

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Looks good
Dale -
Thanks!
pam*

*is making an
approp. needed?*

*4
p. 3, 5, 78
33, X, 82*

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

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

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

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 bill was prepared for 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.

Military Affairs Chapter
 ← The bill does the following: X

1. Moves the military affairs provisions of the statutes that are currently in ch. 21 to a newly created ch. 321.
2. Reorganizes the entire chapter by subdividing it into the ⁵ subchapters shown in the table of contents set forth below. The current ch. 21 consists of 54 sections that are not organized into subchapters. X
3. Makes nonsubstantive editorial changes to modernize language to make the language consistent with current drafting style.
4. Repeals several provisions considered no longer necessary. For example, one section in current ch. 21 relates to the Badger Challenge program, a program that no longer exists. As another example, a section is being repealed that allows the governor to prescribe rules for issuing of property to bands.
5. Makes minor substantive changes. These include the following:
 - a. Modifying the current provision on legal defense of national guard and state defense force members for actions taken in the line of duty. Currently, legal counsel is appointed for state residents who are members of the state defense force or who are members of the national guard of any state. This bill also includes members of the

Wisconsin national guard or Wisconsin state defense force who are not residents of Wisconsin.

b. Raising the dollar amount of rent of premises from which specified family members of a person may not be evicted while the person is in active state service, unless there is a court order. Under current law, the spouse, children, or others dependents of a service member who is in active state service may not be evicted from premises for which the rent does not exceed \$1,200 per month, unless there is a court order. The bill increases this amount to \$2,400 per month.

c. Increasing the amount of time for which a local governmental unit may grant a leave of absence to an employee for federal active duty from 4 years to 5 years.

d. Adding to the military staff of the governor a joint chief of staff with a specified rank.

*Chapter 321,
Department of
Military
Affairs,*

321
Under the bill, ch 321 will be reorganized as follows:

**Subchapter I
General Provisions**

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

**Subchapter II
Military Officers**

- 321.10 Military staff of the governor.
- 321.11 United States property and fiscal officer.
- 321.12 Chief surgeons.
- 321.13 Discharge of officers.
- 321.14 Authority to administer oaths.
- 321.15 Resignation of officer.

**Subchapter III
Military Property**

- 321.20 Distribution of military property.
- 321.21 Military property accountability.
- 321.22 Camp Williams.
- 321.23 Facilities and lands.
- 321.24 Encroachment on military areas and interference with military personnel.

**Subchapter IV
National Guard and State Defense Force**

- 321.30 Composition of national guard.
- 321.31 Uniform of national guard.
- 321.32 Term of enlistment and discharge.
- 321.33 Commission and rank.
- 321.34 Examinations for promotion or appointments.

- 321.35 Pay.
- 321.36 Rules of discipline.
- 321.37 No discrimination.
- 321.38 Decorations and awards.
- 321.39 Call to state active duty.
- 321.40 Educational benefits.
- 321.41 Training;special schools;pay and allowances.
- 321.42 Defense of members of guard;payment of judgments.
- 321.43 Exemption from civil authority.
- 321.44 Exemptions from certain county duties.
- 321.51 State defense force authorized.

**Subchapter V
Rights of Service Members**

- 321.60 Extension of licenses for service members.
- 321.61 Service members civil relief for property taxes and mobile telephone contracts; federal active duty.
- 321.62 Service members civil relief; state active duty.
- 321.63 Local government employees or officers in federal active duty.
- 321.64 Reemployment after completion of federal active duty.
- 321.65 Reemployment rights after national guard, state defense force, or public health emergency service.

~~**Subchapter VI
Wisconsin Code of Military Justice**~~

321.70 The Wisconsin code of military justice.

~~Wisconsin Code of Military Justice~~

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

2 15.04 (2) DEPUTY. Each secretary of a department or head of an independent

3 agency under s. 230.08 (2) (L) may appoint a deputy who shall serve at the pleasure

4 of the secretary or agency head outside the classified service. The deputy shall

5 exercise the powers, duties and functions of the secretary or head in the absence of

6 the secretary or head, and shall perform such other duties as the secretary or head

7 prescribes. The adjutant general may appoint 2 deputies as provided described in

8 s. 21.18 (1) 321.10 (1) (b) and (c). In this subsection "secretary" includes the attorney

9 general and the state superintendent of public instruction.

