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## WISCONSIN LEGISLATIVE COUNCIL

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### RECODIFICATION OF CH. 21, MILITARY AFFAIRS

Legislative Council Conference Room  
Madison, Wisconsin

June 4, 2007

2:00 p.m. – 2:45 p.m.

[The following is a summary of the June 4, 2007 meeting of the Special Committee on Recodification of Ch. 21, Military Affairs. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

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

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

COMMITTEE MEMBERS EXCUSED: Public Member Ann Nischke.

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

**\*ATTENTION:** This was the final meeting of the Special Committee on Recodification of Ch. 21, Military Affairs. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

## **Approval of the Minutes of the September 7, 2006 Meeting**

*Representative Schneider moved, seconded by Mr. McArdle, to approve the minutes of the September 7, 2006 meeting. The motion passed on a voice vote.*

## **Discussion of and Vote on Draft Legislation**

LRB-0517/P4, relating to relating to powers and duties of the department of military affairs, the adjutant general, military officers, military property and assets, the national guard, state defense force, rights of service personnel, the Wisconsin code of military justice, making an appropriation, and providing a penalty.

LRB-0588/P7 - (This draft shows how ch. 321 will read and does not require committee action.)

Ms. Shannon described the process followed by the drafting subcommittee in developing LRB-0517/P4. The drafting subcommittee met nine times and focused initially on recodifying the provisions of ch. 21, Stats., by organizing the chapter into subchapters, eliminating obsolete provisions, modernizing language, and making minor substantive changes. The provisions will be placed in a new ch. 321, Stats., so that they can be adjacent to the new Wisconsin Code of Military Justice (WCMJ), which will be placed in ch. 322, Stats. Ms. Shannon noted that while current ch. 21 contains a reference to the WCMJ, it does not set forth its provisions in the statutes. LRB-0517/P4 will create the WCMJ as a chapter of the statutes. She also noted that a second draft distributed to the committee -- LRB-0588/P7 does not need to be acted on by the Special Committee, but rather is a draft that shows how ch. 321 of the statutes will look if LRB-0517/P4 is enacted into law.

Mr. Sweet reviewed for the committee the various notes that the drafting subcommittee had included in LRB-0517/P4. Those notes primarily highlighted for the Special Committee the provisions in the draft that might be considered minor substantive changes as opposed to technical changes. The committee reviewed each of these proposed changes and agreed with them by consensus.

In addition, two of the notes that are included in LRB-0517/P4 highlighted for the Special Committee some dollar amounts that have been in the statutes for a substantial length of time and that the drafting subcommittee wanted the Special Committee to review. Two of the provisions are ss. 21.15 and 21.155, Stats., relating to inappropriately retaining military property. Violators are subject to a forfeiture of not less than \$50 nor more than \$200, penalty levels that were established in 1980. Ms. Milsap stated that the Department of Military Affairs (DMA) recommends that the amounts of the forfeitures be increased to not less than \$100 nor more than \$1,000. After discussion, Chair Musser asked for unanimous consent for approval of the changes and there was no objection.

In addition, Mr. Sweet noted that the drafting subcommittee highlighted for the full committee a portion of s. 21.48, Stats., which currently provides that the minimum base pay for persons on active duty in the National Guard is not less than \$50 per day. Ms. Milsap suggested that the phrase "except that the base pay so provided shall not be less than \$50 per day" be stricken from that provision. After discussion, Chair Musser asked for unanimous consent for approval of this change, and there was no objection.

*Representative Schneider moved, seconded by Ms. Milsap, to recommend that the Joint Legislative Council introduce LRB-0517/P4 (which, with the changes approved by the Special Committee, will become LRB-0517/1). The motion passed on a vote of Ayes, 8 (Reps. Musser and Schneider; Sen. Fitzgerald; and Public Members Dziobkowski, Hardie, McArdle, Milsap, and Olson); Noes, 0; Absent 1 (Public Member Nischke).*

Chair Musser noted that the Joint Legislative Council will be meeting on Tuesday, June 12, at 8:30 a.m., to consider introduction of the draft that was recommended by the Special Committee. He encouraged members of the committee to attend the Joint Legislative Council meeting to show their support for the draft and encouraged DMA to contact members of the Joint Legislative Council prior to the meeting to indicate the department's support. He thanked the members of the Special Committee, as well as Pam Shannon and Dick Sweet of the Legislative Council staff, and Bob Nelson and Robin Ryan of the Legislative Reference Bureau.

### **Adjournment**

The meeting was adjourned at 2:45 p.m.

RNS:jb;ty