

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

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.

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 drafting subcommittee of 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.

Under the bill, ch. 21 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.

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.

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

11 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
12 provisions in either the general law or in special acts, except ss. 6.26 (2) (b), 6.28 (2)
13 (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officials and ~~ch. 21~~ ch. 321
14 relating to the military staff of the governor and to officers of the Wisconsin national
15 guard; and shall govern all offices whether created by general law or special act,
16 unless otherwise specially provided.

****NOTE: Should this cross-referenced section also refer to the state defense force?

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

18 20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure
19 established in s. 14.11 (2) (c), for the compensation of special counsel appointed as
20 provided in ss. 14.11 (2) and ~~21.13~~ 321.42.

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

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

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

4 20.465 (1) (g) *Military property*. The amounts in the schedule for rent of
5 state-owned military lands or buildings used by, acquired for or erected for the
6 Wisconsin national guard under s. ~~21.19 (2)~~ 321.03 (2) (a), for rental of buildings and
7 grounds maintenance equipment owned by the state and required to properly
8 maintain properties supported by state-federal cooperative funding agreements, for
9 the repair and maintenance of state-owned military lands or buildings, for the
10 payment of municipal assessments related to state-owned military property and for
11 the purchase and construction of new military property, real and personal. All
12 moneys received on account of lost military property, from the sale of obsolete or
13 unserviceable military property, from the sale of any state-owned military property,
14 real and personal, under s. ~~21.19 (3)~~ 321.03 (2) (b), from the rental of state-owned
15 housing, or from the provision of housing-related services to military personnel shall
16 be credited to this appropriation.

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

18 20.465 (1) (i) *Distance learning centers*. All moneys received from renting the
19 distance learning centers, for the operation and maintenance of the centers under
20 s. ~~21.19 (13)~~ 321.04 (1) (n).

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

22 20.465 (2) (a) *Tuition grants*. A sum sufficient for the payment of tuition grants
23 to members of the Wisconsin national guard under s. ~~21.49 (3)~~ 321.40 (4).

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

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

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

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

3 20.465 **(4)** (ka) *Youth Challenge Academy program; public instruction funds.*

4 All moneys received from the department of public instruction under s. 121.095, for
5 the operation of the Youth Challenge Academy program under s. ~~21.26~~ 321.03 (1) (c).

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

7 20.865 **(1)** (a) *Judgments and legal expenses.* A sum sufficient to pay for legal
8 expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs
9 of judgments, orders and settlements of actions, appeals and complaints under
10 subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders
11 and settlements under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not
12 otherwise reimbursable as liability costs under par. (fm). Release of moneys under
13 this paragraph pursuant to any settlement agreement, whether or not incorporated
14 into an order, is subject to approval of the attorney general.

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

16 20.865 **(1)** (g) *Judgments and legal expenses; program revenues.* From the
17 appropriate program revenue and program revenue–service accounts, a sum
18 sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and
19 814.245 and for the cost of judgments, orders and settlements of actions, appeals and
20 complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those
21 judgments, awards, orders and settlements under ss. ~~21.13~~, 165.25 (6), 321.42,
22 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par.
23 (fm). Release of moneys under this paragraph pursuant to any settlement
24 agreement, whether or not incorporated into an order, is subject to approval of the
25 attorney general.

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

2 20.865 **(1)** (q) *Judgments and legal expenses; segregated revenues.* From the
3 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.
4 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,
5 orders and settlements of actions, appeals and complaints under subch. II of ch. 111
6 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements
7 under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not otherwise
8 reimbursable as liability costs under par. (fm). Release of moneys under this
9 paragraph pursuant to any settlement agreement, whether or not incorporated into
10 an order, is subject to approval of the attorney general.

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

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

13 **321.30 Composition of national guard. (1)** The organized militia of this
14 state shall be known as the “Wisconsin national guard” and shall consist of members
15 appointed commissioned or enlisted therein in accordance with federal law or
16 regulations governing ~~or pertaining to~~ the national guard.

17 **(2)** The Wisconsin national guard shall ~~be organized into~~ consist of the army
18 national guard and the air national guard units, and “national guard” when used in
19 ~~this chapter, unless the context otherwise requires, means both the Wisconsin army~~
20 ~~national guard and the Wisconsin air national guard.~~

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

23 **321.03 (title) Department Powers and duties of the department.**

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

1 321.03 **(1)** (intro.) The department of ~~military affairs~~ shall do all of the
2 following:

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

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

6 321.03 **(1)** (b) Provide facilities and support for the national guard ~~and any~~
7 ~~other support available from the appropriations under s. 20.465.~~

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

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

12 321.51 **(1)** AUTHORITY AND NAME. The adjutant general may establish a plan for
13 organizing a military force to be known as the ~~Wisconsin state defense force.~~ “state
14 defense force.” The governor, or adjutant general if designated by the governor, may
15 organize the ~~Wisconsin state defense force under the plan, which may include an~~
16 aviation unit, if all or part of the national guard is called into ~~the service of the United~~
17 States. It federal active duty. The state defense force shall be a uniformed force
18 distinct from the national guard, uniformed, and composed of officers, commissioned
19 or assigned, officers and ~~of~~ enlisted personnel who volunteer for service.
20 ~~Membership in the Wisconsin state defense force may not include any~~ A person who
21 is on active duty in the active military U.S. armed forces, including the active reserve
22 components, may not serve in the state defense force. ~~Persons~~ A person in the retired
23 or inactive reserve may serve in the ~~Wisconsin state defense force.~~

24 **(2)** (a) The governor or adjutant general, if designated by the governor, may
25 prescribe ~~rules and regulations not inconsistent~~ policies consistent with this section

1 governing the enlistment, organization, administration, equipment, uniforms,
2 maintenance, training, and discipline of such forces, ~~except that such rules and~~
3 ~~regulations, insofar as~~ the state defense force. The policies, to the extent the
4 ~~governor deems practicable and desirable~~ considers necessary, shall conform to
5 existing law governing and ~~pertaining to the national guard and the rules and~~
6 ~~regulations promulgated thereunder and.~~ The policies shall prohibit the acceptance
7 of a member of the state defense force from accepting any gifts, donations, gratuities,
8 or anything other things of value by such forces or by any member of such forces from
9 any person by reason of such membership given to the member because he or she is
10 a member of the state defense force other than wages and benefits paid by the state.

****NOTE: The terms “rules” and “regulations” are used in this paragraph, but DMA says it does not have rules. I deleted “rules.” OK? Current law seemed to prohibit paying a national guard member wages. Is the change OK in the last sentence?

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

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

20 **(3) REQUISITIONS; ARMORIES; OTHER BUILDINGS.** ~~For the use of such forces, the~~ The
21 ~~governor or adjutant general, if designated by the governor, may requisition~~ military
22 property from the federal government such arms and equipment as may be available,
23 ~~and the~~ for the use of the state defense force. The governor or adjutant general, if

1 designated by the governor, may make available to the state defense force the
2 facilities of state armories and ~~their equipment and such~~ military property and other
3 state premises and property ~~as may be available and may, through the.~~ The
4 ~~department of military affairs,~~ may rent or lease buildings or parts of buildings and
5 grounds for armory purposes or continue in possession of such those premises leased
6 by the department of ~~military affairs~~ for the use of the national guard, paying rental
7 ~~therefor out of funds appropriated~~ rent from the appropriation under s. 20.465 (1) (a).
8 All leases ~~so made shall~~ made under this subsection terminate upon dissolution of
9 the ~~Wisconsin~~ state defense force regardless of the term provided ~~therein~~ in the lease,
10 unless the premises ~~shall be~~ are needed for national guard purposes, ~~in which case~~
11 ~~the.~~ The lease for the premises needed for the national guard may be assigned by
12 the department of ~~military affairs~~ to the national guard organization ~~intending that~~
13 intends to occupy the premises.

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

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

23 (b) ~~Any organization, unit, or detachment of such forces, upon~~ Upon order of
24 the officer in immediate command thereof, ~~may continue,~~ the state defense force
25 continues in fresh pursuit of insurrectionists, ~~saboteurs,~~ enemies terrorists, or

1 enemy forces ~~beyond the borders of this state~~ into another state until they are
2 apprehended or captured by ~~such organization, unit, or detachment~~ or until the a
3 military unit or ~~police forces~~ law enforcement agency of the other state or the forces
4 of the United States have had a reasonable opportunity to take up the pursuit or to
5 ~~apprehend or capture such those persons, provided such.~~ Any pursuit under this
6 subsection may only take place if the other state shall ~~have given~~ gives authority by
7 law for such the pursuit by ~~such forces of this state~~. Any such person who shall be
8 apprehended or is captured in such the other state by ~~an organization, unit, or~~
9 ~~detachment of the forces of this~~ the state defense force shall without unnecessary
10 delay be surrendered to the a military unit or ~~police forces~~ law enforcement agency
11 of the state in which the person is taken captured or to the United States, ~~but such.~~
12 The surrender of the person captured shall not constitute a waiver by this state of
13 its the right to extradite or prosecute such the person for any crime committed in this
14 state.

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

21 (6) DISQUALIFICATIONS. ~~No person shall be commissioned or enlisted in such~~
22 ~~forces who is not a citizen of the United States or who has been expelled or~~
23 ~~dishonorably discharged from any military or naval organization, of this state, or of~~
24 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.

1 **(7) OATH OF OFFICERS.** The oath to be taken by officers ~~commissioned or enlistees~~
2 in such forces the state defense force shall be substantially in the form prescribed for
3 officers of the national guard. The oath shall be filed in the same manner as in the
4 national guard.

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

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

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

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

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

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

16 321.05 **(1)** Any military forces ~~or organization, unit, or detachment thereof, of~~
17 another state ~~who are~~ that is in fresh pursuit of insurrectionists, ~~saboteurs, enemies~~
18 ~~terrorists,~~ or enemy forces may continue ~~such~~ the pursuit into this state until ~~the a~~
19 military unit or ~~police forces~~ law enforcement agency of this state or the forces of the
20 ~~United States have~~ U.S. military has had a reasonable opportunity to take up the
21 pursuit or ~~to apprehend or capture such persons, and such~~ the persons. The military
22 ~~forces of such~~ unit of the other state may arrest or capture ~~such~~ those persons within
23 in this state while in fresh pursuit.

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

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

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

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

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

10 321.51 (9) Officers and enlistees of the “~~Wisconsin State Defense Force~~” state
11 defense force who have served honorably therein for a period of at least one year and
12 are active members of their respective units at the time of its demobilization shall
13 may, upon application to the unit commander, be permitted to retain the items of
14 their uniform prescribed by the governor by rule. (b) ~~The.~~ If retained, the uniform
15 prescribed under par. (a) may be worn only on occasions of ceremony. “Occasions of
16 ceremony” means occasions essentially of a military character at which the uniform
17 is more appropriate than civilian clothing, such as memorial services, military
18 weddings, military funerals, military balls, military parades, military reunions, and
19 meetings or functions of associations formed for military purposes, the membership
20 of which is composed largely or entirely of honorably discharged veterans of the
21 services members of the U.S. military, national guard, and state defense force.

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

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

24 **321.20 Distribution of arms military property.** The governor may receive
25 and distribute, according to law, the quota of arms and military equipment which

1 property that the state may receive receives from the U.S. government of the ~~United~~
2 States under the ~~provisions of any acts of congress~~ federal laws providing for arming
3 and equipping of the national guard and the state defense force.

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

5 **321.22 Camp Williams.** (1) The state ~~camp grounds~~ facility near Camp
6 Douglas, Juneau County, shall be known as “Camp Williams”. The officer in charge
7 of Camp Williams ~~shall have at said camp the police powers possessed by officials at~~
8 ~~state hospitals, as provided in s. 46.058 (2)~~ may arrest a person for a violation that
9 occurs at Camp Williams of a state law, local ordinance, or provision of the Wisconsin
10 code of military justice.

11 (2) The adjutant general may grant to the federal government the right to use
12 any area of Camp Williams upon such conditions as that the adjutant general deems
13 advisable.

14 (3) In memory of 1st lieutenant Jerome A. Volk, the first Wisconsin air national
15 guard pilot killed in combat during the Korean conflict, so much of Camp Williams
16 as is under lease to the federal government for use of the air national guard shall be
17 known as “Volk Field” during the time the property remains under lease to the U.S.
18 government of the United States.