*insert
Ref. Note
from LRB-2341/1*

*but delete last sentence
+ add subcomm. name
to second sentence*

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

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

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

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

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

13 20.465 (1) (e) *State service flags.* The amounts in the schedule for the purchase
14 of state service flags pursuant to s. ~~21.19 (10)~~ 321.04 (2) (d).

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

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

1 real and personal, under s. 21.19 (3) 321.03 (2) (b), from the rental of state-owned
2 housing, or from the provision of housing-related services to military personnel shall
3 be credited to this appropriation.

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

5 20.465 (1) (i) *Distance learning centers.* All moneys received from renting the
6 distance learning centers, for the operation and maintenance of the centers under
7 s. 21.19 (13) 321.04 (1) (n).

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

9 20.465 (2) (a) *Tuition grants.* A sum sufficient for the payment of tuition grants
10 to members of the Wisconsin national guard under s. 21.49 (3) 321.40 (4).

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

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

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

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

15 20.465 (4) (ka) *Youth Challenge Academy program; public instruction funds.*
16 All moneys received from the department of public instruction under s. 121.095, for
17 the operation of the Youth Challenge Academy program under s. 21.26 321.03 (1) (c).

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

19 20.865 (1) (a) *Judgments and legal expenses.* A sum sufficient to pay for legal
20 expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs
21 of judgments, orders and settlements of actions, appeals and complaints under
22 subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders
23 and settlements under ss. 21.13, 165.25 (6), 321.42, 775.04 and 895.46 that are not
24 otherwise reimbursable as liability costs under par. (fm). Release of moneys under

1 this paragraph pursuant to any settlement agreement, whether or not incorporated
2 into an order, is subject to approval of the attorney general.

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

4 20.865 (1) (g) *Judgments and legal expenses; program revenues.* From the
5 appropriate program revenue and program revenue–service accounts, a sum
6 sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and
7 814.245 and for the cost of judgments, orders and settlements of actions, appeals and
8 complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those
9 judgments, awards, orders and settlements under ss. 21-13, 165.25 (6), 321.42,
10 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par.
11 (fm). Release of moneys under this paragraph pursuant to any settlement
12 agreement, whether or not incorporated into an order, is subject to approval of the
13 attorney general.

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

15 20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the
16 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.
17 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,
18 orders and settlements of actions, appeals and complaints under subch. II of ch. 111
19 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements
20 under ss. 21-13, 165.25 (6), 321.42, 775.04 and 895.46 that are not otherwise
21 reimbursable as liability costs under par. (fm). Release of moneys under this
22 paragraph pursuant to any settlement agreement, whether or not incorporated into
23 an order, is subject to approval of the attorney general.

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

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

1 **321.30 Composition of national guard.** (1) The organized militia of this
2 state shall be known as the “Wisconsin national guard” and shall consist of members
3 appointed commissioned or enlisted therein in accordance with federal law or
4 regulations governing or pertaining to the national guard.

5 (2) The Wisconsin national guard shall be organized into consist of the army
6 national guard and the air national guard units, and “national guard” when used in
7 this chapter, unless the context otherwise requires, means both the Wisconsin army
8 national guard and the Wisconsin air national guard.

9 **SECTION 17.** 21.015 (title) of the statutes is renumbered 321.03 (title) and
10 amended to read:

11 **321.03 (title) Department Powers and duties of the department.**

12 **SECTION 18.** 21.015 (intro.) of the statutes is renumbered 321.03 (1) (intro.) and
13 amended to read:

14 321.03 (1) (intro.) The department of military affairs shall do all of the
15 following:

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

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

19 321.03 (1) (b) Provide facilities and support for the national guard and any
20 other support available from the appropriations under s. 20.465.

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

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

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

13 (2) (a) The governor or adjutant general, if designated by the governor, may
14 prescribe rules and regulations not inconsistent, instructions, and policies
15 consistent with this section governing the enlistment, organization, administration,
16 equipment, uniforms, maintenance, training, and discipline of such forces, except
17 that such rules and regulations, insofar as the state defense force. The regulations,
18 instructions, and policies, to the extent the governor deems practicable and desirable
19 considers necessary, shall conform to existing law governing and pertaining to the
20 national guard and the rules and regulations promulgated thereunder and. The
21 regulations, instructions, and policies shall prohibit the acceptance of a member of
22 the state defense force from accepting any gifts, donations, gratuities, or anything
23 other things of value by such forces or by any member of such forces from any person
24 by reason of such membership given to the member because he or she is a member
25 of the state defense force other than wages and benefits paid by the state.

