

2003 DRAFTING REQUEST

Bill

Received: **12/11/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Terry McCardle**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Military Affairs - nat'l guard**

Extra Copies: **Terry McCardle, DMA**

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to: **terence.mcardle@wi.ngb.army.mil**

Pre Topic:

No specific pre topic given

Topic:

Military officers of the national guard

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rnelson2 01/14/2003	kfollett 01/14/2003	rschluet 01/15/2003	_____	amentkow 01/15/2003	amentkow 01/15/2003	

FE Sent For:

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→ 02-03-2003
("1/1")

Per RPN ← "Rush"
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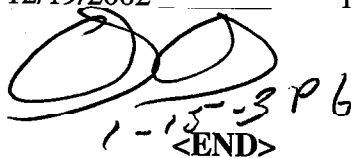
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FE Sent For:

11 kjf
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1-15-3 PB
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1?	rnelson2	1P1 12/19	KF 12/19	Jo/RS 12/19			

FE Sent For:

<END>

Nelson, Robert P.

From: McArdle, Terrence
Sent: Tuesday, December 10, 2002 11:33 AM
To: robert.nelson2@legis.state.wi.us
Subject: Proposed statutory changes for Rep Musser to WDMA controlling sta tutes



Military Staff of the Gov. - B... Military Staff of Governor - f... Military Staff of the Governor...

Bob, As you know from our discussion about two weeks ago in Rep Rhodes office, Rep Musser and I met on some additional statutory changes that he had already discussed with the Adjutant General. I am informed the Rep Musser's chief aid, Marlene Reineking, was to have already called you to let you know we can work together on these proposed changes. If you haven't heard from Rep Musser's office please let me know?

I'm attaching first a summary I prpared for the Adjutant Genral outlining the proposed changes, then two documents with the actual changes, one for each appropriate chapter. What we are looking at is restructuring the language of Chapter 21, section 21.18 and Chapter 15, section 15.31. After you've had a chance to read this email and the attachments could you give me a call so we can discuss the whole thing. Rep Musser was anxious to have this , as is the Adjutant General, to go to committte and to the floor as quickly as possible. We will probably also seek Senate endorsement and sponsorship of this legislation as well, however, we have made no contact with anyone there yet.

When you've reviewed all this and have a moment my direct phone number is 242-3077. Thanks for the help, Terry McArdle

<<Military Staff of the Gov. - Bullet points for TAG.doc>> <<Military Staff of Governor - final draft.doc>> <<Military Staff of the Governor-TAG Apptmt.doc>>

Proposed Changes to Military Staff of the Governor

Due to a need for more flexible language the Department of Military Affairs requests the following statutory changes:

1. Amend section **21.18** of the statutes to create 6 subparagraphs from the existing 3 to allow for the following:
 - a. Creates a range of rank for the Adjutant General from Brigadier to Lieutenant General and for the two Deputy Adjutants General from Brigadier General up to Major General.
 - Cost: Zero, for the next two biennial budgets. The salary of the current Adjutant General and the Deputy Adjutants General are set for the five-year terms of their appointments.
 - b. Creates two assistant Adjutants General for Army and one for Air, and eliminate extra language
 - Cost: Zero, since traditional members, who are paid directly with federal dollars, man these positions during training. Only in a state declared emergency could these positions cost the state.
 - c. Amend existing language to provide that the state chaplain may be appointed from either army or air
 - Cost: Zero, the position already exists, this just clarifies language
 - d. Transfer the vacancy appointment language from subparagraph (1) to the newly created subparagraph (6).
 - Cost: Zero, language is already there, just moved it.
 - e. Creates a new subparagraph (2) for the appointment of an acting deputy Adj. General in the absence of either or both deputies from their duty with the state.
 - Cost: Zero, the statute was silent on this issue. This provision clearly authorizes what would be done in practice. It would utilize federally paid personnel, except if they might be required for a state declared emergency.
 - f. Renumber sub-paragraphs 2 to 3, and 3 to 4
 - Cost: Zero, no new language.
 - g. Creates a new subparagraph 5 from the former subparagraph 3
 - Cost: Zero, merely creates a separate subsection for the length of appointments for both Deputy Adj. Gen's for clarity.
 - h. Creates a new subparagraph 6 from last sentence of old subparagraph one and the last two sentences of the old subsection 3.

- Cost: Zero, language already there just moved for clarification with one minor provision added for clarification.

