



State of Wisconsin  
2007 - 2008 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Repeal cat

1 AN ACT *to repeal* 20.465 (4) (b), 20.465 (4) (g), 20.465 (4) (k), chapter 21 (title),  
2 21.025 (2) (b), 21.025 (5) (c), 21.025 (7), 21.025 (13), 21.15 (title), 21.155 (title),  
3 21.19 (title), 21.19 (3) (b), 21.19 (6), 21.19 (7) (a) (intro.), 21.20, 21.21, 21.25,  
4 21.26 (title), 21.32 (title), 21.33 (title), 21.36 (title), 21.42, 21.49 (1) (ae), 21.50  
5 (3) and (4), 21.56 (title), 21.57 (title), 21.59, 21.60, 21.61 (title), 21.612, 21.616  
6 (title), 21.62, 21.63, 21.70 (title), 21.75 (1) (a), 21.75 (1) (c), 21.78 (5), 21.80 (1)  
7 (f) and 21.80 (8); *to renumber* 21.015 (1), 21.025 (title), 21.025 (2) (title), 21.025  
8 (5) (title), 21.025 (11m) (title), 21.13 (title), 21.18 (title) and (1) (intro.), 21.18 (1)  
9 (a) to (c), 21.18 (1) (k), 21.18 (3) and (4), 21.26 (2) (b), 21.28 (title), 21.49 (title)  
10 and (1) (intro.), 21.49 (1) (am) and (ar), 21.49 (1) (b) (intro.), 21.49 (1) (b) 1., 1g.  
11 and 1m., 21.49 (1) (b) 3., 21.49 (2) (intro.), (a), (b) and (e), 21.50 (title), 21.51,  
12 21.74 (8), 21.75 (1) (intro.), 21.75 (4), 21.75 (17), 21.75 (19), 21.80 (title) and (1)  
13 (intro.), 21.80 (1) (b) to (e), 21.80 (1) (g) and 21.80 (7); *to renumber and amend*  
14 21.01, 21.015 (title), 21.015 (intro.), 21.015 (2), 21.025 (1), (2) (a), (c) and (d), (3),  
15 (4), (6), (8), (9), (10) and (11n), 21.025 (5) (a) and (b), 21.03, 21.04, 21.05, 21.06,

1 21.07, 21.09, 21.11 (title), 21.11 (1), 21.11 (2), 21.11 (3), 21.12, 21.13 (1), 21.13  
2 (2), 21.15, 21.155, 21.17, 21.18 (1) (d), 21.18 (1) (e), (f), (g), (h), (i) and (j), 21.18  
3 (1m), 21.18 (2), 21.18 (5), 21.19 (1), 21.19 (1m), 21.19 (2), 21.19 (3) (a), 21.19 (4),  
4 21.19 (5), 21.19 (7) (a) 1., 21.19 (7) (a) 2., 21.19 (7) (a) 3., 21.19 (7) (b), 21.19 (8),  
5 21.19 (9), 21.19 (10), 21.19 (11), 21.19 (12), 21.19 (13), 21.19 (14), 21.26 (2) (a),  
6 21.28 (1), (2) and (3), 21.30 (title), 21.30, 21.32, 21.33, 21.35, 21.36 (1), 21.36 (2),  
7 21.37, 21.38, 21.43, 21.47, 21.48, 21.49 (1) (b) 2., 21.49 (1) (c), 21.49 (2) (d), 21.49  
8 (2) (f), 21.49 (2m), 21.49 (3), 21.49 (3m) and (4), 21.50 (1) and (2), 21.52, 21.54,  
9 21.56 (1) and (2), 21.57 (1) and (2), 21.61 (1), (3), (4) and (5), 21.616, 21.70 (1)  
10 and (2), 21.72, 21.74 (title), 21.74 (1), 21.74 (2), (3), (4), (5), (6) and (7), 21.74 (9),  
11 21.75 (title), 21.75 (1) (b), (cm) and (d), 21.75 (2), 21.75 (3), 21.75 (5), 21.75 (6)  
12 and (7), 21.75 (8), 21.75 (9) and (10), 21.75 (11), 21.75 (12), 21.75 (13), 21.75 (14),  
13 21.75 (15), 21.75 (16), 21.75 (18), 21.75 (20), 21.75 (21), 21.75 (22), 21.75 (23),  
14 21.78 (title), (1), (2), (3) and (4), 21.79, 21.80 (1) (a), 21.80 (2), 21.80 (3), 21.80  
15 (4), 21.80 (5) and 21.80 (6); **to consolidate, renumber and amend** 21.025  
16 (11m) (a) and (b) and 21.26 (1) and (2) (intro.); **to amend** 15.04 (2), 17.29, 20.455  
17 (1) (b), 20.465 (1) (e), 20.465 (1) (g), 20.465 (1) (i), 20.465 (2) (a), 20.465 (4) (ka),  
18 20.865 (1) (a), 20.865 (1) (g), 20.865 (1) (q), 40.05 (4g) (a) 4., 45.03 (13) (e), 45.20  
19 (2) (d) 3., 45.60 (1) (b), 71.93 (1) (a) 6., 106.54 (7), 121.05 (1) (a) 13., 121.095  
20 (title), 121.095 (1) (a), 121.095 (1) (b) 1., 121.90 (1) (intro.), 230.04 (17), 230.315  
21 (1) (c) and 230.32 (7); and **to create** chapter 321 (title), subchapter I (title) of  
22 chapter 321 [precedes 321.01], 321.01, 321.02 (title), 321.04 (title) and (1)  
23 (intro.), 321.04 (1) (b), 321.04 (1) (j), 321.04 (1) (m), 321.04 (1) (p), 321.04 (2)  
24 (intro.), 321.04 (2) (f), subchapter II (title) of chapter 321 [precedes 321.10],  
25 321.10 (1) (e), subchapter III (title) of chapter 321 [precedes 321.20], 321.21 (1),

1 321.23 (title), subchapter IV (title) of chapter 321 [precedes 321.30], 321.39 (1)  
 2 (a) (intro.), 321.39 (1) (a) 3., 321.40 (6) (d), 321.51 (2) (b), 321.51 (2) (e),  
 3 subchapter V (title) of chapter 321 [precedes 321.60] and subchapter VI (title)  
 4 of chapter 321 [precedes 321.70] of the statutes; **relating to:** powers and duties  
 5 of the Department of Military Affairs, the adjutant general, military officers,  
 6 military property and assets, the national guard, the state defense force, rights  
 7 of service personnel, the Wisconsin code of military justice, and making an  
 8 appropriation.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the drafting subcommittee of the joint legislative council's special committee on recodification of ch. 21, military affairs. The special committee was directed to conduct a recodification of ch. 21, relating to military affairs, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, making other necessary organizational changes, and making minor substantive changes.

Under the bill, ch. 21 will be reorganized as follows:

**Subchapter I  
General Provisions**

321.01 Definitions.  
 321.02 Powers and duties of the governor.  
 321.03 Powers and duties of the department.  
 321.04 Powers and duties of the adjutant general.  
 321.05 Permission to forces of other states.

**Subchapter II  
Military Officers**

321.10 Military staff of the governor.  
 321.11 United States property and fiscal officer.  
 321.12 Chief surgeons.

Insert  
LC note  
preb. note

- 321.13 Discharge of officers.  
321.14 Authority to administer oaths.  
321.15 Resignation of officer.
- Subchapter III  
Military Property**
- 321.20 Distribution of military property.  
321.21 Military property accountability.  
321.22 Camp Williams.  
321.23 Facilities and lands.  
321.24 Encroachment on military areas and interference with military personnel.
- Subchapter IV  
National Guard and State Defense Force**
- 321.30 Composition of national guard.  
321.31 Uniform of national guard.  
321.32 Term of enlistment and discharge.  
321.33 Commission and rank.  
321.34 Examinations for promotion or appointments.  
321.35 Pay.  
321.36 Rules of discipline.  
321.37 No discrimination.  
321.38 Decorations and awards.  
321.39 Call to state active duty.  
321.40 Educational benefits.  
321.41 Training;special schools;pay and allowances.  
321.42 Defense of members of guard;payment of judgments.  
321.43 Exemption from civil authority.  
321.44 Exemptions from certain county duties.  
321.51 State defense force authorized.
- Subchapter V  
Rights of Service Members**
- 321.60 Extension of licenses for service members.  
321.61 Service members civil relief for property taxes and mobile telephone contracts; federal active duty.  
321.62 Service members civil relief; state active duty.  
321.63 Local government employees or officers in federal active duty.  
321.64 Reemployment after completion of federal active duty.  
321.65 Reemployment rights after national guard, state defense force, or public health emergency service.