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

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

10 (3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. For the use of such forces, the The
11 governor or adjutant general, if designated by the governor, may requisition military
12 property from the federal government such arms and equipment as may be available,
13 and the for the use of the state defense force. The governor or adjutant general, if
14 designated by the governor, may make available to the state defense force the
15 facilities of state armories and their equipment and such military property and other
16 state premises and property as may be available and may, through the. The
17 department of military affairs, may rent or lease buildings or parts of buildings and
18 grounds for armory purposes or continue in possession of such those premises leased
19 by the department of military affairs for the use of the national guard, paying rental
20 therefor out of funds appropriated rent from the appropriation under s. 20.465 (1) (a).
21 All leases so-made shall made under this subsection terminate upon dissolution of
22 the Wisconsin state defense force regardless of the term provided therein in the lease,
23 unless the premises shall be are needed for national guard purposes, in which case
24 the. The lease for the premises needed for the national guard may be assigned by

1 the department of military affairs to the national guard organization intending that
2 intends to occupy the premises.

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

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

12 (b) ~~Any organization, unit, or detachment of such forces, upon~~ Upon order of
13 the officer in immediate command thereof, may continue, the state defense force
14 continues in fresh pursuit of insurrectionists, saboteurs, ~~enemies~~ terrorists, or
15 enemy forces beyond the borders of this state into another state until they are
16 apprehended or captured by such organization, unit, or detachment or until the a
17 military unit or police forces law enforcement agency of the other state or the forces
18 of the United States have had a reasonable opportunity to take up the pursuit or to
19 apprehend or capture such those persons, provided such. Any pursuit under this
20 subsection may only take place if the other state shall have given gives authority by
21 law for such the pursuit by such forces of this state. Any such person who shall be
22 apprehended or is captured in such the other state by an organization, unit, or
23 detachment of the forces of this the state defense force shall without unnecessary
24 delay be surrendered to the a military unit or police forces law enforcement agency
25 of the state in which the person is taken captured or to the United States, but such.

1 The surrender of the person captured shall not constitute a waiver by this state of
2 its the right to extradite or prosecute such the person for any crime committed in this
3 state.

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

10 (6) DISQUALIFICATIONS. No person shall be ~~commissioned or enlisted in such~~
11 ~~forces who is not a citizen of the United States or~~ who has been expelled or
12 dishonorably discharged from any military or naval organization, of this state, or of
13 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.

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

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

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

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

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

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

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

6 321.05 (1) Any military forces or organization, unit, or detachment thereof, of
7 another state who are that is in fresh pursuit of insurrectionists, saboteurs, enemies
8 terrorists, or enemy forces may continue such the pursuit into this state until the a
9 military unit or police forces law enforcement agency of this state or the forces of the
10 United States have U.S. military has had a reasonable opportunity to take up the
11 pursuit or to apprehend or capture such persons, and such the persons. The military
12 forces of such unit of the other state may arrest or capture such those persons within
13 in this state while in fresh pursuit.

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

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

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

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

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

23 321.51 (9) Officers and enlistees of the “Wisconsin State Defense Force” state
24 defense force who have served honorably therein for a period of at least one year and
25 are active members of their respective units at the time of its demobilization shall

1 may, upon application to the unit commander, be permitted to retain the items of
2 their uniform prescribed by the governor by rule. ~~(b) The. If retained, the~~ uniform
3 prescribed under par. (a) may be worn only on occasions of ceremony. “Occasions of
4 ceremony” means occasions essentially of a military character at which the uniform
5 is more appropriate than civilian clothing, such as memorial services, military
6 weddings, military funerals, military balls, military parades, military reunions, and
7 meetings or functions of associations formed for military purposes, the membership
8 of which is composed largely or entirely of honorably discharged veterans of the
9 services members of the U.S. military, national guard, and state defense force.

