



WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2003 Wisconsin Act 25 [2003 Assembly Bill 20]	Governor's Military Staff
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 25 makes some changes to adjutant general rank requirements and other adjutant general requirements, other positions on the Governor's military staff, and requirements for filling vacancies on the Governor's military staff. The adjutant general heads the Governor's military staff and the state Department of Military Affairs, and is appointed by the Governor for a five-year term with the possibility of reappointment.

Adjutant General Rank Requirements

Prior law required that an appointee to the position of adjutant general have attained at least the rank of lieutenant colonel [s. 15.31, Stats.], and that the adjutant general have a minimum rank of brigadier general. [s. 21.18 (1), Stats.] *The act* amends s. 15.31, Stats., to require that a person, "to be appointed as the adjutant general," must hold the federally recognized minimum rank of full colonel and 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." The rank of colonel is lower than the rank of brigadier general required for an adjutant general under s. 21.18 (1), Stats., and the latter was not changed by the act. Therefore, it appears a person could be "appointed as" adjutant general with the minimum rank of full colonel, but could not actually be the adjutant general until attaining the rank of brigadier general. The act also adds a maximum rank for adjutant general--that of lieutenant general.

Other Adjutant General Requirements

Prior law required that an appointee to the position of adjutant general be an officer actively serving in the national guard of Wisconsin with at least five years of continuous federally recognized commissioned service in the active Army or Air National Guard of Wisconsin immediately preceding the date of appointment. [s. 15.31, Stats.] *The act* increases to six the number of military components

This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents.

from which an appointee can be drawn to include the Army National Guard of the United States, the U.S. Army Reserve, the Air National Guard of the United States, and the U.S. Air Force Reserve. The act would also allow an appointee to be retired from active drilling status if the appointee were a federally recognized general officer 62 years of age or less that retired from active drilling status in one of the six specified service components within the preceding two years and continued to be eligible for federal recognition as a major general.

Other Positions on the Governor's Military Staff

The act makes the following changes to other positions on the Governor's military staff:

- **Prior law** provided for two deputy adjutants general, one for army and one for air, for which general officer rank is permitted. **The act** changes the rank from permitting that of general officer to requiring that of brigadier general "unless selected for a military position requiring federal recognition as a major general."
- **Prior law** provided for one assistant adjutant general position--that of assistant adjutant general, army, for readiness and training, for which general officer rank is permitted. **The act** creates two additional assistant adjutant general positions, one for army and one for air, and eliminates the provisions in current law that the assistant adjutant general for army be "for readiness and training" and "may be a general officer," providing instead that the three assistant adjutants general "may hold the rank of brigadier general."
- **Prior law** provided for a deputy assistant adjutant general, army, for readiness and training. **The act** eliminates that position.
- **Prior law** provided for a state chaplain, for which general officer rank is permitted. **The act** specifies that the state chaplain be "either army or air."

Requirements for Filling Vacancies on the Governor's Military Staff

Prior law required that vacancies on the Governor's military staff be filled through appointment by the adjutant general from officers actively serving in the Wisconsin National Guard. **The act** makes an exception from this requirement for the adjutant general, as described above under "Other Adjutant General Requirements."

The act requires the adjutant general, in the event any of the deputy adjutants general, for army or for air, are appointed to a military position as a major general, to appoint an acting deputy adjutant general for any periods of absence due to other military duties. The act permits the adjutant general to choose for this appointment one of the assistant adjutants general.

Effective Date: The act took effect on June 3, 2003.

Prepared by: Mary Offerdahl, Staff Attorney

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**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 20

**Senate
Amendment 1**

Memo published: May 5, 2003

Contact: Mary Offerdahl, Staff Attorney (266-2230)

Assembly Bill 20 relates to who may serve as adjutant general, other positions authorized for the Governor's military staff, and filling vacancies on the Governor's military staff.

Who May Serve as Adjutant General

Current law requires that appointees be officers actively serving in the national guard of Wisconsin who have had at last five years of continuous federally recognized commissioned service in the active army or air national guard of Wisconsin immediately preceding the date of appointment. [s. 15.31, Stats.] *Assembly Bill 20* changes s. 15.31, Stats., by providing that 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." *Assembly Bill 20* also changes the "five years...immediately preceding the date of appointment" in the preceding paragraph to "5 of the immediately preceding 7 years...immediately preceding the date of appointment."

Current law requires that an adjutant general appointee have a minimum rank of lieutenant colonel [s.15.31, Stats.] and that the adjutant general have a minimum rank of brigadier general [s. 21.18 (1), Stats.]. The rank of lieutenant colonel is lower than that of brigadier general. *Assembly Bill 20* changes the provision in s. 15.31, Stats., by specifying that it is "before their appointment" that the appointee is required to attain at least the rank of lieutenant colonel.

Senate Amendment 1 deletes the changes made by Assembly Bill 20 to s. 15.31, Stats., and also:

- Repeals the provision in s. 15.31, Stats., that requires appointees to be officers actively serving in the national guard of Wisconsin who have had at last five years of continuous federally recognized commissioned service in the active army or air national guard of Wisconsin immediately preceding the date of appointment. *Senate Amendment 1* would increase the number of components, of one of which an appointee must "be a current

participating member,” from two (the army and air national guards of Wisconsin) to six (with the additional four being the army national guard of the United States, the U.S. army reserve, the air national guard of the United States, and the U.S. air force reserve). *Senate Amendment 1* would allow an appointee to be retired from active drilling status if the appointee were a federally recognized general officer 62 years of age or less that retired from active drilling status in one of the six specified service components within the preceding two years and continued to be eligible for federal recognition as a major general.

