

SECTION 126. 21.74 (title) of the statutes is renumbered 321.61 (title) and amended to read:

321.61 (title) ~~Soldiers and sailors~~ Service members civil relief act for property taxes and mobile telephone contracts; federal service active duty.

SECTION 127. 21.74 (1), (2), (3), (4), (5), (6), (7) and (8) of the statutes are

renumbered 321.61 (1) (a), (b), (c), (d), (e), (f), (g) and (h) and 321.61 (1) (a) (intro.)

~~2, 3, and 4.~~ and (b), (c), (d), (e), (f) and (g) as renumbered, are amended to read:

321.61 (1) (a) ~~Insert 44~~ In this section subsection, unless the context indicates otherwise:

2. "Person in military service federal active duty" means any man or woman who is serving on in federal active duty in the U.S. armed forces, except service on active duty for training purposes for a period of ninety days or more.

(e) 3. "Property" means any real estate or personal property belonging to a person in military service federal active duty that was acquired prior to the commencement of military service or that was acquired by descent.

(d) 4. "Taxes" means any general property taxes or special assessments or tax certificates evidencing those taxes and assessments not belonging to private buyers.

SEC. #. RA; 21.74(2), (3), (4), (5), (6) and (7); 321.61(1)(b), (c), (d), (e), (f) and (g)

(b) To supplement and complement the provisions of 50 App. USC 501, and to afford and obtain greater peace and security for persons in military service federal active duty, the enforcement of certain tax obligations or liabilities that may prejudice the property rights of persons in military service federal active duty may be temporarily suspended as provided in this subsection.

(c) Any person while in the military service of the United States federal active duty or within 6 months after terminating service that duty, or the person's agent or attorney during that period, may petition the circuit court of any county in which the person owns property for relief under this subsection. Upon filing of the petition the

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1 court shall make an order fixing the time of hearing and requiring the giving of notice
2 of the hearing. If after the hearing the court finds that the person is, or within 6
3 months next preceding the filing of the petition was, in the ~~military service of the~~
4 ~~United States~~ federal active duty and owns property within the county on which
5 taxes have fallen or will fall due, and that the person's ability to pay the taxes has
6 been materially adversely affected by reason of being in ~~military service~~ federal
7 active duty, the court shall enter an order determining that the person is entitled to
8 relief under this ~~section~~. ^{Subsection} The court may suspend proceedings for the collection of
9 taxes on the property for a period not exceeding 6 months after termination of the
10 ~~military service~~ federal active duty of the person, or for the time reasonably
11 necessary to complete the agreement provided in ~~sub. (7)~~ par. (g). Thereafter, the
12 property shall not be included in tax certificates issued to enforce collection of taxes
13 on property, and all proceedings for that purpose shall be suspended, except under
14 terms that the court may order.

15 (d) Whenever any tax or assessment on real property, including all special
16 assessments, is not paid when due, any interest or penalty under s. 74.47 and the
17 maximum limitation of 6 percent per year ~~as provided~~ under 50 App. USC 501 shall
18 be waived for the purpose and under the conditions specified in this ~~section~~. ^{Subsection}

19 (e) The penalties and interest waived under this ~~section~~ are those for
20 nonpayment of all taxes or assessments, general or special, falling due during the
21 period of ~~military service~~ federal active duty of any person against either real or
22 personal property of which the person is the bona fide owner or in which the person
23 has an interest.

24 (f) The person owning or having an interest in any property in respect to which
25 the order under ~~sub. (3)~~ par. (c) is made, or the person's agent or attorney, may file

1 a certified copy of the order of suspension with the county treasurer or with the city
2 treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to
3 the taxes and assessments. The person shall file with the order an affidavit in
4 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
5 owner, the legal description of the property, the type of property, when acquired,
6 volume and page number where the deed was recorded if acquired by deed, and the
7 name of the estate if acquired by descent, amount of delinquent taxes if any, and the
8 names of the holders of any outstanding mortgage, lien, or other encumbrance. Upon
9 receipt of the filing, the county treasurer or city treasurer shall record the order in
10 the office of the register of deeds of the county and file a copy in the office of the
11 treasurer, who shall make proper notation that a person in ~~military service~~ federal
12 active duty is the holder of the legal title and has made application for special relief.
13 The county treasurer or city treasurer shall immediately forward an additional copy
14 of the order and affidavit to the office of the clerk of the town, city, or village where
15 the property is located, or if it is located in a city, authorized to sell lands for
16 nonpayment of its taxes, to the commissioner of assessments, who shall make an
17 appropriate notation in the records.

✓ 18 (g) Any person seeking relief under this ~~section~~, ^{subsection} within 6 months after
19 termination of ~~military service~~ federal active duty, or the person's agent or attorney,
20 or in case of death of the person, the personal representative, surviving spouse, or
21 heir, may apply to the county treasurer of the county, or the city treasurer of a city
22 authorized by law to sell lands for the nonpayment of taxes, where the property is
23 located, for an agreement for scheduled installment payments, covering the taxes
24 accrued during the person's period of ~~military service~~ federal active duty, provided
25 that the taxes will be paid over a period of time equal to a period no longer than twice

1 the length of ~~military service~~ federal active duty of the person, in equal periodic
2 installments of not less than \$10, and subject to any other terms as may be just and
3 reasonable.

4 ✓ (4) SEC. #. RN; 21.74(8); 321.61(1)(h)
SECTION 128. 21.74 (9) of the statutes is renumbered 321.61 (2), and 321.61 (2)

5 (a) 2., (b) 1., (c) and (g), as renumbered, are amended to read:

6 321.61 (2) (a) 2. "Contract" means an agreement between a person in ~~military~~
7 ~~service~~ federal active duty and a mobile telephone service provider that requires the
8 person in ~~military service~~ federal active duty to pay the mobile telephone service
9 provider a monthly fee in exchange for the use of a mobile telephone.

10 (b) 1. The contract was executed by or on behalf of a person in ~~military service~~
11 ✓ federal active duty who entered ^{federal} active ~~military~~ duty after the contract was executed.

12 (c) A person in ~~military service~~ federal active duty may suspend or terminate
13 a contract to which this subsection applies without any penalties or additional fees
14 at any time after the ~~service member~~ person in federal active duty has been issued
15 ✓ orders into ^{federal} active duty by giving written notice to the mobile telephone service
16 provider. The ~~service member~~ person in federal active duty shall include a copy of
17 ✓ the orders into ^{federal} active duty as part of the notice. The notice may be given by 1st class
18 mail to the address provided in the agreement with the mobile telephone service
19 provider or provided in the mobile telephone service provider's billing statement or
20 by delivering the notice to the mobile telephone service provider's branch office.

21 (g) If a mobile telephone service provider assesses a person in ~~military service~~
22 ✓ in federal active duty any penalty or fee after the person has suspended or
23 terminated the contract under par. (c) or fails to make any refund required under par.

24 (e), the ~~service member~~ person in federal active duty shall have the right to ^{may} bring an
25 action for damages. If the ~~service member~~ person in federal active duty prevails in

1 an action brought under this paragraph, the court shall order the mobile telephone
2 service provider to pay the service member exemplary damages of \$2,000.

3 History: 2005 a. 22, 473.

3 SECTION 129. 21.75 (title) of the statutes is renumbered 321.62 and amended (title)

4 to read:

5 321.62 ~~Soldiers' and sailors' Service members civil relief act; state~~ (title) PLAIN

6 ~~service active duty. (1) DEFINITIONS. In this section:~~

7 SECTION 130. 21.75 (1) (intro.) of the statutes is renumbered 321.62 (1) (intro.).

8 SECTION 131. 21.75 (1) (a) of the statutes is repealed.

9 SECTION 132. 21.75 (1) (c) of the statutes is repealed.

10 SECTION 133. 21.75 (1) (b), (cm) and (d) of the statutes are renumbered 321.62

11 (1) (a), (b) and (c) and amended to read:

12 321.62 (1) (a) "Court" means a Wisconsin circuit court of record, court of appeals, or

13 supreme court.

14 (b) "Period of active state service active duty" means the period beginning on

15 the date on which the service member receives an order to enter state active state service

16 duty and ending on the date of the service member's release from state active state service

17 duty or death while in state on active state service duty.

18 (c) "Service member" means a resident of this state member of the national

19 guard or state defense force who may be is called into active state service active duty

20 for 30 days or more.