**Subchapter VI  
Wisconsin Code of Military Justice**

321.70

The Wisconsin code of military justice.

1           **SECTION 1.** 15.04 (2) of the statutes is amended to read:

2           15.04 (2) **DEPUTY.** Each secretary of a department or head of an independent  
3 agency under s. 230.08 (2) (L) may appoint a deputy who shall serve at the pleasure  
4 of the secretary or agency head outside the classified service. The deputy shall  
5 exercise the powers, duties and functions of the secretary or head in the absence of  
6 the secretary or head, and shall perform such other duties as the secretary or head  
7 prescribes. The adjutant general may appoint 2 deputies as ~~provided~~ described in  
8 s. ~~21.18 (1)~~ 321.10 (1) (b) and (c). In this subsection "secretary" includes the attorney  
9 general and the state superintendent of public instruction.

10           **SECTION 2.** 17.29 of the statutes is amended to read:

11           **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary  
12 provisions in either the general law or in special acts, except ss. 6.26 (2) (b), 6.28 (2)  
13 (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officials and ~~ch. 21~~ ch. 321  
14 relating to the military staff of the governor and to officers of the Wisconsin national  
15 guard, <sup>or state defense force</sup> and shall govern all offices whether created by general law or special act,  
16 unless otherwise specially provided.

\*\*\*\*NOTE: Should this cross-referenced section also refer to the state defense force?

17           **SECTION 3.** 20.455 (1) (b) of the statutes is amended to read:

18           20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure  
19 established in s. 14.11 (2) (c), for the compensation of special counsel appointed as  
20 provided in ss. 14.11 (2) and ~~21.13~~ 321.42.

21           **SECTION 4.** 20.465 (1) (e) of the statutes is amended to read:

1           20.465 (1) (e) *State service flags*. The amounts in the schedule for the purchase  
2 of state service flags pursuant to s. ~~21.19 (10)~~ 321.04 (2) (d).

3           **SECTION 5.** 20.465 (1) (g) of the statutes is amended to read:

4           20.465 (1) (g) *Military property*. The amounts in the schedule for rent of  
5 state-owned military lands or buildings used by, acquired for or erected for the  
6 Wisconsin national guard under s. ~~21.19 (2)~~ 321.03 (2) (a), for rental of buildings and  
7 grounds maintenance equipment owned by the state and required to properly  
8 maintain properties supported by state-federal cooperative funding agreements, for  
9 the repair and maintenance of state-owned military lands or buildings, for the  
10 payment of municipal assessments related to state-owned military property and for  
11 the purchase and construction of new military property, real and personal. All  
12 moneys received on account of lost military property, from the sale of obsolete or  
13 unserviceable military property, from the sale of any state-owned military property,  
14 real and personal, under s. ~~21.19 (3)~~ 321.03 (2) (b), from the rental of state-owned  
15 housing, or from the provision of housing-related services to military personnel shall  
16 be credited to this appropriation.

17           **SECTION 6.** 20.465 (1) (i) of the statutes is amended to read:

18           20.465 (1) (i) *Distance learning centers*. All moneys received from renting the  
19 distance learning centers, for the operation and maintenance of the centers under  
20 s. ~~21.19 (13)~~ 321.04 (1) (n).

21           **SECTION 7.** 20.465 (2) (a) of the statutes is amended to read:

22           20.465 (2) (a) *Tuition grants*. A sum sufficient for the payment of tuition grants  
23 to members of the Wisconsin national guard under s. ~~21.49 (3)~~ 321.40 (4).

24           **SECTION 8.** 20.465 (4) (b) of the statutes is repealed.

25           **SECTION 9.** 20.465 (4) (g) of the statutes is repealed.

1           **SECTION 10.** 20.465 (4) (k) of the statutes is repealed.

2           **SECTION 11.** 20.465 (4) (ka) of the statutes is amended to read:

3           20.465 (4) (ka) *Youth Challenge Academy program; public instruction funds.*

4           All moneys received from the department of public instruction under s. 121.095, for  
5           the operation of the Youth Challenge Academy program under s. ~~21.26~~ 321.03 (1) (c).

6           **SECTION 12.** 20.865 (1) (a) of the statutes is amended to read:

7           20.865 (1) (a) *Judgments and legal expenses.* A sum sufficient to pay for legal  
8           expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs  
9           of judgments, orders and settlements of actions, appeals and complaints under  
10          subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders  
11          and settlements under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not  
12          otherwise reimbursable as liability costs under par. (fm). Release of moneys under  
13          this paragraph pursuant to any settlement agreement, whether or not incorporated  
14          into an order, is subject to approval of the attorney general.

15          **SECTION 13.** 20.865 (1) (g) of the statutes is amended to read:

16          20.865 (1) (g) *Judgments and legal expenses; program revenues.* From the  
17          appropriate program revenue and program revenue-service accounts, a sum  
18          sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and  
19          814.245 and for the cost of judgments, orders and settlements of actions, appeals and  
20          complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those  
21          judgments, awards, orders and settlements under ss. ~~21.13~~, 165.25 (6), 321.42,  
22          775.04 and 895.46 that are not otherwise reimbursable as liability costs under par.  
23          (fm). Release of moneys under this paragraph pursuant to any settlement  
24          agreement, whether or not incorporated into an order, is subject to approval of the  
25          attorney general.

1           SECTION 14. 20.865 (1) (q) of the statutes is amended to read:

2           20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the  
3 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.  
4 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,  
5 orders and settlements of actions, appeals and complaints under subch. II of ch. 111  
6 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements  
7 under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not otherwise  
8 reimbursable as liability costs under par. (fm). Release of moneys under this  
9 paragraph pursuant to any settlement agreement, whether or not incorporated into  
10 an order, is subject to approval of the attorney general.

11           SECTION 15. Chapter 21 (title) of the statutes is repealed.

12           SECTION 16. 21.01 of the statutes is renumbered 321.30 and amended to read:

13           **321.30 Composition of national guard.** (1) The organized militia of this  
14 state shall be known as the "Wisconsin national guard" and shall consist of members  
15 appointed commissioned or enlisted ~~therein~~ in accordance with federal law or  
16 regulations governing ~~or pertaining to~~ the national guard.

17           (2) The Wisconsin national guard shall ~~be organized into~~ consist of the army  
18 national guard and the air national guard units, and "national guard" when used in  
19 this chapter, unless the context otherwise requires, means both the Wisconsin army  
20 national guard and the Wisconsin air national guard.

21           SECTION 17. 21.015 (title) of the statutes is renumbered 321.03 (title) and  
22 amended to read:

23           **321.03 (title) Department Powers and duties of the department.**

24           SECTION 18. 21.015 (intro.) of the statutes is renumbered 321.03 (1) (intro.) and  
25 amended to read:

1           321.03 (1) (intro.) The department of ~~military affairs~~ shall do all of the  
2 following:

3           **SECTION 19.** 21.015 (1) of the statutes is renumbered 321.03 (1) (a).

4           **SECTION 20.** 21.015 (2) of the statutes is renumbered 321.03 (1) (b) and  
5 amended to read:

6           321.03 (1) (b) Provide facilities and support for the national guard ~~and any~~  
7 ~~other support available from the appropriations under s. 20.465.~~

8           **SECTION 21.** 21.025 (title) of the statutes is renumbered 321.51 (title).

9           **SECTION 22.** 21.025 (1), (2) (a), (c) and (d), (3), (4), (6), (8), (9), (10) and (11n) of  
10 the statutes are renumbered 321.51 (1), (2) (a), (c) and (d), (3), (4), (5), (6), (7), (8) and  
11 (10) and amended to read:

12           321.51 (1) AUTHORITY AND NAME. The adjutant general may establish a plan for  
13 organizing a military force to be known as the Wisconsin state defense force. “state  
14 defense force.” The governor, or adjutant general if designated by the governor, may  
15 organize the ~~Wisconsin~~ state defense force under the plan, which may include an  
16 aviation unit, if all or part of the national guard is called into the service of the United  
17 States. ~~It~~ federal active duty. The state defense force shall be a uniformed force  
18 distinct from the national guard, uniformed, and composed of officers, commissioned  
19 or assigned, officers and of enlisted personnel who volunteer for service.  
20 ~~Membership in the Wisconsin state defense force may not include any~~ A person who  
21 is on active duty in the active military U.S. armed forces, including the active reserve  
22 components, may not serve in the state defense force. ~~Persons~~ A person in the retired  
23 or inactive reserve may serve in the Wisconsin state defense force.

