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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2003 Assembly Bill 20**

**Senate  
Amendment 1**

*Memo published:* May 7, 2003

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Assembly Bill 20 relates to who may serve as adjutant general, other positions authorized for the Governor's military staff, and filling vacancies on the Governor's military staff.

**Who May Serve as Adjutant General**

*Current law* requires that appointees be officers actively serving in the national guard of Wisconsin who have had at least five years of continuous federally recognized commissioned service in the active army or air national guard of Wisconsin immediately preceding the date of appointment. [s. 15.31, Stats.] *Assembly Bill 20* changes s. 15.31, Stats., by providing that a person "may be appointed from the ranks of the retired reserve if he or she has obtained the highest federally recognized rank of at least brigadier general and remains otherwise eligible for federal recognition at the rank of at least major general." *Assembly Bill 20* also changes the "five years...immediately preceding the date of appointment" in the preceding paragraph to "5 of the immediately preceding 7 years...immediately preceding the date of appointment."

*Current law* requires that an adjutant general appointee have a minimum rank of lieutenant colonel [s.15.31, Stats.] and that the adjutant general have a minimum rank of brigadier general [s. 21.18 (1), Stats.]. The rank of lieutenant colonel is lower than that of brigadier general. *Assembly Bill 20* changes the provision in s. 15.31, Stats., by specifying that it is "before their appointment" that the appointee is required to attain at least the rank of lieutenant colonel.

*Senate Amendment 1* deletes the changes made by Assembly Bill 20 to s. 15.31, Stats., and also:

- Repeals the provision in s. 15.31, Stats., that requires appointees to be officers actively serving in the national guard of Wisconsin who have had at last five years of continuous federally recognized commissioned service in the active army or air national guard of Wisconsin immediately preceding the date of appointment. *Senate Amendment 1* would increase the number of components, of one of which an appointee must "be a current

participating member,” from two (the army and air national guards of Wisconsin) to six (with the additional four being the army national guard of the United States, the U.S. army reserve, the air national guard of the United States, and the U.S. air force reserve). **Senate Amendment 1** would allow an appointee to be retired from active drilling status if the appointee were a federally recognized general officer 62 years of age or less that retired from active drilling status in one of the six specified service components within the proceeding two years and continued to be eligible for federal recognition as a major general.

- Repeals the provision in s. 15.31, Stats., that states: “Appointees shall...have attained at least the rank of lieutenant colonel.” **Senate Amendment 1** would amend s. 15.31, Stats., to require the appointee to hold “the federally recognized minimum rank of full colonel.” The rank of colonel is lower than the rank of brigadier general required for an adjutant general under s. 21.18 (1), Stats. **Senate Amendment 1** also requires that the appointee “be fully qualified to receive federal recognition at the minimum rank of brigadier general and has successfully completed a war college course or the military equivalent acceptable to the appropriate service.”

#### **Other Positions Authorized for the Governor’s Military Staff**

The bill makes the following changes to the military staff of the Governor:

- **Current law** provides for an adjutant general with a minimum rank of brigadier general. **Assembly Bill 20** adds a maximum rank of lieutenant general.
- **Current law** provides for two deputy adjutants general, one for the army and one for air, for which general officer rank is permitted. **Assembly Bill 20** changes the rank from permitting that of general officer to requiring that of brigadier general “unless selected for a military position requiring federal recognition as a major general.”
- **Current law** provides for one assistant adjutant general position--that of assistant adjutant general, army, for readiness and training, for which general officer rank is permitted. **Assembly Bill 20** creates two additional assistant adjutant general positions, one for army and one for air, and eliminates the provisions in current law that the assistant adjutant general for army be “for readiness and training” and “may be a general officer,” providing instead that the three assistant adjutants general “may hold the rank of brigadier general.”
- **Current law** provides for one deputy assistant adjutant general, army, for readiness and training. **Assembly Bill 20** eliminates the position of deputy assistant adjutant general, army, for readiness and training.
- **Current law** provides for a state chaplain, for which general officer rank is permitted. **Assembly Bill 20** specifies that the state chaplain be “either army or air.”

#### **Filling Vacancies on the Governor’s Military Staff**

In addition, **current law** requires that the adjutant general appoint persons to fill vacancies in positions “other than those of the adjutant general.” **Assembly Bill 20** eliminates the words: “Other than

those of the adjutant general” and creates a provision that, in the event any of the deputy adjutants general are appointed to a military position as a major general and are absent due to military duties, the adjutant general shall appoint an acting deputy adjutant general and may choose for this appointment one of the assistant adjutants general.

**Legislative History**

On April 30, 2003, the Senate Committee on Homeland Security, Veterans and Military Affairs, and Government Reform offered Senate Amendment 1; recommended introduction and adoption of Senate Amendment 1 by a vote of Ayes, 5; Noes, 0; and recommended concurrence in 2003 Assembly Bill 20, as amended, by a vote of Ayes, 5; Noes, 0. On May 6, 2003, the Senate adopted the amendment and concurred in the bill as amended, both by voice vote. The Assembly concurred in the amendment by voice vote on May 6, 2003.

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