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

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

12 **321.20 Distribution of arms military property.** The governor may receive
13 and distribute, according to law, the quota of arms and military equipment which
14 property that the state may receive receives from the U.S. government of the United
15 States under the provisions of any acts of congress federal laws providing for arming
16 and equipping of the national guard and the state defense force.

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

18 **321.22 Camp Williams. (1)** The state camp grounds facility near Camp
19 Douglas, Juneau County, shall be known as “Camp Williams”. The officer in charge
20 of Camp Williams shall have at said camp the police powers possessed by officials at
21 state hospitals, as provided in s. 46.058 (2) may arrest a person for a violation that
22 occurs at Camp Williams of a state law, local ordinance, or provision of the Wisconsin
23 code of military justice.

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.

9 **SECTION 34.** 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 *bureau*

15 **SECTION 35.** 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.

20 **SECTION 36.** 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 policies establishing the form and issue thereof made
24 under rules adopted by the adjutant general and approved by the governor issuance
25 of those decorations and awards.

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

2 **321.41 Training; special schools; pay and allowances.** The governor or
3 adjutant general may order the national guard or state defense force to assemble for
4 training at any military establishment within or without the state specified and
5 approved by the department of defense and fix the dates and places thereof, and the
6 of that training. ~~The governor or adjutant general~~ may order members of the
7 national guard or state defense force, at their option, to attend such special schools
8 for military training as may be that are authorized by the state or federal
9 government. ~~For such training and attendance at special schools, members~~ The
10 governor or adjutant general shall determine the amount that the members of the
11 national guard or state defense force shall receive such as pay and allowances as the
12 federal government or the governor may authorize for the training.

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

15 **321.39 (title) Call to state active service duty.**

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

18 321.39 **(1)** (a) 1. In case of war, insurrection, rebellion, riot, invasion, terrorism,
19 or resistance to the execution of the laws of this state or of the United States; in,

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

22 4. In order to assess damage or potential damage and to recommend responsive
23 action as a result of natural or man-made events; or upon an event listed in subds.
24 1. to 3.

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

5 **(b)** If the governor is absent, or cannot be immediately communicated with, any
6 such civil officer of the persons listed in par. (a) 5. may, if the officer deems the
7 occasion so is urgent, make such application, which shall be in writing, to request
8 assistance from the commanding officers of any company, battalion or regiment, who
9 may upon commander of any national guard unit. The commander shall obtain
10 approval of the adjutant general, if the danger is great and imminent, order out that
11 officer's command to the aid of such civil officer. Such before ordering the unit to
12 provide assistance. If it is not feasible to obtain approval of the adjutant general, and
13 the danger is great and imminent, the commander may order the unit to provide
14 assistance without adjutant general approval. The order shall be delivered to the
15 commanding officer, who shall immediately communicate the order to each, and
16 every subordinate officer, and every company commander receiving the same who
17 shall immediately communicate the substance thereof to each member of the order
18 to the members of the company, or if any such unit. If a member cannot be found,
19 a notice in writing containing the substance of such the order, in writing, shall be left
20 at the last and usual member's place of residence of such member with some person
21 of suitable age and discretion, to whom its the order's contents shall be explained.

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

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

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

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

10 321.04 (2) (e) The adjutant general may activate Activate members of the
11 national guard ~~for the purpose of serving to serve~~ on an honors detail of military
12 funeral honors for a person described under s. 45.60 (1).

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

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

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

24 **SECTION 44.** 21.13 (1) of the statutes is renumbered 321.42 (1) (a) and amended
25 to read:

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

****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.”

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

19 **SECTION 45.** 21.13 (2) of the statutes is renumbered 321.42 (2) and amended
20 to read:

1 321.42 (2) Any civil action or proceeding brought against a member of a
2 national guard or the state defense force under sub. (1) (a) is subject to ss. 893.82 and
3 895.46.