19 **SECTION 34.** 21.05 of the statutes is renumbered 321.32 and amended to read:

20 **321.32 Term of enlistment; requirements and discharge.** Every person
21 who enlists or receives a commission in the national guard shall serve for the term
22 prescribed and satisfy the physical, educational and training requirements
23 prescribed by the U.S. national guard bureau. Enlistees in the national guard shall
24 be discharged as provided in the laws and regulations of the U.S. national guard.

25 **SECTION 35.** 21.06 of the statutes is renumbered 321.44 and amended to read:

1 **321.44 Exemptions from certain county duties.** Every member of the
2 national guard or state military forces shall be defense force is exempt from service
3 on any body of county residents summoned by the sheriff to assist in preserving the
4 peace.

5 **SECTION 36.** 21.07 of the statutes is renumbered 321.38 and amended to read:

6 **321.38 Decorations and awards.** The adjutant general may prescribe
7 decorations and awards for the national guard and the state defense force, ~~the.~~ The
8 adjutant general shall adopt policies establishing the form and issue thereof made
9 under rules adopted by the adjutant general and approved by the governor issuance
10 of those decorations and awards.

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

12 **321.41 Training; special schools; pay and allowances.** The governor or
13 adjutant general may order the national guard or state defense force to assemble for
14 training at any military establishment ~~within or without the state specified and~~
15 ~~approved by the department of defense and fix the dates and places thereof, and the~~
16 of that training. The governor or adjutant general may order members of the
17 national guard or state defense force, at their option, to attend such special schools
18 for military training as ~~may be~~ that are authorized by the state or federal
19 government. ~~For such training and attendance at special schools, members~~ The
20 governor or adjutant general shall determine the amount that the members of the
21 national guard or state defense force shall receive such as pay and allowances as the
22 ~~federal government or the governor may authorize~~ for the training.

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

25 **321.39 (title) Call to state active service duty.**

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

3 321.39 (1) (a) 1. In case of war, insurrection, rebellion, riot, invasion, terrorism,
4 or resistance to the execution of the laws of this state or of the United States; ~~in,~~

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

7 4. In order to assess damage or potential damage and to recommend responsive
8 action as a result of natural or man-made events; or upon an event listed in subs.
9 1. to 3.

10 5. Upon application of any marshal of the United States, the president of any
11 village, the mayor of any city, the chairperson of any town board, or any sheriff in this
12 state, ~~the governor may order into active service all or any portion of the national~~
13 ~~guard.~~

14 (b) If the governor is absent, or cannot be immediately communicated with, any
15 such civil officer of the persons listed in par. (a) 5. may, if the officer deems the
16 occasion so is urgent, make such application, which shall be in writing, to request
17 assistance from the commanding officers of any company, battalion or regiment, who
18 may upon commander of any national guard unit. The commander shall obtain
19 approval of the adjutant general, if the danger is great and imminent, order out that
20 officer's command to the aid of such civil officer. Such before ordering the unit to
21 provide assistance. If it is not feasible to obtain approval of the adjutant general, and
22 the danger is great and imminent, the commander may order the unit to provide
23 assistance without adjutant general approval. The order shall be delivered to the
24 commanding officer, who shall immediately communicate the order to each, and
25 every subordinate officer, and every company commander receiving the same who

1 shall immediately communicate the substance thereof to each member of the order
2 to the members of the company, or if any such unit. If a member cannot be found,
3 a notice in writing containing the substance of such the order, in writing, shall be left
4 at the ~~last and usual~~ member's place of residence of such member with some person
5 of suitable age and discretion, to whom ~~its~~ the order's contents shall be explained.

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

8 321.39 (2) (a) Any commissioned officer or enlisted member of the national
9 guard who fails to carry out orders or fails to appear at the time or place ordered as
10 provided in sub. (1) shall be punished under the Wisconsin code of military justice.

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

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

17 321.04 (2) (e) ~~The adjutant general may activate~~ Activate members of the
18 national guard ~~for the purpose of serving~~ to serve on an honors detail of military
19 funeral honors for a person described under s. 45.60 (1).

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

21 **321.43 Exemption from civil authority.** During the time the national guard
22 or state military forces are defense force is performing military duty pursuant to
23 proper under orders issued by the governor or by the ~~governor's authority~~ adjutant
24 general, all of its members thereof, while going to, remaining at, or returning from
25 a place of duty shall ~~be~~ are exempt from arrest or service of any process issued by a

1 civilian court. In any civil or criminal prosecution against any member arising out
2 of the member's performing military duty, it shall be a defense that the member was
3 acting in good faith or pursuant to any under a lawful military order. ~~Any such~~ The
4 order shall be ~~deemed prima facie~~ considered lawful unless shown to be unlawful.

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

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

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

****NOTE: I removed the last sentence because it appears unnecessary because of
the language in the first sentence of this paragraph. OK?

****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."

19 (b) ~~The costs and expenses of any such~~ the defense under par. (a) shall be
20 audited by the department of administration and ~~paid out of the state treasury and~~

1 charged to the appropriation under s. 20.455 (1) (b) ~~and if.~~ If the jury or court finds
2 that the member ~~of the national guard~~ against whom the action is brought acted
3 within the scope of his or her employment as a member, the judgment as to damages
4 entered against the member shall ~~also~~ be paid by the state.

****NOTE: Based on the requirements in par. (a) about being prosecuted for an act performed within the scope of his or her employment as a national guard member, is the last sentence in par. (b) needed?

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

7 321.42 (2) Any civil action or proceeding brought against a member ~~of a~~
8 national guard or the state defense force under sub. (1) (a) is subject to ss. 893.82 and
9 895.46.

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

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

13 321.21 (5) (a) No person may retain at any time any arms, ~~equipment or~~
14 military stores of any kind belonging to the state or any federally owned property
15 ~~issued to the state~~ property or money, unless the property or money has been lawfully
16 issued to the person pursuant to law and the proper authority permits the person to
17 retain the property or money in the discharge of a public duty. No person may use
18 any public arms, equipment, clothing or military stores belonging to the state, either
19 as owner or bailee, property or money for the person's unauthorized private use. Any
20 person violating this section paragraph shall forfeit not less than \$50 nor more than
21 \$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.

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

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

4 321.21 (5) (b) ~~No~~ A person who possesses under the laws of this state any arms,
5 equipment or other military property may willfully neglect or refuse or money, after
6 the adjutant general makes lawful demand ~~is made~~ for the return of the property ~~by~~
7 ~~order of the governor, to~~ or money shall return the property or money promptly. No
8 person may knowingly resist any officer who is lawfully taking possession of such
9 arms, equipment or other the military property or money. Any person violating this
10 section paragraph shall forfeit not less than \$50 nor more than \$200.

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

13 321.24 (1) The officer in charge of any area used or to be used for military
14 purposes may ~~cause the area to be marked in such a manner so as~~ mark the area to
15 warn against encroachment by unauthorized persons, but may not ~~to~~ unnecessarily
16 obstruct travel on any public highway. No person may encroach upon or enter ~~upon~~
17 the area without the consent of the officer.

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

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

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

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

5 321.10 (1) (d) Two assistant adjutants general for army, ~~who may hold the~~
6 whose rank of may not exceed brigadier general.

7 **SECTION 54.** 21.18 (1) (e), (f), (g), (h), (i) and (j) of the statutes are renumbered
8 321.10 (1) (f), (g), (h), (i), (j) and (k) and amended to read:

9 321.10 (1) (f) An assistant adjutant general for air, ~~who may hold the~~ whose
10 rank of may not exceed brigadier general.

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

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

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

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

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

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

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

24 321.10 (3) In the event any of the ~~a~~ deputy adjutants adjutant general, for army
25 or for air, ~~are~~ is appointed to a military position as a major general, the adjutant

1 general shall appoint, for any periods of absence of that deputy adjutant general due
2 to other military duties, an acting deputy adjutant general. The adjutant general
3 may appoint one of the assistant adjutants general as an acting deputy adjutant
4 general.

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

7 321.10 (4) No person shall ~~may~~ be appointed ~~on~~ to the governor's military staff
8 who has not had previous state or U.S. military experience.

9 **SECTION 58.** 21.18 (3) and (4) of the statutes are renumbered 321.10 (5) and (6).

10 **SECTION 59.** 21.18 (5) of the statutes is renumbered 321.10 (7) and amended
11 to read:

12 321.10 (7) The adjutant general shall appoint persons to fill vacancies in
13 positions ~~in~~ on the military staff of the governor under sub. (1). Vacancies on the
14 military staff of the governor shall be filled by appointment from officers actively
15 serving in the national guard, except as provided in s. 15.31. Interim vacancies shall
16 be filled by appointment by the adjutant general for the ~~residue~~ remainder of the
17 unexpired term.

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

19 **SECTION 61.** 21.19 (1) of the statutes is renumbered 321.04 (1) (a) and amended
20 to read:

21 321.04 (1) (a) ~~The adjutant general shall be~~ Be the military chief of staff to the
22 governor. ~~The adjutant general shall have the custody of all property, military~~
23 ~~records, correspondence and other documents relating to the national guard and any~~
24 ~~other military forces organized under the laws of this state. The adjutant general~~
25 ~~may appoint an assistant quartermaster general to issue and account for state~~

SECTION 61

1 ~~property. The adjutant general shall be the medium of military correspondence with~~
2 ~~the governor and perform all other duties pertaining to the office or prescribed by~~
3 ~~law, including the preparation and submission to the governor of reports under s.~~
4 ~~15.04 (1) (d).~~

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

7 321.04 (1) (i) ~~The adjutant general shall administer~~ Administer, with the
8 approval of the governor, state–federal cooperative funding agreements related to
9 the department.

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

12 321.03 (2) (intro.) ~~The department of military affairs on behalf of the state may~~
13 ~~rent~~ do any of the following:

14 (a) Enter into an agreement to rent to appropriate organizations or individuals
15 state–owned lands, buildings, and facilities used by, acquired for, or erected for the
16 national guard when not required for use by the national guard. Such A rental ~~shall~~
17 agreement under this paragraph is not be effective unless in writing and approved
18 in writing by the governor ~~and the adjutant general or a~~ his or her designee in
19 writing.

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

22 321.03 (2) (b) ~~The department of military affairs on behalf of the state, upon~~
23 Upon appraisal by the state chief engineer submitted to the governor in writing, ~~may~~
24 ~~sell and convey upon such terms as the department of military affairs may~~
25 ~~determine, and with the~~ written approval of the governor ~~in writing~~ sell and convey.

1 any state-owned property acquired or erected for state military purposes, which if
2 the property is no longer useful to the national guard.

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

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

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

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

15 321.10 (2) In the absence or incapacity of the adjutant general, the senior
16 ranking deputy adjutant general for army or air shall have all the powers and duties
17 of the adjutant general.

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

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

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

22 321.04 (1) (f) Have charge of control over all the military property of the state
23 and shall military records and carefully preserve, repair, and account for the military
24 property and records.

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

3 321.04 (1) (h) ~~Keep in such manner as the governor directs, and subject to the~~
4 ~~governor's inspection,~~ an account of all moneys received and expended by the
5 department.

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

8 321.04 (1) (q) Perform the customary duties of the his or her office, ~~and of the~~
9 ~~office of chief of all logistical services, and have the custody of all records, returns and~~
10 ~~papers pertaining to those offices.~~

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

13 321.04 (1) (k) The Transport or contract for the transportation of all troops,
14 ~~arms, accoutrements, stores~~ national guard members and other military property
15 ~~and the preparation for encampments shall be contracted for by the adjutant general~~
16 ~~under direction of the governor.~~

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

19 321.04 (1) (L) ~~The adjutant general or a designee shall issue~~ Provide or contract
20 for the provision of all necessary supplies to military property, lodging, and meals for
21 ~~members and units of the national guard and may contract for the purchase and~~
22 ~~transportation of such supplies, subject to s. 16.71 (1).~~

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

1 321.04 (2) (c) ~~When any military property belonging to the state as owner or~~
2 ~~bailee is wrongfully held by another person, the adjutant general may bring an action~~
3 ~~in the name of the state to recover possession of the same property or the money value~~
4 ~~thereof of the property.~~

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

7 321.04 (2) (d) ~~The adjutant general may, upon Upon receipt of a meritorious~~
8 ~~requests request for a state service flags for public use flag and within the limits of~~
9 ~~the appropriation made under s. 20.465 (1) (e), furnish such flags a flag without~~
10 ~~charge to the persons or organizations requesting them person who requested it.~~

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

13 321.04 (1) (d) ~~The adjutant general shall provide such Provide necessary~~
14 ~~medical supplies and services as are necessary to the national guard during periods~~
15 ~~of state active duty not otherwise provided under this chapter and ch. 102, to be~~
16 ~~charged to the appropriation under s. 20.465 (1) (c).~~

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

19 321.04 (1) (e) ~~The adjutant general shall provide from the appropriation under~~
20 ~~s. 20.465 (1) (e) Provide a United States flag or state flag to the next of kin of each~~
21 ~~deceased member of the national guard who dies as a result of during state service~~
22 ~~under s. 21.11 active duty, to be charged to the appropriation under s. 20.465 (1) (c).~~

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

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

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

9 321.04 (1) (o) ~~The adjutant general shall provide~~ Provide the department of
10 veterans affairs information on all necessary military points of contact and general
11 deployment information for activated and deployed members of the national guard.

