

Confirm.

Adjutant

Generals



Alaska State Legislature

HOUSE OF REPRESENTATIVES

House State Affairs Committee

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

March 13, 1991

The Honorable Ben Grussendorf
Speaker of the House of Representatives
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

The House State Affairs Committee has considered the appointment of Major General Hugh L. Cox III to the position of Adjutant General.

The following members were present and recommend as follows:

Do Recommend	Do Not Recommend	No Recommendation
<u>Gene Kubina</u>	_____	_____
<u>Tom Mours</u>	_____	_____
<u>David [unclear]</u>	_____	_____
<u>E. [unclear]</u>	_____	_____
<u>Joseph [unclear]</u>	_____	_____
<u>Mike Miller</u>	_____	_____
<u>Max [unclear]</u>	_____	_____

Sincerely,

Gene Kubina
Representative Gene Kubina, Chair
House State Affairs Committee

Major General Hugh L. Cox III

Major General Hugh L. Cox III was born January 10, 1934 in Fort Worth, Texas, and attended high school in Amarillo, Texas. He earned a bachelor of fine arts degree from Texas Christian University in 1957. He completed Squadron Officer School in 1962, Air Command and Staff College in 1970, and was a distinguished graduate of the Air War College in 1978.

The general received his commission through the Air Force Reserve Officer Training Corps program in January 1957. He attended pilot training at Vance Air Force Base, Oklahoma, where he received his wings in September 1958. He was then assigned to Scott Air Force Base, Illinois as an aeromedical evacuation pilot and later as assistant chief of aircrew standardization and evaluation. From June 1963 to July 1966 he served as the aide-de-camp and command pilot for the commander in chief, Alaskan Air Command, Elmendorf Air Force Base, Alaska. His next assignment was to Headquarters North American Air Defense Command at Ent Air Force Base, Colorado, as executive officer to the commander in chief, NORAD.

After completing Air Command and Staff College in June 1970, General Cox became assistant wing chief of standardization and evaluation for EC-130s with the 7th Airborne Command and Control Squadron, Udorn Royal Thai Air Force Base, Thailand. From September 1971 to August 1973, he was assigned to Headquarters, 3rd Air Force, South Ruislip Air Station, England, and later to Royal Air Force Station Mildenhall, England, as chief of a division under 3rd Air Force director of operations. In September 1973, General Cox transferred to Royal Air Force Station Wethersfield, where he served as commander. He returned to Alaska in April 1976 as deputy commander, 21st Air Base Group, Elmendorf Air Force Base.

After graduating as a distinguished graduate from the Air War College in May 1978, the general served as commander, 7th Airborne Command and Control Squadron, Keesler Air Force Base, Mississippi. In September 1979, he transferred to the 552nd Airborne Warning and Control Wing, Tinker Air Force Base, Oklahoma, where he served as deputy commander for operations. General Cox was assigned to the 1st Special Operations Wing, Hurlburt Field, Florida, in May 1981 as vice wing commander and in March 1982 became wing commander. In March 1983 he was assigned as commander of 2nd Air Division, also at Hurlburt Field. In that position he was responsible for the Air Force's total capability in special operations with units in the continental United States and overseas. In April 1984 General Cox was chosen to command the E3A component of the NATO Airborne Early Warning Force, NATO Air Base, Geilenkirchen, West Germany.



In June 1987 he was selected as the first director of operations of the newly created United States Special Operations Command. He assumed the position of deputy commander in chief, United States Special Operations Command, MacDill Air Force Base, Florida in May 1988.

The general is a command pilot with more than 10,000 military and civilian flying hours, of which more than 1,000 are combat flying hours logged in Southeast Asia in EC-130s. His military decorations and awards include the Defense Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal with three oak leaf clusters, Air Medal with two oak leaf clusters, and the Joint Service Commendation Medal.

General Cox is married to the former Patricia A. Noble of Texas City, Texas. They have one son, Hugh L. Cox IV.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

DIMOND CENTER TOWER
800 EAST DIMOND BLVD.
SUITE 3-450
ANCHORAGE, ALASKA 99515-2097
PHONE: (907) 249-1523
AUTOVON 620-1523

15 January 1991

Honorable Walter J. Hickel, Governor
State of Alaska
P.O. Box A
Juneau, Alaska 99811-0101

Subject: Appointment of Colonel Dan E. Dennis to the Grade of
Brigadier General

Dear Governor Hickel:

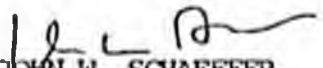
I am pleased to announce the assignment of Colonel Dan E. Dennis to the position of Assistant Adjutant General-Air, which is a traditional guard position in the Headquarters, Alaska Air National Guard. Colonel Dennis is an exceptional officer who should serve the State of Alaska well in this capacity.

The authorized grade for this position is Brigadier General. The state constitution requires that all general officers be appointed by the governor subject to confirmation by a majority of the members of the legislature meeting in joint session. Accordingly, upon your approval, I will initiate Colonel Dennis' state promotion action and apply for federal recognition as soon thereafter that federal regulations permit.

Since the Assistant Adjutant General-Air is not presently a paid state position, this assignment and promotion will have no impact upon the state budget. The federal government will compensate Colonel Dennis for all military duty performed.

Please advise me of your decision regarding my recommendation of Colonel Dennis for promotion to the grade of Brigadier General.

Sincerely,


JOHN W. SCHAEFFER
Major General, AK NG
The Adjutant General

3 Atch:

1. Background Paper
2. Biographical Sketch
3. Alaska Code, Art. III, Sec. 19

STATE OF ALASKA
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
Office of the Adjutant General
Anchorage, Alaska 99515-2097

SPECIAL ORDER
AIR A-02B

9 January 1991

COLONEL DAN E. DENNIS, 536-40-0982, Headquarters Alaska Air National Guard, 800 E. Dimond Blvd., Anchorage, Alaska 99515-2097. (PAS: A421FL0B. AFSC: 00002; Position: Brigadier General; FAC: 1010ZB; Position Number: 7019301), is promoted to the grade of BRIGADIER GENERAL (O-7) in the Alaska Air National Guard, effective 9 January 1991, or upon approval of Federal Recognition. Authority: ANGR 36-04.

BY ORDER OF THE GOVERNOR



JOHN C. LEMING, Colonel, AKANG
Executive Staff Officer

DISTRIBUTION
A

STATE OF ALASKA
DEPARTMENT OF MILITARY & VETERANS AFFAIRS
Office of the Adjutant General
Anchorage, Alaska 99515-2097

SPECIAL ORDER
AIR G-008

9 January 1991

COLONEL DAN E. DENNIS, 536-40-0982, Alaska Air National Guard, is assigned as the Assistant Adjutant General, Headquarters Alaska Air National Guard, PAS: A42IFL0B, Position Number: 7019301, 800 E. Dimond Blvd., Anchorage, Alaska 99515-2097, effective 1 September 1990.