21 SECTION 134. 21.75 (2) to (22) of the statutes are renumbered 321.62 (2) to (22)

22 and ~~321.62 (2) (c), (3), (5) (a) and (b) (intro.) and 1., (6), (7), (8) (a), (9), (10), (11) (a)~~

23 ~~and (b), (12) (a), (b) (intro.) and (c) 1., (13), (14) (a) 1. and (b), (15) (b), (16), (18), (20)~~

24 ~~(a), (21) (b), (22) (a), (b) 2. and (c) 1. and (23), as renumbered, are amended to read:~~

(b) an

SEC. #. 21.75(2) ^{of the statutes} is renumbered 321.62(2) ^{are} and 321.62(2)(c) ^{are} as renumbered ^{is} amended to read:

Insert 49-1

1 321.62 (2) (c) A surety, guarantor, endorser, or other person subject to the
2 obligation, liability, court action, order, writ, or judgment under par. (a) or (b) may
3 waive in writing the rights afforded by this subsection, except that the waiver is not
4 valid unless the waiver is executed as an instrument separate from the obligation,
5 liability, court action, order, writ, or judgment. The waiver under this paragraph is
6 not valid after the beginning of the period of active state service active duty if
7 executed by a service member who subsequently is called into active state service
8 active duty. The waiver under this paragraph is not valid if executed by a dependent
9 of a service member unless the waiver is executed during the period of active state
10 service active duty.

SEC. #. RA; 21.75(3); 321.62(3)

(3) EFFECT ON RIGHTS UNDER A WRITTEN AGREEMENT. This section does not prevent
12 the modification, termination, or cancelation of any contract, lease, bailment, or
13 secured obligation, or the repossession, retention, foreclosure, sale, or forfeiture of
14 property that is security for any obligation or which has been purchased or received
15 under a contract, lease, or bailment under a written agreement of the parties if that
16 agreement is executed during or after the period of active state service active duty.

321.62

(5) DEFAULT JUDGMENTS, AFFIDAVITS, AND ATTORNEY REPRESENTATION

(a) If, in any
18 court action, there is a default of any appearance of the defendant, the plaintiff, when
19 requesting a default judgment, shall file with the court an affidavit setting forth facts
20 showing that the defendant is not in active state service active duty. If the plaintiff is unable to
21 file such an affidavit, the plaintiff shall, when requesting a default judgment, file an
22 affidavit setting forth that the defendant is in active state service active duty or that
23 the plaintiff is unable to determine if the defendant is in active state service active
24 duty. If an affidavit is not filed showing that the defendant is not in active state
25 service active duty, a default judgment may not be entered without a court order. A

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SEC. #. RN; 21.75(4); 321.62(4)

SEC. #. 21.75(5) of the statutes is renumbered 321.62(5) and 321.62(5)(a) and (b) (intro.) and 1. as renumbered are amended to read:

1 court may not order the entry of a default judgment if the defendant is in active state
2 service active duty until the court has appointed an attorney to represent the
3 defendant and protect the defendant's interests. Unless the court determines that
4 the defendant is not in active state service active duty, the court may require, as a
5 condition of entering judgment, the plaintiff to file a bond to indemnify the
6 defendant, if he or she is in active state service active duty, against any loss or
7 damage resulting from the judgment if any part of the judgment is later set aside.
8 The court may make any other order as may be necessary to protect the interests of
9 the defendant under this section. (intro.)

10 (b) If a judgment is rendered in a court action against a service member during
11 the period of active state service active duty or within 30 days after the end of that
12 period of active state service active duty, and it appears that the service member was
13 prejudiced in making a defense by reason of his or her active state service active duty,
14 the court may reopen that judgment if all of the following conditions exist:

- 15 1. The service member moves the court to reopen the judgment within 90 days
16 after his or her period of active state service active duty ends.

17 → (6) SEC. #. RA; 21.75 (6) and (7); 321.62 (6) and (7)

18 (6) STAY OF ACTION. During any stage of a court action in which a service
19 member in active state service active duty is involved as a party, or within 60 days
20 after the end of the period of active state service active duty, the court in which the
21 action is pending may on its own motion, and shall, on application of the service
22 member or some person acting on behalf of the service member, stay the action unless
23 the court determines that the service member's ability to represent his or her interest
24 in the action is not materially affected by reason of his or her active state service
active duty.

SEC. #. 21.75(8) of the statutes is renumbered 321.62(8) and 321.62(8)(a) as renumbered is amended to read:

1 (7) STAY OR VACATION OF EXECUTIONS OR ATTACHMENTS. In any court action that
2 is commenced against a service member before or after entering active state service
3 active duty, or within 60 days after the period of active state service active duty ends,
4 the court may on its own motion, and shall, on application of the service member or
5 some person acting on behalf of the service member, stay the execution of any
6 judgment or order entered against the service member, or stay or vacate any
7 attachment or garnishment regarding the service member's property, unless the
8 court determines that the service member's ability to comply with the judgment or
9 order is not materially affected by reason of his or her active state service active duty.

10 (8) ~~DURATION AND TERMS OF STAYS~~ (a) Any stay of any action, attachment,
11 execution, or garnishment under this section may be ordered for the period of the
12 active state service active duty and 3 months 90 days after that period has ended, or
13 for any part of that time.

14 (9) STATUTES OF LIMITATIONS. The period of active state service active duty may
15 not be included in computing any period for the bringing of any action or proceeding
16 in any court or before any public agency, as defined in s. 36.54 (2) (a) 2., by or against
17 a person in active state service active duty or by or against his or her heirs, personal
18 representatives, or assigns, whether the cause of action or proceeding or the right to
19 bring the action or proceeding accrued before or during the period of active state
20 service active duty.

21 (10) MAXIMUM INTEREST RATE. No obligation or liability bearing interest at a rate
22 in excess of 6% per year incurred by a service member in active state service active
23 duty before his or her entry into that service ^{duty} may, during any part of the period of
24 active state service active duty, bear interest in excess of 6% per year except by court
25 order. If, upon application by an obligee, a court determines that the ability of the

SEC. #. 21.75(11) of the statutes is renumbered 321.62(11) and 321.62(11)(a) and (b) as renumbered are amended to read:

service member to pay interest upon the obligation or liability at a rate in excess of 6% per year is not materially affected by reason of his or her active state service active duty, the court may make any order that is just. In this subsection, "interest" includes service charges, renewal charges, fees, or other charges, other than insurance, in respect to the obligation or liability.

(11) EVICTION STAY (a) No eviction may be made during the period of active state service active duty in respect to any premises for which the agreed rent does not exceed \$1,200 per month the amount specified in 50 USC App. 531, occupied chiefly for dwelling purposes by the spouse, children, or other dependents of a service member who is in active state service active duty, except upon order of a court in an

action affecting the right of possession.

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(b) In an action for eviction under par. (a), the court may on its own motion, and shall, on application of the service member or some person acting on behalf of the service member, stay the proceedings for not longer than 3 months 90 days unless the court determines that the ability of the tenant to pay the agreed rent is not materially affected by the active state service active duty. The court may make any other order in the eviction action as it considers necessary and just. If a stay or order is issued under this paragraph, the court may, upon the request of the owner of the premises, make any other order as may be applicable to conserve the interests of all of the parties.

(12) ACTION TO ENFORCE OBLIGATION SECURED BY MORTGAGE (a) In this subsection, "obligation" means an obligation of a service member in active state service active duty that was incurred before the service member's period of active state service active duty began and that is secured by a mortgage, deed of trust, or

SEC. #. 21.75(12) of the statutes is renumbered 321.62(12) and 321.62(12)(a), (b)(intro.) and (c)1. as renumbered are amended to read:

④ ~~XXXX~~ NOTE: I changed "3 months" to "90 days" OK?

1 other security in the nature of a mortgage on real or personal property that is owned
2 by the service member.

