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.

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
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:

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 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.

(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.

(2) 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.

(3) Until the membership of the board of veterans affairs comes into compliance with the residency requirements 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.

(4) (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.