

BILL HISTORY FOR ASSEMBLY BILL 20 (LRB -1117)

An Act to renumber and amend 21.18 (1); to amend 15.31 and 21.18 (3); and to create 21.18 (1) (c), 21.18 (1) (e) and 21.18 (1m) of the statutes; relating to: staffing and military rank changes in the Department of Military Affairs. (FE)

2003

02-05. A.	Introduced by Representatives Musser, Pettis, Bies, Freese, Hines, Hahn, Owens, Suder, Ott and Townsend; cosponsored by Senator Brown.	
02-05. A.	Read first time and referred to committee on Veterans and Military Affairs	53
02-05. A.	Fiscal estimate received.	
02-05. A.	Public hearing held.	
02-12. A.	Executive action taken.	
02-18. A.	Report passage recommended by committee on Veterans and Military Affairs, Ayes 12, Noes 0	69
02-18. A.	Referred to committee on Rules	69
03-13. A.	Placed on calendar 3-19-2003 by committee on Rules.	
03-18. A.	Read a second time	135
03-18. A.	Ordered to a third reading	135
03-18. A.	Rules suspended	136
03-18. A.	Read a third time and passed	136
03-18. A.	Ordered immediately messaged	136
03-20. S.	Received from Assembly	130
03-20. S.	Read first time and referred to committee on Homeland Security, Veterans and Military Affairs and Government Reform	130
04-09. S.	Public hearing held.	
04-29. S.	Executive action taken.	
04-30. S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Homeland Security, Veterans and Military Affairs and Government Reform, Ayes 5, Noes 0 (LRB a0486)	154
04-30. S.	Report concurrence as amended recommended by committee on Homeland Security, Veterans and Military Affairs and Government Reform, Ayes 5, Noes 0	154
04-30. S.	Available for scheduling.	
04-30. S.	Placed on calendar 5-6-2003 by committee on Senate Organization.	
05-06. S.	Read a second time.	
✓05-06. S.	Senate amendment 1 adopted. ✓	
05-06. S.	Ordered to a third reading.	
05-06. S.	Rules suspended.	
05-06. S.	Read a third time and concurred in as amended.	
05-06. S.	Ordered immediately messaged.	
05-06. A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted)	197
✓05-06. A.	Senate amendment 1 concurred in. ✓	197
05-06. A.	Action ordered immediately messaged	197

2003
ENROLLED BILL

03en A-B-20

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03-111711

Amendments to above (if none, write "NONE"): SAI

Corrections - show date (if none, write "NONE"): None

Topic Staffing and military rank changes
in the Department of Military Affairs

5/7/03
Date

[Signature]
Enrolling Drafter

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2003 ASSEMBLY BILL 20

February 5, 2003 - Introduced by Representatives MUSSER, PETTIS, BIES, FREESE, HINES, HAHN, OWENS, SUDER, OTT and TOWNSEND, cosponsored by Senator BROWN. Referred to Committee on Veterans and Military Affairs.

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

Analysis by the Legislative Reference Bureau

This bill makes various changes related to the military staff in the Department of Military Affairs. Currently, to be appointed adjutant general, the person must serve five years in the active Wisconsin national guard immediately preceding the appointment. Under this bill, the person appointed as adjutant general must serve at least five of the last seven years in the active Wisconsin national guard. The bill allows a person to be appointed as adjutant general from the ranks of the retired reserve if he or she has obtained the rank of at least brigadier general and remains eligible for the federal rank of at least major general.

The bill changes an army deputy assistant adjutant general to an assistant adjutant general. The bill provides that the deputy adjutants general hold the rank of brigadier general, unless federal recognition requires the rank of major general, and that assistant adjutants general may hold the rank of brigadier general. Under the bill, if a deputy adjutant general is absent due to military duties, the adjutant general may appoint an acting deputy adjutant general, and that appointment may be of one of the assistant adjutants general.