3 (b) ^(intro.) If a court action against a service member is commenced during the service
4 member's period of active state service active duty to enforce an obligation for
5 nonpayment of any sum due or for any other breach of terms occurring before or
6 during the service member's period of active state service active duty, the court shall
7 hold a hearing on the matter. Unless the court determines that the service member's
8 ability to comply with the terms of the obligation is not materially affected by reason
9 of his or her active state service active duty, the court on its own motion may, or upon
10 application of the service member or another person on his or her behalf shall, do any
11 of the following:

12 (c) 1. Notwithstanding the times provided in ss. 846.10, 846.101, 846.102, and
13 846.103 for sales of real property, no foreclosure, sale, or seizure of property for
14 nonpayment of any sum due or for any other breach of terms is valid if it occurs
15 during or within ~~3 months~~ ^{↓ ↓ 90 days} after the service member's period of active state service
16 active duty, unless the court ordered the foreclosure, sale, or seizure of property
17 before the beginning of the service member's period of active state service active duty
18 and approves the foreclosure, sale, or seizure after it occurs.

→ ④ SEC. # RA; 21.75(13); 321.62(13)

321.62

19 (13) PERSONAL PROPERTY CONTRACTS. When an action to resume possession of
20 personal property, or to rescind or terminate a contract for the purchase of personal
21 property, has been stayed under this section, the court may appoint 3 disinterested
22 persons to appraise the property. Based upon the report of the appraisers, and unless
23 undue hardship would result to the dependents of the service member in active state
24 service active duty, the court may order that a sum be paid to the service member as

SECTION 134

SEC.#. 21.75(14) of the statutes is renumbered 321.62(14) and 321.62(14)(a)1. and (b) as renumbered are amended to read:

1 a condition of resuming possession of the property or rescinding or terminating the
2 contract.

3 (14) (a) 1. The lease was executed by or on behalf of a service member who
4 entered active state service active duty after the lease was executed.

5 (b) A lease to which this subsection applies may be terminated by the service
6 member at any time after the beginning of the service member's period of active state
7 service active duty by giving notice in writing by personal delivery or first class mail
8 to the landlord or the person who has been receiving rent or managing the property
9 as the landlord's agent.

SEC.#. 21.75(15) of the statutes is renumbered 321.62(15) and 321.62(15)(b) as renumbered are amended to read:

10 (15) (b) No person may exercise any right to foreclose or enforce a lien for the
11 storage of household goods, furniture, or personal effects of a service member during
12 the service member's period of active state service active duty and for 3 months after
13 that period ends except upon an order of the court. In an action under this
14 paragraph, the court, after a hearing, may on its own motion, and shall, on
15 application of the service member or some person acting on behalf of the service
16 member, stay the proceeding or make such other order as may be equitable to
17 conserve the interests of all parties, unless the court determines that the ability of
18 the service member to pay storage charges due is not materially affected by his or her
19 active state service active duty.

Insert 9-10
321.62
90 days

NOTE: I changed "3 months" to "90 days." OK?

20 (16) DEPENDENT BENEFITS. Upon application to the court, a dependent of a
21 service member is entitled to the same benefits given to a service member while in
22 active state service active duty, unless the court determines that the ability of the
23 dependent to comply with the terms of an obligation, contract, lease, or bailment is
24 not materially impaired by reason of the service member's active state service active
25 duty.

321.62

→ ④ SEC.#. RN; 21.75(17); 321.62(17)

↘ ④ SEC.#. RA; 21.75(18); 321.62(18)

state active duty (CS)

321.62

1 (18) CERTIFICATE OF SERVICE; PERSON REPORTED MISSING. (a) In any action or
2 proceeding under this section, a certificate signed by the adjutant general or a person
3 designated by the adjutant general as to the period of ^{state} active service ^{duty} of a service
4 member shall be prima facie evidence as to any of the following facts unless shown
5 to be incorrect:

6 1. That the service member named has been in active state service active duty.

7 2. The period of the active state service active duty, including the date the
8 service member was ordered into active state service active duty.

9 3. The monthly pay received by the service member in active state service active
10 duty at the time the certificate was issued.

11 4. If the service member died while in active state service active duty, the date
12 and the place where he or she died.

13 (b) The adjutant general shall provide the certificate under par. (a) upon
14 request of the service member or of a person acting on behalf of the service member
15 or his or her estate, and any certificate so provided shall be prima facie evidence of
16 the facts stated in the certificate and of the authority of the signer to issue the
17 certificate unless shown to be incorrect.

18 (c) When a service member in active state service active duty has been reported
19 missing to the department, the service member shall be presumed to continue in
20 active state service active duty until accounted for, and no period limited under this
21 section which begins or ends with the death of a service member shall begin or end
22 until the death of the service member is determined by the department or by a court.

321.62

23 (20) STAY OF ENFORCEMENT OF OBLIGATIONS OR LIABILITIES (a) A service member

24 may, at any time during his or her period of active state service active duty, or within
25 6 months ^{180 days} after that service ^{duty} ends, apply to a court for relief with respect to any

④ SEC.#. RN; 21.75(19); 321.62(19)

④ SEC.#. 21.75(20) of the statutes is renumbered 321.62(20), and 321.62(20)(a) is amended to read:

1 obligation or liability incurred by the service member before his or her period of
2 ~~active state service~~ active duty. The court, after appropriate notice and hearing, may
3 grant the following relief unless the court determines that the ability of the service
4 member to comply with the terms of the obligation or liability has not been materially
5 affected by his or her state active ~~service~~ duty:

XXXX NOTE: I changed "6 months" to "180 days." OK?

6 1. In the case of an obligation payable in installments under a contract for the
7 purchase of real estate, or secured by a mortgage upon real estate, a stay of the
8 enforcement of the obligation during the period of ~~active state service~~ active duty
9 and, from the date of the end of the period of ~~active state service~~ active duty or from
10 the date of requesting the relief if made after the ~~service~~ state active duty is ended, for a period equal
11 to the period of the remaining life of the installment contract or instrument
12 evidencing the obligation plus a period of time equal to the period of ~~active state~~
13 ~~service~~ active duty, or any part of that combined period. The court may issue a stay
14 under this paragraph if the service member makes payments of the balance of the
15 principal and accumulated interest due and unpaid at the date of the end of the
16 period of ~~active state service~~ active duty or from the date of requesting the relief,
17 whichever is appropriate, in equal installments during the combined period and at
18 the rate of interest as is prescribed in the contract or instrument evidencing the
19 obligation for installments paid when due. The court may order other terms under
20 this paragraph as are just.

21 2. In the case of any other obligation or liability, a stay of the enforcement of
22 that obligation or liability during the service member's period of ~~active state service~~
23 active duty and, from the date of the end of the period of ~~active state service~~ active
24 duty or from the date of requesting the relief if made after the ~~service~~ duty is ended, for
25 a period equal to the period of ~~active state service~~ active duty or any part of that

④ SEC.#. 21.75(21) of the statutes is renumbered

✓ 321.62(21) and 321.62(21)(b) as renumbered is amended to read:

1 period. The court may issue a stay under this paragraph if the service member
2 makes payments of the balance of the principal and accumulated interest due and
3 unpaid at the date of the end of the period of active state service active duty or from
4 the date of requesting the relief, whichever is appropriate, in equal installments
5 during the extended period and at the rate of interest as is prescribed for the
6 obligation or liability when due. The court may order other terms under this
7 paragraph as are just.

8 ✓ (21) (b) No power of attorney executed after ~~December 14, 2001~~, by a service
9 321.62 member in ~~active state service~~ active duty may be extended under par. (a) if the
10 document creating the power of attorney clearly indicates that the power granted
11 expires on the date specified even if the service member, after the date of execution
12 of the document, is reported missing to the department.

13 321.62 (22) (a) 1. If a service member who is called into active state service active duty
14 has coverage under a professional liability insurance policy that does not cover
15 claims filed with respect to the service member during the period of active state
16 service active duty unless the premiums are paid for the coverage for that period, the
17 insurer that provides the coverage shall suspend the service member's coverage
18 under the policy upon receipt of a written request from the service member to do so.
19 The insurer may not require that premiums be paid for the suspended coverage. The
20 insurer shall refund any premium amount already paid for coverage of the service
21 member for the period after the coverage is suspended or shall, at the option of the
22 service member, apply such amount to payment of any premium that becomes due
23 upon reinstatement of the coverage.

24 2. Subdivision 1. does not require the suspension of coverage for any other
25 person who has coverage under the policy and who is not a service member called into

④ SEC.#. 21.75(22) of the statutes is renumbered 321.62(22) and 321.62(22)(a), (b)2. and (c)1. as renumbered are amended to read:

1 active state service active duty or relieve any person of the obligation to pay
2 premiums for coverage that is not required to be suspended under subd. 1.

