



(D-NOTE)
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0517/P2
RPN&RLR...:pg
stays
gjs

THIS WEEK (IF POSSIBLE)

int refs ✓
x-refs ✓
SA ✓
your challenge ✓

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P.W.F. all
Sections containing
amended text AND
Proof-Word-for-Word any
Sections that the Statutes
compare
routine
cannot
Process.

Gen Cat

Sort draft

- 1 AN ACT relating to: powers and duties of the department of military affairs,
- 2 the adjutant general, military officers, military property and assets, the national
- 3 guard, the state defense force, rights of service personnel, the Wisconsin code of
- 4 military justice, and making an appropriation.

Analysis by the Legislative Reference Bureau

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft 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 draft, ch. 21 will be reorganized as follows:

Subchapter I

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bill

Also, get rid of any tabs that you find

LPS: reformat the table of contents that follows as a table, using 1999 LRB-0042/1 as a model.

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.
- 321.13 Discharge of officers.
- 321.14 Authority to administer oaths.
- 321.15 Resignation of officer.

Subchapter III

Property and Assets

e 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 Terms 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 Exemptions from civil authority.

Change part to New Century Schoolbook

- 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 service.
- 321.63 Local government employees or officers in military service.
- 321.64 Reemployment after completion of military service.
- 321.65 Reemployment rights after national guard, state defense force, or public health emergency service.

active duty ✓
federal active duty ✓
federal active duty ✓

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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 ^{described} provided in s. 21.18 (1)
 8 321.10 (1). In this subsection "secretary" includes the attorney general and the state
 9 superintendent of public instruction.

***NOTE: This cross-reference is not very clear because current 21.18 (1) does ~~it~~ not say the adjutant general may appoint 2 deputies.

History: 1971 c. 125; 1975 c. 94; 1977 c. 196, 273, 418, 447; 1979 c. 221; 1981 c. 112, 350; 1981 c. 391 s. 210; 1983 a. 27, 524; 1985 a. 29; 1985 a. 180 ss. 2 to 4, 30m; 1985 a. 332; 1987 a. 147 s. 25; 1987 a. 186; 1989 a. 248; 1991 a. 39, 189; 1995 a. 27; 1997 a. 73.

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

1 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
 2 provisions in either the general law or in special acts, except ss. 6.26 (2) (b), 6.28 (2)
 3 (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officials and ~~ch. 21~~ ch. 321 ✓
 4 relating to the military staff of the governor and to officers of the Wisconsin national
 5 guard; and shall govern all offices whether created by general law or special act,
 6 unless otherwise specially provided.

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

History: 1971 c. 304 s. 29 (2); 2005 a. 451.

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

8 20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure
 9 established in s. 14.11 (2) (c), for the compensation of special counsel appointed as
 10 provided in ss. 14.11 (2) and ~~21.13~~ 321.42. ✓

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237; 1999 a. 5, 9, 186; 2001 a. 16, 109; 2003 a. 33, 139, 309, 326; 2005 a. 25 ss. 356c to 363r, 415m to 415v, 415w, 416g, 416h; 2005 a. 60, 254, 433.

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

12 20.465 (1) (e) ~~State~~ ^{plain} *service flags.* The amounts in the schedule for the purchase
 13 of state ~~service~~ ^{strike} flags pursuant to s. ~~21.19 (10)~~ 321.04 (2) (d). ✓

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269.

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

15 20.465 (1) (g) *Military property.* The amounts in the schedule for rent of
 16 state-owned military lands or buildings used by, acquired for or erected for the
 17 Wisconsin national guard under s. ~~21.19 (2)~~ 321.03 (2) (a), for rental of buildings and
 18 grounds maintenance equipment owned by the state and required to properly
 19 maintain properties supported by state-federal cooperative funding agreements, for
 20 the repair and maintenance of state-owned military lands or buildings, for the
 21 payment of municipal assessments related to state-owned military property and for
 22 the purchase and construction of new military property, real and personal. All

1 moneys received on account of lost military property, from the sale of obsolete or
2 unserviceable military property, from the sale of any state-owned military property,
3 real and personal, under s. ~~21.19 (3)~~ 321.03 (2) (b), from the rental of state-owned
4 housing, or from the provision of housing-related services to military personnel shall
5 be credited to this appropriation.

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269.

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

7 20.465 (1) (i) *Distance learning centers.* All moneys received from renting the
8 distance learning centers, for the operation and maintenance of the centers under
9 s. ~~21.19 (13)~~ 321.04 (1) (n).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269.

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

11 20.465 (2) (a) *Tuition grants.* A sum sufficient for the payment of tuition grants
12 to members of the Wisconsin national guard under s. ~~21.49 (3)~~ 321.40 (4).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269.

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

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

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

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

17 ^{Strike whole word} 20.465 (4) (ka) ~~Youth Challenge program~~ Academy; public instruction funds. All moneys
18 received from the department of public instruction under s. 121.095, for the
19 operation of the ~~Youth Challenge program~~ Academy under s. ~~21.26~~ 321.03 (1) (c).

History: 1971 c. 125; 1975 c. 39, 224; 1977 c. 29; 1977 c. 418 s. 929 (55); 1981 c. 20, 207; 1983 a. 27; 1983 a. 333 s. 6; 1987 a. 27; 1987 a. 63 s. 13; 1989 a. 31 ss. 486 to 491i, 504 to 514, 521, 522; 1989 a. 115; 1991 a. 39, 104; 1993 a. 16, 253, 490; 1995 a. 13, 27, 247; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16, 109; 2003 a. 33, 186; 2005 a. 25, 269.

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

21 20.865 (1) (a) *Judgments and legal expenses.* A sum sufficient to pay for legal
22 expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs

1 of judgments, orders and settlements of actions, appeals and complaints under
 2 subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders
 3 and settlements under ss. ~~21.13~~ 321.42, 165.25 (6), 775.04 and 895.46 that are not
 4 otherwise reimbursable as liability costs under par. (fm). Release of moneys under
 5 this paragraph pursuant to any settlement agreement, whether or not incorporated
 6 into an order, is subject to approval of the attorney general.

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106; 2003 a. 33; 2005 a. 25.

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

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

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106; 2003 a. 33; 2005 a. 25.

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

19 20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the
 20 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.
 21 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,
 22 orders and settlements of actions, appeals and complaints under subch. II of ch. 111

1 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements
 2 under ss. 21.13, 321.42, 165.25 (6), 775.04 and 895.46 that are not otherwise
 3 reimbursable as liability costs under par. (fm). Release of moneys under this
 4 paragraph pursuant to any settlement agreement, whether or not incorporated into
 5 an order, is subject to approval of the attorney general.