24           (2) (a) The governor or adjutant general, if designated by the governor, may  
25 prescribe rules and regulations not inconsistent ~~policies~~ consistent with this section

*Handwritten notes:*  
- A circled '25' at the start of the final paragraph.  
- An arrow pointing from the word 'regulations' to the word 'PLAIN' written below it.  
- The word 'INSTRUCTIONS' written above the word 'policies' in the final paragraph.  
- A large asterisk-like mark at the bottom left.

1 governing the enlistment, organization, administration, equipment, uniforms,  
2 maintenance, training, and discipline of such forces, ~~except that such rules and~~  
3 ~~regulations, insofar as the state defense force.~~ regulations, instructions, and The policies, to the extent the  
4 governor deems ~~practicable and desirable~~ considers necessary, shall conform to  
5 existing law governing and pertaining to the national guard ~~and the rules and~~  
6 ~~regulations promulgated thereunder and.~~ regulations, instructions, and The policies shall prohibit the acceptance  
7 of a member of the state defense force from accepting any gifts, donations, gratuities,  
8 or anything other things of value by such forces or by any member of such forces from  
9 any person by reason of such membership given to the member because he or she is  
10 a member of the state defense force other than wages and benefits paid by the state.

\*\*\*\*NOTE: The terms "rules" and "regulations" are used in this paragraph, but DMA says it does not have rules. I deleted "rules." OK? Current law seemed to prohibit paying a national guard member wages. Is the change OK in the last sentence?

11 (c) Officers and enlistees, while on state active duty under orders of the  
12 governor, in the state defense force shall receive the base pay and allowances of the  
13 identical grade in the United States U.S. army.

14 (d) The adjutant general may organize a cadre force recruitment and training  
15 unit of not more than 12 personnel persons at each state-owned state armory. ~~Each~~  
16 ~~cadre force shall~~ The unit shall establish recruitment lists of persons interested in  
17 becoming members of the state defense force, ~~which may be used to recruit full units~~  
18 ~~for the state defense force in case the national guard is mobilized for active federal~~  
19 ~~duty, and train the persons recruited.~~

20 (3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. ~~For the use of such forces, the~~ The  
21 governor or adjutant general, if designated by the governor, may requisition military  
22 property from the federal government such arms and equipment as may be available,  
23 and the for the use of the state defense force. The governor or adjutant general, if

1 designated by the governor, may make available to the state defense force the  
2 facilities of state armories and ~~their equipment and such~~ military property and other  
3 state premises and property ~~as may be available and may, through the.~~ The  
4 department of ~~military affairs~~, may rent or lease buildings or parts of buildings and  
5 grounds for armory purposes or continue in possession of ~~such~~ those premises leased  
6 by the department of ~~military affairs~~ for the use of the national guard, paying rental  
7 ~~therefor out of funds appropriated~~ rent from the appropriation under s. 20.465 (1) (a).  
8 All leases ~~so made shall~~ made under this subsection terminate upon dissolution of  
9 the ~~Wisconsin~~ state defense force regardless of the term provided ~~therein~~ in the lease,  
10 unless the premises ~~shall be~~ are needed for national guard purposes, ~~in which case~~  
11 ~~the.~~ The lease for the premises needed for the national guard may be assigned by  
12 the department of ~~military affairs~~ to the national guard organization ~~intending that~~  
13 intends to occupy the premises.

14 (4) USE WITHOUT OUTSIDE THIS STATE. Such forces shall The state defense force  
15 may not be required to serve outside the boundaries of this state ~~except~~ unless one  
16 of the following applies:

17 (a) Upon the request of the governor of another state, the governor of this state  
18 ~~may order any portion or~~ orders all or part of such forces the state defense force to  
19 assist ~~the~~ a military unit or police forces of such law enforcement agency of the other  
20 state ~~who are actually engaged in defending such other state.~~ Such forces may be  
21 recalled by ~~the.~~ The governor at ~~the governor's discretion~~ may recall the state  
22 defense force from the other state at any time.

23 (b) Any organization, unit, or detachment of such forces, upon Upon order of  
24 the officer in immediate command thereof, ~~may continue,~~ the state defense force  
25 continues in fresh pursuit of insurrectionists, saboteurs, ~~enemies~~ terrorists, or

1 enemy forces ~~beyond the borders of this state~~ into another state until they are  
2 apprehended or captured by ~~such organization, unit, or detachment~~ or until the a  
3 military unit or ~~police forces~~ law enforcement agency of the other state or the forces  
4 of the United States have had a reasonable opportunity to take up the pursuit or to  
5 ~~apprehend or capture such those persons, provided such.~~ Any pursuit under this  
6 subsection may only take place if the other state shall have given gives authority by  
7 law for ~~such the~~ the pursuit by ~~such forces of this state.~~ Any such person who shall be  
8 ~~apprehended or is~~ captured in ~~such the~~ the other state by ~~an organization, unit, or~~  
9 ~~detachment of the forces of this the state~~ defense force shall without unnecessary  
10 delay be surrendered to ~~the a military unit or police forces~~ law enforcement agency  
11 of the state in which the person is ~~taken captured~~ captured or to the United States, ~~but such.~~  
12 The surrender of the person captured shall not constitute a waiver by this state of  
13 ~~its the~~ the right to extradite or prosecute ~~such the~~ the person for any crime committed in this  
14 state.

15 (5) FEDERAL SERVICE ACTIVE DUTY. Nothing in this section shall be construed as  
16 ~~authorizing such forces, or any part thereof to be called, ordered, or in any manner~~  
17 No unit of the state defense force may be drafted, as such, into the U.S. military  
18 ~~service of the United States, but no.~~ No person shall by reason of enlistment or  
19 ~~commission in any such forces membership in the state defense force~~ be exempted  
20 from ~~military service under any law of the United States~~ federal active duty.

21 (6) DISQUALIFICATIONS. No person shall be ~~commissioned or enlisted in such~~  
22 ~~forces who is not a citizen of the United States or who has been expelled or~~  
23 ~~dishonorably discharged from any military or naval organization, of this state, or of~~  
24 ~~another state, or of the United States~~ may be a member of the state defense force.

\*\*\*\*NOTE: The drafting committee wanted to highlight this change for the special committee. Under current law, only U.S. citizens may serve in the state defense force. This bill eliminates that restriction.

1           (7) OATH OF OFFICERS. The oath to be taken by officers ~~commissioned~~ or enlistees  
2 in such forces ~~the state defense force~~ shall be substantially in the form prescribed for  
3 officers of the national guard. The oath shall be filed in the same manner as in the  
4 national guard.

5           (8) ENLISTEES. No person shall ~~may~~ be enlisted in the state defense force for  
6 more than one year, but such enlistment may be renewed. ~~The oath to be taken upon~~  
7 ~~enlistment in such forces shall be substantially in the form prescribed for enlistees~~  
8 ~~of the national guard.~~

9           (10) LABOR DISPUTES. The state defense force shall ~~shall~~ may not be used to interfere  
10 with the orderly process of a labor dispute.

11           SECTION 23. 21.025 (2) (title) of the statutes is renumbered 321.51 (2) (title).

12           SECTION 24. 21.025 (2) (b) of the statutes is repealed.

13           SECTION 25. 21.025 (5) (title) of the statutes is renumbered 321.05 (title).

14           SECTION 26. 21.025 (5) (a) and (b) of the statutes are renumbered 321.05 (1) and  
15 (2) and amended to read:

16           321.05 (1) Any military ~~forces or organization, unit, or detachment thereof,~~ of  
17 another state ~~who are~~ that is in fresh pursuit of insurrectionists, saboteurs, enemies  
18 terrorists, or enemy forces may continue such the pursuit into this state until the a  
19 military unit or ~~police forces~~ law enforcement agency of this state or the forces of the  
20 United States ~~have~~ U.S. military has had a reasonable opportunity to take up the  
21 pursuit or ~~to apprehend or capture such persons, and such~~ the persons. The military  
22 ~~forces of such~~ unit of the other state may arrest or capture such those persons ~~within~~  
23 in this state while in fresh pursuit.