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

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

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

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

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

18 321.03 (1) (c) (intro.) ~~The department of military affairs shall administer~~
19 Administer the Youth Challenge Academy program for disadvantaged youth under
20 32 USC 509. ~~(2)~~ The department shall determine eligibility criteria for the
21 Challenge Academy consistent with federal law. Annually, the department of
22 ~~military affairs~~ shall do all of the following:

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

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

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

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

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

8 321.11 (1) The adjutant general shall recommend a candidate for appointment
9 as the ~~United States~~ U.S. property and fiscal officer for the national guard, subject
10 to the concurrence of the governor, from federally commissioned officers actively
11 serving in the national guard. The candidate shall be nominated by the governor,
12 subject to the concurrence of the U.S. secretary of the army, if the nominee is serving
13 in the army national guard, or the U.S. secretary of the air force, if the nominee is
14 serving in the air national guard.

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

21 (3) Any action by the governor to remove the officer appointed under sub. (1)
22 (2) for cause shall be governed by the federal laws and military regulations governing
23 removal of an officer for cause and shall be subject to review by the chief of the
24 national guard bureau and by the U.S. secretary of the army, if the officer is

1 commissioned by the army national guard, or by the U.S. secretary of the air force,
2 if the officer is commissioned by the air national guard.

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

5 **321.12 (title) Chief surgeons; powers and duties.**

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

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

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

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

19 321.12 (2) The chief surgeons for the army and the air national guard shall
20 provide for ~~such~~ any physical examinations and inoculations of officers, enlistees,
21 and applicants for enlistment in the national guard, ~~as may be~~ that are prescribed
22 by department of defense and national guard regulations.

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

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

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

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

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

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

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

1 **321.36 Rules of discipline.** The applicable rules of discipline and the
2 regulations of the U.S. armed forces ~~of the U.S.~~ shall, ~~so far as the same are~~
3 ~~applicable,~~ constitute the rules of discipline and the regulations of the national
4 guard; ~~the.~~ The rules and uniform code of military justice established by ~~congress~~
5 Congress and the department of defense for the armed forces shall be adopted so far
6 as they are applicable and consistent with the Wisconsin code of military justice for
7 the government of the national guard, ~~and the.~~ The system of instruction and the
8 drill regulations prescribed for the different arms and corps of the armed forces of
9 the U.S. shall be followed in the military instruction and practice of the national
10 guard, and the use of any other system is forbidden.

11 **SECTION 99.** 21.36 (2) of the statutes is renumbered 321.04 (2) (a) and amended
12 to read:

13 321.04 (2) (a) ~~The governor may make and~~ Make, publish, and have printed
14 rules policies, regulations, and orders for the ~~government~~ governance of the national
15 guard, ~~not inconsistent with the law, and cause the rules, regulations, or orders,~~
16 ~~together with any related laws, to be printed and distributed in book form, or another~~
17 ~~form, in any number that the governor considers necessary.~~ ~~The governor may~~
18 ~~provide.~~

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

22 **SECTION 100.** 21.37 of the statutes is renumbered 321.70 and amended to read:

23 **321.70 The Wisconsin code of military justice.** The Wisconsin code of
24 military justice as created by chapter 20, laws of 1969, shall ~~govern~~ governs the
25 conduct of all members of the national guard and ~~any other military force organized~~

1 ~~under the laws of this~~ the state defense force. The revisor of statutes shall ~~shall~~ may not
2 print the Wisconsin code of military justice in the statutes.

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

4 **321.31 Uniform of Wisconsin national guard.** The uniform of the national
5 guard shall be that ~~that~~ as prescribed by regulations for the corresponding branch of the
6 ~~United States~~ U.S. armed forces.

7 **SECTION 102.** 21.42 of the statutes is repealed.

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

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

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

23 **321.34 Examinations for promotion or appointments.** The governor or
24 adjutant general may order any ~~subordinate officer or~~ person nominated or
25 recommended for promotion or appointment in the national guard or state defense

1 force to be examined by any competent officer or board of officers, designated in
2 orders for that purpose, as to that person's qualifications for the office to which that
3 person ~~may~~ is to be recommended or appointed, and or promoted. The governor or
4 adjutant general may take such action on the report of such the examining officer or
5 board of officers as ~~the governor deems~~ he or she considers to be for the best interests
6 of the ~~service~~ national guard or state defense force. The governor or adjutant general
7 may also require the person to take the physical examination provided for admission
8 to the ~~United States~~ U.S. army or air force.

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

10 **321.35 Pay. (1)** ~~Each~~ Every officer and enlisted person ~~of~~ on state active duty
11 in the national guard ~~on active duty in the state under orders of the governor on a~~
12 ~~state pay basis~~ shall receive the base pay and allowances of an officer or enlisted
13 person of equal rank in the corresponding branch of the U.S. armed forces except that
14 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?

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

19 **(3)** The governor may order, with ~~their~~ the member's consent, to state active
20 ~~duty in the department of military affairs, any departmental officers of the~~
21 ~~governor's staff, including the adjutant general and the deputy adjutants general,~~
22 ~~and while so~~ a member of his or her military staff who is a state employee. The

1 assigned ~~the officers~~ staff member shall receive the pay, but not the allowances, of
2 an officer of equal grade in the U.S. armed forces of the ~~United States~~.

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

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

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

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

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

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

14 321.40 (1) (c) 4. Except as provided in subds. ~~1g. 2.~~ and ~~1m. 3.~~, an accredited
15 institution of higher education located in this state, as defined in 20 USC 1002.

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

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

19 321.40 (1) (d) “Tuition grant” means any tuition cost reimbursement payment
20 made by the department under sub. ~~(3)~~ (4).

21 **SECTION 114.** 21.49 (2) (intro.), (a), (b) and (e) of the statutes are renumbered
22 321.40 (2) (intro.), (a), (b) and (d).

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

1 321.40 (2) (c) Failing to meet the national guard service duty eligibility criteria
2 established by the department or absent without leave for more than 9 unit training
3 assemblies.

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

6 321.40 (2) (e) Failing to achieve a minimum grade point average of 2.0 ~~or an~~
7 ~~average grade of “C” for the semester for which reimbursement is requested~~ a tuition
8 grant is applied for.

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

11 321.40 (3) INFORMATION REGARDING ATTENDANCE. (intro.) The department shall
12 promulgate by rule the number of days after commencement of a course that a guard
13 member shall provide the department with the following information regarding his
14 or her intent to ~~seek reimbursement for a course~~ apply for a tuition grant under this
15 section:

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

18 321.40 (4) (a) Any eligible guard member upon satisfactory completion of a
19 full-time or part-time course in a qualifying school ~~is eligible for~~ may apply for a
20 tuition grant equal to 100% of the actual tuition charged by the school or 100% of the
21 maximum resident undergraduate tuition charged by the University of
22 Wisconsin-Madison for a comparable number of credits, whichever amount is less.

23 (b) 3. Contain the signatures of both the guard member claiming the grant and
24 a representative of the school, certifying that the member has satisfactorily

1 completed the course and has achieved the minimum grade point average or grade,
2 as required under sub. (2) ~~(f)~~ (e).

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

5 321.40 (5) REPAYMENT OF GRANTS. The department shall require a national
6 guard member who has received a tuition grant under this section to repay the
7 amount of the tuition grant to the department if the national guard member, ~~on or~~
8 ~~after September 1, 2001,~~ is separated from the national guard for misconduct, as
9 defined in the rules and regulations of the national guard, including being absent
10 without leave for more than 9 unit training assemblies. The department may elect
11 to collect the amount owed under this subsection through the tax intercept program
12 under s. 71.93.

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

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

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

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

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

3 321.21 **(2)** (a) Each commanding officer ~~to whom state or federal~~ who is issued
4 military property ~~is issued~~ may be required to execute to the state a bond, with such
5 sureties ~~and in such form and amount as the adjutant general shall approve,~~
6 ~~conditioned for the faithful preservation and care of all such arms, accoutrements~~
7 ~~moneys, or stores that the officer received, to indemnify the state against loss by~~
8 ~~misuse or misapplication by the officer or any other person; to~~ or money shall account
9 for all of the same according to law, and to the property and money, deliver the same
10 the property and money to any officer lawfully entitled thereto, on demand to receive
11 them, and to pay all sums lawfully appraised for all losses or damages to that
12 property or money.

13 (b) The unit commander is the legal custodian has control of the money, and
14 military property and effects of any company-sized unit or detachment of the national
15 guard, whether said the money or property is owned by said the unit or detachment
16 or its members collectively, or has been issued to it or any of its officers, for its use
17 by state or United States authority, and. The unit commander may sue for and
18 recover possession of the same money or military property, whenever it is wrongfully
19 withheld from the ~~unit commander's custody or the custody~~ control of the unit or
20 detachment.

****NOTE: Can a unit own money or property? Those are usually owned by the state
governmental unit.

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

22 **SECTION 123.** 21.51 of the statutes is renumbered 321.13.

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

1 **321.14 Authority to administer oaths.** Any officer of the national guard or
2 any officer of the U.S. armed forces may administer oaths of enlistment in the
3 national guard.

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

5 **321.15 Resignation of officer.** A commissioned officer may resign ~~the~~
6 ~~officer's~~ his or her commission by submitting the written resignation to the ~~officer's~~
7 his or her immediate commanding officer, ~~in writing, who.~~ The commanding officer
8 shall promptly forward the same resignation through military channels to the
9 adjutant general. The governor shall, by order, accept or reject the same resignation,
10 and, if accepted, fix the effective date of its ~~taking effect.~~ ~~No~~ the resignation shall
11 ~~take effect except as so ordered.~~

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

13 **SECTION 127.** 21.56 (1) and (2) of the statutes are renumbered 321.21 (3) (a) and
14 (b) and amended to read:

15 321.21 **(3)** (a) All state-owned military property or money issued to any officer
16 or armory facility manager shall be audited annually as a part of the annual
17 inspection of federal property accounts. When ~~damages~~ damage, other than fair
18 reasonable wear and tear, or loss of state-owned property is discovered, the adjutant
19 general shall appoint a surveying officer to determine the cause and fix blame. Upon
20 review, the adjutant general may hold responsible individuals pecuniarily
21 financially liable, ~~and may require a depreciated payment, as determined by the~~
22 ~~adjutant general, into the state treasury.~~ If it is determined that the property or
23 money was damaged, destroyed or lost without fault or neglect on the part of those
24 responsible, all concerned ~~may~~ shall be relieved of liability.

1 (b) Whenever any state-owned military property becomes unsuitable,
2 unserviceable, or no longer required for military purposes, it shall be disposed of as
3 surplus property subject to s. 16.72 (4) and (5).

4 **SECTION 128.** 21.57 (title) of the statutes is repealed.

5 **SECTION 129.** 21.57 (1) and (2) of the statutes are renumbered 321.21 (4) (a) and
6 (b) and amended to read:

7 321.21 (4) (a) ~~Whenever any~~ When an officer who is responsible for state
8 military property or money is separated or reassigned, all military property or money
9 in the officer's possession or for which the officer is responsible shall ~~be delivered to~~
10 become the responsibility of the person designated the adjutant general designates
11 to receive the property ~~by the adjutant general or money~~. No separation or
12 reassignment shall be effective until all property accounts have been settled.

13 (b) ~~In case of the death of any~~ If an officer having custody control of state
14 military property or money dies, the next in command shall immediately take charge
15 of such the property or money and deliver ~~the same~~ the property or money to the
16 person the adjutant general appointed to receive control the property ~~by the adjutant~~
17 general or money.

18 **SECTION 130.** 21.59 of the statutes is repealed.

19 **SECTION 131.** 21.60 of the statutes is repealed.

20 **SECTION 132.** 21.61 (title) of the statutes is repealed.

