

# 1999 SENATE BILL 305

December 15, 1999 – Introduced by Senator MOEN, cosponsored by Representative WAUKAU. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1 AN ACT *to amend* 21.11 (1) of the statutes; **relating to:** the governor’s power to  
2 activate the national guard.

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

Under current law, in response to a war, insurrection, rebellion, riot or invasion, in the event of a public disaster resulting from a flood, conflagration or tornado, or upon application of certain public officials, the governor may order into active service all or any portion of the national guard. Current law also includes a procedure for activating the national guard if the governor is not able to do so.

This bill allows the governor to order the national guard into active service when the governor considers that activation necessary for the protection of persons or property.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 21.11 (1) of the statutes is amended to read:  
4 21.11 (1) In case of war, insurrection, rebellion, riot, invasion, or resistance to  
5 the execution of the laws of this state, or of the United States, ~~or~~ in the event of public

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1 disaster resulting from flood, conflagration or tornado,; when the governor considers  
2 the call to active service necessary for the protection of persons or property; or upon  
3 application of any marshal of the United States, the president of any village, the  
4 mayor of any city, the chairperson of any town board, or any sheriff in this state, the  
5 governor may order into active service all or any portion of the national guard. If the  
6 governor is absent, or cannot be immediately communicated with, any such civil  
7 officer may, if the officer deems the occasion so urgent, make such application, which  
8 shall be in writing, to the commanding officers of any company, battalion or regiment,  
9 who may upon approval of the adjutant general, if the danger is great and imminent,  
10 order out that officer's command to the aid of such civil officer. Such order shall be  
11 delivered to the commanding officer, who shall immediately communicate the order  
12 to each, and every subordinate officer, and every company commander receiving the  
13 same shall immediately communicate the substance thereof to each member of the  
14 company, or if any such member cannot be found, a notice in writing containing the  
15 substance of such order shall be left at the last and usual place of residence of such  
16 member with some person of suitable age and discretion, to whom its contents shall  
17 be explained.

18 (END)