BY ORDER OF GOVERNOR



JOHN FLEMING, Colonel, AKANG
Executive Support Staff Officer

DISTRIBUTION
E

BACKGROUND PAPER
ON THE
APPOINTMENT AND PROMOTION OF A NEW ASSISTANT ADJUTANT GENERAL
FOR THE ALASKA AIR NATIONAL GUARD

The Headquarters, Alaska Air National Guard, has two general officer positions for its guard members: 1) Commander, Alaska Air National Guard; and 2) Assistant Adjutant General-Air. Colonel Kenneth M. Taylor, Jr., presently occupies the first position. Brigadier General John C. Stafford occupied the second position until his retirement in November of 1990. Colonel Dan E. Dennis has been assigned to that vacant position. The following information is provided to support the promotion of Colonel Dennis to the rank of Brigadier General in that position.

- NOMINEE: COLONEL DAN E. DENNIS

— MILITARY INFORMATION

— Twenty-one years total commissioned service, the last 12 of which have been spent in the Alaska Air National Guard.

— Served as Judge Advocate in the U.S. Navy, Naval & Marine Reserve, the Idaho Army National Guard, and the Alaska Air National Guard.

— Overseas veteran with tour of duty at DaNang, Republic of Vietnam and Yokosuko Naval Base, Japan.

— Assignment in the Alaska Air National Guard has been as the senior Staff Judge Advocate for twelve years. Provided expert legal advise and opinions to both the Alaska Army and Air National Guard.

— Extended the awareness of the mission and capability of the Alaska Air National Guard to other Pacific Air Force commands within the Pacific Rim.

— EDUCATION

— Bachelor of Arts Degree in Social Studies

— Degree in Law

— Air War College

— US Naval Justice School

— PERSONAL INFORMATION

— Date of birth: 27 February 1944

— Alaska resident since 1978

— Civilian occupation: Colonel Dennis has been in his own private law practice in Anchorage since 1981. Prior to that, he worked for the US Department of Justice as an attorney in Anchorage.

— Member of the American, Alaska, Idaho, and Anchorage Bar Associations. Member of the Association of Trial Lawyers of America, the National Association of Criminal Defense Lawyers, Judge Advocates Association, Anchorage Hockey Association, Anchorage PTA, Alaska National Guard Officer's Association, and the National Guard Association of the United States. Former director of the Anchorage Armed Forces YMCA.

— GENERAL COMMENTS

— Superior staff officer and organizer

— Tactful, cooperative; a team player

— Meets weight standards, excels in military bearing and appearance

- ACTIONS REQUIRED FOR PROMOTION TO BRIGADIER GENERAL

— Appointment by the Governor to the State grade of Brigadier General

— Confirmation of the appointment by joint session of the Alaska State Legislature

— Federal appointment and recognition, including confirmation by the United States Senate

COLONEL DAN E. DENNIS

ASSISTANT ADJUTANT GENERAL-AIR

Colonel Dan E. Dennis is the Assistant Adjutant General for the Alaska Air National Guard. His responsibilities are to advise the Adjutant General and Commander, Alaska Air National Guard, on the legal implications of matters affecting the Alaska Air National Guard.

Colonel Dennis was born February 27, 1944 in Gooding, Idaho. He graduated from Marsing High School, in Marsing, Idaho, in 1962. In 1966, he received his B.A. (magna cum laude) in Social Science (Economics) at Graceland College in Lamoni, Iowa, with minors in French and Education. He earned his J.D. degree at the University of Idaho College of Law in 1969. His military schools include U.S. Naval Officer Indoctrination School, 1969; U.S. Naval Justice School, 1970; U.S. Naval Counter-Insurgency and Survival School, 1971; U.S. Procurement Attorney's Course, U.S. Army JAG School, 1977; USAF War College (Seminar), 1983.

Colonel Dennis enlisted into the U.S. Navy in October 1969, and received a direct commission in the Judge Advocate General's Corps. After military schools he was stationed in New York City as a defense counsel from 1970-71 then volunteered for Vietnam and was stationed at the U.S. Naval Support Facility in DaNang, Vietnam, 1971-72, then at Yokosuka, Naval Base, Japan 1972-73. He was released from active duty and spent two years in the Naval Reserve in Boise, Idaho. He then transferred to the Idaho Army National Guard as the JAG. In 1978, he transferred to the Alaska Air National Guard and was assigned as the JAG in Headquarters Alaska Air National Guard until August 1990 when he was appointed as Assistant Adjutant General-Air.

His awards and decorations include the Meritorious Service Medal, Air Force Commendation Medal, Naval Achievement Medal, National Defense Service Medal, Republic of Vietnam Campaign Medal, Republic of Vietnam Service Medal, Air Force Reserve Longevity Medal, and Navy Expert Pistol Ribbon.

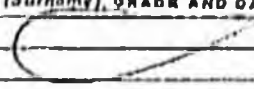
The colonel is a private attorney and has been in sole practice in Anchorage, Alaska since 1981.

His military and civic affiliations include the National Guard Association of the United States, the Alaska National Guard Officers Association, the Alaska Bar Association, the Idaho State Bar Association, the American Bar Association, the Association of Trial Attorneys of the United States, and the National Criminal Defense Lawyers Association.

Colonel Dennis was promoted to the rank of colonel in December 1987 with same date of rank.

The colonel is a single parent. He resides with his children, Caleb and Martha, in Anchorage, Alaska.

