

No. 120, S.]

[Published March 26, 1941.]

CHAPTER 20.

AN ACT to appropriate a sum of money herein named to pay for the services, labor, material, and general expenses incurred by the committee in charge of the inaugural services on January 6, 1941.

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

SECTION 1. There is appropriated from the general fund \$352.10 to pay for services, labor, material, and general expenses incurred by the committee in charge of the inaugural ceremonies on January 6, 1941, said amount to be distributed as follows: Ward-Brodt Music Company for drayage on 2 grand pianos, \$31.50; Madison Bus Company for 2 chartered busses to transport Tripoli Chanters to the Madison St. Paul depot, \$10; Federal Printing Company for inaugural programs, booklet envelopes, drawings and cuts, tickets, ribbons and flags, \$189; Madison Radio Shop, Inc. for amplifier service, \$75; Gateway Lumber Co. for rental of lumber, \$14.45; Harry S. Manchester, Inc. for 130 yards of percale, \$28.25; Park Hotel for meals, \$3.90.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 25, 1941.

No. 85, S.]

[Published April 2, 1941.]

CHAPTER 21.

AN ACT to create 21.025 of the statutes, relating to a state guard.

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

SECTION 1. Section 21.025 of the statutes is created to read: 21.025 STATE GUARD AUTHORIZED. (1) AUTHORITY AND NAME. Whenever any part of the national guard of this state is in active federal service, the governor may organize and maintain within this state during such period, under such regulations as the secretary of war of the United States may prescribe

for discipline in training, such military forces as the governor may deem necessary to defend this state. Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the state as shall volunteer for service therein. Such forces shall be additional to and distinct from the national guard and shall be known as the "Wisconsin State Guard." Such forces shall be uniformed.

(2) ORGANIZATION; RULES AND REGULATIONS.

(a) The governor may prescribe rules and regulations not inconsistent with the provisions of this section governing the enlistment, organization, administration, equipment, maintenance, training, and discipline of such forces, except that such rules and regulations, in so far as he deems practicable and desirable, shall conform to existing law governing and pertaining to the national guard and the rules and regulations promulgated thereunder and shall prohibit the acceptance of gifts, donations, gratuities, or anything of value by such forces or by any member of such forces from any individual, firm, association, or corporation by reason of such membership.

(b) The governor is authorized to form an aviation unit of the state guard and to formulate the rules and regulations therefor and to prescribe the duties thereof consistent with the functions of the state guard. The aviation unit of the state guard shall be under the command of a lieutenant colonel who shall be designated as a senior staff officer and who shall be appointed by the governor and who shall work in conjunction with the governor, the adjutant general, and the other staff officers of the state guard. There shall be at least one state guard aviation squadron for each battalion of the state guard.

(3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. For the use of such forces, the governor may requisition from the secretary of war such arms and equipment as may be in possession of and can be spared by the war department, and he may make available to such forces the facilities of state armories and their equipment and such other state premises and property as may be available.

(4) USE WITHOUT THIS STATE. Such forces shall not be required to serve outside the boundaries of this state except:

(a) Upon the request of the governor of another state, the governor of this state may, in his discretion, order any portion or all of such forces to assist the military or police forces of such other state who are actually engaged in defending such other state. Such forces may be recalled by the governor at his discretion.

(b) Any organization, unit, or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment or until the military or police forces of the other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons, provided such other state shall have given authority by law for such pursuit by such forces of this state. Any such person who shall be apprehended or captured in such other state by an organization, unit, or detachment of the forces of this state shall without unnecessary delay be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

(5) PERMISSION TO FORCES OF OTHER STATES.

(a) Any military forces or organization, unit, or detachment thereof, of another state who are in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces may continue such pursuit into this state until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons, and such military forces of such other state may arrest or capture such persons within this state while in fresh pursuit.

(b) Any such person who shall be captured or arrested by the military forces of such other state while in this state shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law.

(c) This subsection shall not be construed to make unlawful any arrest in this state which would otherwise be lawful.

(6) FEDERAL SERVICE. Nothing in this section shall

be construed as authorizing such forces, or any part thereof to be called, ordered, or in any manner drafted, as such into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

(7) CIVIL GROUPS. No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

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

(9) OATH OF OFFICERS. The oath to be taken by officers commissioned in such forces shall be substantially in the form prescribed for officers of the national guard.

(10) ENLISTED MEN. No person shall be enlisted for more than one year, but such enlistment may be renewed. The oath to be taken upon enlistment in such forces shall be substantially in the form prescribed for enlisted men of the national guard.

(11) ARTICLES OF WAR; FREEDOM FROM ARREST; JURY DUTY. (a) Whenever such forces or any part thereof shall be ordered out for active service the articles of war of the United States applicable to members of the national guard of this state in relation to court martials, their jurisdiction, and the limits of punishment and the rules and regulations prescribed thereunder, shall be in full force and effect with respect to the Wisconsin state guard.

(b) No officer or enlisted man of such forces shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty. Every officer and enlisted man of such forces shall, during his service therein, be exempt from service upon any posse comitatus and from jury duty.

(12) SEVERABILITY. If any provision of this section or the application thereof to any person or circumstance is held

invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(13) SHORT TITLE. This section may be cited as the "State Guard Act."

SECTION 2. This act shall take effect upon passage and publication.

Approved April 1, 1941.

No. 100, S.]

[Published April 2, 1941.

CHAPTER 22.

AN ACT to amend 20.03 (1) (introductory paragraph) of the statutes, relating to the Wisconsin national guard and the temporary military force known as the Wisconsin state guard, and making an appropriation.

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

SECTION 1. The introductory paragraph of subsection (1) of section 20.03 of the statutes is amended to read: (20.03) (1) (introductory paragraph) Annually, beginning July 1, 1939, \$190,000 for payment of the expenses of the Wisconsin national guard and the temporary military force known as the Wisconsin state guard and the performance of the several duties of the adjutant general. Of this there is allotted:

SECTION 2. This act shall take effect upon passage and publication.

Approved April 1, 1941.

No. 11, S.]

[Published April 3, 1941.

CHAPTER 23.

AN ACT to amend 97.75 (3) of the statutes, relating to brewers and maltsters.

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

SECTION 1. Subsection (3) of section 97.75 of the statutes is amended to read: (97.75) (3) Within 30 days following such first registration, and thereafter on July 1, October 1,