1           (2) Any such person who shall be ~~is~~ captured or arrested by the military forces  
2 of such other unit of another state while in this state shall without unnecessary delay  
3 be surrendered to the ~~a~~ military unit or ~~police forces~~ law enforcement agency of this  
4 state to be dealt with according to law.

5           **SECTION 27.** 21.025 (5) (c) of the statutes is repealed.

6           **SECTION 28.** 21.025 (7) of the statutes is repealed.

7           **SECTION 29.** 21.025 (11m) (title) of the statutes is renumbered 321.51 (9) (title).

8           **SECTION 30.** 21.025 (11m) (a) and (b) of the statutes are consolidated,  
9 renumbered 321.51 (9) and amended to read:

10           321.51 (9) Officers and enlistees of the "~~Wisconsin State Defense Force~~" state  
11 defense force who have served honorably therein for a period of at least one year and  
12 ~~are active members of their respective units at the time of its demobilization shall~~  
13 may, upon application to the unit commander, be permitted to retain the items of  
14 their uniform prescribed by the governor by rule. (b) ~~The.~~ If retained, the uniform  
15 prescribed under par. (a) may be worn only on occasions of ceremony. "Occasions of  
16 ceremony" means occasions essentially of a military character at which the uniform  
17 is more appropriate than civilian clothing, such as memorial services, military  
18 weddings, military funerals, military balls, military parades, military reunions, and  
19 meetings or functions of associations formed for military purposes, the membership  
20 of which is composed largely or entirely of honorably discharged veterans of the  
21 services members of the U.S. military, national guard, and state defense force.

22           **SECTION 31.** 21.025 (13) of the statutes is repealed.

23           **SECTION 32.** 21.03 of the statutes is renumbered 321.20 and amended to read:

24           **321.20 Distribution of arms military property.** The governor may receive  
25 and distribute, according to law, ~~the quota of arms and military equipment which~~

1 property that the state may receive receives from the U.S. government of the United  
2 States under the provisions of any acts of congress federal laws providing for arming  
3 and equipping of the national guard and the state defense force.

4 SECTION 33. 21.04 of the statutes is renumbered 321.22 and amended to read:

5 **321.22 Camp Williams.** (1) The state ~~eamp~~-grounds facility near Camp  
6 Douglas, Juneau County, shall be known as "Camp Williams". The officer in charge  
7 of Camp Williams ~~shall have at said camp the police powers possessed by officials at~~  
8 ~~state hospitals, as provided in s. 46.058 (2) may arrest a person for a violation that~~  
9 occurs at Camp Williams of a state law, local ordinance, or provision of the Wisconsin  
10 code of military justice.

11 (2) The adjutant general may grant to the federal government the right to use  
12 any area of Camp Williams upon ~~such~~ conditions as that the adjutant general deems  
13 advisable.

14 (3) In memory of 1st lieutenant Jerome A. Volk, the first Wisconsin air national  
15 guard pilot killed in combat during the Korean conflict, so much of Camp Williams  
16 as is under lease to the federal government for use of the air national guard shall be  
17 known as "Volk Field" during the time the property remains under lease to the U.S.  
18 government of the ~~United States.~~

19 SECTION 34. 21.05 of the statutes is renumbered 321.32 and amended to read:

20 **321.32 Term of enlistment; requirements and discharge.** Every person  
21 who enlists or receives a commission in the national guard shall serve for the term  
22 prescribed and satisfy the physical, educational and training requirements  
23 prescribed by the U.S. national guard bureau. Enlistees in the national guard shall  
24 be discharged as provided in the laws and regulations of the U.S. national guard.

25 SECTION 35. 21.06 of the statutes is renumbered 321.44 and amended to read:

1           **321.44 Exemptions from certain county duties.** Every member of the  
2           national guard or state military forces shall be defense force is exempt from service  
3           on any body of county residents summoned by the sheriff to assist in preserving the  
4           peace.

5           **SECTION 36.** 21.07 of the statutes is renumbered 321.38 and amended to read:

6           **321.38 Decorations and awards.** The adjutant general may prescribe  
7           decorations and awards for the national guard and the state defense force, ~~the.~~ The  
8           adjutant general shall adopt policies establishing the form and issue thereof made  
9           under rules adopted by the adjutant general and approved by the governor issuance  
10          of those decorations and awards.

11          **SECTION 37.** 21.09 of the statutes is renumbered 321.41 and amended to read:

12          **321.41 Training; special schools; pay and allowances.** The governor or  
13          adjutant general may order the national guard or state defense force to assemble for  
14          training at any military establishment ~~within or without the state specified and~~  
15          ~~approved by the department of defense and fix the dates and places thereof, and the~~  
16          of that training. The governor or adjutant general may order members of the  
17          national guard or state defense force, at their option, to attend such special schools  
18          for military training as ~~may be that are~~ authorized by the state or federal  
19          government. ~~For such training and attendance at special schools, members~~ The  
20          governor or adjutant general shall determine the amount that the members of the  
21          national guard or state defense force shall receive such as pay and allowances as ~~the~~  
22          federal government ~~or the governor may authorize for the training.~~

23          **SECTION 38.** 21.11 (title) of the statutes is renumbered 321.39 (title) and  
24          amended to read:

25          **321.39 (title) Call to state active service duty.**

1           **SECTION 39.** 21.11 (1) of the statutes is renumbered 321.39 (1) (a) 1. and  
2 amended to read:

3           321.39 (1) (a) 1. In case of war, insurrection, rebellion, riot, invasion, terrorism,  
4 or resistance to the execution of the laws of this state or of the United States; in,

5           2. In the event of public disaster resulting from flood, conflagration or fire,  
6 tornado; in, or other natural disaster.

7           4. In order to assess damage or potential damage and to recommend responsive  
8 action as a result of natural or man-made events; or upon an event listed in subds.

9 1. to 3.

10           5. Upon application of any marshal of the United States, the president of any  
11 village, the mayor of any city, the chairperson of any town board, or any sheriff in this  
12 state, the governor may order into active service all or any portion of the national  
13 guard.

14           (b) If the governor is absent, or cannot be immediately communicated with, any  
15 such civil officer of the persons listed in par. (a) 5. may, if the officer deems the  
16 occasion so is urgent, make such application, which shall be in writing, to request  
17 assistance from the commanding officers of any company, battalion or regiment, who  
18 may upon commander of any national guard unit. The commander shall obtain  
19 approval of the adjutant general, if the danger is great and imminent, order out that  
20 officer's command to the aid of such civil officer. Such before ordering the unit to  
21 provide assistance. If it is not feasible to obtain approval of the adjutant general, and  
22 the danger is great and imminent, the commander may order the unit to provide  
23 assistance without adjutant general approval. The order shall be delivered to the  
24 commanding officer, who shall immediately communicate the order to each, and  
25 every subordinate officer, and every company commander receiving the same who

**SECTION 39**

1 shall immediately communicate the substance thereof to each member of the order  
2 to the members of the company, or if any such unit. If a member cannot be found,  
3 a notice in writing containing the substance of such the order, in writing, shall be left  
4 at the last and usual member's place of residence of such member with some person  
5 of suitable age and discretion, to whom its the order's contents shall be explained.

6 **SECTION 40.** 21.11 (2) of the statutes is renumbered 321.39 (2) (a) and amended  
7 to read:

8 321.39 (2) (a) Any commissioned officer or enlisted member of the national  
9 guard who fails to carry out orders or fails to appear at the time or place ordered as  
10 provided in sub. (1) shall be punished under the Wisconsin code of military justice.

11 (b) Any person who advises or endeavors to persuade an officer or soldier to  
12 refuse or neglect to appear at such place or obey such order assists an officer or  
13 member of the national guard in violating par. (a) shall forfeit be subject to a  
14 forfeiture of not less than \$200 nor more than \$1,000.

15 **SECTION 41.** 21.11 (3) of the statutes is renumbered 321.04 (2) (e) and amended  
16 to read:

17 321.04 (2) (e) ~~The adjutant general may activate~~ Activate members of the  
18 national guard ~~for the purpose of serving to serve~~ on an honors detail of military  
19 funeral honors for a person described under s. 45.60 (1).

