



2001 SENATE BILL 281

October 16, 2001 – Introduced by Senators MOEN, RISSER, ERPENBACH, JAUCH, BURKE, BRESKE, PLACHE, ZIEN, SCHULTZ, WIRCH, SHIBILSKI, DECKER, GROBSCHMIDT, S. FITZGERALD, HANSEN, HARS DORF, BAUMGART and GEORGE, cosponsored by Representatives MUSSER, NASS, RYBA, GRONEMUS, BOYLE, SUDER, KESTELL, JESKEWITZ, PLOUFF, TURNER, ALBERS, LA FAVE, SYKORA, KRAWCZYK, PETTIS, STASKUNAS, MEYERHOFER, BOCK, FREESE, PETROWSKI, GROTHMAN, LADWIG, LASSA, BERCEAU and URBAN. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

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

Analysis by the Legislative Reference Bureau

Veterans benefits

Under current law, certain persons are eligible for veterans benefits based on their service in the U.S. armed forces during certain periods of war or hostilities, such as Operation Desert Storm or Operation Balkan Endeavor. The benefits that veterans or their eligible spouses and dependents may receive include preference in state hiring, vocational training, economic assistance, personal and home loans, and retraining grants.

This bill provides the same benefits to veterans who were in the U.S. armed forces in Operation Enduring Freedom or a successor operation to Operation Enduring Freedom for 90 days or more and to their eligible spouses and dependents.

SENATE BILL 281***Occupational licenses***

Under current law, a person must renew a professional or occupational license, permit, certificate, credential, registration, or approval (license) issued by a state agency periodically. If the license is not renewed on time, the person may not engage in the profession or occupation that the license regulates.

This bill provides that any professional or occupational license that a national guard member or member of the U.S. armed forces reserve holds at the time that he or she is called into active duty in state service, or into active service in the U.S. armed forces, does not expire until 90 days after the service member is discharged from that service. The bill permits the service member to extend or renew that extended license at no cost for the period that the license would normally be issued or until the date that the license would normally need to be renewed if he or she requests the extension or renewal within 90 days after his or her discharge, provides documentation showing the period when he or she was in active service, and meets all of the requirements for renewal of the license except the requirement that relates to continuing education or training.

Under the bill, if the license that is renewed at the request of the service member will expire within 180 days after that extension, the licensing agency shall allow the service member to renew the license without meeting the continuing education or training requirements if to do so would cause the service member undue hardship. The licensing agency, under the bill, may require the service member to comply with the continuing education or training requirements within a reasonable time after the license is renewed.

The bill requires the department of military affairs to assist a service member in renewing a license and to prepare and distribute a brochure explaining the rights under the provisions of this bill.

Withdrawal from college

This bill provides that, if a student who is a member of the Wisconsin national guard or a member of a reserve unit of the U.S. armed forces withdraws from a technical college or University of Wisconsin System (UW system) institution because he or she is called into state service or into active service with the U.S. armed forces for at least 30 days, the school must, at the student's request, either: 1) reimburse the student all tuition and fees paid for all courses from which the student had to withdraw and, for UW system students, a prorated portion of room and board payments; or 2) grant the student an incomplete in all such courses and permit the student to complete the courses within six months after leaving service, without paying additional tuition or fees. The bill also provides that such a student who withdraws from a private college or university is entitled to the second option of an incomplete.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 **21.72 Extension of licenses for service members. (1)** In this section:

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

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

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

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

8 4. A license, certificate of approval, provisional license, conditional license,
9 certification, certification card, registration, permit, training permit, or approval
10 specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a) or (b), (6g)
11 (a), (7), or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.178 (2) (a),
12 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305 (6) (a)
13 or a permit for the operation of a campground specified in s. 254.47 (1).

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

15 6. A license, registration, registration certificate, or certification specified in s.
16 93.135 (1).

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

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

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

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

21 12. A license or certificate of registration issued by the department of financial
22 institutions, or a division of it, under ss. 138.09, 138.12, 217.06, 218.0101 to
23 218.0163, 218.02, 218.04, 218.05, 224.72, or 224.93 or subch. III of ch. 551.

24 13. A permit issued under s. 170.12.

25 14. A certification under s. 165.85.

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1 15. A license, permit, or registration issued under ss. 218.0101 to 218.0163,
2 218.11, 218.12, 218.22, 218.32, 218.41, 218.51, 341.51, 343.305 (6), 343.61, or 343.62.

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

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

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

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

9 21. A license to practice law in this state.

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

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

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

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

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

5 (a) The service member requests an extension or renewal of the license within
6 90 days after the service member is discharged from active duty.

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

11 (c) The service member meets all the requirements necessary for the extension
12 or renewal of the license except that the service member need not meet the
13 requirements that relate to continuing education or training if doing so would cause
14 the service member undue hardship.

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

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

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1 education or training requirements within a reasonable time after receipt of the
2 license.

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

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

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

9 36.11 (47) ARMED FORCES. If a student who is a member of the Wisconsin
10 national guard or a member of a reserve unit of the U.S. armed forces withdraws from
11 school after September 11, 2001, because he or she is called into state active duty
12 under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the
13 board shall, at the student's request, do one of the following for all courses from which
14 the student had to withdraw:

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

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

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

21 38.12 (13) ARMED FORCES. If a student who is a member of the Wisconsin
22 national guard or a member of a reserve unit of the U.S. armed forces withdraws from
23 school after September 11, 2001, because he or she is called into state active duty
24 under ch. 21 or into active service with the U.S. armed forces for at least 30 days, the

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1 district board shall, at the student's request, do one of the following for all courses
2 from which the student had to withdraw:

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

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

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

8 **39.48 Armed forces.** If a student who is a member of the Wisconsin national
9 guard or a member of a reserve unit of the U.S. armed forces withdraws from a
10 private nonprofit college or university located in this state after September 11, 2001,
11 because he or she is called into state active duty under ch. 21 or into active service
12 with the U.S. armed forces for at least 30 days, the college or university shall, at the
13 student's request, grant the student an incomplete in all the courses and permit the
14 student to complete the courses, within 6 months after leaving state service or active
15 service, without paying additional tuition or fees.

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

17 45.34 (2) (f) The person served for 90 days or more in support of Operation
18 Enduring Freedom or an operation that is a successor to Operation Enduring
19 Freedom or served for 90 days or more in the Operation Enduring Freedom theater
20 of operation under all of the following conditions:

21 1. Under an active duty order, a unit assignment order, or an involuntary
22 extension of an active duty order.

23 2. Under honorable conditions.

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1 3. Between September 11, 2001, and the ending date of Operation Enduring
2 Freedom or an operation that is a successor to Operation Enduring Freedom, as
3 established by the department of veterans affairs by rule.

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

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

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

9 45.71 (16) (am) 11. Afghanistan War: Between September 11, 2001, and the
10 ending date of Operation Enduring Freedom or an operation that is a successor to
11 Operation Enduring Freedom, as established by the department by rule.

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(END)