The bill also provides that the adjutant general has the authority to appoint persons to fill vacancies in the military staff of the governor.

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2-1 ✓ (S71)

For further information see the *state* 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:

SECTION 1. 15.31 of the statutes is amended to read:

15.31 Department of military affairs; creation. There is created a department of military affairs under the direction and supervision of the adjutant general who shall be appointed by the governor for a 5-year term. The adjutant general may be reappointed to successive terms. Notwithstanding s. 17.28, if a vacancy occurs in the office of the adjutant general, the governor shall appoint a successor for a 5-year term. Appointees shall be officers who have actively serving served in the national guard of Wisconsin and who have had at least 5 of the immediately preceding 7 years of continuous federally recognized commissioned service in the active army national guard of Wisconsin or active air national guard of Wisconsin or a combination thereof immediately preceding the date of appointment and. Appointees must have attained at least the rank of lieutenant colonel before their appointment. 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.

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

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

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

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

4 **(d) Two assistant adjutant adjutants general, for army, for readiness and**
5 **training, who may be a general officer; a deputy assistant adjutant general, army,**
6 **for readiness and training; a deputy adjutant general for air, who may be a general**
7 **officer; a who may hold the rank of brigadier general.**

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

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

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

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

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

13 **(k) Such other officers as the governor deems necessary. Vacancies in positions**
14 **other than those of the adjutant general shall be filled through appointment by the**
15 **adjutant general.**

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

17 21.18 (1) (c) A deputy adjutant general for air, with a rank of brigadier general,
18 unless selected for a military position requiring federal recognition as a major
19 general.

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

21 21.18 (1) (e) An assistant adjutant general for air, who may hold the rank of
22 brigadier general.

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

24 21.18 (1m) In the event any of the deputy adjutants general, for army or for
25 air, are appointed to a military position as a major general, the adjutant general shall

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1 appoint, for any periods of absence of that deputy adjutant general due to other
2 military duties, an acting deputy adjutant general. The adjutant general may
3 appoint one of the assistant adjutants general as an acting deputy adjutant general.

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

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

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

14 (5) The adjutant general shall appoint persons to fill vacancies in positions in
15 the military staff of the governor. Vacancies on the military staff of the governor shall
16 be filled by appointment from officers actively serving in the Wisconsin national
17 guard, except as provided in s. 15.31. Interim vacancies shall be filled by
18 appointment by the adjutant general for the residue of the unexpired term.

19 (END)

**SENATE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 20**

April 30, 2003 - Offered by COMMITTEE ON HOMELAND SECURITY, VETERANS AND
MILITARY AFFAIRS AND GOVERNMENT REFORM.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 2, line 1: delete lines 1 to 16 and substitute:

3 ~~SECTION 1g.~~ 15.31 of the statutes is renumbered 15.31 (intro.) and amended
4 to read:

5 **15.31 Department of military affairs; creation.** (intro.) There is created
6 a department of military affairs under the direction and supervision of the adjutant
7 general who shall be appointed by the governor for a 5-year term. The adjutant
8 general may be reappointed to successive terms. Notwithstanding s. 17.28, if a
9 vacancy occurs in the office of the adjutant general, the governor shall appoint a
10 successor for a 5-year term. ~~Appointees shall be officers actively serving in the~~
11 ~~national guard of Wisconsin who have had at least 5 years of continuous federally~~
12 ~~recognized commissioned service in the active army national guard of Wisconsin or~~
13 ~~active air national guard of Wisconsin or a combination thereof immediately~~

- 2 -
2-1 cont

1 preceding the date of appointment and have attained at least the rank of lieutenant
2 colonel. A person must meet all of the following requirements to be appointed as the
3 adjutant general.

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

5 15.31 (1) Hold the federally recognized minimum rank of full colonel.

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

8 (a) The Wisconsin army national guard.

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

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

11 (d) The Wisconsin air national guard.

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

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

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

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

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

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

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

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

24 (END)