20 **SECTION 42.** 21.12 of the statutes is renumbered 321.43 and amended to read:

21 **321.43 Exemption from civil authority.** During the time the national guard  
22 or state military forces are defense force is performing military duty pursuant to  
23 proper under orders issued by the governor or by the governor's authority adjutant  
24 general, all of its members thereof, while going to, remaining at, or returning from  
25 a place of duty shall be are exempt from arrest or service of any process issued by a

1 civilian court. In any civil or criminal prosecution against any member arising out  
2 of the member's performing military duty, it shall be a defense that the member was  
3 acting in good faith or pursuant to any under a lawful military order. Any such The  
4 order shall be deemed prima facie considered lawful unless shown to be unlawful.

5 SECTION 43. 21.13 (title) of the statutes is renumbered 321.42 (title).

6 SECTION 44. 21.13 (1) of the statutes is renumbered 321.42 (1) (a) and amended  
7 to read:

8 321.42 (1) (a) If any ~~state resident who is a member of -a~~ the national guard  
9 of any state or of the state defense force or any resident of this state who is a member  
10 of the national guard of another state is prosecuted by any civil or criminal action for  
11 any act performed by the member <sup>↓</sup> while in the performance of military duty and in  
12 pursuance of military duty within the scope of his or her employment as a member,  
13 the action against governor, upon request of the adjutant general, shall appoint  
14 counsel to defend the member shall be defended by counsel, which may include the  
15 attorney general, appointed for that purpose by the governor upon the  
16 recommendation of the adjutant general. The adjutant general shall make the  
17 request to appoint defense counsel if the act performed by the member was in the line of duty. The  
18 governor may appoint the attorney general to defend the member.

\*\*\*NOTE: I removed the last sentence because it appears unnecessary because of  
the language in the first sentence of this paragraph. OK? ↖ score period

\*\*\*NOTE: The drafting committee wanted to highlight for the special committee the  
change regarding legal defense of National Guard and State Defense Force members for  
actions taken in the line of duty. The current provision applies to state residents who are  
members of the National Guard of any state or of the Wisconsin State Defense Force. This  
draft also includes persons who are members of the Wisconsin National Guard or the  
Wisconsin State Defense Force who are not residents of Wisconsin."

19 (b) The costs and expenses of any such the defense under par. (a) shall be  
20 audited by the department of administration and paid out of the state treasury and

1 charged to the appropriation under s. 20.455 (1) (b) ~~and if~~. If the jury or court finds  
2 that the member of the national guard against whom the action is brought acted  
3 within the scope of his or her employment as a member, the judgment as to damages  
4 entered against the member shall also be paid by the state.

\*\*\*\*NOTE: Based on the requirements in par. (a) about being prosecuted for an act  
performed within the scope of his or her employment as a national guard member, is the  
last sentence in par. (b) needed? *yes*

5 SECTION 45. 21.13 (2) of the statutes is renumbered 321.42 (2) and amended  
6 to read:

7 321.42 (2) Any civil action or proceeding brought against a member of a  
8 national guard or the state defense force under sub. (1) (a) is subject to ss. 893.82 and  
9 895.46.

10 SECTION 46. 21.15 (title) of the statutes is repealed.

11 SECTION 47. 21.15 of the statutes is renumbered 321.21 (5) (a) and amended  
12 to read:

13 321.21 (5) (a) No person may retain at any time any ~~arms, equipment or~~  
14 ~~military stores of any kind belonging to the state or any federally owned property~~  
15 ~~issued to the state property or money, unless the property or money has been lawfully~~  
16 ~~issued to the person pursuant to law and the proper authority permits the person to~~  
17 ~~retain the property or money in the discharge of a public duty. No person may use~~  
18 ~~any public arms, equipment, clothing or military stores belonging to the state, either~~  
19 ~~as owner or bailee, property or money for the person's unauthorized private use. Any~~  
20 ~~person violating this section paragraph shall forfeit not less than \$50 nor more than~~  
21 \$200.

\*\*\*\*NOTE: The drafting subcommittee wanted to highlight for the special  
committee's attention the level of penalties both in this provision and in current s. 21.155.  
Those penalty levels were established in 1980. Chapter 221, laws of 1979 (the 1980  
Budget Review Act), changed the penalties for violating s. 21.15 from a fine of not more

than \$200 to the current language. In addition, chapter 221 also changed the penalty for violating s. 21.115 from imprisonment for not more than 6 months or a fine of not more than \$100 to the current language.

1           **SECTION 48.** 21.155 (title) of the statutes is repealed.

2           **SECTION 49.** 21.155 of the statutes is renumbered 321.21 (5) (b) and amended  
3 to read:

4           321.21 (5) (b) ~~No~~ A person who possesses under the laws of this state any arms,  
5 ~~equipment or other military property may willfully neglect or refuse~~ or money, after  
6 ~~the adjutant general makes lawful demand is made~~ for the return of the property by  
7 ~~order of the governor, to~~ or money shall return the property or money promptly. No  
8 person may knowingly resist any officer who is lawfully taking possession of such  
9 ~~arms, equipment or other~~ the military property or money. Any person violating this  
10 ~~section paragraph~~ shall forfeit not less than \$50 nor more than \$200.

11           **SECTION 50.** 21.17 of the statutes is renumbered 321.24, and 321.24 (1) and (2),  
12 as renumbered, are amended to read:

13           321.24 (1) The officer in charge of any area used or to be used for military  
14 purposes may ~~cause the area to be marked in such a manner so as~~ mark the area to  
15 warn against encroachment by unauthorized persons, but ~~may not~~ to unnecessarily  
16 obstruct travel on any public highway. No person may encroach upon or enter ~~upon~~  
17 the area without the consent of the officer.

18           (2) No person may ~~intercept, molest, abuse or otherwise interfere~~ with any  
19 member of the national guard or ~~any other military force organized under the laws~~  
20 ~~of this state~~ defense force while the member is in the performance of military duty.

21           **SECTION 51.** 21.18 (title) and (1) (intro.) of the statutes are renumbered 321.10  
22 (title) and (1) (intro.).

1           **SECTION 52.** 21.18 (1) (a) to (c) of the statutes are renumbered 321.10 (1) (a) to  
2 (c).

3           **SECTION 53.** 21.18 (1) (d) of the statutes is renumbered 321.10 (1) (d) and  
4 amended to read:

5           321.10 (1) (d) Two assistant adjutants general for army, ~~who may hold the~~  
6 whose rank of may not exceed brigadier general.

7           **SECTION 54.** 21.18 (1) (e), (f), (g), (h), (i) and (j) of the statutes are renumbered  
8 321.10 (1) (f), (g), (h), (i), (j) and (k) and amended to read:

9           321.10 (1) (f) An assistant adjutant general for air, ~~who may hold the whose~~  
10 rank of may not exceed brigadier general.

11           (g) A chief surgeon for army, ~~who~~ whose rank may be a not exceed major general  
12 officer.

13           (h) A chief surgeon for air, ~~who~~ whose rank may be a not exceed major general  
14 officer.

15           (i) A staff judge advocate for army, ~~who~~ whose rank may be a not exceed major  
16 general officer.

17           (j) A staff judge advocate for air, ~~who~~ whose rank may be a not exceed major  
18 general officer.

19           (k) A state chaplain, either army or air, ~~who~~ whose rank may be a not exceed  
20 major general officer.

21           **SECTION 55.** 21.18 (1) (k) of the statutes is renumbered 321.10 (1) (L).

22           **SECTION 56.** 21.18 (1m) of the statutes is renumbered 321.10 (3) and amended  
23 to read:

24           321.10 (3) In the event ~~any of the a~~ deputy adjutants adjutant general, for army  
25 or for air, ~~are~~ is appointed to a military position as a major general, the adjutant

1 general shall appoint, for any periods of absence of that deputy adjutant general due  
2 to other military duties, an acting deputy adjutant general. The adjutant general  
3 may appoint one of the assistant adjutants general as an acting deputy adjutant  
4 general.

5 **SECTION 57.** 21.18 (2) of the statutes is renumbered 321.10 (4) and amended  
6 to read:

7 321.10 (4) No person shall may be appointed ~~on~~ to the governor's military staff  
8 who has not had previous state or U.S. military experience.

9 **SECTION 58.** 21.18 (3) and (4) of the statutes are renumbered 321.10 (5) and (6).

