

State of Wisconsin



2001 Assembly Bill 558

Date of enactment: **November 29, 2001**
Date of publication*: **December 13, 2001**

2001 WISCONSIN ACT 22

AN ACT *to amend* 45.51 (1); and *to create* 21.72, 36.11 (47), 38.12 (13), 39.48, 45.34 (2) (f), 45.35 (5) (e) 9. and 45.71 (16) (am) 11. of the statutes; **relating to:** eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; the salary paid to certain public employees called into active service; and granting rule-making authority.

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

SECTION 1. 21.72 of the statutes is created to read:

21.72 Extension of licenses for service members.

(1) In this section:

(a) "License" means any of the following that is issued to an individual and applies to that individual:

1. A license issued under s. 13.63 or a registration issued under s. 13.64.

2. An approval specified in s. 29.024 (2g).

3. A license issued under s. 48.66 and 48.69.

4. A license, certificate of approval, provisional license, conditional license, certification, certification card, registration, permit, training permit, or approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.178 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

5. A business tax registration certificate issued under s. 73.03 (50).

6. A license, registration, registration certificate, or certification specified in s. 93.135 (1).

7. A license, as defined in s. 101.02 (20) (a).

8. A license issued under s. 102.17 (1) (c), 104.07, or 105.05.

10. A certificate issued under s. 103.275, 103.91, or 103.92.

11. A license or permit granted by the department of public instruction.

12. A license or certificate of registration issued by the department of financial institutions, or a division of it, under ss. 138.09, 138.12, 217.06, 218.0101 to 218.0163, 218.02, 218.04, 218.05, 224.72, or 224.93 or subch. III of ch. 551.

13. A permit issued under s. 170.12.

14. A certification under s. 165.85.

15. A license, permit, or registration issued under ss. 218.0101 to 218.0163, 218.11, 218.12, 218.22, 218.32, 218.41, 218.51, 341.51, 343.305 (6), 343.61, or 343.62.

16. A license, registration, or certification specified in s. 299.08 (1) (a).

18. A license, permit, certificate, or registration that is granted under chs. 440 to 480.

19. A license issued under ch. 562 or s. 563.24.

20. A license issued under s. 628.04, 632.68 (2) or (4), or 633.14 or a temporary license issued under s. 628.09.

* Section 991.11, WISCONSIN STATUTES 1999-00: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

21. A license to practice law in this state.

22. A certificate granted by the technical college system board.

(b) "Licensing agency" means a board, examining board, affiliated credentialing board, office, commissioner, department, or division within a department that grants or issues a license.

(c) "Service member" means a member of a reserve unit of the U.S. armed forces or a member of the Wisconsin national guard.

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

(3) The licensing agency or the supreme court shall extend or renew a license extended under sub. (2) until the next date that the license expires or for the period that such license is normally issued, at no cost to the service member, if all of the following conditions are met:

(a) The service member requests an extension or renewal of the license within 90 days after the service member is discharged from active duty.

(b) The service member provides the licensing agency or supreme court with a copy of a federal or state document that specifies when the service member was called into active duty and when the service member was discharged from active duty.

(c) The service member meets all the requirements necessary for the extension or renewal of the license except that the service member need not meet the requirements that relate to continuing education or training.

(d) In the case of a license to practice law, the supreme court agrees to granting the extension or renewal.

(4) If a service member's license is renewed or extended under sub. (3) no more than 180 days before the next date that the license would normally expire, the licensing agency, or supreme court if it agrees, shall allow the service member to renew or extend the license without complying with any continuing education or training requirements if complying with such requirement in the period before the license expires would cause the service member undue hardship. If a service member's license is renewed or extended under this subsection, the licensing agency or supreme court may require the service member to comply with any continuing education or

training requirements within a reasonable time after receipt of the license.

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

(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.

SECTION 2. 36.11 (47) of the statutes is created to read:

36.11 (47) **ARMED FORCES.** If a student who is a member of the Wisconsin national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the board shall, at the student's request, do one of the following for all courses from which the student had to withdraw:

(a) Reimburse the student all tuition and fees paid for all the courses and a prorated portion of room and board payments.

(b) Grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

SECTION 3. 38.12 (13) of the statutes is created to read:

38.12 (13) **ARMED FORCES.** If a student who is a member of the Wisconsin national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the district board shall, at the student's request, do one of the following for all courses from which the student had to withdraw:

(a) Reimburse the student all tuition and fees paid for all the courses.

(b) Grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

SECTION 4. 39.48 of the statutes is created to read:

39.48 Armed forces. If a student who is a member of the Wisconsin national guard or a member of a reserve unit of the U.S. armed forces withdraws from a private nonprofit college or university located in this state after September 11, 2001, because he or she is called into state active duty under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the college or university shall, at the student's request, grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state

service or active service, without paying additional tuition or fees.

SECTION 5. 45.34 (2) (f) of the statutes is created to read:

45.34 (2) (f) The person served for 90 days or more in support of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom or served in the Operation Enduring Freedom theater of operation under all of the following conditions:

1. Under an active duty order, a unit assignment order, or an involuntary extension of an active duty order.
2. Under honorable conditions.
3. Between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department of veterans affairs by rule.

SECTION 6. 45.35 (5) (e) 9. of the statutes is created to read:

45.35 (5) (e) 9. Afghanistan War: Between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department by rule.

SECTION 6m. 45.51 (1) of the statutes is amended to read:

45.51 (1) The governing body of any county, town, city, village, school district, or technical college district may grant a leave of absence to any employee or officer who is inducted or who enlists in the U.S. armed forces for a period of military service of not more than 4 years unless such employee is involuntarily retained for a longer period. No salary or compensation of such employee or officer shall be paid, nor claim therefor exist during such leave of absence, except as provided in this subsection. If the employee's or officer's salary or compensation is less in the U.S. armed forces than was paid by the county, town, city, village, school district, or technical college district, that governmental unit may pay the employee or officer the difference between the salary or compensation paid by the armed forces and the salary or compensation that the employee or officer was paid by the county, town, city, village, school district, or technical college district at the time that he or she enlisted in or was inducted into the U.S. armed forces.

SECTION 7. 45.71 (16) (am) 11. of the statutes is created to read:

45.71 (16) (am) 11. Afghanistan War: Between September 11, 2001, and the ending date of Operation Enduring Freedom or an operation that is a successor to Operation Enduring Freedom, as established by the department by rule.