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE		TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
1	AAG-AR	COORD		6			
2	AG	SIGN		7			
3	ARP-ESO	ACT		8			
4				9			
5				10			

SURNAME OF ACTION OFFICER AND GRADE	SYMBOL	PHONE	TYPIST'S INITIALS	SUSPENSE DATE
Michael E. Lohmann	MAJ ARP-ESO	249-1528		

SUBJECT	DATE
Legislative confirmation of Colonel Carroll's appointment to the AAG-AR position and promotion to Brigadier General.	26 Feb 91

SUMMARY

- PURPOSE:** To obtain TAG's signature on the letter at TAB A to Governor Hickel announcing the assignment of Colonel Thomas C. Carroll to the position of Assistant Adjutant General - Army.
- DISCUSSION:** Article III, Section 19 of the Alaska State Constitution requires the Governor, as provided by law, to appoint all general and flag officers of the Armed Forces of the State, subject to confirmation by a majority of the members of the legislature in joint session.
- RECOMMENDATION:** TAG sign the letter to Governor Hickel announcing Colonel Carroll's assignment as the Assistant Adjutant General - Army and approve the enclosed packet.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR *WJH*

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

DIMOND CENTER TOWER
800 EAST DIMOND BLVD.
SUITE 3-450
ANCHORAGE, ALASKA 99515 2007
PHONE: (907) 249-1523
AUTOVON 828-1523

OFFICE OF THE ADJUTANT GENERAL

26 February 1991

Alaska Army National Guard
Adjutant General

Subject: State Legislature Confirmation of the Appointment of Colonel Thomas C. Carroll

Honorable Walter J. Hickel, Governor
State of Alaska
PO Box A
Juneau, Alaska 99811-0101

Dear Governor Hickel:

Colonel Thomas C. Carroll was appointed effective June 1, 1990 to the position of Assistant Adjutant General-Army, which is a traditional guard position in the Headquarters, Alaska Army National Guard. Colonel Carroll is an exceptional officer who is serving the State of Alaska well in this capacity.

The authorized grade for this position is Brigadier General. The state constitution requires that all general officers be appointed by the governor subject to confirmation by a majority of the members of the legislature meeting in joint session. Accordingly, I have enclosed Colonel Carroll's promotion packet and a draft letter for your signature to the President of the Senate and the Speaker of the House requesting legislative confirmation.

Since the Assistant Adjutant General-Army is not presently a paid state position, this assignment and promotion will have no impact upon the state budget. The federal government will compensate Colonel Carroll for all military duty performed.

Please advise me of your decision regarding this action.

Sincerely,

Hugh L. Cox III
HUGH L. COX, III
Major General, AK NG
The Adjutant General

6 Encls
Biographical Sketch
Biographical Summary
Army Order #104-4
Army Order #136-1
Draft ltr. to Senate & House
Alaska Code, Art. III, Sec. 19

BIOGRAPHICAL SKETCH

Colonel Thomas C. Carroll was born 4 September 1948 in Anchorage, Alaska. He enlisted in the U.S. Army as an Infantryman on 3 January 1967. He earned his commission as a 2LT on 5 February 1968. His military schools include the NCO Primary Leadership Development Course, Airborne School, Infantry Officer's Candidate School, the Armor Officer's Advanced Course, United States Army Command and General Staff Officer's Course and United States Army War College. He received a Bachelor of Science degree from the University of New York during the Fall of 1990.

He has held a wide variety of Command and Staff assignments both overseas and in the Continental United States. Colonel Carroll has served with the 172nd Infantry Brigade, 3rd Training Brigade, 25th Infantry Division, U.S. Army Advisor Group, Atlanta, and the Alaska Army National Guard.

In staff positions, Colonel Carroll has served as a Battalion Intelligence Officer, a Battalion S-3, a Battalion Executive Officer, a Command Operations Center Duty Officer for United States Army Alaska (USARAL), a Plans and Operation Officer with USARAL, a unit and area advisor for the USAR 81st ARCOM, Executive Officer for the 207th Infantry Group (Scout), and Chief, Plans, Operations and Military Support Division, Alaska Army National Guard.

In command positions, he served as a Rifle and Weapons Platoon Leader, a Rifle Company Commander, Infantry Scout Battalion Commander, Commander of the Alaska Army National Guard Troop Command, and Commander of the 207th Infantry Group (Scout). He is presently assigned as the Assistant Adjutant General - Army.

His awards include the Bronze Star Medal, Meritorious Service Medal with two Oak Leaf Clusters, Air Medal with 2nd Award, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Reserve Component Achievement Medal, NonCommissioned Officer Development Ribbon with one device, Army Service Ribbon, Reserve Component Overseas Training Ribbon, Republic of Vietnam Campaign Ribbon with 60 device, Combat Infantryman Badge, Expert Infantry badge, Parachutist Badge, Alaska Distinguished Service Medal, and the Alaska Commendation Medal. Colonel Carroll was inducted into the Infantry Hall of Fame at Ft. Benning, Georgia in February 1990.

As a civilian employed in the private sector, Colonel Carroll has gained experience as the Secretary/Treasurer and Sales manager for the COL-RICH Corporation, Manager for the 80' Pipe Program for the Alaska Division of the Bethel Corporation and in Operation's Dispatch and Product MNGM for K & L Distributors. He is currently employed by the State of Alaska as the Deputy Commissioner of the Department of Military and Veterans Affairs.

Civil affiliations include the National Guard Officers Association, Alaska National Guard Officers Association, Veterans of Foreign Wars, member Advisory Board Salvation Army, Alaska-Kiwanas Club, Past member Executive Board South East Roy Scout Council, Past Vice President 17th USCG District Officers Association, American Legion.

He is married to the former Ms. Bonnie Lynn Mersinger. The Carroll's reside in Anchorage, Alaska.



BIOGRAPHICAL SUMMARY

SEPT 1990

Carroll, Thomas Charles (Tom), 574-16-6223

Colonel, General's Staff (Infantry), ARNGUS

Date and Place of Birth: 4 September 1948, Anchorage, AK

Mandatory Removal Date: 5 March 1998

Wife's Name: Bonnie Lynn Carroll

Home Address: 501 Donna Dr., Anchorage, AK 99504

Present Assignment: Assistant, Adjutant General (Army),
Alaska Army National Guard,
Anchorage, AK 99515-2097

Civilian Occupation: Deputy Commissioner
Department of Military and Veterans Affairs
Anchorage, AK 99515-2097

Enlisted Service:
Over one year

Source and Date of Commission:
OCS 5 February 1968

Years of Active Commissioned Service:
Over nine years

Total Years of Service:
Over twenty-three years

Military Schools Attended:	Year Completed
Officer Candidates School	1968
Armor Officer Advanced Course	1978
Command and General's Staff College	1981
Organizational Supply Management System	1984
Front Line Leadership Problem Solving	1985
US Army War College	1987

Civilian Education:	Degrees Received
High school, Anchorage, AK	Diploma 1966
Vincennes University, Vincennes, IN	AAS, 1989
University of State of New York, Albany, New York	BS 1990

US Decorations / Badges:

- Bronze Star Medal
- Meritorious Service Medal w/1 olc
- Air Medal 2nd award
- Army Commendation Medal
- Army Achievement Medal

US Decorations / Badges (Continued):