3 (b) 2. For purposes of subd. 1., a claim that is based on the failure of a
4 professional to make adequate provision for the care of patients during the
5 professional's period of active state service active duty shall be considered to be based
6 on an action or the failure to take action before the beginning of the period during
7 which coverage is suspended under this subsection, unless professional services
8 were provided after the date on which the suspension of coverage began.

9 (c) 1. If a service member whose professional liability insurance coverage is
10 suspended under par. (a) transmits to the insurer, within 30 days after the date on
11 which the service member is released from active state service active duty, a written
12 request for reinstatement of his or her professional liability insurance coverage, the
13 insurer must reinstate the coverage as of the date on which the insurer receives the
14 written request. The period for which the coverage must be reinstated may not be
15 less than the balance of the period for which the coverage would have continued
16 under the policy had the coverage not been suspended.

17 [Ⓟ] SEC.#. RA; 21.75(23); 321.62(23)
18 (23) NOTICE OF BENEFITS UNDER THIS SECTION. The department shall provide
19 each service member a brochure explaining this section when that service member
20 enters active state service active duty.

History: 2001 a. 24, 105; 2003 a. 69; 2005 a. 149.

20 SECTION 135. 21.78 of the statutes ^{are} renumbered 321.63 and amended to read:

21 **321.63 Employees Local government employees or officers in military**
22 **service.** (1) The governing body of any county, town, city, village, school district,
23 or technical college district A local governmental unit, as defined in s. 66.0135 (1) (c),
24 may grant a leave of absence to any employee or officer who is inducted or who enlists

(title)
PLAIN

ⓑ
federal active duty

^ (2), ^ (3) and

^ (1), ^ (2),
(3) and

(title) ~~and~~ (1) ~~to~~ (4)

(title) ~~and~~ (4)

321.62

1 in the U.S. armed forces for a period of ~~military service~~ federal active duty of not more
2 than ~~4~~ 5 years unless the employee is involuntarily retained for a longer period. No
3 salary or compensation of the employee or officer shall be paid, nor claim for the
4 salary or compensation exist, during the leave of absence, except as provided in this
5 section. If the employee's or officer's salary or compensation is less in the U.S. armed
6 forces than was paid by the governing body of any county, town, city, village, school
7 district, or technical college district local governmental unit, that governmental unit
8 may pay the employee or officer the difference between the salary or compensation
9 paid by the U.S. armed forces and the salary or compensation that the employee or
10 officer was paid by the governing body of any county, town, city, village, school
11 district, or technical college district local governmental unit at the time that he or
12 she enlisted in or was inducted into the U.S. armed forces.

***NOTE: ~~(1) (2) (3) (4)~~

insert 59-12

13 (2) The governing body local governmental unit may provide for safeguarding
14 the reinstatement and pension rights, as limited in this section, of any employee or
15 officer so inducted or enlisted.

16 (3) No employee or officer who is appointed to fill the place of any employee or
17 officer so inducted or enlisted shall acquire permanent tenure during the period of
18 the replacement service.

19 (4) If the leave of absence under sub. (1) is granted to an elected or appointed
20 official or employee and the official or employee has begun ~~service in the U.S. armed~~
21 ~~forces~~ federal active duty, a temporary vacancy exists and a successor may be
22 appointed to fill the unexpired term of the official or employee, or until the official
23 or employee returns and files an election to resume the office if the date of the filing
24 is prior to the expiration of the term. The appointment shall be made in the manner

1 provided for the filling of vacancies caused by death, resignation, or otherwise, except
 2 that no election need be held to fill a temporary vacancy. The appointee has all the
 3 powers, duties, liabilities, and responsibilities and shall be paid and receive the
 4 compensation and other benefits of the office or position, unless otherwise provided
 5 by the governing body local governmental unit. Within 40 days after the termination
 6 of service in the U.S. armed forces federal active duty, the elected or appointed official
 7 or employee, upon filing with the clerk of the local governmental unit, a statement
 8 under oath of termination and that the official or employee elects to resume the office
 9 or position, may resume the office or position for the remainder of the term for which
 10 elected or appointed. The person temporarily filling the vacancy shall cease to hold
 11 the office on the date of the filing.

History: 2005 a. 22, 253.

12 **SECTION 136.** 21.78 (5) of the statutes is repealed.

13 ✓ **SECTION 137.** 21.79 of the statutes is renumbered 321.64 and 321.64 (1) (a)
 14 (intro.) ^{1, 3.} and 5., (2) and (4), as renumbered, are amended to read:

15 **321.64 Reemployment after completion of military service federal**
 16 **active duty.** (1) (a) ^(intro.) Any person who has enlisted or enlists in or who has been or is
 17 inducted or ordered into active service in the U.S. armed forces pursuant to 50 App.
 18 USC 301, 401, and 451, or P.L. 87-117 federal active duty for 90 days or more, and
 19 any person whose services are requested by the federal government for national
 20 defense work as a civilian during a period officially proclaimed to be a national
 21 emergency or a limited national emergency, who, to perform the training ^{duty} or service,
 22 has left or leaves a position, other than a temporary position, in the employ of any
 23 political subdivision of the state or in the employ of any private or other employer,
 24 shall be restored to that position or to a position of like seniority, status, pay, and

(title)
↑
plain

(title)
↑

This section discussed armed forces duty and civilian service during a national emergency, so throughout this section I added the service language. OK?

1 salary advancement as though service toward seniority, status, pay, or salary
 2 advancement had not been interrupted by the absence, if all of the following
 3 conditions are met:

4 5. The ~~military service~~ federal active duty ^{or federal government service} was not for more than ~~4~~ 5 years
 5 unless extended by law.

****NOTE: ~~(C note here)~~

insert 61-5

6 (2) The service of any person who is or was restored to a position in accordance
 7 with sub. (1) shall be considered not to be interrupted by the absence, except for the
 8 receipt of pay or other compensation for the period of the absence and he or she shall
 9 be entitled to participate in insurance, pensions, retirement plans, or other benefits
 10 offered by the employer under established rules and practices relating to employees
 11 on furlough or leave of absence in effect with the ^{federal active duty or federal government} employer at the time the person
 12 entered or was enlisted, inducted, or ordered into ~~the forces and service~~ ^{service}. The person

13 whose position was restored may not be discharged from the position without cause
 14 within one year after restoration and the discharge is subject to all federal or state
 15 laws affecting any private employment and to the provisions of contracts that may
 16 exist between employer and employee. Each ~~county, town, city, village~~ ^{of} political
 17 subdivision shall contribute or pay all contributions of the employer to the applicable
 18 and existent pension, annuity, or retirement system as though the service of the
 19 employee had not been interrupted by ~~military service~~ ^{federal active duty or federal government} service.

20 (4) No person who is appointed in the service of the state or of any ~~county, city,~~
 21 ~~village, or town~~ political subdivision to fill the place of a person entering service in
 22 the U.S. ~~armed forces~~ federal active duty or federal government service under sub.

23 (1) shall acquire permanent tenure during the period of that replacement service.

24 SECTION 138. 21.80 (title) ^{and (1)(intro.)} of the statutes is renumbered 321.65. ^{(title) and}
 (1)(intro.)

insert 61-3a & 3b

XXXX NOTE

are

1 ✓ **SECTION 139.** 21.80 (1) (a) ~~to (e)~~ of the statutes ~~are~~ ^{is} renumbered 321.65 (1) (a)

2 ✓ ~~to (e)~~ and 321.65 (1) (a) (intro.), 1. and 3., as renumbered, are amended to read:

3 321.65 (1) (a) (intro.) "Active state service" means any of the following:

4 1. Active service in the national guard or the state defense force under an order
5 of the governor issued under this chapter State active duty or active service duty in
6 the national guard under 32 USC 502 (f) ~~that is not considered to be service in the~~
7 uniformed services.

8 3. Active service duty in the national guard of any state under an order of the
9 governor of that state.

10 ✓ (A) SEC.#. RN; 21.80(1)(b) to (e); 321.65(1)(b) to (e)
SECTION 140. 21.80 (1) (f) of the statutes is repealed.

11 ✓ SECTION 141. 21.80 (1) (g) of the statutes is renumbered 321.65 (1) (f).

