representative Kevin Petersen
1-608-266-3794 Office



3 Off, 3 On 1 Off, 1 On



3 Off, 3 On 1 Off, 1 On

Gibson-Glass, Mary

From: Bowers2, Jim
Sent: Tuesday, May 03, 2011 10:20 AM
To: Gibson-Glass, Mary
Subject: New Language

Jim;

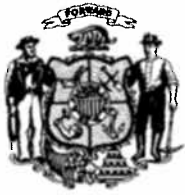
Attached is the VFW testimony. Go to the 2nd to last paragraph. In it you will find: **“However, this concern can be addressed by requiring the Secretary, in addition to "consulting" with the Board, also require that the Secretary include a report from the Board commenting on any administrative rule sent to the legislature”.**

Of course the drafter will want to play with the language. But the intent is to require the Secretary to allow the Veterans Board to place a letter/memo/report detailing their opinion and comments on the administrative rule the Secretary is promulgating and must include it with the rule jacket when it goes to the legislature. If they choose not to, that is their prerogative and the legislature can infer they approve of the rule. But it keeps the Board involved and negates the opposition's concern of the Board being non-essential and not having any checks and balances on the Secretary. Let me know if you or the drafter has any questions on that.

I have also attached to this email a re-cap of what I and Anthony agreed to with Kevin in our meeting this morning. It is the summary now in writing of what I ran through with him at the end so he is in agreement (in no particular order of importance). Of course feel free to run it by him one more time to make sure we are all on the same page and get this done right the first time. Let me know if you or the drafter have any questions on that as well.

On a personal note, I don't think I have said thank you enough to you and Kevin for all the time and effort you are putting in to serving your fellow veterans in the state. Not only with AB 96, but also with other pieces of legislation and reforms you are working on. I was unaware that you were a Marine for 7 years and thank you again for your service, I was aware that Kevin had served in the Navy but was not aware of his extensive service and applaud him as well. I had to laugh when you mentioned the old veteran who said “only shooting war veterans should be on the Board”. I, as I mentioned, used to think that as well. But my years of serving the VSOs has taught me otherwise. There are so many good leaders and veterans who are ready to serve their fellow veterans that never saw combat, but we all share the desire and duty to serve and an understanding of what it means to be a military person. You and Kevin are just one more example of that and I thank you again.

Jim Bowers
Legislative Assistant
Office of
Representative Kevin Petersen
1-608-266-3794 Office



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1026/3
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3 0096/P1

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ASA
+0

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, BRIDEMORE, 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~~ *direction and*
5 ~~the~~ *supervision of* the Department of Veterans Affairs.

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

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:

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

who shall be a
veteran.

(1m)

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

SECTION 4. 15.05 ~~(1)(a)~~ of the statutes is created to read:

~~(1m)~~ ~~(1)(a)~~ **SECRETARY OF VETERANS AFFAIRS.**

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

for the secretary of veterans affairs

The department shall be under the direction and supervision of

SECTION 5. 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 and a board of veterans affairs. The board shall consist of 7 members who all of whom shall be veterans, including at least 2 who shall be Vietnam war veterans, who have served on active duty. The members shall be appointed for staggered 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.

Secretary of veterans affairs

4-year

SECTION 6. 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) who has served on active duty as defined in s. 45.01 (1).

means a veteran as defined

(f)

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

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

after consulting with the board's

INS
3-8

ASSEMBLY BILL 96

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.

INS
4-2

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4-8

ASSEMBLY BILL 96

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)

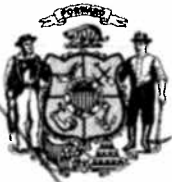
INSERT
6-11

~~CR~~; (1)(b) 18m.

(9) SECTION #. CR; 15.07 (18m)

(9) 15.07 (18m) Board of Veterans Affairs.

2
(1)(b) 18m.
(B)



cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2011 ASSEMBLY BILL 96

bullshit ✓

87 #. Page 3, line 11: delete
"The board" and substitute
"The board of veterans affairs"

91 #. Page 3, line 20: delete "has
the meaning given" and
substitute "means a veteran,
as defined"

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 6: after "governor." insert "The secretary shall be a veteran, as
3 defined in s. 15.49 (1)".

4 **2.** Page 3, line 11: substitute "board secretary" for "board".

5 **3.** Page 3, line 13: delete that line and substitute: Vietnam war veterans. The
6 members shall be:

7 **4.** Page 3, line 14: substitute "4-year" for "3-year".

8 **5.** Page 3, line 21: delete that line and substitute: "to (f) and who has served
9 on active duty, as defined s. 45.05 (1)".