10 **SECTION 59.** 21.18 (5) of the statutes is renumbered 321.10 (7) and amended  
11 to read:

12 321.10 (7) The adjutant general shall appoint persons to fill vacancies in  
13 positions in on the military staff of the governor under sub. (1). Vacancies on the  
14 military staff of the governor shall be filled by appointment from officers actively  
15 serving in the national guard, except as provided in s. 15.31. Interim vacancies shall  
16 be filled by appointment by the adjutant general for the residue remainder of the  
17 unexpired term.

18 **SECTION 60.** 21.19 (title) of the statutes is repealed.

19 **SECTION 61.** 21.19 (1) of the statutes is renumbered 321.04 (1) (a) and amended  
20 to read:

21 321.04 (1) (a) ~~The adjutant general shall be~~ Be the military chief of staff to the  
22 governor. ~~The adjutant general shall have the custody of all property, military~~  
23 ~~records, correspondence and other documents relating to the national guard and any~~  
24 ~~other military forces organized under the laws of this state.~~ The adjutant general  
25 may appoint an assistant quartermaster general to issue and account for state

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1 ~~property. The adjutant general shall be the medium of military correspondence with~~  
2 ~~the governor and perform all other duties pertaining to the office or prescribed by~~  
3 ~~law, including the preparation and submission to the governor of reports under s.~~  
4 ~~15.04 (1) (d).~~

5 **SECTION 62.** 21.19 (1m) of the statutes is renumbered 321.04 (1) (i) and  
6 amended to read:

7 321.04 (1) (i) ~~The adjutant general shall administer~~ Administer, with the  
8 approval of the governor, state-federal cooperative funding agreements related to  
9 the department.

10 **SECTION 63.** 21.19 (2) of the statutes is renumbered 321.03 (2) (intro.) and  
11 amended to read:

12 321.03 (2) (intro.) ~~The department of military affairs on behalf of the state may~~  
13 ~~rent~~ do any of the following:

14 (a) Enter into an agreement to rent to appropriate organizations or individuals  
15 state-owned lands, buildings, and facilities used by, acquired for, or erected for the  
16 national guard when not required for use by the national guard. ~~Such~~ A rental shall  
17 agreement under this paragraph is not be effective unless in writing and approved  
18 in writing by the governor and the adjutant general or a his or her designee in  
19 writing.

20 **SECTION 64.** 21.19 (3) (a) of the statutes is renumbered 321.03 (2) (b) and  
21 amended to read:

22 321.03 (2) (b) ~~The department of military affairs on behalf of the state, upon~~  
23 Upon appraisal by the state chief engineer submitted to the governor in writing, ~~may~~  
24 ~~sell and convey upon such terms as the department of military affairs may~~  
25 ~~determine, and with the written approval of the governor in writing~~ sell and convey,

1 any state-owned property acquired or erected for state military purposes, which if  
2 the property is no longer useful to the national guard.

3 **SECTION 65.** 21.19 (3) (b) of the statutes is repealed.

4 **SECTION 66.** 21.19 (4) of the statutes is renumbered 321.04 (1) (g) and amended  
5 to read:

6 321.04 (1) (g) ~~The adjutant general shall be the auditor of~~ Audit all military  
7 accounts, and all accounts or claims payable from the treasury of the state for  
8 military purposes ~~shall be regularly audited by the adjutant general before payment.~~

9 ~~The adjutant general shall cause to be prepared and issued all necessary books and~~  
10 ~~forms required by the adjutant general's office for the national guard. All of the books~~  
11 ~~and forms shall be made to conform as nearly as practicable to those in use in the~~  
12 ~~United States army.~~

13 **SECTION 67.** 21.19 (5) of the statutes is renumbered 321.10 (2) and amended  
14 to read:

15 321.10 (2) In the absence or incapacity of the adjutant general, the senior  
16 ranking deputy adjutant general for army or air shall have all the powers and duties  
17 of the adjutant general.

18 **SECTION 68.** 21.19 (6) of the statutes is repealed.

19 **SECTION 69.** 21.19 (7) (a) (intro.) of the statutes is repealed.

20 **SECTION 70.** 21.19 (7) (a) 1. of the statutes is renumbered 321.04 (1) (f) and  
21 amended to read:

22 321.04 (1) (f) ~~Have charge of~~ control over all the military property of the state  
23 and shall military records and carefully preserve, repair, and account for the military  
24 property and records.

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1           **SECTION 71.** 21.19 (7) (a) 2. of the statutes is renumbered 321.04 (1) (h) and  
2 amended to read:

3           321.04 (1) (h) ~~Keep in such manner as the governor directs, and subject to the~~  
4 ~~governor's inspection,~~ an account of all moneys received and expended by the  
5 department.

6           **SECTION 72.** 21.19 (7) (a) 3. of the statutes is renumbered 321.04 (1) (q) and  
7 amended to read:

8           321.04 (1) (q) Perform the customary duties of the his or her office, ~~and of the~~  
9 ~~office of chief of all logistical services, and have the custody of all records, returns and~~  
10 ~~papers pertaining to those offices.~~

11           **SECTION 73.** 21.19 (7) (b) of the statutes is renumbered 321.04 (1) (k) and  
12 amended to read:

13           321.04 (1) (k) ~~The~~ Transport or contract for the transportation of all troops,  
14 ~~arms, accoutrements, stores~~ national guard members and other military property  
15 ~~and the preparation for encampments shall be contracted for by the adjutant general~~  
16 ~~under direction of the governor.~~

17           **SECTION 74.** 21.19 (8) of the statutes is renumbered 321.04 (1) (L) and amended  
18 to read:

19           321.04 (1) (L) ~~The adjutant general or a designee shall issue~~ Provide or contract  
20 for the provision of all necessary supplies to military property, lodging, and meals for  
21 ~~members and units of the national guard and may contract for the purchase and~~  
22 ~~transportation of such supplies, subject to s. 16.71 (1).~~

23           **SECTION 75.** 21.19 (9) of the statutes is renumbered 321.04 (2) (c) and amended  
24 to read:

1           321.04 (2) (c) When any military property ~~belonging to the state as owner or~~  
2     bailee is wrongfully held by another person, ~~the adjutant general may~~ bring an action  
3     in the name of the state to recover possession of the same property or the money value  
4     thereof of the property.

5           **SECTION 76.** 21.19 (10) of the statutes is renumbered 321.04 (2) (d) and  
6     amended to read:

7           321.04 (2) (d) ~~The adjutant general may, upon~~ Upon receipt of a meritorious  
8     requests request for a state service flags for public use flag and within the limits of  
9     the appropriation made under s. 20.465 (1) (e), furnish such flags a flag without  
10    charge to the ~~persons or organizations requesting them~~ person who requested it.

11          **SECTION 77.** 21.19 (11) of the statutes is renumbered 321.04 (1) (d) and  
12    amended to read:

13          321.04 (1) (d) ~~The adjutant general shall provide such~~ Provide necessary  
14    medical supplies and services ~~as are necessary~~ to the national guard during periods  
15    of state active duty not otherwise provided under this chapter and ch. 102, to be  
16    charged to the appropriation under s. 20.465 (1) (c).

17          **SECTION 78.** 21.19 (12) of the statutes is renumbered 321.04 (1) (e) and  
18    amended to read:

19          321.04 (1) (e) ~~The adjutant general shall provide from the appropriation under~~  
20    s. 20.465 (1) (e) Provide a United States flag or state flag to the next of kin of each  
21    deceased member of the national guard who dies ~~as a result of~~ during state service  
22    ~~under s. 21.11 active duty, to be charged to the appropriation under s. 20.465 (1) (c).~~

23          **SECTION 79.** 21.19 (13) of the statutes is renumbered 321.04 (1) (n) and  
24    amended to read:

1           321.04 (1) (n) ~~The adjutant general shall cooperate~~ Cooperate with the federal  
2 government in the operation and maintenance of distance learning centers for the  
3 use of current and former members of the national guard and the U.S. armed forces.  
4 The adjutant general may charge rent for the use of a center by a nonmilitary or  
5 nonfederal person. All moneys received under this subsection paragraph shall be  
6 credited to the appropriation account under s. 20.465 (1) (i).

7           **SECTION 80.** 21.19 (14) of the statutes is renumbered 321.04 (1) (o) and  
8 amended to read:

9           321.04 (1) (o) ~~The adjutant general shall provide~~ Provide the department of  
10 veterans affairs information on all necessary military points of contact and general  
11 deployment information for activated and deployed members of the national guard.