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

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

7 321.21 (5) (a) No person may retain at any time any ~~arms, equipment or~~
8 ~~military stores of any kind belonging to the state or any federally owned property~~
9 ~~issued to the state property or money, unless the property or money has been lawfully~~
10 ~~issued to the person pursuant to law and the proper authority permits the person to~~
11 ~~retain the property or money in the discharge of a public duty. No person may use~~
12 ~~any public arms, equipment, clothing or military stores belonging to the state, either~~
13 ~~as owner or bailee, property or money for the person's unauthorized private use. Any~~
14 ~~person violating this section paragraph shall forfeit not less than \$50 nor more than~~
15 ~~\$200.~~

****NOTE: The drafting subcommittee wanted to highlight for the special committee's attention the level of penalties both in this provision and in current s. 21.155. Those penalty levels were established in 1980. Chapter 221, laws of 1979 (the 1980 Budget Review Act), changed the penalties for violating s. 21.15 from a fine of not more than \$200 to the current language. In addition, chapter 221 also changed the penalty for violating s. 21.115 from imprisonment for not more than 6 months or a fine of not more than \$100 to the current language.

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

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

19 321.21 (5) (b) No A person who possesses under the laws of this state any arms,
20 equipment or other military property may willfully neglect or refuse or money, after
21 the adjutant general makes lawful demand is made for the return of the property by

1 order of the governor, to or money shall return the property or money promptly. No
2 person may knowingly resist any officer who is lawfully taking possession of such
3 arms, equipment or other the military property or money. Any person violating this
4 section paragraph shall forfeit not less than \$50 nor more than \$200.

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

7 **321.24 (1)** The officer in charge of any area used or to be used for military
8 purposes may cause the area to be marked in such a manner so as mark the area to
9 warn against encroachment by unauthorized persons, but may not to unnecessarily
10 obstruct travel on any public highway. No person may encroach upon or enter upon
11 the area without the consent of the officer.

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

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

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

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

21 321.10 **(1) (d)** Two assistant adjutants general for army, who may hold the
22 whose rank of may not exceed brigadier general.

23 **SECTION 54.** 21.18 (1) (e), (f), (g), (h), (i) and (j) of the statutes are renumbered
24 321.10 (1) (f), (g), (h), (i), (j) and (k) and amended to read:

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

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

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

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

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

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

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

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

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

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

24 321.10 (4) No person shall may be appointed on to the governor's military staff
25 who has not had previous state or U.S. military experience.

X

21.18(3) RA (Group 9, -0300)

1 SECTION 58. 21.18 ~~(3) and~~ ^{is} (4) of the statutes ~~are~~ renumbered 321.10 ~~(5) and~~ (6).

2 SECTION 59. 21.18 (5) of the statutes is renumbered 321.10 (7) and amended
3 to read:

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

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

11 SECTION 61. 21.19 (1) of the statutes is renumbered 321.04 (1) (a) and amended
12 to read:

13 321.04 (1) (a) ~~The adjutant general shall be~~ Be the military chief of staff to the
14 governor. ~~The adjutant general shall have the custody of all property, military~~
15 ~~records, correspondence and other documents relating to the national guard and any~~
16 ~~other military forces organized under the laws of this state. The adjutant general~~
17 ~~may appoint an assistant quartermaster general to issue and account for state~~
18 ~~property. The adjutant general shall be the medium of military correspondence with~~
19 ~~the governor and perform all other duties pertaining to the office or prescribed by~~
20 ~~law, including the preparation and submission to the governor of reports under s.~~
21 15.04 (1) (d).

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

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

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

6 321.03 (2) (intro.) The department of military affairs on behalf of the state may
7 rent do any of the following:

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

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

16 321.03 (2) (b) The department of military affairs on behalf of the state, upon
17 Upon appraisal by the state chief engineer submitted to the governor in writing, may
18 sell and convey upon such terms as the department of military affairs may
19 determine, and with the written approval of the governor in writing sell and convey,
20 any state-owned property acquired or erected for state military purposes, which if
21 the property is no longer useful to the national guard.

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

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

1 321.04 (1) (g) ~~The adjutant general shall be the auditor of Audit all military~~
2 ~~accounts, and all accounts or claims payable from the treasury of the state for~~
3 ~~military purposes shall be regularly audited by the adjutant general before payment.~~
4 ~~The adjutant general shall cause to be prepared and issued all necessary books and~~
5 ~~forms required by the adjutant general's office for the national guard. All of the books~~
6 ~~and forms shall be made to conform as nearly as practicable to those in use in the~~
7 ~~United States army.~~

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

10 321.10 (2) In the absence or incapacity of the adjutant general, the senior
11 ranking deputy adjutant general for army or air shall have all the powers and duties
12 of the adjutant general.