12 SECTION 142. 21.80 (2) ~~to (7)~~ of the statutes ~~are~~ ^{is} renumbered 321.65 (2) ~~to (7)~~
13 and 321.65 (2), (3) (a) (intro.), 1., 2. and 4., (c), (e) 1., 2. and 3., (f) 1. and (h), (4) (a),
14 (5), ^{and} (6) (a) (intro.) and (c), as renumbered, ~~are~~ ^{and} amended to read:

15 321.65 (2) MORE GENEROUS RIGHTS PERMITTED. Nothing in this section prohibits
16 an employer from providing employees who are called into active state service with
17 reemployment rights and benefits that are more generous to the employee than the
18 rights and benefits provided under this section.

19 (3) REEMPLOYMENT RIGHTS. (a) Prerequisites. ^(intro.) Subject to par. (d), any person who
20 ^{321.65} is a resident of this state and absent from a position of employment because of active
21 state service is entitled to the reemployment rights and benefits specified in this
22 section if all of the following apply:

23 1. Except as provided in par. (b), the person or an appropriate officer in the
24 national guard of this or another state or the state defense force has given advanced
25 notice of the active state service to the person's employer.

(A) SEC.#. 21.80(3) of the statutes is renumbered 321.65(3),
and 321.65(3)(a)(intro.), 1., 2. and 4., (c), (e) 1., 2. and 3.,
(f) 1. and (h), as renumbered, are amended to read:

1 state emergency declared by the governor, because of a war or national emergency
 2 declared by the president of the United States or Congress, because of insurrection,
 3 rebellion, riot, invasion, or resistance to the execution of the laws of this state or of
 4 the United States, or in support of an operational mission, a critical mission, or any
 5 other requirement of the uniform ^{ed} services ^{U.S. armed forces} ~~national guard or state defense force~~.

Insert
64-5

6 (e) Return procedures. 1. Subject to subds. 4. and 5., if a person who has been
 7 absent from a position of employment because of active state service that lasted for
 8 less than 31 days, who has been absent from a position of employment for any period
 9 of time for the purpose of an examination to determine the person's fitness to perform
 10 active state service, or who has been absent from a position of employment because
 11 the person was hospitalized for or was convalescing from an illness or injury that was
 12 incurred in or aggravated during the performance of that active state service wishes
 13 to receive the reemployment rights and benefits specified in this section, the person
 14 must notify the person's employer of the person's intent to return to the position of
 15 employment by reporting to the employer by no later than the beginning of the first
 16 full regularly-scheduled work period on the first full calendar day following the
 17 completion of the active state service, examination, or period of hospitalization or
 18 convalescence, a period of time that allows for the safe transportation of the person
 19 from the place of active state service, examination, hospitalization, or convalescence
 20 to the person's residence, and a rest period of 8 hours following that transportation
 21 period or, if through no fault of the person's own reporting to the employer within that
 22 time is impossible or unreasonable, by reporting to the employer as soon as possible
 23 after that 8-hour rest period.

24 2. Subject to subds. 4. and 5., if a person who has been absent from a position
 25 of employment because of active state service that lasted for more than 30 days, but

1 less than 181 days, or who has been absent from a position of employment because
2 the person was hospitalized for or was convalescing from an illness or injury that was
3 incurred in or aggravated during the performance of that active state service wishes
4 to receive the reemployment rights and benefits specified in this section, the person
5 must notify the person's employer of the person's intent to return to the position of
6 employment by submitting to the employer an application for reemployment by no
7 later than 14 days after the completion of the active state service, hospitalization, or
8 convalescence or, if through no fault of the person's own submitting the application
9 within that time is impossible or unreasonable, by submitting to the employer an
10 application for reemployment by no later than the first full calendar day on which
11 submission of the application becomes possible.

12 3. Subject to subds. 4. and 5., if a person who has been absent from a position
13 of employment because of active state service that lasted for more than 180 days or
14 who has been absent from a position of employment because the person was
15 hospitalized for or was convalescing from an illness or injury that was incurred in
16 or aggravated during the performance of that active state service wishes to receive
17 the reemployment rights and benefits specified in this section, the person must
18 notify the person's employer of the person's intent to return to the position of
19 employment by submitting to the employer an application for reemployment by no
20 later than 90 days after the completion of the active state service, hospitalization, or
21 convalescence or, if through no fault of the person's own submitting the application
22 within that time is impossible or unreasonable, by submitting to the employer an
23 application for reemployment by no later than the first full calendar day on which
24 submission of the application becomes possible.

1 ✓ (f) Documentation. 1. A person who submits an application for reemployment
 2 under par. (e) 2. or 3. must, on the request of the person's employer, provide to the
 3 employer documentation to establish that the application was submitted within the
 4 time limits specified in par. (e) 2. or 3., that the person's cumulative length of all
 5 ✓ absences from employment with the employer because of active state service or and
 6 ✓ ~~service in the uniform services~~ ^{ed} federal active duty does not, except as permitted
 7 ✓ under par. (c), exceed 5 years, and, in the case of active state service in the national ← PLAIN
 8 ✓ guard or the state defense force ← PLAIN, that the person's service was not terminated under
 9 ✓ other than honorable conditions. in this or another state ← score

10 (h) *Prohibited bases for denial of reemployment.* In determining a person's
 11 right to reemployment and other benefits under this section, an employer may not
 12 deny reemployment or any other benefits based on the timing, frequency, duration,
 13 ✓ or nature of the person's active state service or ~~service in the uniform~~ ^{ed} services federal
 14 active duty so long as the requirements under par. (a) are met.

15 ✓ (4) REEMPLOYMENT POSITIONS. (a) *Prompt reemployment required.* 1. Subject
 16 321.65 to subds. 3. and 4. and par. (b), an employer shall reemploy a person who is entitled
 17 to reemployment under sub. (3) and whose period of active state service was for less
 18 than 91 days promptly on completion of that period of active state service in the
 19 position of employment in which the person would have been employed if the
 20 continuous employment of the person with the employer had not been interrupted
 21 by that active state service so long as the person is qualified to perform the duties
 22 of that position or, if after reasonable efforts by the employer to qualify the person
 23 to perform those duties the person is not qualified to perform those duties, in the
 24 position of employment in which the person was employed on the date on which the
 25 person's period of active state service began.

✓ (4) SEC.#. 21.80(4) of the statutes is renumbered 321.65(4) and
 321.65(4)^(a) as renumbered is amended to read:

1 2. Subject to subds. 3. and 4. and par. (b), an employer shall reemploy a person
2 who is entitled to reemployment under sub. (3) and whose period of active state
3 service was for more than 90 days promptly on completion of that period of active
4 state service in the position of employment in which the person would have been
5 employed if the continuous employment of the person with the employer had not been
6 interrupted by that active state service or in a position of employment of like
7 seniority, status, and pay so long as the person is qualified to perform the duties of
8 that position or, if after reasonable efforts by the employer to qualify the person to
9 perform those duties the person is not qualified to perform those duties, in the
10 position of employment in which the person was employed on the date on which the
11 person's period of active state service began or in a position of employment of like
12 seniority, status, and pay.

13 3. Subject to par. (b), in the case of a person who has a disability that was
14 incurred in or aggravated during a period of active state service and who, after
15 reasonable efforts by the employer to accommodate the disability, is not qualified due
16 to the disability to perform the duties of the position of employment in which the
17 person would have been employed if the continuous employment of the person with
18 the employer had not been interrupted by the active state service, the employer shall
19 reemploy the person promptly on completion of that period of active state service in
20 any other position that is equivalent to that position in seniority, status, and pay, the
21 duties of which the person is qualified to perform or would become qualified to
22 perform with reasonable efforts by the employer, or, if there is no other position of
23 employment available that is equivalent to that position in seniority, status, and pay,
24 in a position that is the nearest approximation to that equivalent position in terms
25 of seniority, status, and pay, consistent with the person's circumstances.