Army Good Conduct Medal
 National Defense Service Medal
 Vietnam Service Medal
 Reserve Component Achievement Medal
 Non-Commissioned Officer Development Ribbon w/1 dvc
 Army Service Ribbon
 Reserve Component Overseas Training Ribbon
 Republic of Vietnam Campaign Ribbon w/60 dvc
 Combat Infantry Badge
 Expert Infantry Badge
 Parachutist Badge
 Alaska Distinguished Service Medal
 Alaska Commendation Medal

Chronological List of Appointments:

Second Lieutenant	AUS	1 Feb 1968
First Lieutenant	AUS	1 Feb 1969
First Lieutenant	USAR	5 Feb 1970
Captain	AUS	5 Feb 1970
Captain	USAR	19 Sep 1973
Captain	ARNGUS	4 Jan 1978
Major	ARNGUS	18 Jan 1979
Lieutenant Colonel	ARNGUS	25 Feb 1983
Colonel	ARNGUS	4 Apr 1988

Chronological Record of Duty Assignments:

ACTIVE DUTY

Enlisted US Army	Jan 1967	Feb 1968
Officer US Army Platoon Leader 4th Bn, 23rd Inf, 172nd Inf Bde	Feb 1968	Aug 1968
COC Duty Officer OPNS Off, P & O Div, G-3, USARAL	Sep 1968	Nov 1969
Commander Co A, 1st Bn, 27th Inf, 25th Div Rvn	Nov 1969	Sep 1970
En S 2/3 HHC, 1st Bn, 27th Inf, 25th Div Rvn	Sep 1970	Nov 1970
Unit/Area Advisor North Georgia, USA ADV CP, Atlanta (USAR)	Dec 1970	Sep 1973
ARNG - not on active duty Army Officer Reserves Status	Sep 1973	Jan 1978
S3 Air HHC, 5th Battalion, 297th Infantry, AK ARNG	Jan 1978	Aug 1978

Chronological Record of Duty Assignments (Continued):

ACTIVE DUTY

Student, Armor Officer Advance Course	Aug 1978	Dec 1978
ARNG - not on active duty		
Executive Officer HHC, 4th Bn, 297th Infantry, AK ARNG	Dec 1978	Aug 1981
ACTIVE DUTY		
Student, Command & General's Staff Officer Course	Aug 1981	Dec 1981
ARNG - not on active duty		
Executive Officer HHC, 4th Bn, 297th Infantry, AK ARNG	Dec 1981	Sep 1982
Battalion Commander, HHC, 4th Battalion, 279th Infantry, AK ARNG	Sep 1982	May 1985
ACTIVE DUTY		
Battalion Commander, HHC, 4th Battalion, 279th Infantry, AK ARNG	Jun 1985	Jun 1986
Executive Officer, HHC, 207th Infantry Group (Scout), AK ARNG	Jun 1986	Feb 1987
Chief, Plans and Operations Div Alaska STARC, AK ARNG	Feb 1987	Feb 1988
ARNG - not on active duty		
Commander, Troop Command STARC, AK ARNG	Feb 1988	May 1989
ACTIVE DUTY		
Group Commander HHC, 207th Infantry Group (Scout), AK ARNG	Jun 1989	May 1990
ARNG - not on active duty		
Deputy STARC Commander Alaska STARC, AK ARNG	May 1990	Jun 1990
Assistant Adjutant General (Army) Alaska STARC, AK ARNG	Jun 1990	Present

STATE OF ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
Office of the Adjutant General
800 East Diamond Blvd, Suite 3-450
Anchorage, Alaska 99515-2097

ORDERS 104-4

30 May 1990

CARROLL, THOMAS C. 574-16-6223 COL 11A00 AK STARC Anchorage, AK 99501 IN

You are reassigned as indicated below.

Duty Relieved from: 001-03 Deputy STARC Commander 01A00

Duty Assigned to: 001-02 Asst AG (Army) 00B00

Effective date: 1 Jun 90

Additional instructions: Vice: LESTENKOF Separation Duty Position Qualification: Q
SM is on AGR tour.

FOR ARNG/ARMY USE

Authority: NGR 600-100 (OFF)

Format: 460

FOR THE ADJUTANT GENERAL:

DISTRIBUTION:

D

CNGB, ATTN: NGB-ARP-CM (3)



STATE OF ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
Office of the Adjutant
Dimond Center Tower
800 E. Dimond Blvd., Suite 3-450
Anchorage, AK 99515-2097

AKNG-ARP

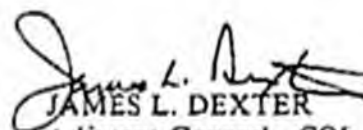
26 February 1991

Submission of Assistant AAG-AR Package

DMVA-ASSD (Jeff Morrison)

1. Enclosed is the completed package recommending legislative approval of Colonel Carroll as the AAG-AR, a copy of the order assigning COL Carroll to the AAG-AR position and another promoting him to the rank of Brigadier General.
2. Also enclosed is a draft of a letter from the governor to the legislature seeking their approval for these actions.
3. I appreciate your assistance in guiding this package through its next series of stops in Juneau. If the legislature is desirous of talking to Colonel Carroll as part of their confirmation process, his business phone number is 249-1565.

6 Encls
TAG's Letter to Governor
Biographical Sketch
Biographical Summary
Army Order #104-4
Army Order #136-1
Draft ltr. to Senate & House
Alaska Code, Art. III, Sec. 19



JAMES L. DEXTER
Adjutant General COL, GS, AK ARNG
Department of Personnel
and Family Assistance

STATE OF ALASKA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
Office of the Adjutant General
Dimond Center Tower
800 E. Dimond Blvd., Suite 3-450
Anchorage, AK 99515-2097

ORDERS 136-1

16 July 1990

CARROLL, THOMAS C., 574-16-6223 COL 11A AK STARC, Anchorage, AK 99501

You are promoted as indicated.

Grade promoted to: Brigadier General, Line

Effective date: 1 Jun 90

Additional Instructions: Vice self promotion. Individual will not be paid as
nor wear the rank insignia of a Brigadier General until Federal Recognition
has been extended by Chief, NCB and Special Orders received.