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

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

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

17 321.04 (1) (f) Have charge of control over all the military property of the state
18 and shall military records and carefully preserve, repair, and account for the military
19 property and records.

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

22 321.04 (1) (h) Keep in such manner as the governor directs, and subject to the
23 governor's inspection, an account of all moneys received and expended by the
24 department.

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

3 321.04 (1) (q) Perform the customary duties of the his or her office, and of the
4 office of chief of all logistical services, and have the custody of all records, returns and
5 papers pertaining to those offices.

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

8 321.04 (1) (k) The Transport or contract for the transportation of all troops,
9 arms, accoutrements, stores national guard members and other military property
10 and the preparation for encampments shall be contracted for by the adjutant general
11 under direction of the governor.

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

14 321.04 (1) (L) The adjutant general or a designee shall issue Provide or contract
15 for the provision of all necessary supplies to military property, lodging, and meals for
16 members and units of the national guard and may contract for the purchase and
17 transportation of such supplies, subject to s. 16.71 (1).

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

20 321.04 (2) (c) When any military property belonging to the state as owner or
21 bailee is wrongfully held by another person, the adjutant general may bring an action
22 in the name of the state to recover possession of the same property or the money value
23 thereof of the property.

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

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

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

7 321.04 (1) (d) ~~The adjutant general shall provide such~~ Provide necessary
8 medical supplies and services as are necessary to the national guard during periods
9 of state active duty not otherwise provided under this chapter and ch. 102, to be
10 charged to the appropriation under s. 20.465 (1) (c).

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

13 321.04 (1) (e) ~~The adjutant general shall provide from the appropriation under~~
14 ~~s. 20.465 (1) (e)~~ Provide a United States flag or state flag to the next of kin of each
15 deceased member of the national guard who dies as a result of during state service
16 under s. 21.11 active duty, to be charged to the appropriation under s. 20.465 (1) (c).

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

19 321.04 (1) (n) ~~The adjutant general shall cooperate~~ Cooperate with the federal
20 government in the operation and maintenance of distance learning centers for the
21 use of current and former members of the national guard and the U.S. armed forces.
22 The adjutant general may charge rent for the use of a center by a nonmilitary or
23 nonfederal person. All moneys received under this subsection paragraph shall be
24 credited to the appropriation account under s. 20.465 (1) (i).

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

3 321.04 (1) (o) ~~The adjutant general shall provide~~ Provide the department of
4 veterans affairs information on all necessary military points of contact and general
5 deployment information for activated and deployed members of the national guard.

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

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

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

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

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

12 321.03 (1) (c) (intro.) ~~The department of military affairs shall administer~~
13 Administer the Youth Challenge Academy program for disadvantaged youth under
14 32 USC 509. (2) ~~The department shall determine eligibility criteria for the~~
15 Challenge Academy consistent with federal law. Annually, the department of
16 military affairs shall do all of the following:

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

19 321.03 (1) (c) 1. Calculate 40% the state share of the average cost per pupil
20 attending the Youth Challenge Academy program and report this information to the
21 department of public instruction.

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

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

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

1 321.11 (1) The adjutant general shall recommend a candidate for appointment
2 as the United States U.S. property and fiscal officer for the national guard, subject
3 to the concurrence of the governor, from federally commissioned officers actively
4 serving in the national guard. The candidate shall be nominated by the governor,
5 subject to the concurrence of the U.S. secretary of the army, if the nominee is serving
6 in the army national guard, or the U.S. secretary of the air force, if the nominee is
7 serving in the air national guard.

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

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

20 **SECTION 90.** 21.30 (title) of the statutes is renumbered 321.12 (title) and
21 amended to read:

22 **321.12 (title) Chief surgeons; powers and duties.**

23 **SECTION 91.** 21.30 of the statutes is renumbered 321.12 (1) and amended to
24 read:

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

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

10 **SECTION 93.** 21.32 of the statutes is renumbered 321.12 (2) and amended to
11 read:

12 321.12 (2) The chief surgeons for the army and the air national guard shall
13 provide for such any physical examinations and inoculations of officers, enlistees,
14 and applicants for enlistment in the national guard, ~~as may be~~ that are prescribed
15 by U.S. department of defense and national guard regulations.