1 4. Subject to par. (b), in the case of a person who is not qualified to be employed
2 in the position of employment in which the person would have been employed if the
3 continuous employment of the person with the employer had not been interrupted
4 by the person's active state service or in the position of employment in which the
5 person was employed on the date on which the person's period of active state service
6 began for any reason other than disability incurred in or aggravated during a period
7 of active state service and who cannot become qualified to be so employed with
8 reasonable efforts by the employer, the employer shall reemploy the person promptly
9 on completion of that period of active state service in any other position that the
10 person is qualified to perform and that is the nearest approximation to the position
11 of employment in which the person would have been employed if the continuous
12 employment of the person with the employer had not been interrupted by that active
13 state service, with full seniority, or if no position of employment that is the nearest
14 approximation to that position is available, in a position of employment that the
15 person is qualified to perform and that is the nearest approximation to the position
16 of employment in which the person was employed on the date on which the person's
17 period of active state service began, with full seniority.

→ (A) SEC. #. RA; 21.80(5); 321.65(5)

18 (5) RIGHTS, BENEFITS, AND OBLIGATIONS. (a) *Seniority*. A person who is
19 reemployed under this section is entitled to the seniority and other rights and
20 benefits determined by seniority that the person had on the last day of employment
21 before the person's active state service began, plus all seniority and other rights and
22 benefits determined by seniority that the person would have had if the continuous
23 employment of the person with the employer had not been interrupted by that active
24 state service.

1 (b) *Continuation of benefits.* 1. Subject to subds. 2. to 5., a person who is absent
2 from employment because of active state service is considered to be on furlough or
3 leave of absence while performing the active state service and is entitled to receive
4 all rights and benefits not determined by seniority that are generally provided by the
5 employer to employees having similar seniority, status, and pay who are on furlough
6 or leave of absence under a contract, agreement, policy, practice, or plan that is in
7 effect on the day on which the active state service began or that is established while
8 the person is performing the active state service.

9 2. If an employer shows that a person who is absent from a position of
10 employment because of active state service has knowingly provided written notice
11 of the person's intent not to return to a position of employment with the employer
12 after that active state service and, in doing so, was aware of the specific rights and
13 benefits under subd. 1. that the person would lose while absent from the position of
14 employment, the person is not entitled to the rights and benefits specified in subd.
15 1. while absent from employment.

16 3. A person who is considered to be on furlough or leave of absence under subd.
17 1. while performing active state service is not entitled to any benefit to which the
18 person would not otherwise be entitled if the person had remained continuously
19 employed.

20 4. An employer may require a person who is considered to be on furlough or
21 leave of absence under subd. 1. while performing active state service to pay the
22 employee cost, if any, of any benefit that is continued under subd. 1. to the same
23 extent that other employees who are on furlough or leave of absence are so required.

1 5. A person who is absent from a position of employment because of active state
2 service is entitled to receive coverage under a health benefit plan during the absence
3 and on reemployment as provided in sub. (6).

4 (c) *Protection from discharge.* An employer that reemploys under this section
5 a person whose period of active state service lasted for more than 30 days, but less
6 than 181 days, may not discharge the person within 180 days after the date of
7 reemployment except for cause. An employer that reemploys under this section a
8 person whose period of active state service lasted for more than 180 days may not
9 discharge the person within one year after the date of reemployment except for
10 cause.

11 (6) ~~CONTINUATION OF HEALTH CARE COVERAGE.~~ (a) *Option to continue coverage.* (intro.)

✓ 321.65

12 Notwithstanding s. 632.897, if a person who has coverage under a health benefit plan
13 in connection with the person's employment is absent from a position of employment
14 because of active state service, the insurer that issued the health benefit plan shall
15 permit the person, and the person's dependents, to continue coverage under the
16 health benefit plan until the first to occur of the following:

17 (c) *Reinstatement on reemployment.* If a person's coverage under a health
18 benefit plan in connection with his or her employment was terminated because of the
19 person's active state service and if after returning from that active state service the
20 person is reemployed under sub. (3), coverage under the health benefit plan shall be
21 reinstated for the person and the person's dependents immediately upon
22 reemployment. With respect to the reinstated coverage, no exclusion or waiting
23 period may be imposed that would not have been imposed had the coverage not been
24 terminated because of the active state service.

25 ① SEC.#. RN; 21.80(7); 321.65(7)
SECTION 143. 21.80 (8) of the statutes is repealed.

✓ ① SEC.#. 21.80(b) of the statutes is renumbered 321.65(b) and 321.65(b)(a)(intro.) and (c) as renumbered are amended to read:

1 **SECTION 144.** 40.05 (4g) (a) 4. of the statutes is amended to read:

2 40.05 (**4g**) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
3 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or
4 under rules promulgated by the director of the office of state employment relations
5 or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion
6 of his or her service in the U.S. armed forces.

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104; 2001 a. 16; 2003 a. 33 ss. 1004 to 1015, 9160; 2003 a. 69, 117; 2005 a. 22, 153.

7 **SECTION 145.** 45.03 (13) (e) of the statutes is amended to read:

8 45.03 (**13**) (e) Provide county veterans service officers with the information
9 provided to the department by the adjutant general under s. ~~21.19 (14)~~ 321.04 (1) (g)
10 and may provide county veterans service officers with information on all necessary
11 military points of contact and general deployment information for reserve units of
12 the U.S. armed forces.

History: 2005 a. 22, 25, 468.

13 **SECTION 146.** 45.20 (2) (d) 3. of the statutes is amended to read:

14 45.20 (**2**) (d) 3. A veteran may not receive reimbursement under this subsection
15 for any semester in which he or she is eligible for or received a grant under s. ~~21.49~~
16 321.40 or under 10 USC 2007.

History: 2005 a. 22, 25.

17 **SECTION 147.** 45.60 (1) (b) of the statutes is amended to read:

18 45.60 (**1**) (b) Military funeral honors may be provided by local units of member
19 organizations of the council on veterans programs, by local units of veterans
20 organizations certified by the department to provide military funeral honors, by
21 members of the Wisconsin national guard activated under s. ~~21.11 (3)~~ 321.04 (2) (e),
22 or by staff of the department.

History: 2005 a. 22, 25.

23 **SECTION 148.** 71.93 (1) (a) 6. of the statutes is amended to read:

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1 71.93 (1) (a) 6. An amount owed to the department of military affairs under s.
2 ~~21.49 (3m)~~ 321.40 (5). ✓

History: 1987 a. 312; 1989 a. 31; 1993 a. 437; 1995 a. 27 ss. 3427 to 3429, 9126 (19), 9130 (4); 1995 a. 404; 1997 a. 3, 27; 2001 a. 16; 2003 a. 33; 2005 a. 25, 59, 254; s. 13.93 (2) (c).

3 **SECTION 149.** 106.54 (7) of the statutes is amended to read:

4 (7) 106.54 (7) The division shall receive complaints under s. ~~21.80 (7) (b) 1. or 2.~~
5 321.65 (b) 1. or 2. and shall process the complaints in the same manner that
6 employment discrimination complaints are processed under s. 111.39.

History: 1971 c. 185 ss. 1, 7; Stats. 1971 s. 101.222; 1977 c. 29; 1981 c. 360; 1983 a. 398; 1989 a. 47; 1995 a. 27 s. 3689; Stats. 1995 s. 106.06; 1997 a. 27, 131; 1999 a. 82 s. 93; Stats. 1999 s. 106.54; 1999 a. 176 s. 1; 2001 a. 26; 2005 a. 388.

7 **SECTION 150.** 121.05 (1) (a) 13. of the statutes is amended to read:

8 121.05 (1) (a) 13. Pupils attending the Youth Challenge ^{Academy} program under s. ~~21.26~~
9 321.03 (1) (c). ✓

History: 1971 c. 125; 1973 c. 89; 1975 c. 224; 1977 c. 29, 418; 1979 c. 34, 221, 244; 1981 c. 20, 251; 1983 a. 27, 192, 509; 1985 a. 29, 218; 1985 a. 225 s. 100; 1987 a. 27, 399; 1989 a. 336; 1991 a. 39; 1993 a. 16, 395; 1995 a. 27 ss. 4040x, 4042, 9145 (1); 1995 a. 225; 1997 a. 27, 113, 164; 1999 a. 9, 83, 117; 2001 a. 57, 109; 2003 a. 321.

10 **SECTION 151.** 121.095 (1) (a) of the statutes is amended to read:

11 121.095 (1) (a) Determine the number of pupils counted in the school district's
12 membership who are attending the Youth Challenge program under s. ~~21.26~~ 321.03
13 (1) (c). ✓

History: 2001 a. 109.