Duty assignment: Para/Line: 001-02 SSI: 00B00

Position Title: Assistant Adjutant General (Army)

FOR ARNG/ARMY USE

Authority: NGR 600-100 (OFF)

Format: 300

FOR THE ADJUTANT GENERAL:

DISTRIBUTION:

(D) Plus

ARP-ROS (1)

ARP-S (1)

ARP-T (1)

ARP-O (1)

ARP-A (1)

AK STARC (2)

CNCB, ATTN: NCB-ARP (GOMO)

CNCB, ATTN: NCB-ARP-CH (SPECIAL BRANCH OFFICER MGT TEAM)



Art. III, § 17

CONSTITUTION OF ALASKA

Art. III, § 22

Appointment of executive officers is an executive function; for without such a power, the responsibility for executing executive duties would be diffused and the goal of separation of branches of government, avoiding too great a concentration of power in one branch, would be defeated. *Bradner v. Hammond*, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

In view of the responsibilities imposed by § 1 of this article, the governor is necessarily clothed with the power to appoint subordinate executive officers to aid him in carrying out the laws of Alaska. *Bradner v. Hammond*, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

Standing to sue in land-exchange

controversy. — While the governor and the attorney general are generally charged with protecting the public interest, their position in a controversy involving legislation authorizing a three-way exchange of land between the State of Alaska, the United States government and a regional corporation of Alaska natives was clearly adverse to that represented by plaintiff taxpayers, and the taxpayers were held to have standing to sue. *State v. Lewis*, Sup. Ct. Op. No. 1364, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (File No. 3039), 559 P.2d 630 (1977).

Quoted in *Alaska Ski Corp. v. Holdsworth*, Sup. Ct. Op. No. 406 (File No. 620), 426 P.2d 1006 (1967).

Section 17. Convening Legislature. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Section 18. Messages to Legislature. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Section 19. Military Authority. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Section 20. Martial Law. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Section 21. Executive Clemency. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Section 22. Executive Branch. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as

**DRAFT LETTER FROM GOVERNOR
TO THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE**

Dear Senator Eliason/Representative Grussendorf:

In accordance with Article III, Section 19 of the Alaska State Constitution and AS 39.05.080, I submit the name of Colonel Thomas C. Carroll for legislative confirmation to appointment of the position and rank noted:

Component: ALASKA ARMY NATIONAL GUARD

Position: Assistant Adjutant General-Army

Rank: Brigadier General

The attached resume for Colonel Carroll will be submitted to the State Legislature through the clerks of both houses.

Sincerely,

Walter J. Hickel
Governor

Appointment of executive officers to an executive function; for without such a power, the responsibility for executing executive duties would be diffused and the goal of separation of branches of government, avoiding too great a concentration of power in one branch, would be defeated. *Bradner v. Hammond*, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

In view of the responsibilities imposed by this section and the authority granted by 11 of this article, the governor is necessarily clothed with the power to appoint subordinate executive officers to aid him in carrying out the laws of Alaska. *Bradner v. Hammond*, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

Standing to sue in land-exchange

controversy. — While the governor and the attorney general are generally charged with protecting the public interest, their position in a controversy involving legislation authorizing a three-way exchange of land between the State of Alaska, the United States government and a regional corporation of Alaska natives was clearly adverse to that represented by plaintiff taxpayers, and the taxpayers were held to have standing to sue. *State v. Lewis*, Sup. Ct. Op. No. 1364, cert. denied, 432 U.S. 901, 97 S. Ct. 2943, 53 L. Ed. 2d 1073 (File No. 3039), 559 P.2d 630 (1977).

Quoted in *Alyeska Ski Corp. v. Holdsworth*, Sup. Ct. Op. No. 406 (File No. 620), 426 P.2d 1006 (1967).

Section 17. Convening Legislature. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Section 18. Messages to Legislature. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Section 19. Military Authority. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Section 20. Martial Law. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Section 21. Executive Clemency. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Section 22. Executive Branch. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as

DM & UA

1990 TRANSITION REPORT

October 1990



Produced by
Office of the Governor

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

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OFFICE OF THE ADJUTANT GENERAL

DIVISION OF VETERANS AFFAIRS

26 Aug 90
C. W. Cowper

TRANSITION BRIEFING PAPER

I. HISTORY:

The Division of Veterans Affairs (DVA) was created in 1984 by executive order which moved the veterans activities from the Department of Commerce to the Department of Military Affairs. Statutes were amended in 1985 to rename the Department to include the reference to veterans.

The creation of DVA resulted from requests to Governor Sheffield from veterans service organizations who wanted a "veterans voice" at the cabinet level. Also, Alaska was the only state not having a division or department or high level commission for veterans affairs.

The Division assumed an advocacy and communication role aimed at coordinating and improving veterans services administered by the many federal and state agencies. In addition it assumed administration for the veterans service reimbursement program authorized in AS 26.10.040 - .050 and the Death Gratuity program which is administered in coordination with the Administrative Services Division.

II. KEY POLICY ISSUE CONFRONTING THE DIVISION:

A. Short Range Issues:

1. Meeting the increasing demands being placed on the Division by changing demographics of the veteran population. The Division requires an increase in staff by at least one person. (FY92 budget increment).
2. Improving communication to veterans by increasing distribution of the Vets' Forum. (FY92 budget increment).
3. Increasing and improving the role of the State Veterans Advisory Board for purposes of establishing improved two-way communication between the veteran and the state and federal program managers.
4. Increasing/improving coordination with state, local and non-profit agencies serving veterans.
5. Improving the veterans service program by increasing the FY92 appropriation so as to allow for the acquisition of additional certified veterans service officers. (FY92 budget increment).
6. Improving the overall veterans service program by coordinating activities of those organizations receiving state grants under AS 26.10.040.

B. Long Range Issues:

1. Improved outreach to veterans by expanding the State Veterans Advisory Board to a two-tier regional/state structure with volunteer regional coordinators handling day to day informational matters referred from towns/villages. Establishment of an 800-number will be an essential part of improving outreach.
2. Establishment of a State Veterans Home to care for the aged and disabled veteran. A feasibility study of this entire project needs to be undertaken within the next year so as to allow capital budget development in FY93/94. Federal funds are available for capital and operational costs.

III. LEGISLATIVE ISSUES:

- A. The State Veterans Home remains a primary issue, particularly as it deals with State funds and the authority of the U.S. Department of Veterans Affairs to provide 60% matching funds.

The options available to the Governor-elect are to do nothing, or proceed with a feasibility study which recognizes the veterans medical and domiciliary needs. The main consideration is whether the veterans are adequately served under existing State and local health and nursing care programs.

- B. The Governor-elect should determine if veterans would be better served if the Division were moved from the Department of Military Affairs. If such a conclusion were forthcoming an executive order would be required.

Rationale for raising the issue:

1. The Department's mission is protection of lives and property and to train people/units for their federal military mission.
2. The Division's role is one of service to people. Consideration should be given to moving the Division of Veterans Affairs to the State Department of Labor or possibly Department of Health and Social Services.

TRANSITION BRIEFING PAPER
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
DIVISION OF ADMINISTRATIVE AND SUPPORT SERVICES

Page 1 of 3

History of Division

As an administrative services division, this division has been in existence for as long as anyone with an institutional memory can recall. The constituency it serves consists of the other divisions in the department, providing them with advice and administrative services to enable them to do their jobs effectively and within limits established by law and administrative regulation.

