

2003 ASSEMBLY BILL 20

1 **AN ACT** *to renumber and amend* 15.31 and 21.18 (1); *to amend* 21.18 (3); and
2 *to create* 15.31 (1), (2), (3) and (4), 21.18 (1) (c), 21.18 (1) (e) and 21.18 (1m) of
3 the statutes; **relating to:** staffing and military rank changes in the
4 Department of Military Affairs.

Analysis by the Legislative Reference Bureau

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

5 **SECTION 1g.** 15.31 of the statutes is renumbered 15.31 (intro.) and amended
6 to read:

7 **15.31 Department of military affairs; creation.** (intro.) There is created
8 a department of military affairs under the direction and supervision of the adjutant
9 general who shall be appointed by the governor for a 5-year term. The adjutant
10 general may be reappointed to successive terms. Notwithstanding s. 17.28, if a

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1 vacancy occurs in the office of the adjutant general, the governor shall appoint a
2 successor for a 5-year term. ~~Appointees shall be officers actively serving in the~~
3 ~~national guard of Wisconsin who have had at least 5 years of continuous federally~~
4 ~~recognized commissioned service in the active army national guard of Wisconsin or~~
5 ~~active air national guard of Wisconsin or a combination thereof immediately~~
6 ~~preceding the date of appointment and have attained at least the rank of lieutenant~~
7 ~~colonel. A person must meet all of the following requirements to be appointed as the~~
8 adjutant general:

9 **SECTION 1h.** 15.31 (1), (2), (3) and (4) of the statutes are created to read:

10 15.31 **(1)** Hold the federally recognized minimum rank of full colonel.

11 **(2)** Except for those qualified under sub. (4), be a current participating member
12 of one of the following components:

13 (a) The Wisconsin army national guard.

14 (b) The army national guard of the United States.

15 (c) The U.S. army reserve.

16 (d) The Wisconsin air national guard.

17 (e) The air national guard of the United States.

18 (f) The U.S. air force reserve.

19 **(3)** Be fully qualified to receive federal recognition at the minimum rank of
20 brigadier general and has successfully completed a war college course or the military
21 equivalent acceptable to the appropriate service.

22 **(4)** If the applicant is already a federally recognized general officer, meet all of
23 the following conditions:

24 (a) Be retired from active drilling status within the proceeding 2 years.

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1 (b) The basis of the applicant's retired status was service with one of the service
2 components noted in sub. (2).

3 (c) Be 62 years of age or less.

4 (d) Continue to be eligible for federal recognition as a major general.

5 **SECTION 2.** 21.18 (1) of the statutes is renumbered 21.18 (1) (intro.) and
6 amended to read:

7 21.18 (1) (intro.) The military staff of the governor shall consist of the following:

8 (a) An adjutant general, with a minimum rank of brigadier general; a and a
9 maximum rank of lieutenant general.

10 (b) A deputy adjutant general for army, who may be a general officer; an with
11 a rank of brigadier general, unless selected for a military position requiring federal
12 recognition as a major general.

13 (d) Two assistant adjutant adjutants general, for army, for readiness and
14 training, who may be a general officer; a deputy assistant adjutant general, army,
15 for readiness and training; a deputy adjutant general for air, who may be a general
16 officer; a who may hold the rank of brigadier general.

17 (f) A chief surgeon for army, who may be a general officer; a.

18 (g) A chief surgeon for air, who may be a general officer; a.

19 (h) A staff judge advocate for army, who may be a general officer; a.

20 (i) A staff judge advocate for air, who may be a general officer; a.

21 (j) A state chaplain, either army or air, who may be a general officer; and such.

22 (k) Such other officers as the governor deems necessary. Vacancies in positions
23 other than those of the adjutant general shall be filled through appointment by the
24 adjutant general.

25 **SECTION 3.** 21.18 (1) (c) of the statutes is created to read:

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1 21.18 (1) (c) A deputy adjutant general for air, with a rank of brigadier general,
2 unless selected for a military position requiring federal recognition as a major
3 general.

4 **SECTION 4.** 21.18 (1) (e) of the statutes is created to read:

5 21.18 (1) (e) An assistant adjutant general for air, who may hold the rank of
6 brigadier general.

7 **SECTION 5.** 21.18 (1m) of the statutes is created to read:

8 21.18 (1m) In the event any of the deputy adjutants general, for army or for
9 air, are appointed to a military position as a major general, the adjutant general shall
10 appoint, for any periods of absence of that deputy adjutant general due to other
11 military duties, an acting deputy adjutant general. The adjutant general may
12 appoint one of the assistant adjutants general as an acting deputy adjutant general.

13 **SECTION 6.** 21.18 (3) of the statutes is amended to read:

14 21.18 (3) All staff officers appointed under sub. (1), except the adjutant general
15 whose tenure is governed by ss. 15.31 and 17.07 (5), shall hold their positions unless
16 terminated earlier by resignation, disability or for cause ~~and~~ or unless federal
17 recognition of the officer's commission under 32 USC 323 is refused or withdrawn.
18 The governor shall remove an officer whose federal recognition is refused or
19 withdrawn, effective on the date of the loss of federal recognition.

20 (4) The terms of the deputy adjutants general for army and air shall be 5 years
21 beginning on the first day of the 7th month of the term of the adjutant general. The
22 deputy adjutants general may be reappointed to successive terms.

23 (5) The adjutant general shall appoint persons to fill vacancies in positions in
24 the military staff of the governor. Vacancies on the military staff of the governor shall
25 be filled by appointment from officers actively serving in the Wisconsin national