21 **SECTION 133.** 21.61 (1), (3), (4) and (5) of the statutes are renumbered 321.23
22 (1) (a), (b), (c) and (d) and amended to read:

23 321.23 (1) (a) ~~The governing body of any city, village, town or county~~ A political
24 subdivision or federally recognized Indian tribe or band in which one or more
25 ~~companies~~ units of the national guard ~~may be~~ is located may erect build or purchase

1 a suitable armory for the purpose of drill and for the safekeeping of the arms,
2 equipment, uniforms and other military property furnished by the state, and for
3 public meetings and conventions, when such that use will not interfere with the use
4 of such the building by the national guard. ~~Plans and specifications~~ The adjutant
5 general and the building commission may review and approve or reject plans and
6 specifications for such the armories shall be inspected and approved by the governor
7 and the adjutant general who. The adjutant general and the department of
8 administration shall file with the governing body of the city, village, town or county
9 political subdivision or the federally recognized Indian tribe or band a certificate of
10 such inspection and approval prior to before the erection thereof construction of an
11 armory.

12 (b) ~~The governing body of any city, village, town or county~~ A political
13 subdivision or federally recognized Indian tribe or band in which any such company
14 unit of the national guard may be is located may purchase land and build armories
15 in the same manner as the governing body political subdivision or tribe or band is
16 now authorized by law to build other city, village, town or county buildings, and
17 ~~when.~~ When unable to agree upon the price of land with its owner, the political
18 subdivision or federally recognized Indian tribe or band may, if in its opinion
19 ~~necessary,~~ appropriate land for the purpose of building armories in the same manner
20 as the governing body political subdivision or tribe or band is now authorized by law
21 to appropriate real estate for other city, village, town or county buildings. In case
22 ~~however~~ If a city, village, town or county shall have political subdivision or federally
23 recognized Indian tribe or band aided in the erection building of an armory and the
24 company or companies of the national guard for which the armory was erected shall
25 at any time be built is disbanded, then the armory shall become the property of the

1 ~~city, village, town or county in which~~ political subdivision or tribe or band that aided
2 in the building of the armory is erected.

3 (c) ~~Such~~ The armory, when erected built or purchased, shall be under the
4 control and charge of the governor, the adjutant general, and the commanding officer
5 of the ~~company or companies~~ unit of the national guard for which it has been
6 provided. The commanding officer shall ~~cause to be deposited therein,~~ deposit in the
7 armory all ~~arms, uniforms and equipment~~ military property received from the
8 governor and the adjutant general ~~who.~~ The adjutant general may make such rules
9 as they deem proper for the observance of issue policies to be followed by all officers
10 and persons having charge of such the armories or occupying any part thereof of the
11 armories.

****NOTE: Since DMA says they do not issue rules, I changed the last sentence to
use "policies." OK?

12 (d) Whenever any ~~county, city, town or village~~ erects political subdivision or
13 federally recognized Indian tribe or band constructs a building as a memorial to the
14 ~~soldiers, sailors and marines~~ members of the U.S. armed forces or national guard
15 who served in any war or armed conflict of the United States and makes provision
16 ~~therein~~ in the memorial building for the accommodation of one or more companies
17 of the national guard having no regularly established armory, the ~~governor,~~ adjutant
18 general ~~or other state officers having control of armory accommodations and~~
19 ~~regulations~~ shall, whenever practicable, rent the armory provided in such the
20 memorial building for the use of those companies of the national guard.

21 **SECTION 134.** 21.612 of the statutes is repealed.

22 **SECTION 135.** 21.616 (title) of the statutes is repealed.

1 **SECTION 136.** 21.616 of the statutes is renumbered 321.23 (2) and amended to
2 read:

3 321.23 **(2)** ~~The department of military affairs is authorized and directed may,~~
4 when contributions ~~therefor~~ are made available by the federal government under ~~the~~
5 ~~national defense facilities act of 1950 or any act or acts amendatory thereof or~~
6 ~~supplementary thereto, to~~ federal law, expand, rehabilitate, equip, or convert
7 facilities owned by the state and ~~to~~ acquire, construct, expand, rehabilitate, equip,
8 or convert additional facilities. ~~The department of military affairs may on the part~~
9 ~~of the state accept such~~ the federal contributions in the manner prescribed by federal
10 law or regulation, and may accept ~~on behalf of the state~~ the lawful terms and
11 conditions ~~thereof~~ of a federal contribution. ~~The department of military affairs shall~~
12 ~~take such steps and have all the functions and~~ has the duties and powers necessary,
13 ~~consistent with the appropriation therefor, to acquire contributions under any such~~
14 federal act law and to undertake and complete ~~any such~~ a project described in this
15 subsection in conformity with the applicable federal act law and this section
16 subsection.

17 **SECTION 137.** 21.62 of the statutes is repealed.

18 **SECTION 138.** 21.63 of the statutes is repealed.

19 **SECTION 139.** 21.70 (title) of the statutes is repealed.

20 **SECTION 140.** 21.70 (1) and (2) of the statutes are renumbered 321.02 (1) and
21 (2) and amended to read:

22 321.02 **(1)** The governor may request volunteers ~~of~~ from the national guard to
23 provide assistance to federal, state and local law enforcement officers, within or
24 outside the boundaries of this state, in drug interdiction and counter-drug activities
25 under 32 USC 112. These activities may include the operation and maintenance of

1 equipment and facilities. The governor may order, with their consent, any national
2 guard members who volunteer under this ~~section~~ subsection to duty in federally
3 funded status. The governor may delegate his or her authority under this ~~section~~
4 subsection to the adjutant general. The adjutant general shall follow all laws and
5 regulations of the U.S. department of defense when ordering national guard
6 members to perform drug interdiction and counter-drug activities under this ~~section~~
7 subsection.

8 (2) A national guard member assisting in drug interdiction and counter-drug
9 activities under this ~~section~~ subsection shall obey and execute the instructions of a
10 law enforcement officer from the assisted agency involved in these activities that are
11 given to the national guard member through the military chain of command.

12 **SECTION 141.** 21.72 of the statutes is renumbered 321.60, and 321.60 (1) (c), (2),
13 (5) and (6), as renumbered, are amended to read:

14 321.60 (1) (c) “Service member” means a member of a reserve unit of the U.S.
15 armed forces, a member of the state defense force, or a member of a national guard
16 unit of any state who is a resident of Wisconsin.

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

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

3 (6) The department of ~~military affairs~~ shall prepare and distribute to
4 appropriate agencies and persons, at no cost to those agencies or persons, a brochure
5 explaining the provisions of this section.

6 **SECTION 142.** 21.74 (title) of the statutes is renumbered 321.61 (title) and
7 amended to read:

8 **321.61** (title) ~~Soldiers and sailors~~ **Service members civil relief act for**
9 **property taxes and mobile telephone contracts; federal service active duty.**

10 **SECTION 143.** 21.74 (1) of the statutes is renumbered 321.61 (1) (a) and
11 amended to read:

12 321.61 (1) (a) In this section ~~subsection~~, unless the context indicates otherwise:

13 1. “Interest and penalties” means interest and penalties accruing on taxes
14 during the period of ~~military service~~ federal active duty and 6 months thereafter. In
15 case several owners jointly own property, other than property held jointly or as
16 marital property with the spouse of the person in ~~military service~~ federal active duty,
17 interest and penalties means the proportionate share of the total interest and
18 penalties commensurate with the equity in the property of the person in ~~military~~
19 ~~service~~ federal active duty.

20 2. “Person in ~~military service~~ federal active duty” means any man or woman
21 who is serving on ~~in federal active duty in the U.S. armed forces, except service on~~
22 ~~active duty for training purposes~~ for a period of 90 days or more.

23 3. “Property” means any real estate or personal property belonging to a person
24 in ~~military service~~ federal active duty that was acquired prior to the commencement
25 of ~~military service~~ the federal active duty or that was acquired by descent.

1 4. “Taxes” means any ~~general~~ property taxes or special assessments or tax
2 certificates evidencing those taxes and assessments not belonging to private buyers.

3 **SECTION 144.** 21.74 (2), (3), (4), (5), (6) and (7) of the statutes are renumbered
4 321.61 (1) (b), (c), (d), (e), (f) and (g) and amended to read:

5 321.61 (1) (b) To supplement and complement the provisions of 50 App. USC
6 501, and to afford and obtain greater peace and security for persons in ~~military~~
7 ~~service~~ federal active duty, the enforcement of certain tax obligations or liabilities
8 that may prejudice the property rights of persons in ~~military service~~ federal active
9 duty may be temporarily suspended as provided in this ~~section~~ subsection.

10 (c) Any person ~~while in the military service of the United States~~ federal active
11 duty or within 6 months after terminating ~~service~~ that duty, or the person’s agent or
12 attorney during that period, may petition the circuit court of any county in which the
13 person owns property for relief under this ~~section~~ subsection. Upon filing of the
14 petition the court shall make an order fixing the time of hearing and requiring the
15 giving of notice of the hearing. If after the hearing the court finds that the person
16 is, or within 6 months next preceding the filing of the petition was, in ~~the military~~
17 ~~service of the United States~~ federal active duty and owns property within the county
18 on which taxes have fallen or will fall due, and that the person’s ability to pay the
19 taxes has been materially adversely affected by reason of being in ~~military service~~
20 federal active duty, the court shall enter an order determining that the person is
21 entitled to relief under this ~~section~~ subsection. The court may suspend proceedings
22 for the collection of taxes on the property for a period not exceeding 6 months after
23 termination of the ~~military service~~ federal active duty of the person, or for the time
24 reasonably necessary to complete the agreement provided in ~~sub. (7) par. (g)~~.
25 Thereafter, the property shall not be included in tax certificates issued to enforce

1 collection of taxes on property, and all proceedings for that purpose shall be
2 suspended, except under terms that the court may order.

3 (d) Whenever any tax or assessment on real property, including all special
4 assessments, is not paid when due, any interest or penalty under s. 74.47 and the
5 maximum limitation of 6 percent per year ~~as provided~~ under 50 App. USC 501 shall
6 be waived for the purpose and under the conditions specified in this ~~section~~
7 subsection.

8 (e) The penalties and interest waived under this ~~section~~ subsection are those
9 for nonpayment of all taxes or assessments, general or special, falling due during the
10 period of ~~military service~~ federal active duty of any person against either real or
11 personal property of which the person is the bona fide owner or in which the person
12 has an interest.

13 (f) The person owning or having an interest in any property in respect to which
14 the order under ~~sub. (3) par. (c)~~ par. (c) is made, or the person's agent or attorney, may file
15 a certified copy of the order of suspension with the county treasurer or with the city
16 treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to
17 the taxes and assessments. The person shall file with the order an affidavit in
18 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
19 owner, the legal description of the property, the type of property, when acquired,
20 volume and page number where the deed was recorded if acquired by deed, and the
21 name of the estate if acquired by descent, amount of delinquent taxes if any, and the
22 names of the holders of any outstanding mortgage, lien, or other encumbrance. Upon
23 receipt of the filing, the county treasurer or city treasurer shall record the order in
24 the office of the register of deeds of the county and file a copy in the office of the
25 treasurer, who shall make proper notation that a person in ~~military service~~ federal

1 active duty is the holder of the legal title and has made application for special relief.
2 The county treasurer or city treasurer shall immediately forward an additional copy
3 of the order and affidavit to the office of the clerk of the town, city, or village where
4 the property is located, or if it is located in a city, authorized to sell lands for
5 nonpayment of its taxes, to the commissioner of assessments, who shall make an
6 appropriate notation in the records.

7 (g) Any person seeking relief under this ~~section~~ subsection, within 6 months
8 after termination of ~~military service~~ federal active duty, or the person's agent or
9 attorney, or in case of death of the person, the personal representative, surviving
10 spouse, or heir, may apply to the county treasurer of the county, or the city treasurer
11 of a city authorized by law to sell lands for the nonpayment of taxes, where the
12 property is located, for an agreement for scheduled installment payments, covering
13 the taxes accrued during the person's period of ~~military service~~ federal active duty,
14 provided that the taxes will be paid over a period of time equal to a period no longer
15 than twice the length of ~~military service~~ federal active duty of the person, in equal
16 periodic installments of not less than \$10, and subject to any other terms as may be
17 just and reasonable.

18 **SECTION 145.** 21.74 (8) of the statutes is renumbered 321.61 (1) (h).

19 **SECTION 146.** 21.74 (9) of the statutes is renumbered 321.61 (2), and 321.61 (2)
20 (a) 2., (b) 1., (c) and (g), as renumbered, are amended to read:

21 321.61 (2) (a) 2. "Contract" means an agreement between a person in ~~military~~
22 ~~service~~ federal active duty and a mobile telephone service provider that requires the
23 person in ~~military service~~ federal active duty to pay the mobile telephone service
24 provider a monthly fee in exchange for the use of a mobile telephone.