12           **SECTION 81.** 21.20 of the statutes is repealed.

13           **SECTION 82.** 21.21 of the statutes is repealed.

14           **SECTION 83.** 21.25 of the statutes is repealed.

15           **SECTION 84.** 21.26 (title) of the statutes is repealed.

16           **SECTION 85.** 21.26 (1) and (2) (intro.) of the statutes are consolidated,  
17 renumbered 321.03 (1) (c) (intro.) and amended to read:

18           321.03 (1) (c) (intro.) ~~The department of military affairs shall administer~~  
19 Administer the Youth Challenge Academy program for disadvantaged youth under  
20 32 USC 509. ~~(2)~~ The department shall determine eligibility criteria for the  
21 Challenge Academy consistent with federal law. Annually, the department of  
22 ~~military affairs~~ shall do all of the following:

23           **SECTION 86.** 21.26 (2) (a) of the statutes is renumbered 321.03 (1) (c) 1. and  
24 amended to read:

1           321.03 (1) (c) 1. Calculate 40% the state share of the average cost per pupil  
2 attending the Youth Challenge Academy program and report this information to the  
3 department of public instruction.

4           **SECTION 87.** 21.26 (2) (b) of the statutes is renumbered 321.03 (1) (c) 2.

5           **SECTION 88.** 21.28 (title) of the statutes is renumbered 321.11 (title).

6           **SECTION 89.** 21.28 (1), (2) and (3) of the statutes are renumbered 321.11 (1), (2)  
7 and (3) and amended to read:

8           321.11 (1) The adjutant general shall recommend a candidate for appointment  
9 as the United States U.S. property and fiscal officer for the national guard, subject  
10 to the concurrence of the governor, from federally commissioned officers actively  
11 serving in the national guard. The candidate shall be nominated by the governor,  
12 subject to the concurrence of the U.S. secretary of the army, if the nominee is serving  
13 in the army national guard, or the U.S. secretary of the air force, if the nominee is  
14 serving in the air national guard.

15           (2) The officer nominated under sub. (1) shall assume the duties of a United  
16 States U.S. property and fiscal officer under 32 USC 708, when properly ordered to  
17 active duty by the appropriate U.S. secretary, on the date specified in the order. The  
18 officer shall hold his or her position unless terminated earlier by resignation,  
19 disability or for cause and unless federal recognition of the officer's commission  
20 under ~~32 USC 323~~ 10 USC 14902, 14903, or 14905 is refused or withdrawn.

21           (3) Any action by the governor to remove the officer appointed under sub. (1)  
22 (2) for cause shall be governed by the federal laws and military regulations governing  
23 removal of an officer for cause and shall be subject to review by the chief of the  
24 national guard bureau and by the U.S. secretary of the army, if the officer is

1 commissioned by the army national guard, or by the U.S. secretary of the air force,  
2 if the officer is commissioned by the air national guard.

3 SECTION 90. 21.30 (title) of the statutes is renumbered 321.12 (title) and  
4 amended to read:

5 **321.12 (title) Chief surgeons; powers and duties.**

6 SECTION 91. 21.30 of the statutes is renumbered 321.12 (1) and amended to  
7 read:

8 321.12 (1) The chief surgeons for the army and air national guard shall, under  
9 direction of the adjutant general, have general supervision of the medical units of the  
10 national guard and, if organized, the state defense force ~~when organized~~. The chief  
11 surgeons shall make recommendations concerning the procurement of medical  
12 supplies and services for state active duty operations, for the procurement and  
13 training of medical personnel, and for the publication of national guard directives on  
14 medical subjects. ~~The chief surgeons shall submit an annual report of the affairs and~~  
15 ~~expenses of their departments to the adjutant general.~~

16 SECTION 92. 21.32 (title) of the statutes is repealed.

17 SECTION 93. 21.32 of the statutes is renumbered 321.12 (2) and amended to  
18 read:

19 321.12 (2) The chief surgeons for the army and the air national guard shall  
20 provide for such any physical examinations and inoculations of officers, enlistees,  
21 and applicants for enlistment in the national guard, ~~as may be~~ that are prescribed  
22 by department of defense and national guard regulations.

23 SECTION 94. 21.33 (title) of the statutes is repealed.

24 SECTION 95. 21.33 of the statutes is renumbered 321.04 (1) (c) and amended to  
25 read:

1           321.04 (1) (c) ~~The quartermaster general acting as paymaster under~~ Under  
2 orders from the governor, may draw from the state treasury the money necessary for  
3 paying ~~troops in camp or~~ national guard members on state active service, and shall  
4 furnish such security for the same as the secretary of administration may direct. The  
5 amount due on account of the field, staff, or other officers, noncommissioned staff and  
6 band, company, or enlistees, not herein enumerated, if any, shall be paid to the person  
7 to whom the same shall be due, on the properly signed and certified payrolls duty.

8           **SECTION 96.** 21.35 of the statutes is renumbered 321.37 and amended to read:

9           **321.37** ~~Federal laws and regulations; no~~ No discrimination. The  
10 organization, armament, equipment, and discipline of the national guard shall be  
11 that prescribed by federal laws or regulations; and the governor may by order perfect  
12 such organization, armament, equipment, and discipline, at any time, so as to  
13 comply with such laws and regulations insofar as they are consistent with the  
14 Wisconsin code of military justice. Notwithstanding any rule or regulation  
15 prescribed by the federal government or any officer or department thereof, no No  
16 person, otherwise qualified, may be denied membership in the national guard or  
17 state defense force because of sex, color, race, creed, or sexual orientation and no  
18 member of the national guard or state defense force may be segregated within the  
19 national guard or state defense force on the basis of sex, color, race, creed, or sexual  
20 orientation. Nothing in this section prohibits separate facilities for persons of  
21 different sexes with regard to dormitory accommodations, ~~public~~ toilets, showers,  
22 saunas, and dressing rooms.

23           **SECTION 97.** 21.36 (title) of the statutes is repealed.

24           **SECTION 98.** 21.36 (1) of the statutes is renumbered 321.36 and amended to  
25 read:

1           **321.36 Rules of discipline.** The applicable rules of discipline and the  
2 regulations of the U.S. armed forces of the U.S. shall, ~~so far as the same are~~  
3 ~~applicable~~, constitute the rules of discipline and the regulations of the national  
4 guard; ~~the.~~ The rules and uniform code of military justice established by ~~congress~~  
5 Congress and the <sup>U.S. ← score and cap</sup> department of defense for the armed forces shall be adopted so far  
6 as they are applicable and consistent with the Wisconsin code of military justice for  
7 the government of the national guard, ~~and the.~~ The system of instruction and the  
8 drill regulations prescribed for the different arms and corps of the armed forces of  
9 the U.S. shall be followed in the military instruction and practice of the national  
10 guard, and the use of any other system is forbidden.

11           **SECTION 99.** 21.36 (2) of the statutes is renumbered 321.04 (2) (a) and amended  
12 to read:

13           321.04 (2) (a) ~~The governor may make and~~ Make, publish, and have printed  
14 rules policies, regulations, and <sup>↓ instructions</sup> ~~orders~~ for the government governance of the national  
15 guard, ~~not inconsistent with the law, and cause the rules, regulations, or orders,~~  
16 ~~together with any related laws, to be printed and distributed in book form, or another~~  
17 ~~form, in any number that the governor considers necessary. The governor may~~  
18 provide.

19           (b) Provide for all books and forms that may be necessary for the proper  
20 discharge of the duty of all officers. ~~The governor may delegate the authority under~~  
21 ~~this subsection to the adjutant general by executive order of the national guard.~~

22           **SECTION 100.** 21.37 of the statutes is renumbered 321.70 and amended to read:

23           **321.70 The Wisconsin code of military justice.** The Wisconsin code of  
24 military justice as created by chapter 20, laws of 1969, shall govern ~~governs~~ the  
25 conduct of all members of the national guard and ~~any other military force organized~~

1 ~~under the laws of this~~ the state defense force. The revisor of statutes shall may not  
2 print the Wisconsin code of military justice in the statutes.

3 **SECTION 101.** 21.38 of the statutes is renumbered 321.31 and amended to read:

4 **321.31 Uniform of Wisconsin national guard.** The uniform of the national  
5 guard shall be ~~that~~ as prescribed by regulations for the corresponding branch of the  
6 ~~United States~~ U.S. armed forces.