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

17 **SECTION 95.** 21.33 of the statutes is renumbered 321.04 (1) (c) and amended to
18 read:

19 321.04 (1) (c) ~~The quartermaster general acting as paymaster under~~ Under
20 orders from the governor, may draw from the state treasury the money necessary for
21 paying troops in camp or national guard members on state active service, and shall
22 furnish such security for the same as the secretary of administration may direct. ~~The~~
23 amount due on account of the field, staff, or other officers, ~~noncommissioned staff and~~
24 band, company, or enlistees, not herein enumerated, if any, shall be paid to the person
25 to whom the same shall be due, on the properly signed and certified payrolls duty.

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

2 **321.37 Federal laws and regulations; no No discrimination.** The
3 organization, armament, equipment, and discipline of the national guard shall be
4 that prescribed by federal laws or regulations; and the governor may by order perfect
5 such organization, armament, equipment, and discipline, at any time, so as to
6 comply with such laws and regulations insofar as they are consistent with the
7 Wisconsin code of military justice. Notwithstanding any rule or regulation
8 prescribed by the federal government or any officer or department thereof, no No
9 person, otherwise qualified, may be denied membership in the national guard or
10 state defense force because of sex, color, race, creed, or sexual orientation and no
11 member of the national guard or state defense force may be segregated within the
12 national guard or state defense force on the basis of sex, color, race, creed, or sexual
13 orientation. Nothing in this section prohibits separate facilities for persons of
14 different sexes with regard to dormitory accommodations, public toilets, showers,
15 saunas, and dressing rooms.

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

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

19 **321.36 Rules of discipline.** The applicable rules of discipline and the
20 regulations of the U.S. armed forces of the U.S. shall, so far as the same are
21 applicable, constitute the rules of discipline and the regulations of the national
22 guard; the. The rules and uniform code of military justice established by congress
23 Congress and the U.S. department of defense for the armed forces shall be adopted
24 so far as they are applicable and consistent with the Wisconsin code of military
25 justice for the government of the national guard, and the. The system of instruction

1 and the drill regulations prescribed for the different arms and corps of the armed
2 forces of the U.S. shall be followed in the military instruction and practice of the
3 national guard, and the use of any other system is forbidden.

4 SECTION 99. 21.36 (2) of the statutes is renumbered 321.04 (2) (a) and amended
5 to read:

6 321.04 (2) (a) The governor may make and Make, publish, and have printed
7 rules policies, regulations, and orders instructions for the government governance
8 of the national guard, ~~not inconsistent with the law, and cause the rules, regulations,~~
9 ~~or orders, together with any related laws, to be printed and distributed in book form,~~
10 ~~or another form, in any number that the governor considers necessary. The governor~~
11 ~~may provide.~~

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

15 SECTION 100. 21.37 of the statutes is ~~renumbered 321.70 and amended to read:~~ ^{repealed.} X

16 ~~321.70 The Wisconsin code of military justice.~~ The Wisconsin code of
17 military justice as*created by chapter 20, laws of 1969, shall govern governs the
18 conduct of all members of the national guard and any other military force organized
19 under the laws of this the state defense force. The revisor of statutes shall may not
20 print the Wisconsin code of military justice, in the statutes.

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

22 321.31 **Uniform of Wisconsin national guard.** The uniform of the national
23 guard shall be that as prescribed by regulations for the corresponding branch of the
24 United States U.S. armed forces.

25 SECTION 102. 21.42 of the statutes is repealed.

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

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

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

16 **321.34 Examinations for promotion or appointments.** The governor or
17 adjutant general may order any subordinate officer or person nominated or
18 recommended for promotion or appointment in the national guard or state defense
19 force to be examined by any competent officer or board of officers, designated in
20 orders for that purpose, as to that person's qualifications for the office to which that
21 person may is to be recommended or appointed, and or promoted. The governor or
22 adjutant general may take such action on the report of such the examining officer or
23 board of officers as the governor deems he or she considers to be for the best interests
24 of the service national guard or state defense force. The governor or adjutant general

1 may also require the person to take the physical examination provided for admission
2 to the United States U.S. army or air force.

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

4 **321.35 Pay. (1)** Each Every officer and enlisted person of on state active duty
5 in the national guard on active duty in the state under orders of the governor on a
6 state pay basis shall receive the base pay and allowances of an officer or enlisted
7 person of equal rank in the corresponding branch of the U.S. armed forces except that
8 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?