→ (9) SEC. #. RP; Chapter 21 (title)

History: 1971 c. 125; 1971 c. 270 ss. 94, 95, 104; 1973 c. 90, 117, 151; 1973 c. 243 s. 82; 1973 c. 333; Sup. Ct. Order, 67 Wis. 2d 773 (1975); 1975 c. 39; 1975 c. 41 s. 52; 1975 c. 81, 224; 1977 c. 29, 44; 1977 c. 196 ss. 130 (8), 131; 1977 c. 203; 1977 c. 272 s. 98; 1977 c. 273, 344; 1977 c. 418 ss. 175d to 178, 929 (1); 1979 c. 32 s. 92 (5); 1979 c. 34 ss. 631b, 631d, 631f, 631h, 667 to 675; 1979 c. 48, 126, 221; 1981 c. 20, 96, 314, 317, 391; 1983 a. 27 ss. 498 to 526, 2204 (57) (b); 1983 a. 36; 1983 a. 191 s. 6; 1983 a. 192, 409; 1985 a. 29, 42, 52, 111; 1985 a. 182 s. 57; 1987 a. 27, 378; 1987 a. 403 ss. 28, 256; 1989 a. 31, 39, 336; 1991 a. 39; 1993 a. 16; 1995 a. 27, 201, 227, 400, 445; 1997 a. 27, 35, 41, 237; 1999 a. 9; 2001 a. 16, 106; 2003 a. 33; 2005 a. 25.

6 SECTION 15. 21.01 of the statutes is renumbered 321.30 and amended to read:

7 **321.30 Composition of national guard.** (1) The organized militia of this
 8 state shall be known as the "Wisconsin national guard" and shall consist of members
 9 appointed commissioned or enlisted therein in accordance with federal law or
 10 regulations governing ~~or pertaining to~~ the national guard.

11 (2) The Wisconsin national guard shall ~~be organized into~~ consist of the army
 12 national guard and ^{the} ~~air national guard units, and "national guard" when used in this~~
 13 ~~chapter, unless the context otherwise requires, means both the Wisconsin army~~
 14 ~~national guard and the Wisconsin air national guard.~~

History: 1975 c. 189; 1983 a. 27; 2003 a. 69.

15 SECTION 16. 21.015 (title) of the statutes is renumbered 321.03 (title) and
 16 amended to read:

17 **321.03 (title) Department Powers and duties of the department.**

History: 1983 a. 27.

18 SECTION 17. 21.015 (intro.) of the statutes is renumbered 321.03 (1) (intro.) and
 19 amended to read:

20 321.03 (1) (intro.) The department of ~~military affairs~~ shall do all of the
 21 following:

22 SECTION 18. 21.015 (1) of the statutes is renumbered 321.03 (1) (a) ~~and~~
 23 amended to read:

fix component

④ SEC.#. RN; 21.025 (title); 321.51 (title)

~~321.03 (1) (a) Administer the national guard.~~

History: 1983 a. 27.

SECTION 19. 21.015 (2) of the statutes is renumbered 321.03 (1) (b) and amended to read:

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

History: 1983 a. 27.

SECTION 20. 21.025 (1), (2) (a), (c) and (d), (3), (4), (6), (8), (9), (10), ~~(11m)~~ and (11n) of the statutes are renumbered 321.51 (1), (2) (a), (c) and (d), ~~and (3), (4), (5), (6), (7), (8), (9) and (10)~~ and amended to read:

321.51 State defense force authorized. (1) AUTHORITY AND NAME. The

adjutant general may establish a plan for organizing a military force to be known as the ~~Wisconsin state defense force~~ "state defense force". The governor, or adjutant general if designated by the governor, may organize the ~~Wisconsin state defense force~~ under the plan, which may include an aviation unit, if all or part of the national guard is called into the service of the United States ~~U.S. active duty.~~ ~~It~~ The state defense force shall be a uniformed force distinct from the national guard, uniformed, and composed of officers, commissioned or assigned officers, and of enlisted personnel who volunteer for service. Membership in the ~~Wisconsin state defense force~~ may not include any A person who is on active duty in the active military U.S. armed forces, including the active reserve components, may not serve in the state defense force. Persons A person in the retired or inactive reserve may serve in the ~~Wisconsin state defense force.~~

(2) (a) The governor or adjutant general, if designated by the governor, may prescribe ~~rules and regulations~~ not inconsistent ^{polices} consistent with this section governing the enlistment, organization, administration, equipment, uniforms,

PLAIN

2007 - 2008 Legislature

AAAA Note: The terms "rules" and "regulations" are used in this paragraph, but DMA says it - 9 - 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?

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SECTION 20

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

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

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

19 (3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. For the use of such forces, the The
20 governor or adjutant general, if designated by the governor, may requisition military
21 property from the federal government such arms and equipment as may be available,
22 and the . The governor or adjutant general, if designated by the governor, may make
23 available to the state defense force the facilities of state armories and their
24 equipment and such military property and other state premises and property as may
25 be available and may, through the The department of military affairs, may rent or

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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 1st sentence?

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

9 XXXX NOTE:

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

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

(3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. For the use of such forces, the The governor or adjutant general, if designated by the governor, may requisition military property from the federal government such arms and equipment as may be available, and the . The governor or adjutant general, if designated by the governor, may make available to the state defense force the facilities of state armories and their equipment and such military property and other state premises and property as may be available and may, through the The department of military affairs, may rent or

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SECTION 20

*

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

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

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

19 (b) Any organization, unit, or detachment of such forces, upon Upon order of
 20 the officer in immediate command thereof, the state defense force may continue in
 21 fresh pursuit of insurrectionists, saboteurs, enemies terrorists, or enemy forces
 22 beyond the borders of this state into another state until they are apprehended or
 23 captured by such organization, unit, or detachment or until the military or police
 24 forces a law enforcement agency of the other state or the forces of the United States
 25 have had a reasonable opportunity to take up the pursuit or to apprehend or capture

Any

under this subsection
the

1 such those persons, provided such ~~. The~~ pursuit may only take place if the other state
 2 shall have given gives authority by law for such that pursuit by such ~~forces~~ of this
 3 state. Any ~~such~~ person who shall be ~~apprehended or is~~ captured in such the other
 4 state by an ~~organization, unit, or detachment of the forces of this~~ the state defense
 5 force shall without unnecessary delay be surrendered to ~~the~~ ^{strike a unit} military or police forces
 6 law enforcement agency of the state in which the person is taken ^{captured} or to the United
 7 States, ~~but such~~. The surrender of the person captured shall not constitute a this
 8 state's ^{PLAIN} waiver by this state of its the right to extradite or prosecute such the person
 9 for any crime committed in this state.

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

16 (6) DISQUALIFICATIONS. ~~No person shall be commissioned or enlisted in such~~
 17 ~~forces who is not a citizen of the United States or who has been expelled or~~
 18 ~~dishonorably discharged from any military or naval organization, of this state, or of~~
 19 ~~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.

20 (7) OATH OF OFFICERS. ~~The oath to be taken by officers commissioned or enlistees~~
 21 ~~in such forces~~ the state defense force shall be substantially in the form prescribed for
 22 officers of the national guard. The oath shall be filed in the same manner as is done
 23 in the national guard.