14 **SECTION 152.** 121.095 (1) (b) 1. of the statutes is amended to read:

15 121.095 (1) (b) 1. The amount determined by the department of military affairs
16 under s. ~~21.26 (2) (a)~~ 321.03 (1) (c) 1. ✓

History: 2001 a. 109.

17 **SECTION 153.** 121.90 (1) (intro.) of the statutes is amended to read:

18 121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils
19 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
20 (a) 1. to 11. and 13., and the number of pupils attending the Youth Challenge program
21 under s. ~~21.26~~ 321.03 (1) (c) in the previous spring session, except that "number of

1 pupils enrolled” excludes the number of pupils attending public school under s.
2 118.145 (4) and except as follows:

3 **History:** 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109; 2005 a. 225.

3 **SECTION 154.** 230.04 (17) of the statutes is amended to read:

4 230.04 (17) The director shall resolve any dispute raised by a complaint filed
5 under s. ~~21.79 (1) (e)~~ 321.64 (1) (c).

6 **History:** 1977 c. 196 ss. 48, 63, 101, 130 (11); 1977 c. 418, 447; 1981 c. 20; 1983 a. 27, 409; 1987 a. 27, 32, 140, 403; 1989 a. 31, 124; 1991 a. 101, 269, 288, 315; 1995 a. 289; 1997 a. 27; 1999 a. 87; 2003 a. 33; 2005 a. 22.

6 **SECTION 155.** 230.315 (1) (c) of the statutes is amended to read:

7 230.315 (1) (c) The employee has received a military leave of absence under s.
8 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V
9 of ch. 111, or under rules promulgated by the office of employment relations or is
10 eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion of his
11 or her service in the U.S. armed forces.

12 **History:** 2003 a. 162; 2005 a. 22, 469.

12 **SECTION 156.** 230.32 (7) of the statutes is amended to read:

13 230.32 (7) Any employee who is absent from state service because the employee
14 is in active service, as defined in s. ~~21.80 (1) (a)~~ 321.65 (1) (a), is entitled to all
15 reemployment rights and benefits provided under s. ~~21.80~~ 321.65.

16 **History:** 1971 c. 270 ss. 73, 74; Stats. 1971 s. 16.26; 1977 c. 196 ss. 56, 130 (5); 1977 c. 273; 1977 c. 418 s. 924 (13m); Stats. 1977 s. 230.32; 1981 c. 96 s. 67; 1981 c. 140; 1983 a. 27 s. 2200 (15); 2001 a. 26; 2003 a. 33, 162; 2005 a. 145.

16 **SECTION 157.** Chapter 321 (title) of the statutes is created to read:

17 **CHAPTER 321**

18 **DEPARTMENT OF MILITARY AFFAIRS**

19 **SECTION 158.** Subchapter I (title) of chapter 321 [precedes 321.01] of the
20 statutes is created to read:

21 **CHAPTER 321**
22 **SUBCHAPTER I**

22 **GENERAL PROVISIONS**

23 **SECTION 159.** 321.01 of the statutes is created to read:

bold, cted (use text: title: chapter)

1 **321.01 Definitions.** In this chapter:

2 (1) "Active duty" means federal active duty or state active duty.

3 (2) "Department" means the department of military affairs.

4 (3) "Federal active duty" means full-time duty in the active military service of
5 the United States, as defined in 10 USC 101 (d) or 32 USC 502 or 503.

6 (4) "Law enforcement agency" means an agency of the federal government, a ✓
7 federally recognized Indian tribe or band, or a state or political subdivision of a state,
8 whose purpose is the detection and prevention of crime and enforcement of laws or
9 ordinances.

10 (5) "Law enforcement officer" means any person employed by a law ✓
11 enforcement agency who is authorized to make arrests for violations of the laws or
12 ordinances that the person is employed to enforce.

13 (6) "Military property" includes arms, clothing, equipment, publications,
14 supplies, and vehicles owned by or in the custody of the department.

15 (7) "Military records" means correspondence, medical records, personnel
16 records, and other documents in the custody of the department.

✓17 (8) "National guard" unless the context otherwise requires, means both the
18 Wisconsin army national guard and the Wisconsin air national guard.

19 (9) "Political subdivision" means a city, village, town, or county.

20 (10) "State active duty" means full-time duty in the national guard, or state
✓21 defense force when activated, under an order of the Governor or under an order
22 otherwise issued by authority of law, and includes travel to and from such duty.

23 (11) "Unit" means a formally organized division or subset of the national guard
24 or state defense force.

25 **SECTION 160.** 321.02 (title) of the statutes is created to read:

1 **321.02 Powers and duties of the governor.**

2 **SECTION 161.** 321.04 (title) and (1) (intro.) of the statutes are created to read:

3 **321.04 Powers and duties of the adjutant general.** (1) (intro.) The
4 adjutant general or his or her designee shall do all of the following:

5 **SECTION 162.** 321.04 (1) (b) of the statutes is created to read:

6 321.04 (1) (b) Advise the governor on military issues and transmit military
7 correspondence to and from the governor

8 **SECTION 163.** 321.04 (1) (j) of the statutes is created to read:

9 321.04 (1) (j) Prepare the training of national guard members.

10 **SECTION 164.** 321.04 (1) (m) of the statutes is created to read:

11 321.04 (1) (m) Prepare and issue all necessary accounting books and forms
12 required by the adjutant general's office for the national guard. All of the accounting

13 books and forms shall be made to conform as nearly as practicable to those in use in
14 the United States army or air force.

15 **SECTION 165.** 321.04 (1) (p) of the statutes is created to read:

16 321.04 (1) (p) Perform the duties under s. 321.51 (2) (e).

17 **SECTION 166.** 321.04 (2) (intro.) of the statutes is created to read:

18 321.04 (2) (intro.) The adjutant general or his or her designee may do any of
19 the following:

20 **SECTION 167.** 321.04 (2) (f) of the statutes is created to read:

21 321.04 (2) (f) Perform the duties under 321.51 (2) (b).

22 **SECTION 168.** Subchapter II (title) of chapter 321 [precedes 321.10] of the
23 statutes is created to read:

24 **CHAPTER 321**

PLAIN (title) PLAIN (title)

U.S. NO SPACE

(b)

⑨ Sec. #. CR; 321.39 (1)(a)(intro.)

⑨ 321.39 (1)(a)(intro.) **INS X from p. 15**

ⓑ

1

SUBCHAPTER II

2

MILITARY OFFICERS

3

SECTION 169. 321.10 (1) (e) of the statutes is created to read:

4

321.10 (1) (e) A joint chief of staff, whose rank may may not exceed major

5

general.

6

SECTION 170. Subchapter III (title) of chapter 321 [precedes 321.20] of the

7

statutes is created to read:

8

CHAPTER 321

9

SUBCHAPTER III

10

MILITARY PROPERTY

11

SECTION 171. 321.21 (1) of the statutes is created to read:

12

321.21 (1) In this section, "money" means funds in the custody and under the

13

~~control~~ of the department.
← stays

14

SECTION 172. 321.23 (title) of the statutes is created to read:

15

321.23(title) **Facilities and lands.**

16

SECTION 173. Subchapter IV (title) of chapter 321 [precedes 321.30] of the

17

statutes is created to read:

18

CHAPTER 321

19

SUBCHAPTER IV

20

NATIONAL GUARD AND STATE DEFENSE FORCE

21

SECTION 174. 321.42 (6) (d) of the statutes is created to read:

22

321.42 (6) (d) No guard member may receive a tuition grant unless he or she is a member in good standing in the national guard at the time of completion of the course.

24

25

SECTION 175. 321.51 (2) (e) of the statutes is created to read:

INS Z from p. 15

stet;
leave as
typed

material moved
from page 77

40

hard return

under this section

40

*move to
p. 76, line 24*

stat: leave as typed

1 321.51 (2) (e) If the state defense force is organized under sub. (1), the adjutant
2 general shall perform the duties under s. 321.04 (1) for the state defense force.

3 **SECTION 176.** 321.51 (2) (f) of the statutes is created to read:

4 321.51 (2) (f) If the state defense force is organized under sub. (1), the adjutant
5 general may perform the duties under s. 321.04 (2) (a), (b), (c) and (d) for the state
6 defense force.

