

2009 BILL

1 AN ACT *to create* 321.02 (3) of the statutes; **relating to:** the governor's duty to
2 review national guard federalization orders.

Analysis by the Legislative Reference Bureau

This bill requires the governor to examine every federal order that places the Wisconsin national guard on federal active duty to determine if that order is lawful and valid. If the governor determines that the federal order is not lawful or valid, the bill requires the governor to take appropriate action, which may include commencing legal action in state or federal court, to prevent the Wisconsin national guard from being placed on federal active duty.

The bill also requires the governor to submit to the appropriate standing committees of the legislature a summary of the governor's review of every federal order that places the Wisconsin national guard on federal active duty and any action he or she takes in response to that review.

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

3 SECTION 1. 321.02 (3) of the statutes is created to read:
4 321.02 (3) The governor shall examine every federal order that places the
5 national guard on federal active duty after the effective date of this subsection ...

BILL

1 [LRB inserts date], to determine whether the order is lawful and valid. If the
2 governor determines that the order is not lawful or valid, he or she shall take
3 appropriate action to prevent the national guard from being placed on federal active
4 duty. Appropriate action may include commencing a legal action in state or federal
5 court to prevent the national guard from being placed on federal active duty. The
6 governor shall submit a report to the standing committees of the legislature with
7 specified subject matter jurisdiction over military affairs, as provided under s.
8 13.172 (3), that summarizes his or her review of every order that places the national
9 guard on federal active duty and any action he or she takes in response to that review,
10 within 30 days after his or her review is complete.

11

(END)