1 (b) 1. The contract was executed by or on behalf of a person in ~~military service~~
2 federal active duty who entered federal active ~~military~~ duty after the contract was
3 executed.

4 (c) A person in ~~military service~~ federal active duty may suspend or terminate
5 a contract to which this subsection applies without any penalties or additional fees
6 at any time after the ~~service member~~ person in federal active duty has been issued
7 orders into federal active duty by giving written notice to the mobile telephone
8 service provider. The ~~service member~~ person in federal active duty shall include a
9 copy of the orders into federal active duty as part of the notice. The notice may be
10 given by 1st class mail to the address provided in the agreement with the mobile
11 telephone service provider or provided in the mobile telephone service provider's
12 billing statement or by delivering the notice to the mobile telephone service
13 provider's branch office.

14 (g) If a mobile telephone service provider assesses a person in ~~military service~~
15 federal active duty any penalty or fee after the person has suspended or terminated
16 the contract under par. (c) or fails to make any refund required under par. (e), the
17 ~~service member shall have the right to~~ person in federal active duty may bring an
18 action for damages. If the ~~service member~~ person in federal active duty prevails in
19 an action brought under this paragraph, the court shall order the mobile telephone
20 service provider to pay the service member exemplary damages of \$2,000.

21 **SECTION 147.** 21.75 (title) of the statutes is renumbered 321.62 (title) and
22 amended to read:

23 **321.62** (title) ~~Soldiers' and sailors'~~ Service members civil relief act;
24 state service active duty.

25 **SECTION 148.** 21.75 (1) (intro.) of the statutes is renumbered 321.62 (1) (intro.).

1 **SECTION 149.** 21.75 (1) (a) of the statutes is repealed.

2 **SECTION 150.** 21.75 (1) (b), (cm) and (d) of the statutes are renumbered 321.62
3 (1) (a), (b) and (c) and amended to read:

4 321.62 **(1)** (a) “Court” means a Wisconsin circuit court of record, a Wisconsin
5 court of appeals, or the Wisconsin supreme court.

6 (b) “Period of active state service active duty” means the period beginning on
7 the date on which the service member receives an order to enter state active state
8 service duty and ending on the date of the service member’s release from state active
9 state service duty or death while ~~in~~ on state active state service duty.

10 (c) “Service member” means a ~~resident of this state~~ member of the national
11 guard or state defense force who ~~may be~~ is called into active state service active duty
12 for 30 days or more.

13 **SECTION 151.** 21.75 (1) (c) of the statutes is repealed.

14 **SECTION 152.** 21.75 (2) of the statutes is renumbered 321.62 (2), and 321.62 (2)
15 (b) and (c), as renumbered, are amended to read:

16 321.62 **(2)** (b) If a service member is the principal on a criminal bail bond and
17 his or her active state service active duty causes the surety upon the bond to be
18 prevented from enforcing the attendance of the service member at court, the court
19 shall not enforce the provisions of the bond during the service member’s period of
20 active state service active duty and may either during or after the period of state
21 active service duty discharge the surety and exonerate the bail.

22 (c) A surety, guarantor, endorser, or other person subject to the obligation,
23 liability, court action, order, writ, or judgment under par. (a) or (b) may waive in
24 writing the rights afforded by this subsection, except that the waiver is not valid
25 unless the waiver is executed as an instrument separate from the obligation, liability,

1 court action, order, writ, or judgment. The waiver under this paragraph is not valid
2 after the beginning of the period of active state service active duty if executed by a
3 service member who subsequently is called into active state service active duty. The
4 waiver under this paragraph is not valid if executed by a dependent of a service
5 member unless the waiver is executed during the period of active state service active
6 duty.

7 **SECTION 153.** 21.75 (3) of the statutes is renumbered 321.62 (3) and amended
8 to read:

9 321.62 (3) EFFECT ON RIGHTS UNDER A WRITTEN AGREEMENT. This section does not
10 prevent the modification, termination, or cancelation of any contract, lease,
11 bailment, or secured obligation, or the repossession, retention, foreclosure, sale, or
12 forfeiture of property that is security for any obligation or which has been purchased
13 or received under a contract, lease, or bailment under a written agreement of the
14 parties if that agreement is executed during or after the period of active state service
15 active duty.

16 **SECTION 154.** 21.75 (4) of the statutes is renumbered 321.62 (4).

17 **SECTION 155.** 21.75 (5) of the statutes is renumbered 321.62 (5), and 321.62 (5)
18 (a) and (b) (intro.) and 1., as renumbered, are amended to read:

19 321.62 (5) (a) If, in any court action, there is a default of any appearance of the
20 defendant, the plaintiff, when requesting a default judgment, shall file with the court
21 an affidavit setting forth facts showing that the defendant is not in active state
22 service active duty. If the plaintiff is unable to file such an affidavit, the plaintiff
23 shall, when requesting a default judgment, file an affidavit setting forth that the
24 defendant is in active state service active duty or that the plaintiff is unable to
25 determine if the defendant is in active state service active duty. If an affidavit is not

1 filed showing that the defendant is not in ~~active state service~~ active duty, a default
2 judgment may not be entered without a court order. A court may not order the entry
3 of a default judgment if the defendant is in ~~active state service~~ active duty until the
4 court has appointed an attorney to represent the defendant and protect the
5 defendant's interests. Unless the court determines that the defendant is not in ~~active~~
6 ~~state service~~ active duty, the court may require, as a condition of entering judgment,
7 the plaintiff to file a bond to indemnify the defendant, if he or she is in ~~active state~~
8 ~~service~~ active duty, against any loss or damage resulting from the judgment if any
9 part of the judgment is later set aside. The court may make any other order as may
10 be necessary to protect the interests of the defendant under this section.

11 (b) (intro.) If a judgment is rendered in a court action against a service member
12 during the period of ~~active state service~~ active duty or within 30 days after the end
13 of that period of ~~active state service~~ active duty, and it appears that the service
14 member was prejudiced in making a defense by reason of his or her ~~active state~~
15 ~~service~~ active duty, the court may reopen that judgment if all of the following
16 conditions exist:

17 1. The service member moves the court to reopen the judgment within 90 days
18 after his or her period of ~~active state service~~ active duty ends.

19 **SECTION 156.** 21.75 (6) and (7) of the statutes are renumbered 321.62 (6) and
20 (7) and amended to read:

21 321.62 **(6)** STAY OF ACTION. During any stage of a court action in which a service
22 member in ~~active state service~~ active duty is involved as a party, or within 60 days
23 after the end of the period of ~~active state service~~ active duty, the court in which the
24 action is pending may on its own motion, and shall, on application of the service
25 member or some person acting on behalf of the service member, stay the action unless

1 the court determines that the service member's ability to represent his or her interest
2 in the action is not materially affected by reason of his or her active state service
3 active duty.

4 (7) STAY OR VACATION OF EXECUTIONS OR ATTACHMENTS. In any court action that
5 is commenced against a service member before or after entering active state service
6 active duty, or within 60 days after the period of active state service active duty ends,
7 the court may on its own motion, and shall, on application of the service member or
8 some person acting on behalf of the service member, stay the execution of any
9 judgment or order entered against the service member, or stay or vacate any
10 attachment or garnishment regarding the service member's property, unless the
11 court determines that the service member's ability to comply with the judgment or
12 order is not materially affected by reason of his or her active state service active duty.

13 **SECTION 157.** 21.75 (8) of the statutes is renumbered 321.62 (8), and 321.62 (8)
14 (a), as renumbered, is amended to read:

15 321.62 (8) (a) Any stay of any action, attachment, execution, or garnishment
16 under this section may be ordered for the period of the active state service active duty
17 and ~~3 months~~ 90 days after that period has ended, or for any part of that time.

18 **SECTION 158.** 21.75 (9) and (10) of the statutes are renumbered 321.62 (9) and
19 (10) and amended to read:

20 321.62 (9) STATUTES OF LIMITATIONS. The period of active state service active
21 duty may not be included in computing any period for the bringing of any action or
22 proceeding in any court or before any public agency, as defined in s. 36.54 (2) (a) 2.,
23 by or against a person in active state service active duty or by or against his or her
24 heirs, personal representatives, or assigns, whether the cause of action or proceeding

1 or the right to bring the action or proceeding accrued before or during the period of
2 active state service active duty.

3 **(10) MAXIMUM INTEREST RATE.** No obligation or liability bearing interest at a rate
4 in excess of 6% per year incurred by a service member in active state service active
5 duty before his or her entry into that service duty may, during any part of the period
6 of active state service active duty, bear interest in excess of 6% per year except by
7 court order. If, upon application by an obligee, a court determines that the ability of
8 the service member to pay interest upon the obligation or liability at a rate in excess
9 of 6% per year is not materially affected by reason of his or her active state service
10 active duty, the court may make any order that is just. In this subsection, “interest”
11 includes service charges, renewal charges, fees, or other charges, other than
12 insurance, in respect to the obligation or liability.

13 **SECTION 159.** 21.75 (11) of the statutes is renumbered 321.62 (11), and 321.62
14 (11) (a) and (b), as renumbered, are amended to read:

15 321.62 **(11)** (a) No eviction may be made during the period of active state service
16 active duty in respect to any premises for which the agreed rent does not exceed
17 ~~\$1,200 per month~~ the amount specified in 50 USC App. 531, occupied chiefly for
18 dwelling purposes by the spouse, children, or other dependents of a service member
19 who is in active state service active duty, except upon order of a court in an action
20 affecting the right of possession.

***NOTE: The drafting subcommittee wanted to highlight this change for the special committee. Under current law, the spouse, children, or other dependents of a person who is on state active duty may not be evicted from premises for which the rent does not exceed \$1,200 per month, except by court order. The subcommittee recommends tying the amount of the rent to the amount of rent specified in a parallel federal law. Under the referenced federal law, the amount is \$2,400 per month, adjusted for inflation beginning in 2004.

1 (b) In an action for eviction under par. (a), the court may on its own motion, and
2 shall, on application of the service member or some person acting on behalf of the
3 service member, stay the proceedings for not longer than ~~3 months~~ 90 days unless
4 the court determines that the ability of the tenant to pay the agreed rent is not
5 materially affected by the active state service active duty. The court may make any
6 other order in the eviction action as it considers necessary and just. If a stay or order
7 is issued under this paragraph, the court may, upon the request of the owner of the
8 premises, make any other order as may be applicable to conserve the interests of all
9 of the parties.

10 **SECTION 160.** 21.75 (12) of the statutes is renumbered 321.62 (12), and 321.62
11 (12) (a), (b) (intro.) and (c) 1., as renumbered, are amended to read:

12 321.62 (12) (a) In this subsection, “obligation” means an obligation of a service
13 member in active state service active duty that was incurred before the service
14 member’s period of active state service active duty began and that is secured by a
15 mortgage, deed of trust, or other security in the nature of a mortgage on real or
16 personal property that is owned by the service member.

17 (b) (intro.) If a court action against a service member is commenced during the
18 service member’s period of active state service active duty to enforce an obligation
19 for nonpayment of any sum due or for any other breach of terms occurring before or
20 during the service member’s period of active state service active duty, the court shall
21 hold a hearing on the matter. Unless the court determines that the service member’s
22 ability to comply with the terms of the obligation is not materially affected by reason
23 of his or her active state service active duty, the court on its own motion may, or upon
24 application of the service member or another person on his or her behalf shall, do any
25 of the following:

1 (c) 1. Notwithstanding the times provided in ss. 846.10, 846.101, 846.102, and
2 846.103 for sales of real property, no foreclosure, sale, or seizure of property for
3 nonpayment of any sum due or for any other breach of terms is valid if it occurs
4 during or within ~~3 months~~ 90 days after the service member's period of active state
5 service active duty, unless the court ordered the foreclosure, sale, or seizure of
6 property before the beginning of the service member's period of active state service
7 active duty and approves the foreclosure, sale, or seizure after it occurs.

***NOTE: I changed "3 months" to "90 days." OK?

8 **SECTION 161.** 21.75 (13) of the statutes is renumbered 321.62 (13) and amended
9 to read:

10 **321.62 (13) PERSONAL PROPERTY CONTRACTS.** When an action to resume
11 possession of personal property, or to rescind or terminate a contract for the purchase
12 of personal property, has been stayed under this section, the court may appoint 3
13 disinterested persons to appraise the property. Based upon the report of the
14 appraisers, and unless undue hardship would result to the dependents of the service
15 member in active state service active duty, the court may order that a sum be paid
16 to the service member as a condition of resuming possession of the property or
17 rescinding or terminating the contract.