7 **SECTION 177.** Subchapter V (title) of chapter 321 [precedes 321.60] of the
8 statutes is created to read:

9 **CHAPTER 321**

10 **SUBCHAPTER V**

11 **RIGHTS OF SERVICE MEMBERS**

12 **SECTION 178.** Subchapter VI (title) of chapter 321 [precedes 321.70] of the
13 statutes is created to read:

14 **CHAPTER 321**

15 **SUBCHAPTER VI**

16 **WISCONSIN CODE OF MILITARY JUSTICE**

17 (END)

hard return

Nelson, Robert P.

From: Sweet, Richard
Sent: Friday, February 02, 2007 9:10 AM
To: Nelson, Robert P.
Cc: Ryan, Robin; Shannon, Pam
Subject: Notes to ch. 321

INSERTS

Bob,

Here are 3 **** notes to add to the draft:

insert 52-11 ↓

~~After 321.62(1)(a)~~ The drafting subcommittee wanted to highlight this change for the special committee. Under current law, the spouse, children, or other dependents of a person who is on state active duty may not be evicted from premises for which the rent does not exceed \$1,200 per month, except by court order. The subcommittee recommends tying the amount of the rent to the amount of rent specified in a parallel federal law. Under the referenced federal law, the amount is \$2,400 per month, adjusted for inflation beginning in 2004.

~~After 321.63(1)~~ The drafting subcommittee wanted to highlight for the special committee the change in the number of years for which a local governmental unit may grant a leave of absence to an employee or officer who is serving in federal active duty. In order to follow federal law, the statute is being amended to allow a 5-year leave of absence; current law allows 4 years.

insert 59-12 ✓

~~After 321.64(1)(a)~~ See the note following s. 321.63(1) regarding the change from 4 years to 5 years.

insert 61-5 ✓

Dick Sweet
Richard Sweet
Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.wisconsin.gov

Section # 21.49(2)(d) of the statutes is renumbered 321.40(2)(c) and amended to read:

~~Section # 21.49(2)(d) of the statutes is amended to read:~~

321.40

insert

↓ duty

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

~~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.~~

1 SECTION 119. 21.616 (title) of the statutes is repealed.

2 SECTION 120. 21.616 of the statutes is renumbered 321.23 (2) and amended to

3 read:

PLAIN

(5) strike comma

4 ✓ 321.23 (2) The department of military affairs is authorized and directed may,
5 when contributions ~~therefor~~ are made available by the federal government under the
6 national defense facilities act of 1950 or any act or acts amendatory thereof or
7 ✓ supplementary thereto federal law, to expand, rehabilitate, equip, or convert
8 facilities owned by the state and to acquire, construct, expand, rehabilitate, equip,
9 or convert additional facilities. The department of military affairs may on the part
10 of the state accept such the federal contributions in the manner prescribed by federal
11 law or regulation, and may accept on behalf of the state the lawful terms and
12 conditions thereof of a federal contribution. The department of military affairs shall
13 take such steps and have all the functions and has the duties and powers necessary,
14 consistent with the appropriation therefor, to acquire contributions under any such
15 ✓ federal act law and to undertake and complete any such a project in conformity with
16 the applicable federal act law and this section subsection.

score comma

described in this subsection

17 SECTION 121. 21.62 of the statutes is repealed.

18 SECTION 122. 21.63 of the statutes is repealed.

19 SECTION 123. 21.70 (title) of the statutes is repealed.

20 SECTION 124. 21.70 (1) and (2) are of the statutes is renumbered 321.02 (1) and amended to

21 read:

22 321.02 (1) (a) The governor may request volunteers of from the national guard
23 to provide assistance to federal, state and local law enforcement officers, within or
24 outside the boundaries of this state, in drug interdiction and counter-drug activities
25 under 32 USC 112. These activities may include the operation and maintenance of

(1) and (2)

Section #. 21.72 (5) and (6) of the statutes are amended to read:

insert 43-24

* ~~21.72~~⁹ (5) The department of ~~military affairs~~ shall assist any service member who needs assistance to renew or extend a license under this section.

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

* (6) The department of ~~military affairs~~ shall prepare and distribute to appropriate agencies and persons, at no cost to those agencies or persons, a brochure explaining the provisions of this section.

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

Section #. 21.74 (1) (a) of the statutes is amended to read:

insert 44-8

1. (1) 1.

21.74 (1)(a) "Interest and penalties" means interest and penalties accruing on taxes during the period of ~~military service~~ ^{federal active duty (use 3x)} and 6 months thereafter. In case several owners jointly own property, other than property held jointly or as marital property with the spouse of the person in ~~military service~~, interest and penalties means the proportionate share of the total interest and penalties commensurate with the equity in the property of the person in ~~military service~~.

History: 2005 a. 22, 473.

Section #. 21.75 (2) (b) of the statutes is amended to read:

no ¶

insert 49-1

21.75(2) (b) If a service member is the principal on a criminal bail bond and his or her ~~active~~ ^{active duty} state ~~service~~ causes the surety upon the bond to be prevented from enforcing the attendance of the service member at court, the court shall not enforce the provisions of the bond during the service member's period of ~~active~~ ^{active duty} state ~~service~~ and may either during or after the period of ~~active~~ ^{state} ~~service~~ ^{duty} discharge the surety and exonerate the bail. ¶

History: 2001 a. 24, 105; 2003 a. 69; 2005 a. 149.

Section #. 21.75 (15) (a) of the statutes is amended to read:

no ff

insert 54-10

21.75(15)(a) Notwithstanding ss. 704.05 (5) and 704.90, no person may enforce a lien for storage of any household goods, furniture, or personal effects of a service member during the period in which the service member is in ~~military service~~ ^{state active duty} and for 90 days after the member's completion of ~~military service~~ ^{state active duty} *<use 2nd>*, except as permitted by a court order under par. (b). *ff*

History: ~~2001a. 24, 105; 2003 a. 69; 2005 a. 249.~~

Section #. 21.79 (1) (a) 1. of the statutes is amended to read:

Insert 61-3a

~~21.79(1)(a)~~ 1. The person presents to the employer evidence of satisfactory completion of the period of ~~training or civilian~~ *federal active duty or federal government* service, or of discharge from the U.S. armed forces under conditions other than dishonorable.

History: 2005 a. 22.

Section #. 21.79 (1) (a) 3. of the statutes is amended to read:

Insert 61-36

9
~~21.79 (1) (a)~~ 3. The person makes application for reemployment and resumes work within 90 days after completion of the ~~training~~ *federal, active duty or federal government* or service, military or civilian, or was so discharged from the U.S. armed forces, or within 6 months after release from hospitalization for ~~service-connected~~ *duty-connected or* injury or disease.

History: 2005 a. 22.

Section #. 21.80 (3) (d) 2. of the statutes is amended to read:

21.80(3) (d) 2. The position of employment that the person left to perform active ^{state} service was for a brief, nonrecurrent period and there was no reasonable expectation that the position of employment would continue indefinitely or for a significant period of time.

History: 2001 a. 26, 109; 2003 a. 33, 69; 2005 a. 22, 253.

insert 72-9

Section #. 121.095 (title) of the statutes is amended to read:

121.095 (title) State aid adjustment; ~~Youth~~ ^{Academy} Challenge program.

History: 2001 a. 109.

D-Note:

- (9) Please read the embedded ~~XXXX~~ NOTES in the draft for some ~~of~~ issues that still need resolution.
- (9) In addition, there is a major problem that I have been unable to solve regarding new section 321.62 (old s. 21.75). In the revised language "service member" means a person who is called into ~~the~~ national guard or state defense force for 30 days or more. However, this definition, with the 30-day language, conflicts with other parts of s. 321.62, i.e. s. 321.62(1)(~~b~~), (2)(~~b~~)^{and}(c), (5)(~~b~~), ~~AAA~~(6), (7), (10), (11), (12)(a), (b)^{and}(c), (13), (14)(b), (15)(b), (16), (18)(a)^{and}(c), (20)(a)(intro.)^{and}2., (21)(b), ~~(22)~~

(22)(a) 1. and 2. and (c) 1., and (23). Many
of these sections read like ~~there~~
~~for~~ there is no 30-day requirement.

I can ~~help~~ Maybe ~~add~~ the

RPN
RPN

30-day language should be
in the definition of the period
of ~~state~~ state ~~activity~~ activity rather
than in the definition
of service member?

RPN
RPN