- Repeals the provision in s. 15.31, Stats., that states: “Appointees shall...have attained at least the rank of lieutenant colonel.” *Senate Amendment 1* would amend s. 15.31, Stats., to require the appointee to hold “the federally recognized minimum rank of full colonel.” The rank of colonel is lower than the rank of brigadier general required for an adjutant general under s. 21.18 (1), Stats. *Senate Amendment 1* also requires that the appointee “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.”

Other Positions Authorized for the Governor’s Military Staff

The bill makes the following changes to the military staff of the Governor:

- *Current law* provides for an adjutant general with a minimum rank of brigadier general. *Assembly Bill 20* adds a maximum rank of lieutenant general.
- *Current law* provides for two deputy adjutants general, one for the army and one for air, for which general officer rank is permitted. *Assembly Bill 20* changes the rank from permitting that of general officer to requiring that of brigadier general “unless selected for a military position requiring federal recognition as a major general.”
- *Current law* provides for one assistant adjutant general position--that of assistant adjutant general, army, for readiness and training, for which general officer rank is permitted. *Assembly Bill 20* creates two additional assistant adjutant general positions, one for army and one for air, and eliminates the provisions in current law that the assistant adjutant general for army be “for readiness and training” and “may be a general officer,” providing instead that the three assistant adjutants general “may hold the rank of brigadier general.”
- *Current law* provides for one deputy assistant adjutant general, army, for readiness and training. *Assembly Bill 20* eliminates the position of deputy assistant adjutant general, army, for readiness and training.
- *Current law* provides for a state chaplain, for which general officer rank is permitted. *Assembly Bill 20* specifies that the state chaplain be “either army or air.”

Filling Vacancies on the Governor’s Military Staff

In addition, *current law* requires that the adjutant general appoint persons to fill vacancies in positions “other than those of the adjutant general.” *Assembly Bill 20* eliminates the words: “Other than

those of the adjutant general” and creates a provision that, in the event any of the deputy adjutants general are appointed to a military position as a major general and are absent due to military duties, the adjutant general shall appoint an acting deputy adjutant general and may choose for this appointment one of the assistant adjutants general.

Legislative History

On April 30, 2003, the Senate Committee on Homeland Security, Veterans and Military Affairs, and Government Reform offered Senate Amendment 1; recommended introduction and adoption of Senate Amendment 1 by a vote of Ayes 5; Noes 0; and recommended concurrence in 2003 Assembly Bill 20, as amended, by a vote of Ayes 5; Noes 0.

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Assembly Bill 20—Senate Amendment 1

Thank Senator Fitzgerald for working with the Dept. of Military Affairs on this amendment to enhance ~~the~~ Assembly Bill 20.

Expands the pool of applicants for Adjutant General of the Wisconsin National Guard in two ways:

1. Repeals the requirement that appointees be officers *actively* serving in the National Guard for the past five years. With this amendment, individuals will remain eligible for the appointment for up to two years from their retirement from active drilling status.
2. Instead of just allowing those in the Wisconsin National Guard to be eligible for the position, those who are serving in, or served in, the *U.S. Army Reserves, U.S. Air Reserves, Army National Guard of the United States* or *Air National Guard of the United States* are eligible for the appointment.

The amendment also requires the appointee be the federally recognized minimum rank of full colonel. This is a change from current law, which states the appointee needs to be at least the rank of lieutenant colonel.

This passed the committee 5-0

Statement in Support of AB 20 before the
Senate Homeland Security, Veterans and Military Affairs
Committee

Again good morning Chairman Brown and senate members. AB20 provides additional flexibility for the Adjutant General when selecting critical senior leadership positions. The bill also provides for an increased selection pool and allows the deputy adjutant general for army and air to hold the rank of major general.

My selection of Brig. Gen. Fred Sloan for the Deputy Adjutant General-Air provides a clear example of why the changes are required. Brig. Gen. Sloan has received recognition for his contributions at the national level and has been nominated to fill a unique position by the Chief of the National Guard Bureau. This prestigious position is the Air National Guard liaison to the Commander of the US Air Force's Air Combat Command (ACC). The Commander of ACC is a four star general who leads the global power mission of the total Air Force. The position General Sloan is nominated for holds the rank of major general, and his nomination will go before a US Air Force promotion Board next month.

That has created a challenge here in Wisconsin. In order to be promoted, General Sloan must be able to hold a position on the Wisconsin National Guard military leadership team for which he is also authorized the rank of major general. Currently, section 21.18 of our statutes has been interpreted to say that the maximum rank for a Deputy Adjutant General is that of Brigadier General, General Sloan's current rank.

Clearly we need flexibility to ensure that dedicated and successful senior leaders from the Wisconsin National Guard continue to demonstrate their leadership talent at the national level. AB 20 would allow the adjutant general that flexibility, and enable General Sloan to continue to provide his insight, influence, and intellect to senior USAF leaders as they shape the Air Force and Air National Guard of the future.

In order to rectify this situation and to clarify the statute, as well as to broaden the field of potential candidates for the adjutant generals position, Representative Terry Musser, chair of the assembly veterans and military affairs committee, drafted the appropriate measure, AB20, which was passed unanimously by the assembly.

We are hopeful that this committee and the Wisconsin State Senate will favorably consider this bill for passage. We stand ready to answer any questions you may have regarding this legislation. Thank you.