2. Amend section **15.31** of the statutes, which authorizes the appointment of the Adjutant General to provide for the following:

a. Amend the fourth sentence to provide for measuring years of continuous service as being 5 years out of the last 7 years of service. And that the 5 years service must be with the WI national guard.

Cost: Zero, this change merely authorizes a potentially broader pool of candidates.

b. Amend the last sentence by splitting it into two, creating another making it clear appointees must be LTC or above.

Cost: Zero, this just clarifies existing language

c. Create a new last sentence allowing for a retired Brigadier General to apply, if he or she is still eligible for federal recognition as a major general, and meets the other criteria.

Cost: Zero, this provision merely broadens the potential pool of prospective candidates.

Military Staff of the Governor
The Adjutant General Appointment

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 ~~servng~~ 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. And this 5 years of service must have been in the active army national guard of Wisconsin or the active air national guard of Wisconsin or a combination thereof immediately preceding the date of appointment. Appointees must ~~and~~ have attained at least the rank of lieutenant colonel. An appointee may come 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.

- 21.18 Military Staff of governor.** (1) The military staff of the governor shall consist of:
- (a) ~~The an~~ an adjutant general, with a minimum rank of brigadier general Brigadier General and a maximum rank of Lieutenant General
 - (b) ~~a deputy adjutant general for army, who may be a general officer~~ with a rank of Brigadier General, unless selected for a military position requiring federal recognition as a Major General;
 - (c) ~~a deputy adjutant general for air, who may be a general officer~~ with a rank of Brigadier General, unless selected for a military position requiring federal recognition as a Major General;
 - (d) ~~an two assistant adjutants general for army for readiness and training, who may hold the rank of Brigadier General; a deputy assistant adjutant general, army, for readiness and training;~~
 - (e) an assistant adjutant general for air, who may hold the rank of Brigadier General;
 - (f) a chief surgeon for army, who may be a general officer;
 - (g) a chief surgeon for air, who may be a general officer;
 - (h) a staff judge advocate for army, who may be a general officer;
 - (i) a staff judge advocate for air, who may be a general officers
 - (j) a state chaplain, either army or air, who may be a general officer
 - (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. (Move this to the new subparagraph 6)~~

(2) In the event one or both of deputy adjutants general, for army or for air, is appointed, to a military position as a Major General, the adjutant general shall appoint, for any periods of absence due to other military duties, an acting deputy adjutant general. The Adjutant General may appoint one of the assistant adjutants general as the acting deputy adjutant general.

(2 3) No person shall be appointed on the governor's staff who has not had previous military experience.

(3 4) 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 title 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.

(5) 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 appointed to successive terms.

(6) Vacancies in positions other than ~~those~~ that of the adjutant general shall be filled through appointment by the adjutant general. Vacancies on the military staff of the governor shall be filled by appointment from officers actively serving in the Wisconsin national guard, except as noted in paragraph 15.31. Interim vacancies shall be filled by appointment by the adjutant general for the residue of the unexpired term.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ~~...~~; relating to: staffing and military rank changes in the department of
2 military affairs.

X

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 15.31^X of the statutes is amended to read:
4 15.31 Department of military affairs; creation. There is created a
5 department of military affairs under the direction and supervision of the adjutant
6 general who shall be appointed by the governor for a 5-year term. The adjutant
7 general may be reappointed to successive terms. Notwithstanding s. 17.28, if a
8 vacancy occurs in the office of the adjutant general, the governor shall appoint a
9 successor for a 5-year term. Appointees shall be officers who have actively serving
10 served in the national guard of Wisconsin and who have had at least 5 of the

SECTION 1

1 immediately proceeding 7 years of continuous federally recognized commissioned
 2 service in the active army national guard of Wisconsin or active air national guard
 3 of Wisconsin or a combination thereof immediately preceding the date of
 4 appointment and. Appointees must have attained at least the rank of lieutenant
 5 colonel before their appointment. A person may be appointed from the ranks of the
 6 retired reserve if he or she has obtained the highest federally recognized rank of at
 7 least brigadier general and remains otherwise eligible for federal recognition at the
 8 rank of at least major general ← plain