SEC.#. 21.025(11m)(a) and (b) of the statutes are consolidated, renumbered 321.51(9) and amended to read:

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

321.51

(9) ~~RETENTION OF ITEMS OF UNIFORM (a)~~ Officers and enlistees of the "Wisconsin State Defense Force" state defense force who have served honorably therein for a

period of at least one year and are active members of their respective units at the time of its demobilization shall may, upon application to the unit commander, be permitted to retain the items of their uniform prescribed by the governor by rule. (b)

The If retained, the uniform prescribed under par. (a) may be worn only on occasions of ceremony. "Occasions of ceremony" means occasions essentially of a military character at which the uniform is more appropriate than civilian clothing, such as including memorial services, military weddings, military funerals, military balls, military parades, military reunions, and meetings or functions of associations formed for military purposes, the membership of which is composed largely or entirely of honorably discharged veterans of the services members of the U.S. military, national guard, and state defense force.

PLAIN

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

SEC.#. RN; 21.025(2)(title); 321.51(2)(title)

History: 1975 c. 94 ss. 6, 91 (1); 1983 a. 27; 1987 a. 63 ss. 3, 13; 1991 a. 316; 2003 a. 69.

SECTION 21. 21.025 (2) (b) of the statutes is repealed.

SEC.#. RN; 21.025(5)(title); 321.05(title)

SECTION 22. 21.025 (5) (a) and (b) of the statutes is renumbered 321.05 (1) and (2) and amended to read:

321.05 Permission to forces of other states. (1) Any military forces or organization, unit, or detachment thereof, of another state who are that is in fresh

PLAIN

1 pursuit of insurrectionists, saboteurs, ~~enemies~~ terrorists, or enemy forces may
2 continue such the pursuit into this state until ~~the~~ a military unit or ~~police forces~~ law
3 enforcement agency of this state or the forces of the ~~United States~~ have U.S. military
4 has had a reasonable opportunity to take up the pursuit or to ~~apprehend or capture~~
5 such persons, and such the persons. The military forces of such unit of the other state
6 may arrest or capture ~~such~~ those persons within in this state while in fresh pursuit.

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

11 **SECTION 23.** 21.025 (5) (c), (7) and (13) of the statutes are repealed. *is*

12 **SECTION 24.** 21.03 of the statutes is renumbered 321.20 and amended to read:

13 **321.20 Distribution of arms military property.** The governor may receive
14 and distribute, according to law, the quota of arms and military equipment which
15 property that the state may receive receives from the U.S. government of the ~~United~~
16 ~~States~~ under ~~the provisions of any acts of congress~~ federal laws providing for arming
17 and equipping of the national guard and the state defense force.

History: 1987 a. 63 s. 13.

18 **SECTION 25.** 21.04 of the statutes is renumbered 321.22 and amended to read:

19 **321.22 Camp Williams.** (1) The state camp grounds facility near Camp
20 Douglas, Juneau County, shall be known as "Camp Williams". The officer in charge
21 of Camp Williams ~~shall have at said camp the police~~ arrest powers ~~possessed by~~
22 ~~officials at state hospitals, as provided in s. 46.058 (2)~~ for a violation of state law, a
23 local ordinance, or a provision of the Wisconsin code of military justice.

④ SEC.#. RP; 21.025 (7)
④ SEC.#. RP; 21.025 (13)

that occurs at
Camp Williams

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

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

History: 1979 c. 221 s. 2202 (37); 1991 a. 316.

9 **SECTION 26.** 21.05 of the statutes is renumbered 321.32 and amended to read:

10 **321.32 Term of enlistment; requirements and discharge.** Every person
11 who enlists or receives a commission in the national guard shall serve for the term
12 prescribed and satisfy the physical, educational and training requirements
13 prescribed by the U.S. national guard bureau. Enlistees in the national guard shall
14 be discharged as provided in the laws and regulations of the U.S. national guard.

15 **SECTION 27.** 21.06 of the statutes is renumbered 321.44 and amended to read:

16 **321.44 Exemptions from certain county duties.** Every member of the
17 national guard or state military forces shall be defense force is exempt from service
18 on any body of county residents summoned by the sheriff to assist in preserving the
19 peace.

History: 1977 c. 318; 1979 c. 110.

20 **SECTION 28.** 21.07 of the statutes is renumbered 321.38 and amended to read:

21 **321.38 Decorations and awards.** The adjutant general may prescribe
22 decorations and awards for the national guard and the state defense force, ~~the.~~ The
23 adjutant general shall adopt ~~rules~~ ^{polices} establishing the form and issue thereof made

④ Sec. #. RA; 21.11 (+title); 321.39 (+title)

1 under rules adopted by the adjutant general and approved by the governor issuance
2 of those decorations and awards.

History: 1975 c. 189; 1981 c. 207; 1983 a. 27; 1987 a. 63 s. 13; 2003 a. 69.

3 SECTION 29. 21.09 of the statutes is renumbered 321.41 and amended to read:

4 321.41 Training; special schools; pay and allowances. The governor or

5 adjutant general may order the national guard or state defense force to assemble for

6 training at any military establishment within or without the state specified and

7 approved by the department of defense and fix the dates and places thereof, and the

8 of that training. The governor or adjutant general may order members of the

9 national guard or state defense force, at their option, to attend such federal or state

10 authorized special schools for military training as may be authorized by the state or

11 federal government. For such training and attendance at special schools, members

12 The governor or adjutant general shall determine the amount that the members of

13 the national guard or state defense force shall receive such as pay and allowances as

14 the federal government or the governor may authorize for the training. (1)(a)!

History: 1991 a. 316.

15 SECTION 30. 21.11 (title) (1) and (2) of the statutes are renumbered 321.39

16 (title), (1) and (2) and amended to read:

17 321.39 Call to state active service duty. (1) In (a) The governor may order

18 into active duty members of the national guard under the following circumstances:

19 1. In case of war, insurrection, rebellion, riot, invasion, terrorism, or resistance

20 to the execution of the laws of this state or of the United States; in,

21 2. In the event of public disaster resulting from flood, conflagration or fire,

22 tornado, in, or other natural disaster.

23 ④ SEC. #. CR; 321.39 (1)(a) 3.

24 3. If the governor declares a state of emergency relating to public health under

s. 166.03 (1) (b).

ALL PLAIN

INS
Z
move to
p. 76

INS
X
move
to
p. 76

1 4. In order to assess damage or potential damage and to recommend responsive
2 action as a result of natural or man-made events; or upon an event listed in subd^s
3 1. to 3.

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

8 (b) If the governor is absent, or cannot be immediately communicated with, any
9 such civil officer of the persons listed in par. (a) 5. may, if the officer deems the
10 occasion so is urgent, make such application, which shall be in writing, to request
11 assistance from the commanding officers of any company, battalion or regiment, who
12 commander of any national guard unit. ~~If the danger is great and imminent~~
13 shall obtain approval of the adjutant general, if the danger is great and
14 imminent obtaining approval is feasible, order out that officer's command to the aid
15 of such civil officer unit to provide assistance. Such The order shall be delivered to
16 the commanding officer, who shall immediately communicate the order to each, and
17 every subordinate officer, and every company commander receiving the same who
18 shall immediately communicate the substance thereof to each member of the order
19 to members of the company, or if any such unit. If a member cannot be found, a notice
20 in writing containing the substance of such the order, in writing, shall be left at the
21 last and usual member's place of residence of such member with some person of
22 suitable age and discretion, to whom its the order's contents shall be explained.