TRANSITION BRIEFING PAPER
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
DIVISION OF ADMINISTRATIVE AND SUPPORT SERVICES

Page 2 of 3

Key Policy Issues Confronting The Agency

The Division of Administrative and Support Services has no major policy issues confronting it, except as we support the pursuit of major issues involving other divisions in the department.

TRANSITION BRIEFING PAPER
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
DIVISION OF ADMINISTRATIVE AND SUPPORT SERVICES

Page 3 of 3

Legislative Issues

1. Liability limitation: For the last two sessions, DMVA has attempted to have legislation enacted that would limit the liability of National Guard aircraft when they are on a federal mission. This legislation has passed the Senate both times, but stalled in the House due to concerns about limiting the amount of damages an aggrieved party could receive. The passage of this bill would reduce insurance costs by \$50,000 per year.

TRANSITION BRIEFING PAPER
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
ALASKA ARMY NATIONAL GUARD
Page 2 of 3

Key Policy Issues

Short Range Issues:

Force Structure:

Convert the 297th Provisional Group to 297th Scout Group.

Restation 4th Battalion 297th Infantry into new communities.

Provide STARC augmentation slices to United States Army, Alaska and Alaskan Command in event of national or State emergency response.

Strategy: Appropriate required State resources to match federal resources to provide the following facility requirements:

Facilities:

Relocate Department to new Anchorage National Guard Armory

Provide facilities for 297th Scout Group and new 4th Battalion 297th Infantry stationing.

Upgrade existing National Guard facilities.

Long Range Issues

Force Structure:

Reorganize 5th Battalion 297th Infantry into an Air Cavalry Squadron

Convert 1297th Air Ambulance Detachment into full size Company with Military Assistance to Safety and Transportation (MAST) capability in fiscal year 1997. The (MAST) unit would be available for national or State emergency response.

Provide improved facilities for new units.

7

TRANSITION BRIEFING PAPER
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
ALASKA ARMY NATIONAL GUARD
Page 3 of 3
Legislative Issues

Initiate legislation to provide for specific State Tuition Assistance for National Guard Officers and potential officers to obtain baccalaureate degree.

APPENDICES

Reference: The Tradition Continues Vision 2010, The Alaska Army National Guard Long Range Plan is available for review in the Department of Military and Veterans Affairs Administrative and Support Services Division, 5th Floor, Goldstein Building, Juneau, AK 99811.

**DIVISION OF EMERGENCY SERVICES
TRANSITION BRIEFING PAPER**

HISTORY

The Alaska Division of Emergency Services was officially designated as such in 1977 with the establishment of the Alaska Disaster Act (AS 26.23); previously known as Alaska Disaster Office, and Civil Defense Office.

•Major constituencies include: General public and local government, statewide.

•Why created - Act as Governor's executive agent, for mitigation of, response to, recovery from, and preparedness for disasters throughout Alaska. Prepares and manages plans to protect life and property; coordinates State response to major emergencies and manages disaster response and recovery activities as a result of natural disaster or war, and assists the Department of Environmental Conservation with technological (oil and hazardous substance spill) disasters.

•Recent operational change - Change of organizational structure due to recently passed HB566 to accommodate the Incident Command System structure, in order to enhance response to technological disasters.

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KEY POLICY ISSUES CONFRONTING THE AGENCY

Short range issues:

1. Oil spill & hazardous substance emergency response interface with DEC, and appropriate funding to accomplish this additional responsibility as a result of H5088. Increased staff requirements commensurate with duties and increased rate of disasters.

Strategies -

- * Good-faith negotiations between DEC-ADES/DMVA.
- * Proposed legislative changes next session.
- * Wait until DEC tells us what they want us to do and how much they are willing to provide from the Spill Response Fund to perform the function.

Recommended Strategy -

- * Continue good-faith negotiations to achieve mutually beneficial compromises.

Long range issues:

1. State organization for emergency response and disaster management; emergency response coordination and disaster management (e.g. depots, etc.) of oil spill and hazardous substances support network.

Strategies -

- * Good-faith negotiations between DEC-ADES/DMVA.
- * Proposed legislative changes next session.
- * Wait until DEC defines management principles and review our agency role within scenario.

Recommended Strategy -

- * Continued good-faith negotiations between agencies and Governor's Office for definitive executive agent policy on emergency response and disaster management.

2. Statewide emergency communications required due to increased frequency and magnitude of events.

Strategies -

- * All departments reflect proportionate increments to support system development.
- * DMVA/ADES submit complete system increment.
- * Defeat until next catastrophic event and pursue through disaster funds at that time.

Recommended Strategy -

- * All departments reflect prioritized, proportionate budget increments to develop and maintain statewide emergency communications system.

LEGISLATIVE ISSUES

None at this time.

APPENDICES

Reference: The Tradition Continues Vision 2010, The Alaska Army National Guard Long Range Plan is available for review in the Department of Military and Veterans Affairs Administrative and Support Services Division, 5th Floor, Goldstein Building, Juneau, AK 99811.

HISTORY OF THE ALASKA AIR NATIONAL GUARD

Organized in November 1952 at Elmendorf AFB as the 8144th Air Base Squadron, the first unit was comprised of 16 men and a single T-6 trainer aircraft. Since then, the name, size, and mission have changed to provide necessary support for the federal worldwide mission as well as the state commitment.

The unit designation of the Alaska Guard changed several times during the years to describe the changing mission as well as the increased size of the unit. In July 1955, aircraft were updated with the F-86 Sabre. The name of the unit was then changed to the 144th Fighter Intercept Squadron. In 1957, the mission of the Alaska Air National Guard changed to that of airlift support and its aircraft were changed to C-47 transports. The name of the squadron was then redesignated as the 144th Air Transport Squadron (light). In 1960, the designation of the squadron became the 144th Air Transport Squadron (medium) when it was re-equipped with Fairchild C-123J aircraft. On April 1, 1969, the unit was upgraded to Group status upon federal recognition of the 176th Tactical Airlift Group, with the 144th Tactical Airlift Squadron as the flying squadron. In July 1982, the aircraft were again updated, this time to C-130H.

In 1986, a new flying squadron was added to the Alaska Air National Guard as federal recognition was received for the 168th Air Refueling Squadron, located at Eielson Air Force Base near Fairbanks, Alaska. As a result, the Group was renamed the 176th Composite Group to reflect the combined air refueling and air transport missions. In August 1990, the 168th received Group status. For training and wartime operations, the Group is gained by the Military Airlift Command (MAC) while the 168th Air Refueling Group is gained by the Strategic Air Command (SAC). In fiscal year 1990, the unit received four Pavehawk helicopters to assume search and rescue operations in Alaska, a task formerly accomplished by the Air Force. This resulted in the activation of the 210th Air Rescue Squadron.