18 **SECTION 162.** 21.75 (14) of the statutes is renumbered 321.62 (14), and 321.62
19 (14) (a) 1. and (b), as renumbered, are amended to read:

20 **321.62 (14) (a) 1.** The lease was executed by or on behalf of a service member
21 who entered active state service active duty after the lease was executed.

22 (b) A lease to which this subsection applies may be terminated by the service
23 member at any time after the beginning of the service member's period of active state
24 service active duty by giving notice in writing by personal delivery or first class mail

1 to the landlord or the person who has been receiving rent or managing the property
2 as the landlord's agent.

3 **SECTION 163.** 21.75 (15) of the statutes is renumbered 321.62 (15), and 321.62
4 (15) (a) and (b), as renumbered, are amended to read:

5 321.62 **(15)** (a) Notwithstanding ss. 704.05 (5) and 704.90, no person may
6 enforce a lien for storage of any household goods, furniture, or personal effects of a
7 service member during the period in which the service member is in ~~military service~~
8 state active duty and for 90 days after the member's completion of ~~military service~~
9 state active duty, except as permitted by a court order under par. (b).

10 (b) No person may exercise any right to foreclose or enforce a lien for the storage
11 of household goods, furniture, or personal effects of a service member during the
12 service member's period of active state service active duty and for ~~3 months~~ 90 days
13 after that period ends except upon an order of the court. In an action under this
14 paragraph, the court, after a hearing, may on its own motion, and shall, on
15 application of the service member or some person acting on behalf of the service
16 member, stay the proceeding or make such other order as may be equitable to
17 conserve the interests of all parties, unless the court determines that the ability of
18 the service member to pay storage charges due is not materially affected by his or her
19 active state service active duty.

***NOTE: I changed "3 months" to "90 days." OK?

20 **SECTION 164.** 21.75 (16) of the statutes is renumbered 321.62 (16) and amended
21 to read:

22 321.62 **(16)** DEPENDENT BENEFITS. Upon application to the court, a dependent
23 of a service member is entitled to the same benefits given to a service member while
24 in active state service active duty, unless the court determines that the ability of the

1 dependent to comply with the terms of an obligation, contract, lease, or bailment is
2 not materially impaired by reason of the service member's active state ~~service~~ active
3 duty.

4 **SECTION 165.** 21.75 (17) of the statutes is renumbered 321.62 (17).

5 **SECTION 166.** 21.75 (18) of the statutes is renumbered 321.62 (18) and amended
6 to read:

7 **321.62 (18) CERTIFICATE OF SERVICE ~~STATE ACTIVE DUTY~~; PERSON REPORTED MISSING.**

8 (a) In any action or proceeding under this section, a certificate signed by the adjutant
9 general or a person designated by the adjutant general as to the period of state active
10 service duty of a service member shall be ~~prima facie~~ evidence as to any of the
11 following facts unless shown to be incorrect:

12 1. That the service member named has been in active state ~~service~~ active duty.

13 2. The period of the active state ~~service~~ active duty, including the date the
14 service member was ordered into active state ~~service~~ active duty.

15 3. The monthly pay received by the service member in active state ~~service~~ active
16 duty at the time the certificate was issued.

17 4. If the service member died while in active state ~~service~~ active duty, the date
18 and the place where he or she died.

19 (b) The adjutant general shall provide the certificate under par. (a) upon
20 request of the service member or of a person acting on behalf of the service member
21 or his or her estate, and any certificate so provided shall be ~~prima facie~~ evidence of
22 the facts stated in the certificate and of the authority of the signer to issue the
23 certificate unless shown to be incorrect.

24 (c) When a service member in active state ~~service~~ active duty has been reported
25 missing to the department, the service member shall be presumed to continue in

1 active state service active duty until accounted for, and no period limited under this
2 section which begins or ends with the death of a service member shall begin or end
3 until the death of the service member is determined by the department or by a court.

4 **SECTION 167.** 21.75 (19) of the statutes is renumbered 321.62 (19).

5 **SECTION 168.** 21.75 (20) of the statutes is renumbered 321.62 (20), and 321.62
6 (20) (a), as renumbered, is amended to read:

7 321.62 (20) (a) A service member may, at any time during his or her period of
8 active state service active duty, or within ~~6 months~~ 180 days after that service duty
9 ends, apply to a court for relief with respect to any obligation or liability incurred by
10 the service member before his or her period of active state service active duty. The
11 court, after appropriate notice and hearing, may grant the following relief unless the
12 court determines that the ability of the service member to comply with the terms of
13 the obligation or liability has not been materially affected by his or her state active
14 service duty:

****NOTE: I changed “6 months” to “180 days.” OK?

15 1. In the case of an obligation payable in installments under a contract for the
16 purchase of real estate, or secured by a mortgage upon real estate, a stay of the
17 enforcement of the obligation during the period of active state service active duty
18 and, from the date of the end of the period of active state service active duty or from
19 the date of requesting the relief if made after the service state active duty is ended,
20 for a period equal to the period of the remaining life of the installment contract or
21 instrument evidencing the obligation plus a period of time equal to the period of
22 active state service active duty, or any part of that combined period. The court may
23 issue a stay under this paragraph if the service member makes payments of the
24 balance of the principal and accumulated interest due and unpaid at the date of the

1 end of the period of active state service active duty or from the date of requesting the
2 relief, whichever is appropriate, in equal installments during the combined period
3 and at the rate of interest as is prescribed in the contract or instrument evidencing
4 the obligation for installments paid when due. The court may order other terms
5 under this paragraph as are just.

6 2. In the case of any other obligation or liability, a stay of the enforcement of
7 that obligation or liability during the service member's period of active state service
8 active duty and, from the date of the end of the period of active state service active
9 duty or from the date of requesting the relief if made after the service duty is ended,
10 for a period equal to the period of active state service active duty or any part of that
11 period. The court may issue a stay under this paragraph if the service member
12 makes payments of the balance of the principal and accumulated interest due and
13 unpaid at the date of the end of the period of active state service active duty or from
14 the date of requesting the relief, whichever is appropriate, in equal installments
15 during the extended period and at the rate of interest as is prescribed for the
16 obligation or liability when due. The court may order other terms under this
17 paragraph as are just.

18 **SECTION 169.** 21.75 (21) of the statutes is renumbered 321.62 (21), and 321.62
19 (21) (b), as renumbered, is amended to read:

20 321.62 **(21)** (b) No power of attorney executed ~~after December 14, 2001,~~ by a
21 service member in active state service active duty may be extended under par. (a) if
22 the document creating the power of attorney clearly indicates that the power granted
23 expires on the date specified even if the service member, after the date of execution
24 of the document, is reported missing to the department.

1 **SECTION 170.** 21.75 (22) of the statutes is renumbered 321.62 (22), and 321.62
2 (22) (a), (b) 2. and (c) 1., as renumbered, are amended to read:

3 321.62 **(22)** (a) 1. If a service member who is called into active state ~~service~~
4 active duty has coverage under a professional liability insurance policy that does not
5 cover claims filed with respect to the service member during the period of active state
6 ~~service~~ active duty unless the premiums are paid for the coverage for that period, the
7 insurer that provides the coverage shall suspend the service member's coverage
8 under the policy upon receipt of a written request from the service member to do so.
9 The insurer may not require that premiums be paid for the suspended coverage. The
10 insurer shall refund any premium amount already paid for coverage of the service
11 member for the period after the coverage is suspended or shall, at the option of the
12 service member, apply such amount to payment of any premium that becomes due
13 upon reinstatement of the coverage.

14 2. Subdivision 1. does not require the suspension of coverage for any other
15 person who has coverage under the policy and who is not a service member called into
16 active state ~~service~~ active duty or relieve any person of the obligation to pay
17 premiums for coverage that is not required to be suspended under subd. 1.

18 (b) 2. For purposes of subd. 1., a claim that is based on the failure of a
19 professional to make adequate provision for the care of patients during the
20 professional's period of active state ~~service~~ active duty shall be considered to be based
21 on an action or the failure to take action before the beginning of the period during
22 which coverage is suspended under this subsection, unless professional services
23 were provided after the date on which the suspension of coverage began.

24 (c) 1. If a service member whose professional liability insurance coverage is
25 suspended under par. (a) transmits to the insurer, within 30 days after the date on

1 which the service member is released from active state service active duty, a written
2 request for reinstatement of his or her professional liability insurance coverage, the
3 insurer must reinstate the coverage as of the date on which the insurer receives the
4 written request. The period for which the coverage must be reinstated may not be
5 less than the balance of the period for which the coverage would have continued
6 under the policy had the coverage not been suspended.

7 **SECTION 171.** 21.75 (23) of the statutes is renumbered 321.62 (23) and amended
8 to read:

9 **321.62 (23)** NOTICE OF BENEFITS UNDER THIS SECTION. The department shall
10 provide each service member a brochure explaining this section when that service
11 member enters active state service active duty.

12 **SECTION 172.** 21.78 (title), (1), (2), (3) and (4) of the statutes are renumbered
13 321.63 (title), (1), (2), (3) and (4) and amended to read:

14 **321.63** (title) **Employees Local government employees or officers in**
15 **military service federal active duty.** (1) ~~The governing body of any county, town,~~
16 ~~city, village, school district, or technical college district~~ **A local governmental unit, as**
17 **defined in s. 66.0135 (1) (c),** may grant a leave of absence to any employee or officer
18 who is inducted or who enlists in the U.S. armed forces for a period of ~~military service~~
19 **federal active duty** of not more than ~~4~~ **5** years unless the employee is involuntarily
20 retained for a longer period. No salary or compensation of the employee or officer
21 shall be paid, nor claim for the salary or compensation exist, during the leave of
22 absence, except as provided in this section. If the employee's or officer's salary or
23 compensation is less in the U.S. armed forces than was paid by the ~~county, town, city,~~
24 ~~village, school district, or technical college district~~ **local governmental unit,** that
25 governmental unit may pay the employee or officer the difference between the salary

1 or compensation paid by the U.S. armed forces and the salary or compensation that
2 the employee or officer was paid by the ~~county, town, city, village, school district, or~~
3 ~~technical college district~~ local governmental unit at the time that he or she enlisted
4 in or was inducted into the U.S. armed forces.

****NOTE: The drafting subcommittee wanted to highlight for the special committee the change in the number of years for which a local governmental unit may grant a leave of absence to an employee or officer who is serving in federal active duty. In order to follow federal law, the statute is being amended to allow a 5-year leave of absence; current law allows 4 years.

5 (2) The ~~governing body~~ local governmental unit may provide for safeguarding
6 the reinstatement and pension rights, as limited in this section, of any employee or
7 officer so inducted or enlisted.

8 (3) No employee or officer who is appointed to fill the place of any employee or
9 officer so inducted or enlisted shall acquire permanent tenure during the period of
10 the replacement service.

11 (4) If the leave of absence under sub. (1) is granted to an elected or appointed
12 official or employee and the official or employee has begun ~~service in the U.S. armed~~
13 ~~forces~~ federal active duty, a temporary vacancy exists and a successor may be
14 appointed to fill the unexpired term of the official or employee, or until the official
15 or employee returns and files an election to resume the office if the date of the filing
16 is prior to the expiration of the term. The appointment shall be made in the manner
17 provided for the filling of vacancies caused by death, resignation, or otherwise, except
18 that no election need be held to fill a temporary vacancy. The appointee has all the
19 powers, duties, liabilities, and responsibilities and shall be paid and receive the
20 compensation and other benefits of the office or position, unless otherwise provided
21 by the ~~governing body~~ local governmental unit. Within 40 days after the termination
22 of ~~service in the U.S. armed forces~~ federal active duty, the elected or appointed official

1 or employee, upon filing with the clerk of the local governmental unit, a statement
2 under oath of termination and that the official or employee elects to resume the office
3 or position, may resume the office or position for the remainder of the term for which
4 elected or appointed. The person temporarily filling the vacancy shall cease to hold
5 the office on the date of the filing.

6 **SECTION 173.** 21.78 (5) of the statutes is repealed.