10 **6.** Page 4, line 2: after that line insert:

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

INSERT

4-2 ↓

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

7 ~~7. Page 4, line 8: after that line insert:~~

INS 4-8

8 SECTION 15.49. 227.14 (2) (a) 6m. of the statutes is created to read:

9 227.14 (2) (a) 6m. A copy of any comments and opinion prepared by the board
 10 of veterans affairs under s. 45.03 (2m) for rules that are proposed by the department
 11 of veterans affairs.

12 ~~8. Page 4, line 19: delete "6-year".~~

INS
6-11

section 15.49,
2009 stats.,
and

13 ~~9. Page 5, line 6: delete lines 6 to 11 and substitute:~~

14 (5) (a) Notwithstanding the length of terms specified in section 15.49 (2) of the
 15 statutes, as affected by this act, the members of the board of veterans affairs shall
 16 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 paragraph and who was appointed for a term beginning on May 1, 200~~7~~⁷, shall serve
 21 for a term that expires on May 1, 2013. subdivision

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

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subdivisions 1. to 3.

1 4. Three of the members whose terms are not specified in paragraphs (a) to (c)
2 shall serve for terms expiring on May 1, 2017.

subdivisions 1. to 4.

3 5. The remaining member whose term is not specified under paragraphs (a) to
4 (d) shall serve for a term expiring on May 1, 2015.

non
stat

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

end of 6-11

~~(END)~~

15

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0740/?dn

MGG:l:....

igs

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LRB s 0096/
P1dr

— date —

✓
Under s. 15.07 (1) (c), the default is that if a term of a board member is for an even number of years, the term expires in an odd-numbered year. Please review the staggering terms and the back of this amendment and let me know if you want any changes.

substitute
Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0096/P1dn
MGG:cjs:md

May 4, 2011

Under s. 15.07 (1) (c), the default is that if a term of a board member is for an even number of years, the term expires in an odd-numbered year. Please review the staggering terms and the back of this substitute amendment and let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



Now
State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0096/P1
MGG:cjs:md

*Rm
run
1
stays*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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:

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:

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

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

3 15.49 (2) There is created a department of veterans affairs ~~under the direction~~
4 ~~and supervision of the~~ and a board of veterans affairs. The department shall be
5 under the direction and supervision of the secretary of veterans affairs who shall be
6 a veteran. The board shall consist of ~~7~~ 9 members ~~who~~ all of whom shall be veterans,
7 ~~including at least 2 who shall be Vietnam war veterans.~~ The members shall be
8 appointed for staggered 6-year 4-year terms. The board shall be composed so that
9 for each congressional district in the state there is at least one member of the board
10 who is a resident of that district. If a member ceases to reside within the boundaries
11 of the congressional district where he or she resided as that district existed at the
12 time that member's current term began, the member 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. Thereafter,
17 any person nominated to hold the office of secretary of veterans affairs shall be
18 appointed in the manner provided in section 15.05 (1) (e) of the statutes, as created
19 by this act.

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

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

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

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

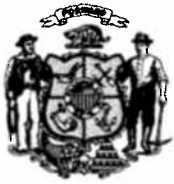
14 1. The two successors for the members whose terms expired on May 1, 2011,
15 shall serve for terms expiring on May 1, 2015.

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

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

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

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



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2011 ASSEMBLY BILL 96**

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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.

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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.

*Except as
= otherwise
provided by law, the*

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. ~~The department shall be under the direction and supervision of the secretary of veterans affairs~~ ² 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.

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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).

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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.

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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 rule. In preparing the proposed rule, the

1 department shall include in the analysis under s. 227.14 (2) a copy of any such
2 written comments and opinion.

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4 45.03 (4) (a) The department shall employ staff necessary to carry out its
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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.

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10 227.14 (2) (a) 6m. A copy of any comments and opinion prepared by the board
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12 of veterans affairs.

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autonumber*

13 **SECTION 9. Nonstatutory provisions.**

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15 effective date of this subsection shall cease to hold office on that date. Thereafter,
16 any person nominated to hold the office of secretary of veterans affairs shall be
17 appointed in the manner provided in section 15.05 (1) (e) of the statutes, as created
18 by this act.

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

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

6 (4) Until the membership of the board of veterans affairs comes into compliance
7 with the residency requirements under section 15.49 (2) of the statutes, as affected
8 by this act, the governor, in making appointments under section 15.49 (2) of the
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12 stats., and section 15.49 (2) of the statutes, as affected by this act, the members of
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15 shall serve for terms expiring on May 1, 2015.

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17 subdivision and who was appointed for a term beginning on May 1, 2007, shall serve
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22 4. Three of the members whose terms are not specified in subdivisions 1. to 3.
23 shall serve for terms expiring on May 1, 2017.

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

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

4 (END)