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

Ⓟ SEC.#. RA; 21.11(2); 321.39(2)(a)

If it is not feasible to obtain approval of the adjutant general, and the danger is great and imminent, the commander may order the unit to provide assistance without adjutant

General Approval.

⑨ Sec.#. RN; 21.13 (title); 3 21.42 (title)

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

History: 1979 c. 221; 1991 a. 316; 1993 a. 246; 1999 a. 62, 136; 2005 a. 22.

5 SECTION 31. 21.11 (3) of the statutes is renumbered 321.04 (2) (e) and amended
6 to read:

7 321.04 (2) (e) ~~The adjutant general may activate~~ Activate members of the
8 national guard ~~for the purpose of serving to serve~~ on an honors detail of military
9 funeral honors for a person described under s. 45.60 (1).

History: 1979 c. 221; 1991 a. 316; 1993 a. 246; 1999 a. 62, 136; 2005 a. 22.

10 SECTION 32. 21.12 of the statutes is renumbered 321.43 and amended to read:

11 **321.43 Exemption from civil authority.** During the time the national guard
12 or state military forces are defense force is performing military duty pursuant to
13 proper under orders issued by the governor or by the governor's authority adjutant
14 general, all of its members thereof, while going to, remaining at, or returning from
15 a place of duty ~~shall be~~ are exempt from arrest or service of any process issued by a
16 civilian court. In any civil or criminal prosecution against any member arising out
17 of the member's performing military duty, it shall be a defense that the member was
18 acting in good faith or ~~pursuant to any~~ under a lawful military order. ~~Any such~~ The
19 order shall be deemed ~~prima facie~~ considered lawful unless shown to be unlawful.

History: 1991 a. 316.

20 SECTION 33. 21.13⁽¹⁾ of the statutes is renumbered 321.42^{(1)(a)} and amended to read:

21 **321.42 Defense of members of guard; payment of judgments.** (1) (a) If

22 any state resident who is a member of ~~a~~ ^{the} national guard of any state or of the state

23 defense force ~~or any state resident~~ ^{of this state} who is a member of the national guard of ~~any~~ ^{another} state

24 is prosecuted by any civil or criminal action for any act performed by the member

PLAIN

SECTION 33

plain period

1 while in the performance of military duty and in pursuance of military duty within
 2 the scope of his or her employment as a member, the action against governor, upon
 3 ^{request} recommendation of the adjutant general, shall appoint counsel to defend the member
 4 the member shall be defended by counsel, which may include the attorney general,
 5 appointed for that purpose by the governor upon the recommendation of the adjutant
 6 general. ~~The governor may appoint the attorney general to defend the member. The~~
 7 ~~adjutant general shall make the recommendation that counsel be~~
 8 ~~appointed if the act performed by the member was in the line of duty.~~

strike here period

XXXX NOTE

****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."

I removed the last sentence because it appears unnecessary because of the language in the first sentence of this paragraph. OK?

9 (b) The costs and expenses of any such the defense under par. (a) shall be
 10 audited by the department of administration and paid out of the state treasury and
 11 charged to the appropriation under s. 20.455 (1) (b) and if. If the jury or court finds
 12 that the member of the national guard against whom the action is brought acted
 13 within the scope of his or her employment as a member, the judgment as to damages
 14 entered against the member shall also be paid by the state.

SEC. #. RA; 21.13(2); 321.42(2)

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

History: 1977 c. 65; 1979 c. 34 s. 2102 (37) (a); 1979 c. 221; 1981 c. 20 s. 2202 (17) (a); 1985 a. 332 s. 253; 1987 a. 63 s. 13; 2003 a. 69.

SECTION 34. 21.15 (title) of the statutes is repealed.

SECTION 35. 21.15 of the statutes is renumbered 321.21 ⁽⁵⁾ (4) (a) and amended

to read:

20 **321.21** ⁽⁵⁾ (4) (a) No person may retain at any time any arms, equipment or
 21 military stores of any kind belonging to the state or any federally owned property

PLAIN

(5) B

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?

1 issued to the state property or money, unless the property or money has been lawfully
 2 issued to the person pursuant to law and the proper authority permits the person to
 3 retain the property or money in the discharge of a public duty. No person may use
 4 any public arms, equipment, clothing or military stores belonging to the state, either
 5 as owner or bailee property or money, for the person's unauthorized private use. Any
 6 person violating this section paragraph shall forfeit not less than \$50 nor more than
 7 \$200.

History: 1979 c. 221.

****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.

8 SECTION 36. 21.155 (title) of the statutes is repealed.

9 SECTION 37. 21.155 of the statutes is renumbered 321.21⁽⁵⁾ (b) and amended
 10 to read:

11 **321.21** (b) No A person who possesses under the laws of this state any arms,
 12 equipment or other military property may willfully neglect or refuse or money, after
 13 the adjutant general makes lawful demand is made for the return of the property by
 14 order of the governor to or money shall return the property promptly. No person may
 15 knowingly resist any officer who is lawfully taking possession of such arms,
 16 equipment, or other the military property or money. Any person violating this
 17 section paragraph shall forfeit not less than \$50 nor more than \$200.

History: 1979 c. 221.

18 PLAIN SECTION 38. 21.17 of the statutes is renumbered 321.24 and amended to read:

19 **321.24 Encroachment on military areas and interference with military**
 20 **personnel.** (1) The officer in charge of any area used or to be used for military

and 321.24(1) and (2) as renumbered are

1 purposes may cause the area to be marked in such a manner so as mark the area to
2 warn against encroachment by unauthorized persons, but may not to unnecessarily
3 obstruct travel on any public highway. No person may encroach upon or enter upon
4 the area without the consent of the officer.

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

8 (3) Any person who violates sub. (1) or (2) shall forfeit not less than \$50 nor
9 more than \$200. The officer in charge or a designee may arrest and detain the person
10 for such reasonable time as may be necessary to deliver the person to civil
11 authorities.

12 History: 1975 c. 94 s. 91 (1); 1975 c. 189, 199, 422; 1979 c. 221.

13 **SECTION 39.** 21.18 (title) and (1) (intro.) of the statutes are renumbered 321.10
(title) and (1) (intro.).

14 **SECTION 40.** 21.18 (1) (a) to (c) of the statutes are renumbered 321.10 (1) (a) to
15 (c).

16 **SECTION 41.** 21.18 (1) (d) of the statutes is renumbered 321.10 (1) (d) and
17 amended to read:

18 321.10 ^(B)(1) (d) Two assistant adjutants general for army, ~~who may hold the~~
19 whose rank of may not exceed brigadier general. , (f), (g), (h), (i) and (j)

20 **SECTION 42.** 21.18 (1) (e) ~~to (k)~~ ^(k) of the statutes are renumbered 321.10 (1) (f)
21 ~~to (k)~~ and amended to read: , (g), (h), (i), (j) and

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

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

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

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

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

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

11 **SECTION 43.** 21.18 (1) (k) of the statutes is renumbered 321.10 (1) (L).

12 **SECTION 44.** 21.18 (1m) of the statutes is renumbered 321.10 (3) and amended
13 to read:

14 321.10 (3) In the event ~~any of the a~~ deputy adjutants adjutant general, for army
15 or for air, ~~are~~ is appointed to a military position as a major general, the adjutant
16 general shall appoint, for any periods of absence of that deputy adjutant general due
17 to other military duties, an acting deputy adjutant general. The adjutant general
18 may appoint one of the assistant adjutants general as an acting deputy adjutant
19 general.

20 History: 1981 c. 35; 1983 a. 391; 1987 a. 63; 2003 a. 25, 69, 326.

20 **SECTION 45.** 21.18 (2) of the statutes is renumbered 321.10 (4) and amended
21 to read:

22 ✓ 321.10 (4) No person may be appointed ~~on~~ to the governor's military staff who
23 has not had previous state or U.S. military experience.

24 **SECTION 46.** 21.18 (3) and (4) of the statutes are renumbered 321.10 (5) and (6).

1 SECTION 47. 21.18 (5) of the statutes is renumbered 321.10 (7) and amended
2 to read:

3 321.10 (7) The adjutant general shall appoint persons to fill vacancies in
4 positions ~~in~~ on the military staff of the governor under sub. (1). Vacancies on the
5 military staff of the governor shall be filled by appointment from officers actively
6 serving in the national guard, except as provided in s. 15.31. Interim vacancies shall
7 be filled by appointment by the adjutant general for the ~~residue~~ remainder of the
8 unexpired term.

✓ → (9) SEC.#. RP; 21.19 (+title)

9 SECTION 48. 21.19 (1) of the statutes is renumbered 321.04 (1) (a) and amended
10 to read:

11 321.04 (1) (a) ~~The adjutant general shall be~~ Be the military chief of staff to the
12 governor. ~~The adjutant general shall have the custody of all property, military~~
13 ~~records, correspondence and other documents relating to the national guard and any~~
14 ~~other military forces organized under the laws of this state. The adjutant general~~
15 ~~may appoint an assistant quartermaster general to issue and account for state~~
16 ~~property. The adjutant general shall be the medium of military correspondence with~~
17 ~~the governor and perform all other duties pertaining to the office or prescribed by~~
18 ~~law, including the preparation and submission to the governor of reports under s.~~
19 ~~15.04 (1) (d).~~ strike period

20 SECTION 49. 21.19 (1m) of the statutes is renumbered 321.04 (1) (i) and
21 amended to read:

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

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

4 **SECTION 59.** 21.19 (7) (a) 3. of the statutes is renumbered 321.04 (1) (q) and
5 amended to read:

6 321.04 (1) (q) Perform the customary duties of the his or her office, and of the
7 ~~office of chief of all logistical services, and have the custody of all records, returns and~~
8 ~~papers pertaining to those offices.~~

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

9 **SECTION 60.** 21.19 (7) (b) of the statutes is renumbered 321.04 (1) (k) and
10 amended to read:

✓ 11 321.04 (1) (k) The ~~Provide~~ ^{Transport} or contract for the transportation of all national
12 guard troops, arms, accoutrements, stores, members and other military property and
✓ 13 ~~the preparation for encampments shall be contracted for by the adjutant general~~
14 ~~under direction of the governor.~~

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

15 **SECTION 61.** 21.19 (8) of the statutes is renumbered 321.04 (1) (L) and amended
16 to read:

17 321.04 (1) (L) The adjutant general or a designee shall issue Provide or contract
✓ 18 for ^{the provision of} all necessary supplies to military property, lodging, and meals for members and
19 units of the national guard and ~~may contract for the purchase and transportation of~~
20 ~~such supplies, subject to s. 16.71 (1).~~

21 **SECTION 62.** 21.19 (9) of the statutes is renumbered 321.04 (2) (c) and amended
22 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 63.** 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 64.** 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).

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

17 **SECTION 65.** 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) (c)~~ 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).~~

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

1 **SECTION 66.** 21.19 (13) of the statutes is renumbered 321.04 (1) (n) and
2 amended to read:

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

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

9 **SECTION 67.** 21.19 (14) of the statutes is renumbered 321.04 (1) (o) and
10 amended to read:

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

History: 1975 c. 189, 421; 1977 c. 196 s. 131; 1977 c. 273; 1981 c. 35; 1983 a. 27; 1983 a. 333 s. 6; 1983 a. 524; 1991 a. 316; 1993 a. 184; 1995 a. 27, 417; 1997 a. 27; 2001 a. 107; 2003 a. 33, 69, 163.

14 **SECTION 68.** 21.20 of the statutes is repealed.

15 **SECTION 69.** 21.21 of the statutes is repealed.

16 **SECTION 70.** 21.25 of the statutes is repealed.

17 **SECTION 71.** 21.26 (title) of the statutes is repealed.

✓ 18 **SECTION 72.** 21.26 (1) and (2) ^(intro.) of the statutes are consolidated, renumbered
✓ 19 321.03 (1) (c) ^(intro.) and amended to read:

✓ 20 321.03 (1) (c) ^(intro.) ~~The department of military affairs shall administer~~ Administer
✓ 21 the Youth Challenge Academy program for disadvantaged youth under 32 USC 509.
22 The department shall determine eligibility criteria for the Challenge Academy

(2)
B

④ SEC.#. RA; 21.26(2)(a) ~~XXXXXXXXXX~~; 321.03(1)(c) 1. ~~XXXXXXXXXX~~

1 consistent with federal law. (2) Annually, the department of military affairs shall
2 do all of the following:

3 ⑥ (a) 1. Calculate 40% the state share of the average cost per pupil attending the
321.03(1)(c) PLAIN
4 Youth Challenge ~~program~~ Academy program and report this information to the
5 department of public instruction. PLAIN

6 ④ SEC.#. RN; 21.26(2)(b); 321.03(1)(c) 2.
7 (b) 2. Notwithstanding s. 118.125, report to each school district in which a pupil
8 attending the program resides, the pupil's name and the name and address of the
9 pupil's custodial parent or guardian.

9 SECTION 73. 21.28 (title) of the statutes is renumbered 321.11 (title).

10 SECTION 74. 21.28 (1), (2) and (3) of the statutes are renumbered 321.11 (1), (2)
11 and (3) and amended to read:

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

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

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

History: 1987 a. 63; 2003 a. 69.

7 **SECTION 75.** 21.30 (title) of the statutes is renumbered 321.12 (title) and
8 amended to read:

9 **321.12 (title) Chief surgeons; powers and duties.**

10 **SECTION 76.** 21.30 of the statutes is renumbered 321.12 (1) and amended to
11 read:

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

20 **SECTION 77.** 21.32 (title) of the statutes is repealed.

21 **SECTION 78.** 21.32 of the statutes is renumbered 321.12 (2) and amended to
22 read:

23 321.12 (2) The chief surgeons for the army and the air national guard shall
24 provide for such any physical examinations and inoculations of officers, enlistees,

1 ✓ and applicants for enlistment in the national guard, ~~as may be~~ ^{that are} prescribed by
2 department of defense and national guard regulations.

