



WISCONSIN LEGISLATIVE COUNCIL

RECODIFICATION OF CH. 21, MILITARY AFFAIRS

Legislative Council Conference Room
Madison, Wisconsin

September 7, 2006
10:00 a.m. - 11:00 a.m.

[The following is a summary of the September 7, 2006 meeting of the Special Committee on Recodification of Ch. 21, Military Affairs. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

Call to Order and Roll Call

Chair Brown called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Ronald Brown, Chair; Reps. Terry Musser and Marlin Schneider; and Public Members David Dziobkowski, Anthony Hardie, Terence McArdle, Randi Milsap, and Larry Olson.

COMMITTEE MEMBERS EXCUSED: Sens. Scott Fitzgerald and Dave Zien; and Rep. Ann Nischke.

COUNCIL STAFF PRESENT: Pam Shannon and Richard Sweet, Senior Staff Attorneys.

APPEARANCES: Terry C. Anderson, Director, Legislative Council.

Opening Remarks

Terry C. Anderson, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He discussed rules for voting and described the process of reimbursement of expenses. He noted that the committee's meetings will be recorded and available on the Internet.

Introduction of Committee Members

Chair Brown welcomed all members to the committee and thanked them for their commitment to serve on the committee. The committee members then introduced themselves.

Discussion of Committee Assignment

Chair Brown reviewed the committee charge, which includes such items as reorganizing the chapter in a logical manner and modernizing language, as well as making minor substantive changes. He explained that a drafting subcommittee comprised of the public members of the full committee will meet over the next few months to prepare a draft of the recodified chapter. The full committee will then reconvene in December or January to review the draft and make any changes, before recommending it to the Joint Legislative Council for introduction.

Mr. Sweet explained that the recodification process will be the same as the one used two years ago to recodify ch. 45, the veterans chapter. He reviewed the contents of current ch. 21, noting it contains 53 sections and is not subdivided into any subchapters. He summarized a proposed table of contents for the recodified chapter prepared by committee staff in consultation with Ms. Milsap and Legislative Reference Bureau drafters Bob Nelson and Robin Ryan. He noted that the table of contents is tentative and subject to change as the drafting subcommittee proceeds.

Chair Brown asked whether the provisions of 2005 Wisconsin Act 26, which (among other things) created a Council on Military and State Relations, should be included in ch. 21. Ms. Shannon responded that the language creating the council is in ch. 14, Stats., but that a cross-reference to the provision could be added to ch. 21. Representative Musser asked whether some of the emergency management provisions in ch. 166 should be moved into ch. 21.

Ms. Milsap noted the following items the drafting subcommittee could consider:

1. Moving or cross-referencing provisions currently in ch. 166, relating to powers of the Governor and Adjutant General during emergencies.
2. Eliminating current language for the Badger Challenge program, which has not been funded for several years.
3. Renaming the Youth Challenge program as the Challenge Academy and specifying eligibility requirements and restrictions on participating in the program.
4. Eliminating the requirement in s. 21.21, Stats. for a report that the Department of Military Affairs no longer prepares.
5. Specifying requirements for the National Guard Tuition Grant Program.
6. Reviewing the current provision in s. 21.025, Stats., authorizing a state defense force.

Ms. Milsap also noted that the Department of Military Affairs is in the process of updating the Wisconsin Code of Military Justice (WCMJ). Mr. McArdle said that the language of the current WCMJ is not set forth in ch. 21; rather, reference is made in s. 21.37, Stats., to ch. 20, Laws of 1969, the legislation that created the WCMJ. He said the WCMJ provisions, when updated, should be placed in ch. 21. He noted that the current WCMJ does not provide for any prison time for offenses. Mr. Dziobkowski said he would send subcommittee members an electronic copy of ch. 20, Laws of 1969, and of the latest draft of the revised WCMJ.

Ms. Milsap said that the statutes should specify when the WCMJ, rather than the Uniform Code of Military Justice, applies. She also suggested that the Homeland Security Council, which was established by executive order and is headed by the Adjutant General, should be referenced in ch. 21.

Mr. Sweet said that staff has discussed consolidating the two provisions relating to reemployment rights (ss. 21.79 and 21.80) and the two relating to service members' civil relief (ss. 21.74 and 21.75.)

Returning to the issue of including criminal penalties for certain conduct in the WCMJ, Mr. Hardie noted that those would be substantive provisions and could be considered major changes. Chair Brown responded that all substantive changes would be highlighted for the full committee's review.

Representative Schneider noted that there is concern among returning service members regarding possible repercussions if they reveal suffering from or receiving treatment for post-traumatic stress syndrome. Mr. Olson said that the department is currently working on a memorandum of understanding with the federal Department of Veterans Affairs on this issue.

Plans for Future Meetings

Chair Brown noted that staff will schedule meetings of the drafting subcommittee throughout the fall, in consultation with subcommittee members. He said that members of the full committee will receive notice of the subcommittee meetings and are welcome to attend.

Adjournment

The meeting was adjourned at 11:00 a.m.

PS:tlu