7 **SECTION 174.** 21.79 of the statutes is renumbered 321.64, and 321.64 (title), (1)
8 (a) (intro.), 1., 3. and 5., (2) and (4), as renumbered, are amended to read:

9 **321.64** (title) **Reemployment after completion of ~~military service~~**
10 **federal active duty or service.** (1) (a) (intro.) Any person who has enlisted or
11 enlists in or who has been or is inducted or ordered into ~~active service in the U.S.~~
12 ~~armed forces pursuant to 50 App. USC 301, 401, and 451, or P.L. 87-117~~ federal
13 active duty for 90 days or more, and any person whose services are requested by the
14 federal government for national defense work as a civilian during a period officially
15 proclaimed to be a national emergency or a limited national emergency, who, to
16 perform the ~~training~~ duty or service, has left or leaves a position, other than a
17 temporary position, in the employ of any political subdivision of the state or in the
18 employ of any private or other employer, shall be restored to that position or to a
19 position of like seniority, status, pay, and salary advancement as though service
20 toward seniority, status, pay, or salary advancement had not been interrupted by the
21 absence, if all of the following conditions are met:

22 1. The person presents to the employer evidence of satisfactory completion of
23 the period of ~~training or civilian~~ federal active duty or federal government service,
24 or of discharge from the U.S. armed forces under conditions other than dishonorable.

1 3. The person makes application for reemployment and resumes work within
2 90 days after completion of the ~~training or~~ federal active duty or federal government
3 service, military or civilian, or was so discharged from the U.S. armed forces, or
4 within 6 months after release from hospitalization for duty-connected or
5 service-connected injury or disease.

6 5. The ~~military service~~ federal active duty or federal government service was
7 not for more than ~~4~~ 5 years unless extended by law.

 ***NOTE: See the note following s. 321.63 (1) regarding the change from 4 years
to 5 years.

 ***NOTE: This section discussed armed forces duty and civilian service during a
national emergency, so throughout this section I added the duty and service language.
OK?

8 **(2)** The service of any person who is or was restored to a position in accordance
9 with sub. (1) shall be considered not to be interrupted by the absence, except for the
10 receipt of pay or other compensation for the period of the absence and he or she shall
11 be entitled to participate in insurance, pensions, retirement plans, or other benefits
12 offered by the employer under established rules and practices relating to employees
13 on furlough or leave of absence in effect with the employer at the time the person
14 entered or was enlisted, inducted, or ordered into ~~the forces and service~~ federal active
15 duty or federal government service. The person whose position was restored may not
16 be discharged from the position without cause within one year after restoration and
17 the discharge is subject to all federal or state laws affecting any private employment
18 and to the provisions of contracts that may exist between employer and employee.
19 Each ~~county, town, city, or village~~ political subdivision shall contribute or pay all
20 contributions of the employer to the applicable and existent pension, annuity, or
21 retirement system as though the service of the employee had not been interrupted
22 by ~~military service~~ federal active duty or federal government service.

1 **(4)** No person who is appointed in the service of the state or of any ~~county, city,~~
2 ~~village, or town~~ political subdivision to fill the place of a person entering service in
3 ~~the U.S. armed forces~~ federal active duty or federal government service under sub.
4 (1) shall acquire permanent tenure during the period of that replacement service.

5 **SECTION 175.** 21.80 (title) and (1) (intro.) of the statutes are renumbered 321.65
6 (title) and (1) (intro.).

7 **SECTION 176.** 21.80 (1) (a) of the statutes is renumbered 321.65 (1) (a), and
8 321.65 (1) (a) (intro.), 1. and 3., as renumbered, are amended to read:

9 321.65 **(1)** (a) (intro.) “Active state service” means any of the following:

10 1. ~~Active service in the national guard or the state defense force under an order~~
11 ~~of the governor issued under this chapter~~ State active duty or active service duty in
12 the national guard under 32 USC 502 (f) ~~that is not considered to be service in the~~
13 ~~uniformed services.~~

14 3. Active service duty in the national guard of any state under an order of the
15 governor of that state.

16 **SECTION 177.** 21.80 (1) (b) to (e) of the statutes are renumbered 321.65 (1) (b)
17 to (e).

18 **SECTION 178.** 21.80 (1) (f) of the statutes is repealed.

19 **SECTION 179.** 21.80 (1) (g) of the statutes is renumbered 321.65 (1) (f).

20 **SECTION 180.** 21.80 (2) of the statutes is renumbered 321.65 (2) and amended
21 to read:

22 321.65 **(2)** MORE GENEROUS RIGHTS PERMITTED. Nothing in this section prohibits
23 an employer from providing employees who are called into active state service with
24 reemployment rights and benefits that are more generous to the employee than the
25 rights and benefits provided under this section.

1 **SECTION 181.** 21.80 (3) of the statutes is renumbered 321.65 (3), and 321.65 (3)
2 (a) (intro.), 1., 2. and 4., (c), (d) 2., (e) 1., 2. and 3., (f) 1. and (h), as renumbered, are
3 amended to read:

4 321.65 (3) (a) *Prerequisites.* (intro.) Subject to par. (d), any person who is a
5 resident of this state and absent from a position of employment because of active
6 state service is entitled to the reemployment rights and benefits specified in this
7 section if all of the following apply:

8 1. Except as provided in par. (b), the person or an appropriate officer in the
9 national guard of this or another state or the state defense force has given advanced
10 notice of the active state service to the person's employer.

11 2. Except as provided in par. (c), the cumulative length of the absence from the
12 position of employment and of all previous absences from a position of employment
13 with the employer by reason of active state service or ~~service in the uniformed~~
14 ~~services~~ federal active duty does not exceed 5 years.

15 4. In the case of active state service in the national guard in this or another state
16 or the state defense force, the active state service has not been terminated under
17 other than honorable conditions.

18 (c) *Length of absence limit.* The periods of ~~service in the uniformed services~~
19 ~~described in 38 USC 4312 (c) (1) to (4)~~ federal active duty and all of the following
20 periods of active state service are not included in calculating the 5-year period
21 specified in par. (a) 2.:

****NOTE: There is an inconsistency between this intro. language and the language
in par. (a) 2. Should federal duty be removed here?

1 1. Any period of active state service, ~~as defined in sub. (1) (a) 1.,~~ beyond that
2 5-year period that is required to complete an initial period of obligated active state
3 service.

4 2. Any period of active state service, ~~as defined in sub. (1) (a) 1.,~~ for which the
5 person, through no fault of the person's own, was unable to obtain orders releasing
6 the person from a period of active state service before the expiration of the 5-year
7 period.

8 3. Any period of active state service, ~~as defined in sub. (1) (a) 1.,~~ that was
9 performed to fulfill any additional training requirements determined and certified
10 in writing by the federal secretary of the army, the federal secretary of the air force,
11 or the adjutant general to be necessary for professional development or for
12 completion of skill training or retraining.

13 4. Any period of active state service that was performed by a person who was
14 ordered to, or retained in, active state service, other than for training, because of a
15 state emergency declared by the governor, because of a war or national emergency
16 declared by the president of the United States or Congress, because of insurrection,
17 rebellion, riot, invasion, or resistance to the execution of the laws of this state or of
18 the United States, or in support of an operational mission, a critical mission, or any
19 other requirement of the ~~uniformed services~~ U.S. armed forces.

20 (d) 2. The position of employment that the person left to perform active state
21 service was for a brief, nonrecurrent period and there was no reasonable expectation
22 that the position of employment would continue indefinitely or for a significant
23 period of time.

24 (e) 1. Subject to subs. 4. and 5., if a person who has been absent from a position
25 of employment because of active state service that lasted for less than 31 days, who

1 has been absent from a position of employment for any period of time for the purpose
2 of an examination to determine the person's fitness to perform active state service,
3 or who has been absent from a position of employment because the person was
4 hospitalized for or was convalescing from an illness or injury that was incurred in
5 or aggravated during the performance of that active state service wishes to receive
6 the reemployment rights and benefits specified in this section, the person must
7 notify the person's employer of the person's intent to return to the position of
8 employment by reporting to the employer by no later than the beginning of the first
9 full regularly-scheduled work period on the first full calendar day following the
10 completion of the active state service, examination, or period of hospitalization or
11 convalescence, a period of time that allows for the safe transportation of the person
12 from the place of active state service, examination, hospitalization, or convalescence
13 to the person's residence, and a rest period of 8 hours following that transportation
14 period or, if through no fault of the person's own reporting to the employer within that
15 time is impossible or unreasonable, by reporting to the employer as soon as possible
16 after that 8-hour rest period.

17 2. Subject to subds. 4. and 5., if a person who has been absent from a position
18 of employment because of active state service that lasted for more than 30 days, but
19 less than 181 days, or who has been absent from a position of employment because
20 the person was hospitalized for or was convalescing from an illness or injury that was
21 incurred in or aggravated during the performance of that active state service wishes
22 to receive the reemployment rights and benefits specified in this section, the person
23 must notify the person's employer of the person's intent to return to the position of
24 employment by submitting to the employer an application for reemployment by no
25 later than 14 days after the completion of the active state service, hospitalization, or

1 convalescence or, if through no fault of the person's own submitting the application
2 within that time is impossible or unreasonable, by submitting to the employer an
3 application for reemployment by no later than the first full calendar day on which
4 submission of the application becomes possible.

5 3. Subject to subds. 4. and 5., if a person who has been absent from a position
6 of employment because of active state service that lasted for more than 180 days or
7 who has been absent from a position of employment because the person was
8 hospitalized for or was convalescing from an illness or injury that was incurred in
9 or aggravated during the performance of that active state service wishes to receive
10 the reemployment rights and benefits specified in this section, the person must
11 notify the person's employer of the person's intent to return to the position of
12 employment by submitting to the employer an application for reemployment by no
13 later than 90 days after the completion of the active state service, hospitalization, or
14 convalescence or, if through no fault of the person's own submitting the application
15 within that time is impossible or unreasonable, by submitting to the employer an
16 application for reemployment by no later than the first full calendar day on which
17 submission of the application becomes possible.

18 (f) 1. A person who submits an application for reemployment under par. (e) 2.
19 or 3. must, on the request of the person's employer, provide to the employer
20 documentation to establish that the application was submitted within the time
21 limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences
22 from employment with the employer because of active state service ~~or service in the~~
23 ~~uniformed services and federal active duty~~ does not, except as permitted under par.
24 (c), exceed 5 years, and, in the case of active state service in the national guard in this

1 or another state or the state defense force, that the person's service was not
2 terminated under other than honorable conditions.

3 (h) *Prohibited bases for denial of reemployment.* In determining a person's
4 right to reemployment and other benefits under this section, an employer may not
5 deny reemployment or any other benefits based on the timing, frequency, duration,
6 or nature of the person's active state service or ~~service in the uniformed services~~
7 federal active duty so long as the requirements under par. (a) are met.

8 **SECTION 182.** 21.80 (4) of the statutes is renumbered 321.65 (4), and 321.65 (4)
9 (a), as renumbered, is amended to read:

10 321.65 (4) (a) *Prompt reemployment required.* 1. Subject to subds. 3. and 4. and
11 par. (b), an employer shall reemploy a person who is entitled to reemployment under
12 sub. (3) and whose period of active state service was for less than 91 days promptly
13 on completion of that period of active state service in the position of employment in
14 which the person would have been employed if the continuous employment of the
15 person with the employer had not been interrupted by that active state service so
16 long as the person is qualified to perform the duties of that position or, if after
17 reasonable efforts by the employer to qualify the person to perform those duties the
18 person is not qualified to perform those duties, in the position of employment in
19 which the person was employed on the date on which the person's period of active
20 state service began.

21 2. Subject to subds. 3. and 4. and par. (b), an employer shall reemploy a person
22 who is entitled to reemployment under sub. (3) and whose period of active state
23 service was for more than 90 days promptly on completion of that period of active
24 state service in the position of employment in which the person would have been
25 employed if the continuous employment of the person with the employer had not been

1 interrupted by that active state service or in a position of employment of like
2 seniority, status, and pay so long as the person is qualified to perform the duties of
3 that position or, if after reasonable efforts by the employer to qualify the person to
4 perform those duties the person is not qualified to perform those duties, in the
5 position of employment in which the person was employed on the date on which the
6 person's period of active state service began or in a position of employment of like
7 seniority, status, and pay.

8 3. Subject to par. (b), in the case of a person who has a disability that was
9 incurred in or aggravated during a period of active state service and who, after
10 reasonable efforts by the employer to accommodate the disability, is not qualified due
11 to the disability to perform the duties of the position of employment in which the
12 person would have been employed if the continuous employment of the person with
13 the employer had not been interrupted by the active state service, the employer shall
14 reemploy the person promptly on completion of that period of active state service in
15 any other position that is equivalent to that position in seniority, status, and pay, the
16 duties of which the person is qualified to perform or would become qualified to
17 perform with reasonable efforts by the employer, or, if there is no other position of
18 employment available that is equivalent to that position in seniority, status, and pay,
19 in a position that is the nearest approximation to that equivalent position in terms
20 of seniority, status, and pay, consistent with the person's circumstances.