3 History: 1975 c. 94 s. 91 (1); 1975 c. 189, 422; 1981 c. 35; 2003 a. 69.

3 **SECTION 79.** 21.33 (title) of the statutes is repealed.

4 **SECTION 80.** 21.33 of the statutes is renumbered 321.04 (1) (c) and amended to
5 read:

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

struck comma

14 **SECTION 81.** 21.35 of the statutes is renumbered 321.37 and amended to read:

15 **321.37 Federal laws and regulations; no No discrimination.** The
16 organization, armament, equipment, and discipline of the national guard shall be
17 that prescribed by federal laws or regulations; and the governor may by order perfect
18 such organization, armament, equipment, and discipline, at any time, so as to
19 comply with such laws and regulations insofar as they are consistent with the
20 Wisconsin code of military justice. Notwithstanding any rule or regulation
21 prescribed by the federal government or any officer or department thereof, no No
22 person, otherwise qualified, may be denied membership in the national guard or
23 state defense force because of sex, color, race, creed, or sexual orientation and no
24 member of the national guard or state defense force may be segregated within the

1 national guard or state defense force on the basis of sex, color, race, creed, or sexual
2 orientation. Nothing in this section prohibits separate facilities for persons of
3 different sexes with regard to dormitory accommodations, public toilets, showers,
4 saunas, and dressing rooms.

5 SECTION 82. 21.36 (title) of the statutes is repealed.

6 SECTION 83. 21.36 (1) of the statutes is renumbered 321.36 and amended to
7 read:

8 **321.36 Rules of discipline.** The applicable rules of discipline and the
9 regulations of the U.S. armed forces of the ~~U.S.~~ shall, ~~so far as the same are~~
10 ~~applicable,~~ constitute the rules of discipline and the regulations of the national
11 guard; ~~the .~~ The rules and uniform code of military justice established by Congress
12 and the department of defense for the armed forces shall be adopted so far as they
13 are applicable and consistent with the Wisconsin code of military justice for the
14 government of the national guard, ~~and the .~~ The system of instruction and the drill
15 regulations prescribed for the different arms and corps of the armed forces of the U.S.
16 shall be followed in the military instruction and practice of the national guard, and
17 the use of any other system is forbidden.

18 SECTION 84. 21.36 (2) of the statutes is renumbered 321.04 (2) (a) and amended
19 to read:

20 321.04 (2) (a) ~~The governor may make and~~ Make, publish, and have printed
21 rules, regulations, and orders for the government governance of the national guard,
22 ~~not inconsistent with the law, and cause the rules, regulations, or orders, together~~
23 ~~with any related laws, to be printed and distributed in book form, or another form,~~
24 ~~in any number that the governor considers necessary.~~ The governor may provide (b)
25 Provide for all books and forms that may be necessary for the proper discharge of the

1 duty of all officers of the national guard. ~~The governor may delegate the authority~~
2 ~~under this subsection to the adjutant general by executive order.~~

✓ strike

RR PLAIN

History: 1979 c. 221; 1983 a. 192; 1991 a. 269, 316; 2001 a. 107.

3 **SECTION 85.** 21.37 of the statutes is renumbered 321.70 and amended to read:

4 **321.70 The Wisconsin code of military justice.** The Wisconsin code of
5 military justice as created by chapter 20, laws of 1969, shall ~~govern~~ governs the
6 conduct of all members of the national guard and ~~any other military force organized~~
7 ~~under the laws of this~~ the state defense force. The revisor of statutes shall may not
8 print the Wisconsin code of military justice in the statutes.

9 **SECTION 86.** 21.38 of the statutes is renumbered 321.31 and amended to read:

10 **321.31 Uniform of Wisconsin national guard.** The uniform of the national
11 guard shall be ~~that~~ as prescribed by regulations for the corresponding branch of the
12 United States U.S. armed forces.

13 **SECTION 87.** 21.42 of the statutes is repealed.

14 **SECTION 88.** 21.43 of the statutes is renumbered 321.33 and amended to read:

15 **321.33 Commissions and rank.** The governor shall appoint and issue
16 commissions to all officers whose appointments are approved by the governor. Every
17 commission shall be ~~countersigned~~ signed by the secretary of state and attested by
18 the adjutant general ~~and~~ A commission shall continue as provided by law unless
19 terminated earlier by resignation, disability, or for cause or unless federal
20 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.
21 Each ~~officer so~~ commissioned officer shall take the oath of office prescribed by article
22 IV, section 28, of the constitution and file it with the department of military affairs
23 ~~the oath of office prescribed by article IV, section 28, of the constitution.~~ All
24 commissioned officers shall take rank according to the date assigned them by their

score

1 commissions, and when 2 of the same grade rank from the same date, their rank shall
2 be determined by length of creditable service in the national guard ~~creditable for pay~~,
3 and if of equal creditable service then by lot.

History: 1983 a. 27, 192.

4 **SECTION 89.** 21.47 of the statutes is renumbered 321.34 and amended to read:

5 **321.34 Examinations for promotion or appointments.** The governor or adjutant general
6 may order any subordinate officer or person nominated or plain text
7 recommended for promotion or appointment in the national guard or state defense
8 force to be examined by any competent officer or board of officers, designated in ~~the~~ e
9 orders for that purpose, as to that person's qualifications for the office to which that
10 person ~~may~~ is to be recommended or appointed, and or promoted. The governor or
11 adjutant general may take ~~such~~ action on the report of ~~such~~ the examining officer or
12 board of officers as ~~the governor deems~~ he or she considers to be for the best interests
13 of the service national guard or state defense force. The governor or adjutant general
14 may also require the person to take the physical examination provided for admission
15 to the ~~United States~~ U.S. army or air force.

History: 1983 a. 27; 1991 a. 316.

16 **SECTION 90.** 21.48 of the statutes is renumbered 321.35 and amended to read:

17 **321.35 Pay. (1)** ~~Each~~ Every officer and enlisted person of on state active duty
18 in the national guard on active duty in the state under orders of the governor on a
19 state pay basis shall receive the base pay and allowances of an officer or enlisted
20 person of equal rank in the corresponding branch of the U.S. armed forces except that
21 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?

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

5 (3) The governor may order, with ~~their~~ *the member's* consent, to state active duty in the
6 ~~department of military affairs, any departmental officers of the governor's staff,~~
7 ~~including the adjutant general and the deputy adjutants general, and while so a~~
8 member of his or her military staff who is a state employee. ~~The assigned the officers~~
9 ~~officer~~ *e staff member* shall receive the pay, but not the allowances, of an officer of equal grade in the
10 U.S. armed forces of the United States.

History: 1973 c. 279; 1975 c. 94 s. 91 (1); 1975 c. 382, 422; 1981 c. 35, 129; 1991 a. 316; 2003 a. 69.

11 SECTION 91. 21.49 (title) and (1) *(intro.)* of the statutes are renumbered 321.40 (title)
12 and (1). *(intro.)*

13 SECTION 92. 21.49 (1) *(ae)* of the statutes is repealed.

14 SECTION 93. 21.49 (1) (am) and (ar) of the statutes are renumbered 321.40 (1)
15 (a) and (b).

16 SECTION 94. 21.49 (1) (b) *(intro.)* of the statutes is renumbered 321.40 (1) (c)
17 *(intro.)*.

18 SECTION 95. 21.49 (1) (b) 1., 1g. and 1m. of the statutes are renumbered 321.40
19 (1) (c) 1., 2. and 3.

20 (b) (c) "Qualifying school" means any of the following:

21 SECTION 96. 21.49 (1) (b) 2. of the statutes is renumbered 321.40 (1) (c) 4. and
22 amended to read:

23 321.40 (1) (c) 4. Except as provided in subds. ~~1g.~~ 2. and ~~1m.~~ 3., an accredited
24 institution of higher education located in this state, as defined in 20 USC 1002.

1 SECTION 97. 21.49 (1) (b) 3. of the statutes is renumbered 321.40 (1) (c) 5.

2 SECTION 98. 21.49 (1) (c) of the statutes is renumbered 321.40 (1) (d) and
3 amended to read:

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

6 SECTION 99. 21.49 (2) (intro.), (a), (b), (d) and (e) of the statutes are renumbered
7 321.40 (2) (intro.), (a), (b), (c) and (d).

(insert
35-7)

8 SECTION 100. 21.49 (2) (f) of the statutes is renumbered 321.40 (2) (e) and
9 amended to read:

a tuition grant is applied for

10 321.40 (2) (e) Failing to achieve a minimum grade point average of 2.0 or an
11 average grade of "C" for the semester for which reimbursement is requested.

12 SECTION 101. 21.49 (2m) of the statutes is renumbered 321.40 (3) and 321.40
13 (3) (intro.), as renumbered, is amended to read:

CS INFORMATION REGARDING ATTENDANCE.

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

18 SECTION 102. 21.49 (3) of the statutes is renumbered 321.40 (4) and 321.40 (4)
19 (a) and (b) 3., as renumbered, are amended to read:

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

1 (b) 3. Contain the signatures of both the guard member claiming the grant and
2 a representative of the school, certifying that the member has satisfactorily
3 completed the course and has achieved the minimum grade point average or grade,
4 as required under sub. (2) (f) (e).

5 **SECTION 103.** 21.49 (3m) and (4) of the statutes are renumbered 321.40 (5) and
6 (6) and amended to read:

7 321.40 (5) REPAYMENT OF GRANTS. The department shall require a ^{national} guard
8 member who has received a tuition grant under this section to repay the amount of
9 the tuition grant to the department if the national guard member, ~~on or after~~
10 ~~September 1, 2001~~, is separated from the national guard for misconduct, as defined
11 in the rules and regulations of the national guard, including being absent without
12 leave for more than 9 unit training assemblies. The department may elect to collect
13 the amount owed under this subsection through the tax intercept program under s.
14 71.93.

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

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

23 (a).

(4)

(4)
↓

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

History: 1977 c. 29, 418; 1981 c. 20; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269; 1993 a. 399; 1995 a. 19; 1995 a. 27, ss. 1219t to 1223, 9127 (1); 1995 a. 404; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33, 69, 83; 2005 a. 22, 25.

3 SECTION 104. 21.50 (title) of the statutes is renumbered 321.21 (title).

4 SECTION 105. 21.50 (1) and (2) of the statutes are renumbered 321.21 ⁽²⁾ (a) and
5 (b) and amended to read:

6 321.21 ⁽²⁾ (a) Each commanding officer ~~to whom state or federal~~ who is issued
7 military property is issued may be required to execute to the state a bond, with such
8 sureties and in such form and amount as the adjutant general shall approve,
9 conditioned for the faithful preservation and care of all such arms, accoutrements
10 moneys, or stores that the officer received, to indemnify the state against loss by
11 misuse or misapplication by the officer or any other person; to or money shall account
12 for all of the same according to law, and to the property and money, deliver the same
13 the property and money to any officer lawfully entitled thereto, on demand to receive
14 them, and to pay all sums lawfully appraised for all losses or damages to that
15 property or money.

has control

16 (b) The unit commander ~~is the legal custodian of~~ the money, and military
17 property and effects of any company sized unit or detachment of the national guard,
18 whether said the money or property is owned by said the unit or detachment or its
19 members collectively, or has been issued to it or any of its officers, for its use by state
20 or United States authority, and. The unit commander may sue for and recover
21 possession of the same money or military property, whenever it is wrongfully
22 withheld from the unit commander's custody or the custody of the unit or
23 detachment.

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control

Ⓟ Note: Can a unit own money or property? ^{Those are usually} owned by the state or governmental unit.

24 SECTION 106. 21.50 (3) and (4) of the statutes are repealed.

1 **SECTION 107.** 21.51 of the statutes is renumbered 321.13.

2 **SECTION 108.** 21.52 of the statutes is renumbered 321.14 and amended to read:

3 **321.14 Authority to administer oaths.** Any officer of the national guard or
4 any officer of the U.S. armed forces may administer oaths of enlistment in the
5 national guard.

History: 1979 c. 221.

6 **SECTION 109.** 21.54 of the statutes is renumbered 321.15 and amended to read:

7 **321.15 Resignation of officer.** A commissioned officer may resign—the
8 officer's his or her commission by submitting the written resignation to the officer's
9 his or her immediate commanding officer, in writing, who. The commanding officer
10 shall promptly forward the same resignation through military channels to the
11 adjutant general. The governor shall, by order, accept or reject the same resignation,
12 and, if accepted, fix the effective date of its taking effect. ~~No the resignation shall~~
13 ~~take effect except as so ordered.~~

14 **SECTION 110.** 21.56 (title) of the statutes is repealed.

15

✓ **SECTION 111.** 21.56 (1) and (2) of the statutes are renumbered 321.21/(2) and
16 amended to read:

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(3)(a) and (b)
[Handwritten signature]

17 321.21/(2) (a) All state-owned military property or money issued to any officer
18 or armory facility manager shall be audited annually as a part of the annual
19 inspection of federal property accounts. When ~~damages~~ damage, other than fair
20 reasonable wear and tear, or loss of state-owned property is discovered, the adjutant
21 general shall appoint a surveying officer to determine the cause and fix blame. Upon
22 review, the adjutant general may hold responsible individuals pecuniarily
23 financially liable, ~~and may require a depreciated payment, as determined by the~~
24 ~~adjutant general, into the state treasury.~~ If it is determined that the property or

STET: leaves as typed

1 money was damaged, destroyed or lost without fault or neglect on the part of those
2 responsible, all concerned ~~may~~ shall be relieved of liability.

3 (b) Whenever any state-owned military property becomes unsuitable,
4 unserviceable, or no longer required for military purposes, it shall be disposed of as
5 surplus property subject to s. 16.72 (4) and (5).

History: 1971 c. 100 s. 23; 1975 c. 189; 1989 a. 31.