renumbered 21.18 (1) (intro.) and

Change Component to 10 RA

History: 1981 c. 35; 1983 a. 391; 1987 a. 63; 1989 a. 19. X

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

(Intro.) ← plain

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

- 11 (a) An adjutant general, with a minimum rank of brigadier general; ~~and~~ ^{strike space} and a
 12 maximum rank of lieutenant general.
- 13 (b) A deputy adjutant general for army, ~~who may be a general officer; an~~ with
 14 a rank of brigadier general, unless selected for a military position requiring federal
 15 recognition as a major general.
- 16 (d) Two assistant adjutant ~~adjutants~~ general, for army, ~~for readiness and~~
 17 ~~training, who may be a general officer; a deputy assistant adjutant general, army,~~
 18 ~~for readiness and training; a deputy adjutant general for air, who may be a general~~
 19 ~~officer; a~~ ^{strike space} who may hold the rank of brigadier general.
- 20 (f) A chief surgeon for army, who may be a general officer; ~~and~~ ^{strike space}
- 21 (g) A chief surgeon for air, who may be a general officer; ~~and~~ ^{strike space}
- 22 (h) A staff judge advocate for army, who may be a general officer; ~~and~~ ^{strike space}
- 23 (i) A staff judge advocate for air, who may be a general officer; ~~and~~ ^{strike space}
- 24 (j) A state chaplain, either army or air, who may be a general officer; ~~and such.~~

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

4 History: 1981 c. 35; 1983 a. 391; 1987 a. 63.

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

5 21.18 (1) (c) A deputy adjutant general for air, with a rank of brigadier general,
6 unless selected for a military position requiring federal recognition as a major
7 general.

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

9 21.18 (1) (e) An assistant adjutant general for air, who may hold the rank of
10 brigadier general.

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

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

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

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

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

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

9 History: 1981 c. 35; 1983 a. 391; 1987 a. 63.

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1117/PF

RPN:kj:jjf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

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 is a preliminary draft. An analysis will be provided in a later version.~~

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

4 SECTION 1. 15.31 of the statutes is amended to read:
5 15.31 Department of military affairs; creation. There is created a
6 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 who have actively serving

1 served in the national guard of Wisconsin and who have had at least 5 of the
2 immediately ^{preceding} preceding 7 years of continuous federally recognized commissioned
3 service in the active army national guard of Wisconsin or active air national guard
4 of Wisconsin or a combination thereof immediately preceding the date of
5 appointment and. Appointees must have attained at least the rank of lieutenant
6 colonel before their appointment. A person may be appointed from the ranks of the
7 retired reserve if he or she has obtained the highest federally recognized rank of at
8 least brigadier general and remains otherwise eligible for federal recognition at the
9 rank of at least major general.

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

12 21.18 (1) (intro.) The military staff of the governor shall consist of the following:

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

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

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

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

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

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

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

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

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

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

6 21.18 (1) (c) A deputy adjutant general for air, with a rank of brigadier general,
7 unless selected for a military position requiring federal recognition as a major
8 general.

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

10 21.18 (1) (e) An assistant adjutant general for air, who may hold the rank of
11 brigadier general.

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

13 21.18 (1m) In the event any of the deputy adjutants general, for army or for
14 air, are appointed to a military position as a major general, the adjutant general shall
15 appoint, for any periods of absence of that deputy adjutant general due to other
16 military duties, an acting deputy adjutant general. The adjutant general may
17 appoint one of the assistant adjutants general as an acting deputy adjutant general.

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

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

1 (4) The terms of the deputy adjutants general for army and air shall be 5 years
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3 deputy adjutants general may be reappointed to successive terms.

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

9

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1117/lins
RPN:kjf:jf

insert anl

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 5 years in the active Wisconsin national guard immediately preceding the appointment. Under this bill, the person appointed as adjutant general must serve at least 5 of the last 7 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 had 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 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.

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

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X

Emery, Lynn

From: Kolka, Kathie
Sent: Wednesday, January 15, 2003 3:15 PM
To: LRB.Legal
Subject: Draft review: LRB-1117/1 Topic: Military officers of the national guard

It has been requested by <Kolka, Kathie> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-1117/1 Topic: Military officers of the national guard

Memo

To: Senator Representative Musser

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2003 draft.

LRB Number: LRB - 1117

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) DMA

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requestor Via E-Mail: 2 / 4 / 2003

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For A Un-Introduced Draft*

- > **If re-drafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 AB 20

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, February 04, 2003 10:59 AM
To: Rep.Musser
Subject: LRB-1117/1 (FE by DMA - attached - for your review)



FE_Musser.pdf

FE_Musser.pdf