21 4. Subject to par. (b), in the case of a person who is not qualified to be employed
22 in the position of employment in which the person would have been employed if the
23 continuous employment of the person with the employer had not been interrupted
24 by the person's active state service or in the position of employment in which the
25 person was employed on the date on which the person's period of active state service

1 began for any reason other than disability incurred in or aggravated during a period
2 of active state service and who cannot become qualified to be so employed with
3 reasonable efforts by the employer, the employer shall reemploy the person promptly
4 on completion of that period of active state service in any other position that the
5 person is qualified to perform and that is the nearest approximation to the position
6 of employment in which the person would have been employed if the continuous
7 employment of the person with the employer had not been interrupted by that active
8 state service, with full seniority, or if no position of employment that is the nearest
9 approximation to that position is available, in a position of employment that the
10 person is qualified to perform and that is the nearest approximation to the position
11 of employment in which the person was employed on the date on which the person's
12 period of active state service began, with full seniority.

13 **SECTION 183.** 21.80 (5) of the statutes is renumbered 321.65 (5) and amended
14 to read:

15 321.65 (5) RIGHTS, BENEFITS, AND OBLIGATIONS. (a) *Seniority.* A person who is
16 reemployed under this section is entitled to the seniority and other rights and
17 benefits determined by seniority that the person had on the last day of employment
18 before the person's active state service began, plus all seniority and other rights and
19 benefits determined by seniority that the person would have had if the continuous
20 employment of the person with the employer had not been interrupted by that active
21 state service.

22 (b) *Continuation of benefits.* 1. Subject to subds. 2. to 5., a person who is absent
23 from employment because of active state service is considered to be on furlough or
24 leave of absence while performing the active state service and is entitled to receive
25 all rights and benefits not determined by seniority that are generally provided by the

1 employer to employees having similar seniority, status, and pay who are on furlough
2 or leave of absence under a contract, agreement, policy, practice, or plan that is in
3 effect on the day on which the active state service began or that is established while
4 the person is performing the active state service.

5 2. If an employer shows that a person who is absent from a position of
6 employment because of active state service has knowingly provided written notice
7 of the person's intent not to return to a position of employment with the employer
8 after that active state service and, in doing so, was aware of the specific rights and
9 benefits under subd. 1. that the person would lose while absent from the position of
10 employment, the person is not entitled to the rights and benefits specified in subd.
11 1. while absent from employment.

12 3. A person who is considered to be on furlough or leave of absence under subd.
13 1. while performing active state service is not entitled to any benefit to which the
14 person would not otherwise be entitled if the person had remained continuously
15 employed.

16 4. An employer may require a person who is considered to be on furlough or
17 leave of absence under subd. 1. while performing active state service to pay the
18 employee cost, if any, of any benefit that is continued under subd. 1. to the same
19 extent that other employees who are on furlough or leave of absence are so required.

20 5. A person who is absent from a position of employment because of active state
21 service is entitled to receive coverage under a health benefit plan during the absence
22 and on reemployment as provided in sub. (6).

23 (c) *Protection from discharge.* An employer that reemploys under this section
24 a person whose period of active state service lasted for more than 30 days, but less
25 than 181 days, may not discharge the person within 180 days after the date of

1 reemployment except for cause. An employer that reemploys under this section a
2 person whose period of active state service lasted for more than 180 days may not
3 discharge the person within one year after the date of reemployment except for
4 cause.

5 **SECTION 184.** 21.80 (6) of the statutes is renumbered 321.65 (6), and 321.65 (6)
6 (a) (intro.) and (c), as renumbered, are amended to read:

7 321.65 (6) (a) *Option to continue coverage.* (intro.) Notwithstanding s. 632.897,
8 if a person who has coverage under a health benefit plan in connection with the
9 person's employment is absent from a position of employment because of active state
10 service, the insurer that issued the health benefit plan shall permit the person, and
11 the person's dependents, to continue coverage under the health benefit plan until the
12 first to occur of the following:

13 (c) *Reinstatement on reemployment.* If a person's coverage under a health
14 benefit plan in connection with his or her employment was terminated because of the
15 person's active state service and if after returning from that active state service the
16 person is reemployed under sub. (3), coverage under the health benefit plan shall be
17 reinstated for the person and the person's dependents immediately upon
18 reemployment. With respect to the reinstated coverage, no exclusion or waiting
19 period may be imposed that would not have been imposed had the coverage not been
20 terminated because of the active state service.

21 **SECTION 185.** 21.80 (7) of the statutes is renumbered 321.65 (7).

22 **SECTION 186.** 21.80 (8) of the statutes is repealed.

23 **SECTION 187.** 40.05 (4g) (a) 4. of the statutes is amended to read:

24 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
25 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or

1 under rules promulgated by the director of the office of state employment relations
2 or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion
3 of his or her service in the U.S. armed forces.

4 **SECTION 188.** 45.03 (13) (e) of the statutes is amended to read:

5 45.03 **(13)** (e) Provide county veterans service officers with the information
6 provided to the department by the adjutant general under s. ~~21.19 (14)~~ 321.04 (1) (o)
7 and may provide county veterans service officers with information on all necessary
8 military points of contact and general deployment information for reserve units of
9 the U.S. armed forces.

10 **SECTION 189.** 45.20 (2) (d) 3. of the statutes is amended to read:

11 45.20 **(2)** (d) 3. A veteran may not receive reimbursement under this subsection
12 for any semester in which he or she is eligible for or received a grant under s. ~~21.49~~
13 321.40 or under 10 USC 2007.

14 **SECTION 190.** 45.60 (1) (b) of the statutes is amended to read:

15 45.60 **(1)** (b) Military funeral honors may be provided by local units of member
16 organizations of the council on veterans programs, by local units of veterans
17 organizations certified by the department to provide military funeral honors, by
18 members of the Wisconsin national guard activated under s. ~~21.11 (3)~~ 321.04 (2) (e),
19 or by staff of the department.

20 **SECTION 191.** 71.93 (1) (a) 6. of the statutes is amended to read:

21 71.93 **(1)** (a) 6. An amount owed to the department of military affairs under s.
22 ~~21.49 (3m)~~ 321.40 (5).

23 **SECTION 192.** 106.54 (7) of the statutes is amended to read:

1 106.54 (7) The division shall receive complaints under s. ~~21.80 (7) (b) 1. or 2.~~
2 321.65 (7) (b) 1. or 2. and shall process the complaints in the same manner that
3 employment discrimination complaints are processed under s. 111.39.

4 **SECTION 193.** 121.05 (1) (a) 13. of the statutes is amended to read:

5 121.05 (1) (a) 13. Pupils attending the Youth Challenge Academy program
6 under s. ~~21.26~~ 321.03 (1) (c).

7 **SECTION 194.** 121.095 (title) of the statutes is amended to read:

8 **121.095 (title) State aid adjustment; Youth Challenge Academy**
9 **program.**

10 **SECTION 195.** 121.095 (1) (a) of the statutes is amended to read:

11 121.095 (1) (a) Determine the number of pupils counted in the school district's
12 membership who are attending the Youth Challenge Academy program under s.
13 ~~21.26~~ 321.03 (1) (c).

14 **SECTION 196.** 121.095 (1) (b) 1. of the statutes is amended to read:

15 121.095 (1) (b) 1. The amount determined by the department of military affairs
16 under s. ~~21.26 (2) (a)~~ 321.03 (1) (c) 1.

17 **SECTION 197.** 121.90 (1) (intro.) of the statutes is amended to read:

18 121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils
19 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
20 (a) 1. to 11. and 13., and the number of pupils attending the Youth Challenge
21 Academy program under s. ~~21.26~~ 321.03 (1) (c) in the previous spring session, except
22 that "number of pupils enrolled" excludes the number of pupils attending public
23 school under s. 118.145 (4) and except as follows:

24 **SECTION 198.** 230.04 (17) of the statutes is amended to read:

1 **(3)** “Federal active duty” means full-time duty in the active military service of
2 the United States, as defined in 10 USC 101 (d) or 32 USC 502 or 503.

3 **(4)** “Law enforcement agency” means an agency of the federal government, a
4 federally recognized Indian tribe or band, or a state or political subdivision of a state,
5 whose purpose is the detection and prevention of crime and enforcement of laws or
6 ordinances.

7 **(5)** “Law enforcement officer” means any person employed by a law
8 enforcement agency who is authorized to make arrests for violations of the laws or
9 ordinances that the person is employed to enforce.

10 **(6)** “Military property” includes arms, clothing, equipment, publications,
11 supplies, and vehicles owned by or in the custody of the department.

12 **(7)** “Military records” means correspondence, medical records, personnel
13 records, and other documents in the custody of the department.

14 **(8)** “National guard,” unless the context otherwise requires, means both the
15 Wisconsin army national guard and the Wisconsin air national guard.

16 **(9)** “Political subdivision” means a city, village, town, or county.

17 **(10)** “State active duty” means full-time duty in the national guard, or state
18 defense force when activated, under an order of the governor or under an order
19 otherwise issued by authority of law, and includes travel to and from such duty.

20 **(11)** “Unit” means a formally organized division or subset of the national guard
21 or state defense force.

22 **SECTION 204.** 321.02 (title) of the statutes is created to read:

23 **321.02 (title) Powers and duties of the governor.**

24 **SECTION 205.** 321.04 (title) and (1) (intro.) of the statutes are created to read:

1 **321.04** (title) **Powers and duties of the adjutant general.** **(1)** (intro.) The
2 adjutant general or his or her designee shall do all of the following:

3 **SECTION 206.** 321.04 (1) (b) of the statutes is created to read:

4 321.04 **(1)** (b) Advise the governor on military issues and transmit military
5 correspondence to and from the governor.

6 **SECTION 207.** 321.04 (1) (j) of the statutes is created to read:

7 321.04 **(1)** (j) Prepare the training of national guard members.

8 **SECTION 208.** 321.04 (1) (m) of the statutes is created to read:

9 321.04 **(1)** (m) Prepare and issue all necessary accounting books and forms for
10 the national guard. All of the accounting books and forms shall conform as nearly
11 as practicable to those in use in the U.S. army or air force.

12 **SECTION 209.** 321.04 (1) (p) of the statutes is created to read:

13 321.04 **(1)** (p) Perform the duties under s. 321.51 (2) (e).

14 **SECTION 210.** 321.04 (2) (intro.) of the statutes is created to read:

15 321.04 **(2)** (intro.) The adjutant general or his or her designee may do any of
16 the following:

17 **SECTION 211.** 321.04 (2) (f) of the statutes is created to read:

18 321.04 **(2)** (f) Perform the duties under 321.51 (2) (b).

19 **SECTION 212.** Subchapter II (title) of chapter 321 [precedes 321.10] of the
20 statutes is created to read:

21 **CHAPTER 321**

22 **SUBCHAPTER II**

23 **MILITARY OFFICERS**

24 **SECTION 213.** 321.10 (1) (e) of the statutes is created to read:

1 321.10 (1) (e) A joint chief of staff, whose rank may may not exceed major
2 general.

3 **SECTION 214.** Subchapter III (title) of chapter 321 [precedes 321.20] of the
4 statutes is created to read:

5 **CHAPTER 321**

6 SUBCHAPTER III

7 MILITARY PROPERTY

8 **SECTION 215.** 321.21 (1) of the statutes is created to read:

9 321.21 (1) In this section, “money” means funds in the custody of the
10 department.

11 **SECTION 216.** 321.23 (title) of the statutes is created to read:

12 **321.23 (title) Facilities and lands.**

13 **SECTION 217.** Subchapter IV (title) of chapter 321 [precedes 321.30] of the
14 statutes is created to read:

15 **CHAPTER 321**

16 SUBCHAPTER IV

17 NATIONAL GUARD AND

18 STATE DEFENSE FORCE

19 **SECTION 218.** 321.39 (1) (a) (intro.) of the statutes is created to read:

20 321.39 (1) (a) (intro.) The governor may order into state active duty members
21 of the national guard under the following circumstances:

22 **SECTION 219.** 321.39 (1) (a) 3. of the statutes is created to read:

23 321.39 (1) (a) 3. If the governor declares a state of emergency relating to public
24 health under s. 166.03 (1) (b).

25 **SECTION 220.** 321.40 (6) (d) of the statutes is created to read:

