

2003 Assembly Bill 20

Date of enactment: **May 19, 2003**  
Date of publication\*: **June 2, 2003**

## 2003 WISCONSIN ACT 25

AN ACT *to renumber and amend* 15.31 and 21.18 (1); *to amend* 21.18 (3); and *to create* 15.31 (1), (2), (3) and (4), 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.

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

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

**15.31 Department of military affairs; creation.** (intro.) 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 actively serving in the national guard of Wisconsin who have had at least 5 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 have attained at least the rank of lieutenant colonel. A person must meet all of the following requirements to be appointed as the adjutant general:

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

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

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

- (a) The Wisconsin army national guard.
- (b) The army national guard of the United States.
- (c) The U.S. army reserve.
- (d) The Wisconsin air national guard.
- (e) The air national guard of the United States.
- (f) The U.S. air force reserve.

(3) 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.

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

- (a) Be retired from active drilling status within the proceeding 2 years.
- (b) The basis of the applicant's retired status was service with one of the service components noted in sub. (2).
- (c) Be 62 years of age or less.
- (d) Continue to be eligible for federal recognition as a 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:

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\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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