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SHORT TERM ISSUES

1. Within the past six years the Alaska Air National Guard has grown from one flying unit to three, from 750 positions to 1632 positions, and from 200 to 629 fulltime personnel. There has been no growth in the state management staff in the State Headquarters for the Air Guard. Lack of staffing is seriously impairing our ability to consolidate the current gains and to plan for future growth. The Air Guard is an excellent means of bringing federal dollars to the state since one state dollar equates to approximately eighty federal dollars. With the drawdown of active duty troop strength, now is the perfect opportunity to expand the Guard. Recommend three additional positions be assigned to the Air National Guard State Headquarters to permit continued growth and development and better command and control.

2. The Alaska Air Guard has a worldwide commitment. The Air Guard flies missions worldwide both with its KC 135 aerial refueling aircraft and its C 130 cargo aircraft. This gives the Air Guard high public visibility. This visibility will increase with the assumption of the Search and Rescue mission.

LONG TERM ISSUE

Recruiting will be one of the most critical long term issues facing the Air National Guard. Failure to recruit personnel could result in a loss of units along with their employment authorizations. State incentives have been very helpful and will continue to be an important facet of our recruiting program.

There are no Legislative Issues.

Audit Report

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS
VETERANS SERVICE OFFICER PROGRAMS

November 16, 1990



Audit Control Number:

09-4379-91

Division of Legislative Audit
P.O. Box W, Juneau, Alaska 99811-3300

STATE OF ALASKA

AUDIT DIVISION
PO. BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

August 10, 1990

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

A SPECIAL REPORT ON THE
DEPARTMENT OF MILITARY AND VETERAN AFFAIRS
VETERANS SERVICE OFFICER PROGRAMS

November 16, 1990

Audit Control Number

09-4379-91-S

The purpose of this audit was to evaluate the appropriateness and the legality of the Department of Military and Veterans Affairs' (DMVA) procedures in awarding veterans service officer funds during FY 90. In addition, a review was done to determine why no administrative regulations have been adopted for awarding monies to various service organizations.

The audit was conducted in accordance with generally accepted governmental performance auditing standards. Audit scope and methodology will be discussed in the Report Objectives, Scope, and Methodology section of this report.

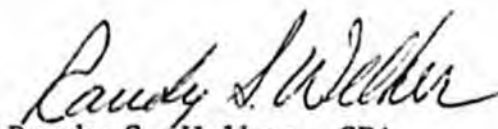

Randy S. Welker, CPA
Legislative Auditor

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REPORT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request of the Legislative Budget and Audit Committee, we reviewed the circumstances and background issues surrounding the dissatisfaction various military service organizations had with the procedures utilized by the Department of Military and Veterans Affairs (DMVA) in awarding FY 90 funds appropriated for the veterans service officer programs.

The policy and audit approach utilized by the Division of Legislative Audit for special and performance reports can best be described as "audit by exception." This methodology focuses the audit effort on areas of an auditee's operation that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made, and little time is devoted to reviewing well-run operations or programs. Consequently, this report does not emphasize those operations and programs that are properly functioning.

Discussion of report objectives, scope, and methodology of our review follows.

Our first objective was to review the appropriateness and the legality of DMVA's procedures in awarding veterans service officer funds during FY 90.

A second objective was to determine why the department has not adopted administrative regulations in contracting for veterans services from veterans service organizations.

We reviewed program-enabling legislation, audit reports, the grant award process used by DMVA, correspondence from service organizations, and legal appeals and pleadings. In addition, we reviewed documentation relating to service organizations' involvement in drafting administrative regulations.

We met or spoke with DMVA's administrative and program staff, the attorney representing the State, and auditors from the Office of Management and Budget within the Office of the Governor.

ORGANIZATION AND FUNCTION

Alaska Statute 26.10.040 provides that DMVA may reimburse veterans organizations for their expenditures in employing full-time service officers for purposes of performing rehabilitation work for veterans, including the prosecution of their claims and solutions of their problems arising out of military service. In addition, AS 44.35.020 states, in part, that DMVA will cooperate with the federal government in matters of mutual concern pertaining to the welfare of Alaska veterans, including establishing, extending, or strengthening services for veterans in the State.

This responsibility has been assigned by DMVA to its Division of Veteran Affairs. The director and staff of this division are stationed in Anchorage. The director has the task of maintaining ongoing communications with Alaska and national service organizations, and coordinates and monitors services provided by Alaska and national service organizations and the federal government.

In FY 90, DMVA was allocated \$252,000 in the Division of Veteran Affairs' budget for veterans service programs.

ISSUES BACKGROUND

In response to the special audit request, we have formatted our report to answer the two areas of concern identified in the Report Objectives, Scope, and Methodology section.

Were the veterans service officer FY 90 appropriations properly and legally awarded to various veterans services organizations?

Years prior to FY 90, the Department of Military and Veterans Affairs (DMVA) entered into agreements with two service organizations: the American Legion (AL) and the Veterans of Foreign Wars (VFW). Even though money was appropriated as contractual, DMVA did not utilize the state procurement code. Money was disbursed to the two organizations upon receipt of monthly claims for operations and expenses associated with services to veterans specified under AS 26.10.040.

In May of 1989, OMB published an audit report entitled Review of Veterans Service Officer Contracts, Department of Military and Veterans Affairs (see Appendix A) which, in part, found that DMVA has never issued a Request for Proposal (RFP) and recommended that they comply with the procurement code in issuing contracts for service officers.

The Legislature approved a \$367,600 appropriation for FY 90 and included an intent note which stated:

It is the intent of the Legislature that the contracts for veterans services be issued to the Veterans of Foreign Wars and the American Legion in the amount of \$126,000 each.

The Governor vetoed this intent language. In a June 17, 1989 letter to the Speaker of the House, he asserted that legislative intent may not be used to substantially change provisions of law. In this case he said the intent served to exclude specific contractors from a competitive procurement process, contrary to procurement code requirements.

The veto placed DMVA in the position of awarding funds using a competitive process since two additional veterans organizations had made requests for service officer funding. Since there was insufficient time before the beginning of FY 90 to conduct a competitive process without disrupting veterans services, the department entered into three month (July through September) interim agreements with VFW and AL under conditions similar to the previous year. For this transition period, they allocated \$63,000 of the \$252,000 to reimburse the two service organizations.

