

## 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.

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### ***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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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2           **15.31 Department of military affairs; creation.** There is created a  
3 department of military affairs under the direction and supervision of the adjutant  
4 general who shall be appointed by the governor for a 5-year term. The adjutant  
5 general may be reappointed to successive terms. Notwithstanding s. 17.28, if a  
6 vacancy occurs in the office of the adjutant general, the governor shall appoint a  
7 successor for a 5-year term. Appointees shall be officers who have actively serving  
8 served in the national guard of Wisconsin and who have had at least 5 of the  
9 immediately preceding 7 years of continuous federally recognized commissioned  
10 service in the active army national guard of Wisconsin or active air national guard  
11 of Wisconsin or a combination thereof immediately preceding the date of  
12 appointment and. Appointees must have attained at least the rank of lieutenant  
13 colonel before their appointment. A person may be appointed from the ranks of the  
14 retired reserve if he or she has obtained the highest federally recognized rank of at  
15 least brigadier general and remains otherwise eligible for federal recognition at the  
16 rank of at least major general.

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

19           21.18 (1) (intro.) The military staff of the governor shall consist of the following:

20           (a) An adjutant general, with a minimum rank of brigadier general; ~~a~~ and a  
21 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)