



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2001 Assembly Bill 571**

**Assembly Amendment 1**

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*Under current federal law*, when service persons including Wisconsin National Guard members are called into *federal* service by the President, they are afforded a number of protections under the federal Soldiers and Sailors Civil Relief Act (SSCRA) relating to lawsuits, leases, obligations, and contracts for the period that they are in active service. Generally, the SSCRA protections are provided only if the military service materially affects the service member's ability to meet the obligation.

These protections under federal law are *not* available to persons called into *active state service* in the National Guard or the state defense force by the *Governor* under s. 21.11, Stats. Further, it is unclear whether the protections are available to persons called by the Governor into active state service in the Wisconsin National Guard under 32 U.S.C. s. 502 (f) or 506, which includes the Wisconsin National Guard members who are currently serving in the airport security mission or who may be called upon to protect other high profile assets in the state.

*Assembly Bill 571* provides the following protections, similar to those afforded under the federal SSCRA, to persons not covered by the federal law because they are called into active state service in the National Guard or the state defense force:

1. A cap of 6% on interest on debts incurred before entry into the armed forces, for the duration of military service;
2. The right to ask a court for a stay of civil proceedings involving the service member during the period of active service;
3. Tolling the running of statutes of limitations for civil and administrative proceedings involving the service member during the period of active service;
4. The right not to have a default judgment granted or to have it overturned;

5. The right to ask a court to stay the enforcement of installment contracts, storage liens and mortgage obligations;
6. The right to terminate a lease of a home, apartment or office, for the service person and his or her spouse and dependents; and
7. Protection from eviction from a dwelling if the monthly rent does not exceed \$1,200.

The bill contains penalties of up to \$10,000 in fines or up to nine months imprisonment, or both, for persons who knowingly violate certain provisions of the bill. The bill applies to service members who enter active state service on or after September 12, 2001.

The Department of Military Affairs is required to provide each service member with a brochure explaining these protections when the service member enters active state service. [Note: The bill mistakenly gives that responsibility to the Department of Veterans Affairs and that language is corrected in Assembly Amendment 1.]

***Assembly Amendment 1*** makes the following substantive changes in the bill:

1. Eliminates language in the bill that would have excluded certain debts from the 6% maximum interest rate provision, so that all debts incurred by a service member prior to entry into active state service qualify for the reduced interest rate for the duration of military service.
2. Provides that the Department of *Military* Affairs, rather than the Department of Veterans Affairs, is responsible for preparing the brochure explaining the protections provided in the bill.

The amendment also includes several minor corrections to the bill.

On October 23, 2001, the Assembly adopted Assembly Amendment 1 on a voice vote and passed Assembly Bill 571, as amended, on a 97-0 vote.

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