7 **SECTION 102.** 21.42 of the statutes is repealed.

8 **SECTION 103.** 21.43 of the statutes is renumbered 321.33 and amended to read:

9 **321.33 Commissions and rank.** The governor shall appoint and issue  
10 commissions to all officers whose appointments are approved by the governor. Every  
11 commission shall be countersigned signed by the secretary of state and attested by  
12 the adjutant general ~~and~~. A commission shall continue as provided by law unless  
13 terminated earlier by resignation, disability, or for cause or unless federal  
14 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.  
15 Each ~~officer so~~ commissioned officer shall take the oath of office prescribed by article  
16 IV, section 28, of the constitution and file it with the department of military affairs  
17 ~~the oath of office prescribed by article IV, section 28, of the constitution~~. All  
18 commissioned officers shall take rank according to the date assigned them by their  
19 commissions, and when 2 of the same grade rank from the same date, their rank shall  
20 be determined by length of creditable service in the national guard ~~creditable for pay,~~  
21 and if of equal creditable service then by lot.

22 **SECTION 104.** 21.47 of the statutes is renumbered 321.34 and amended to read:

23 **321.34 Examinations for promotion or appointments.** The governor or  
24 adjutant general may order any subordinate ~~officer~~ or person nominated or  
25 recommended for promotion or appointment in the national guard or state defense

1 force to be examined by any competent officer or board of officers, designated in  
2 orders for that purpose, as to that person's qualifications for the office to which that  
3 person ~~may is to be recommended or appointed, and or promoted.~~ The governor or  
4 adjutant general may take ~~such~~ action on the report of ~~such~~ the examining officer or  
5 board of officers as ~~the governor deems~~ he or she considers to be for the best interests  
6 of the service national guard or state defense force. The governor or adjutant general  
7 may also require the person to take the physical examination provided for admission  
8 to the United States U.S. army or air force.

9 **SECTION 105.** 21.48 of the statutes is renumbered 321.35 and amended to read:

10 **321.35 Pay. (1)** ~~Each~~ Every officer and enlisted person of on state active duty  
11 in the national guard ~~on active duty in the state under orders of the governor on a~~  
12 ~~state pay basis~~ shall receive the base pay and allowances of an officer or enlisted  
13 person of equal rank in the corresponding branch of the U.S. armed forces except that  
14 the base pay so provided shall not be less than \$50 per day.

\*\*\*NOTE: The drafting committee wanted to highlight for the special committee the  
\$50 minimum base pay, which perhaps should be raised to a more appropriate amount?

15 (2) The governor may, ~~by orders, duplicates of which shall be filed with the~~  
16 ~~secretary of state,~~ fix the pay of any member of the governor's staff military staff of  
17 the governor, or other members of the national guard or state defense force for any  
18 special service ~~under orders~~ state active duty.

19 (3) The governor may order, with ~~their~~ the member's consent, to state active  
20 ~~duty in the department of military affairs, any departmental officers of the~~  
21 ~~governor's staff, including the adjutant general and the deputy adjutants general,~~  
22 ~~and while so~~ a member of his or her military staff who is a state employee. The

1 assigned ~~the officers~~ staff member shall receive the pay, but not the allowances, of  
2 an officer of equal grade in the U.S. armed forces ~~of the United States~~.

3 **SECTION 106.** 21.49 (title) and (1) (intro.) of the statutes are renumbered 321.40  
4 (title) and (1) (intro.).

5 **SECTION 107.** 21.49 (1) (ae) of the statutes is repealed.

6 **SECTION 108.** 21.49 (1) (am) and (ar) of the statutes are renumbered 321.40 (1)  
7 (a) and (b).

8 **SECTION 109.** 21.49 (1) (b) (intro.) of the statutes is renumbered 321.40 (1) (c)  
9 (intro.).

10 **SECTION 110.** 21.49 (1) (b) 1., 1g. and 1m. of the statutes are renumbered 321.40  
11 (1) (c) 1., 2. and 3.

12 **SECTION 111.** 21.49 (1) (b) 2. of the statutes is renumbered 321.40 (1) (c) 4. and  
13 amended to read:

14 321.40 (1) (c) 4. Except as provided in subds. ~~1g. 2.~~ and ~~1m. 3.~~, an accredited  
15 institution of higher education located in this state, as defined in 20 USC 1002.

16 **SECTION 112.** 21.49 (1) (b) 3. of the statutes is renumbered 321.40 (1) (c) 5.

17 **SECTION 113.** 21.49 (1) (c) of the statutes is renumbered 321.40 (1) (d) and  
18 amended to read:

19 321.40 (1) (d) "Tuition grant" means any tuition cost reimbursement payment  
20 made by the department under sub. ~~(3)~~ (4).

21 **SECTION 114.** 21.49 (2) (intro.), (a), (b) and (e) of the statutes are renumbered  
22 321.40 (2) (intro.), (a), (b) and (d).

23 **SECTION 115.** 21.49 (2) (d) of the statutes is renumbered 321.40 (2) (c) and  
24 amended to read:

1           321.40 (2) (c) Failing to meet the national guard ~~service~~ duty eligibility criteria  
2 established by the department or absent without leave for more than 9 unit training  
3 assemblies.

4           **SECTION 116.** 21.49 (2) (f) of the statutes is renumbered 321.40 (2) (e) and  
5 amended to read:

6           321.40 (2) (e) Failing to achieve a minimum grade point average of 2.0 ~~or an~~  
7 ~~average grade of "C"~~ for the semester for which ~~reimbursement is requested~~ a tuition  
8 grant is applied for.

9           **SECTION 117.** 21.49 (2m) of the statutes is renumbered 321.40 (3), and 321.40  
10 (3) (intro.), as renumbered, is amended to read:

11           321.40 (3) INFORMATION REGARDING ATTENDANCE. (intro.) The department shall  
12 promulgate by rule the number of days after commencement of a course that a guard  
13 member shall provide the department with the following information regarding his  
14 or her intent to ~~seek reimbursement for a course~~ apply for a tuition grant under this  
15 section:

16           **SECTION 118.** 21.49 (3) of the statutes is renumbered 321.40 (4), and 321.40 (4)  
17 (a) and (b) 3., as renumbered, are amended to read:

18           321.40 (4) (a) Any eligible guard member upon satisfactory completion of a  
19 full-time or part-time course in a qualifying school ~~is eligible for~~ may apply for a  
20 tuition grant equal to 100% of the actual tuition charged by the school or 100% of the  
21 maximum resident undergraduate tuition charged by the University of  
22 Wisconsin-Madison for a comparable number of credits, whichever amount is less.

23           (b) 3. Contain the signatures of both the guard member claiming the grant and  
24 a representative of the school, certifying that the member has satisfactorily

1 completed the course and has achieved the minimum grade point average or grade,  
2 as required under sub. (2) ~~(f)~~ (e).

3 **SECTION 119.** 21.49 (3m) and (4) of the statutes are renumbered 321.40 (5) and  
4 (6) and amended to read:

5 321.40 (5) REPAYMENT OF GRANTS. The department shall require a national  
6 guard member who has received a tuition grant under this section to repay the  
7 amount of the tuition grant to the department if the national guard member, ~~on or~~  
8 ~~after September 1, 2001,~~ is separated from the national guard for misconduct, as  
9 defined in the rules and regulations of the national guard, including being absent  
10 without leave for more than 9 unit training assemblies. The department may elect  
11 to collect the amount owed under this subsection through the tax intercept program  
12 under s. 71.93.

13 (6) LIMITATIONS. (a) No guard member is eligible for benefits a tuition grant  
14 under this section for more than 120 credits of part-time study or 8 full semesters  
15 of full-time study or the equivalent thereof.

16 (b) If the U.S. congress establishes an active draft after July 1, 1977, no new  
17 tuition grants may be authorized under this section. The department shall  
18 determine if an active draft has been established. Any termination of the tuition  
19 grant program under this paragraph shall allow persons receiving grants prior to the  
20 establishment of an active draft to receive full benefits subject to sub. ~~(3)~~ (4) (d) and  
21 par. (a).

22 (c) No guard member may receive a tuition grant under sub. ~~(3)~~ (4) for any  
23 semester in which he or she received a payment under s. 45.20 (2).

24 **SECTION 120.** 21.50 (title) of the statutes is renumbered 321.21 (title).