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

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

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

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

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

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

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

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

7 321.40 (1) (c) 4. Except as provided in subds. 1g. 2. and 1m. 3., an accredited
8 institution of higher education located in this state, as defined in 20 USC 1002.

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

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

12 321.40 (1) (d) "Tuition grant" means any tuition cost reimbursement payment
13 made by the department under sub. (3) (4).

14 **SECTION 114.** 21.49 (2) (intro.), (a), (b) and (e) of the statutes are renumbered
15 321.40 (2) (intro.), (a), (b) and (d).

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

18 321.40 (2) (c) Failing to meet the national guard service duty eligibility criteria
19 established by the department or absent without leave for more than 9 unit training
20 assemblies.

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

23 321.40 (2) (e) Failing to achieve a minimum grade point average of 2.0 or an
24 average grade of "C" for the semester for which reimbursement is requested a tuition
25 grant is applied for.

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

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

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

10 321.40 (4) (a) Any eligible guard member upon satisfactory completion of a
11 full-time or part-time course in a qualifying school is eligible for may apply for a
12 tuition grant equal to 100% of the actual tuition charged by the school or 100% of the
13 maximum resident undergraduate tuition charged by the University of
14 Wisconsin-Madison for a comparable number of credits, whichever amount is less.

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

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

21 321.40 (5) REPAYMENT OF GRANTS. The department shall require a national
22 guard member who has received a tuition grant under this section to repay the
23 amount of the tuition grant to the department if the national guard member, on or
24 after September 1, 2001, is separated from the national guard for misconduct, as
25 defined in the rules and regulations of the national guard, including being absent

1 without leave for more than 9 unit training assemblies. The department may elect
2 to collect the amount owed under this subsection through the tax intercept program
3 under s. 71.93.

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

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

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

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

16 **SECTION 121.** 21.50 (1) and (2) of the statutes are renumbered 321.21 (2) (a) and
17 (b) and amended to read:

18 321.21 (2) (a) ~~Each commanding officer to whom state or federal who is issued~~
19 ~~military property is issued may be required to execute to the state a bond, with such~~
20 ~~sureties and in such form and amount as the adjutant general shall approve,~~
21 ~~conditioned for the faithful preservation and care of all such arms, accoutrements~~
22 ~~moneys, or stores that the officer received, to indemnify the state against loss by~~
23 ~~misuse or misapplication by the officer or any other person; to or money shall account~~
24 ~~for all of the same according to law, and to the property and money, deliver the same~~
25 ~~the property and money to any officer lawfully entitled thereto, on demand to receive~~

1 ~~them, and to pay all sums lawfully appraised for all losses or damages to that~~
2 ~~property or money.~~

3 (b) ~~The unit commander is the legal custodian~~ has control of the money, ~~and~~
4 ~~military property and effects of any company-sized unit or detachment of the national~~
5 ~~guard, whether said the money or property is owned by said~~ assigned to the unit or
6 ~~detachment or its members collectively, or has been issued to it or any of its officers,~~
7 ~~for its use, by the state or the United States authority, and. The unit commander~~ may
8 ~~sue for and recover possession of the same~~ money or military property, whenever it
9 ~~is wrongfully withheld from the unit commander's custody or the custody control of~~
10 ~~the unit or detachment.~~

11 SECTION 122. 21.50 (3) and (4) of the statutes are repealed.

12 SECTION 123. 21.51 of the statutes is renumbered 321.13.

13 SECTION 124. 21.52 of the statutes is renumbered 321.14 and amended to read:

14 **321.14 Authority to administer oaths.** Any officer of the national guard or
15 any officer of the U.S. armed forces may administer oaths of enlistment in the
16 national guard.

17 SECTION 125. 21.54 of the statutes is renumbered 321.15 and amended to read:

18 **321.15 Resignation of officer.** A commissioned officer may resign the
19 officer's his or her commission by submitting the written resignation to the officer's
20 his or her immediate commanding officer, in writing, who. The commanding officer
21 shall promptly forward the same resignation through military channels to the
22 adjutant general. The governor shall, by order, accept or reject the same resignation,
23 and, if accepted, fix the effective date of its taking effect. ~~No the~~ resignation shall
24 take effect except as so ordered.

25 SECTION 126. 21.56 (title) of the statutes is repealed.