6 SECTION 112. 21.57 (title) of the statutes is repealed.

(a) and (b)

7 SECTION 113. 21.57 (1) ^{and} (2) ~~and~~ (3) of the statutes are renumbered 321.21 (3)

8 and amended to read:

PLAIN

9 **321.21** (3) (a) ~~Whenever any~~ When an officer who is responsible for state
10 military property or money is separated or reassigned, all military property or money
11 in the officer's possession or for which the officer is responsible shall be delivered to
12 become the responsibility of the person designated the adjutant general designates
13 to receive the property ~~by the adjutant general or money~~. No separation or
14 reassignment shall be effective until all property accounts have been settled.

(4)

15 (b) ~~In case of the death of any~~ If an officer having ^{control} ~~custody~~ of state military
16 property or money dies, the next in command shall immediately take charge of such
17 the property or money and deliver ~~the same~~ the property or money to the person the
18 adjutant general appointed to ^{control} ~~receive~~ the property by the adjutant general or money.

History: 1975 c. 189, 421.

19 SECTION 114. 21.59 of the statutes is repealed.

20 SECTION 115. 21.60 of the statutes is repealed.

21 SECTION 116. 21.61 (title) of the statutes is repealed.

(1), (3), (4) and (5)

22 SECTION 117. 21.61 of the statutes is renumbered 321.23 (1) and amended to
23 read:

are

(a), (b), (c) and (d)

PLAIN

A

1 ✓ **321.23** (1) (a) ~~The governing body of any city, village, town or county~~ political
 2 subdivision or ~~the~~ federally recognized Indian tribe or band in which one or more
 3 companies units of the national guard ~~may be~~ is located may erect build or purchase
 4 ✓ a suitable armory for the purpose of drill and for the safekeeping of ~~the arms,~~
 5 ✓ equipment, uniforms, and other military property furnished by the state, and for
 6 public meetings and conventions, when such that use will not interfere with the use
 7 of such ~~the~~ building by the national guard. Plans The adjutant general shall inspect
 8 ✓ and approve plans (and specifications) and the state building commission shall
 9 ✓ approve plans and specifications for such the armories shall be inspected and
 10 approved by the governor and the adjutant general who. The adjutant general and
 11 the department of administration shall file with the governing body of the city,
 12 ✓ village, town, or county political subdivision or the federally recognized Indian tribe
 13 or band a certificate of such inspection and approval ~~prior to~~ before the erection
 14 thereof construction of an armory.

15 ✓ (b) The governing body of any city, village, town or county political subdivision
 16 ✓ or ~~the~~ federally recognized Indian tribe or band in which any such company unit of
 17 ✓ the national guard ~~may be~~ is located may purchase land and build armories in the same
 18 ✓ manner as the governing body political subdivision or the federally recognized
 19 ✓ Indian tribe or band is now authorized by law to build other city, village, town or
 20 county buildings, and when . When unable to agree upon the price of land with its
 21 ✓ owner, the political subdivision or the federally recognized Indian tribe or band may,
 22 if in its opinion necessary, appropriate land for the purpose of building armories in
 23 ✓ the same manner as the governing body political subdivision or the federally
 24 ✓ recognized Indian tribe or band is now authorized by law to appropriate real estate
 25 for other city, village, town or county buildings. In case however If a city, village, town

1 or county shall have political subdivision or the federally recognized Indian tribe or
 2 band aided in the erection building of an armory and the company or companies of
 3 the national guard for which the armory was erected shall at any time be built is
 4 disbanded, then the armory shall become the property of the city, village, town or
 5 county in which political subdivision or the federally recognized Indian tribe or band
 6 that aided in the building of the armory is erected.

7 (c) ~~Such~~ The armory, when erected built or purchased, shall be under the control
 8 and charge of the governor, the adjutant general, and the commanding officer of the
 9 company or companies unit of the national guard for which it has been provided. The
 10 commanding officer shall ~~cause to be deposited therein,~~ deposit in the armory all
 11 arms, uniforms, and equipment military property received from the governor and the
 12 adjutant general who. The adjutant general may make such rules as they deem
 13 proper for the observance of all officers and persons having charge of such the
 14 armories or occupying any part thereof of the armories.

Handwritten notes:
 (11) ✓
 (12) ✓
 (13) ✓
 XXXX NOTED: Since DMA says they do not issue rules, I changed the last sentence to use "policies" OK?
 issue ~~rules~~ policies to be followed by
 building

15 ✓ (d) Whenever any county, city, town or village erects political subdivision or a
 16 federally recognized Indian tribe or band constructs a building as a memorial to the
 17 soldiers, sailors and marines members of the U.S. armed forces or national guard
 18 who served in any war or armed conflict of the United States and makes provision
 19 therein in the memorial for the accommodation of one or more companies of the
 20 national guard having no regularly established armory, the governor, adjutant
 21 general or other state officers having control of armory accommodations and
 22 regulations shall, whenever practicable, rent the armory provided in such the
 23 memorial building for the use of those companies of the national guard.

History: 1975 c. 189; 1983 a. 27; 1993 a. 246.

24 SECTION 118. 21.612 of the statutes is repealed.

1 equipment and facilities. The governor may order, with ~~their~~ ^{PLAIN} consent, any national
 2 guard members who volunteer under this ~~section~~ ^{subsection} to duty in federally funded status.
 3 The governor may delegate his or her authority under this ~~section~~ ^{subsection} to the
 4 adjutant general. The adjutant general shall follow all laws and regulations of the
 5 U.S. department of defense when ordering national guard members to perform drug
 6 interdiction and counter-drug activities under this ~~section~~ ^{subsection}.

7 ~~(2)~~ ^{(2)(b)} A national guard member assisting in drug interdiction and counter-drug
 8 activities under this ~~section~~ ^{subsection} shall obey and execute the instructions of a
 9 law enforcement officer from the assisted agency involved in these activities that are
 10 given to the national guard member through the military chain of command.

11 **SECTION 125.** 21.72 of the statutes is renumbered 321.60 and 321.60 (1) (c) ~~and~~
 12 (2), ^{(5) and (6)} as renumbered, are amended to read:

13 **321.60** (1) (c) "Service member" means a member of a reserve unit of the U.S.
 14 armed forces, a member of the state defense force, or a member of a national guard
 15 unit of any state who is a resident of Wisconsin.

16 (2) Any license that a service member holds, the expiration date of which is
 17 after September 11, 2001, except a license to practice law, does not expire on the
 18 expiration date of the license if, on the expiration date, the service member is on state
 19 ~~active duty under ch. 21 or on active duty in the U.S. armed forces.~~ If the supreme
 20 court agrees, a license to practice law that a service member holds, the expiration
 21 date of which is after September 11, 2001, does not expire on the expiration date of
 22 the license if, on the expiration date, the service member is on state active duty ~~under~~
 23 ~~ch. 21 or on active duty in the U.S. armed forces.~~ A license extended under this
 24 subsection expires 90 days after the service member is discharged from active duty.

History: 2001 a. 22; 2003 a. 69; 2005 a. 25.

→ insert 43-24