With revised program approval from the Governor's Office of Management and Budget (OMB), DMVA transferred funds from contractual services to grants in their budget with the condition that they must use a competitive process to award the grants. DMVA proceeded with the competitive grant award process which included contacting the four veterans organizations that had demonstrated interest in the service funding. They included the AL, VFW, Disabled American Veterans (DAV), and the Marine Corps League (MCL). An advisory board was established to review proposals and hear oral presentations which resulted in VFW being ranked first, MCL second, DAV third, and AL fourth. The board recommended that the organizations receive the following amounts:

VFW	\$93,555
MCL	\$54,488
DAV	\$40,956
AL	\$ -0-

On September 22, 1989, DMVA held a meeting with the respective commanders and service officers of the competing organizations and announced that the board recommendations would be modified. Justification for the changes, according to DMVA, were based on the close ranking of the second, third, and fourth place competitors. The following dollar amounts were derived by DMVA by taking approximately 55%, 50%, and 45% of amounts requested by the second, third, and fourth place applicants.

VFW	\$93,500
MCL	\$32,300
DAV	\$22,500
AL	\$40,800

The attendees were also informed of appeal procedures which basically gave them one week to submit appeals to the commissioner of DMVA.

On September 26, 1989, both DAV and AL submitted an appeal to the commissioner of DMVA. The appeals basically questioned whether the procedures under which DMVA awarded reimbursement grants to the service organizations were fair and provided due process. In addition, AL claimed that DMVA was bound by the vetoed statement of legislative intent to pay AL \$126,000. The commissioner of DMVA denied both appeals and a subsequent AL reconsideration of the appeal decision on November 8, 1990. On November 16, 1989, AL filed a notice in superior court to appeal the denial.

On August 9, 1990, the Superior Court acknowledged that a "semblance of a competitive procedure" was utilized by DMVA in awarding funds. In addition, the court affirmed the

commissioner of DMVA's decision to uphold the denial of a contract in the amount of \$126,000 to AL. The service organization did not appeal the judge's decision.

Why hasn't DMVA adopted administrative regulations for veterans service programs?

Historically, only AL and VFW provided professional services with state funding and shared equally in appropriations for veterans services. As pointed out in the May 1989 OMB audit report, DMVA has not issued contracts in compliance with the state procurement code. In addition, other veterans service organizations recently have activated or reactivated their presence in Alaska and are eligible under Alaska law to participate in state funding.

With the increase in parties soliciting state funding, it is essential that clear and concise communications be achieved to minimize disagreements and misunderstandings and to afford due process to all contractors. DMVA has recognized this and has adopted administrative regulations that were effective July 1, 1990.

AUDITOR'S COMMENTS

Due to the Governor's veto, DMVA was placed in a position to put in place a competitive granting process in a short period of time in order to minimize the adverse impact on program services. As a result, and as pointed out in the OMB's audit report, disagreements developed due to a lack of clear and concise criteria and lack of time afforded the competitive process.

With the development of effective administrative regulations, and DMVA's awareness that these services must be purchased on a competitive basis, better planning and communication with interested parties should be achieved.

Appendix A

Review of
Veterans Service Officer Contracts
Department of Military and
Veterans Affairs

Audit 09-26

May 1989
Division of Audit and Management Services

OMB

STATE OF ALASKA

STAFF PAPERS AND REPORTS

OFFICE OF MANAGEMENT AND BUDGET

STEVE COWPER, GOVERNOR

OFFICE OF THE GOVERNOR
OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF AUDIT & MANAGEMENT SERVICES

P.O. BOX AM
JUNEAU, ALASKA 99811-0199
PHONE: (907) 465-3568

May 25, 1989

The Honorable Steve Cowper
Governor
Pouch A
Juneau, Alaska 99811

Dear Governor Cowper:


This report summarizes our review of the Veterans Service Officer Contracts administered by the Department of Military and Veterans Affairs (DMVA). Based on our findings we recommend that DMVA:

- ° comply with the provisions of the state procurement code;
- ° develop specific contract monitoring and evaluation procedures.

The Department of Military and Veterans Affairs concur with the report, and will take steps to implement our recommendations.

The Governor's Audit Committee has reviewed and approved this report.

Sincerely,



John L. Lucas
Director

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RECOMMENDATIONS 6

 DMVA should assure that contracts issued for
 the provision of veterans service officers
 comply with the provisions of the procurement
 code (AS 36.30) 6

 DMVA should develop specific contract monitoring
 and evaluation procedures 7

ADDITIONAL COMMENTS 8

DEFINITION OF TERMS 9

AGENCY RESPONSE 10

EXECUTIVE SUMMARY

The purpose of the review was to evaluate the Department of Military and Veterans Affairs' (DMVA) contracting and monitoring procedures for implementation of AS 26.10.040 - AS 26.10.050.

Under AS 26.10.040 the state may reimburse service organizations for employing full time service officers. The service officers are to assist veterans in receiving the appropriate benefit from the federal government.

At this time, the American Legion and the Veterans of Foreign Wars each employ two service officers and one clerk/assistant service officer. Each organization maintains an office in the Veterans Administration (VA) building in Anchorage and travel to other areas of the state. Each organization receives \$126,000 per year from DMVA.

The DMVA has never issued a Request for Proposal (RFP) for the provision of service officers. Thus we are recommending that DMVA comply with the state procurement code in issuing contracts for service officers.

Current contractual agreements for the service officers do not incorporate adequate reporting requirements or evaluation criteria for monitoring and assessing the two providers receiving state funds. Thus we are recommending that DMVA develop specific criteria for monitoring and evaluating these services to veterans.

The Department of Military and Veterans Affairs has reviewed the report and their response is included. The department concurs with our recommendations.

PURPOSE AND SCOPE

The purpose of the review was to evaluate the Department of Military and Veterans Affairs' contracting and monitoring procedures for implementation of AS 26.10.040 - AS 26.10.050. These statutes allow the state to reimburse veterans service organizations for expenses related to providing full time veterans service officers.

In addition we reviewed the other functions of the Division of Veterans Affairs which include Death Gratuity payments (AS 26.10.080) and the publication of a newsletter entitled Vet's Forum.

This review included the following:

- ° Review of contracting procedures used by DMVA.
- ° Interviews with DMVA staff, contractor staff, staff of the federal Veteran's Administration and other Alaskan veteran organizations.

INTRODUCTION

AS 44.35.020 gives the Department of Military and Veterans Affairs the duty to establish, extend or strengthen services for veterans in Alaska. DMVA assigns this responsibility to the Division of Veterans Affairs.

The division consists of the director and one clerical staff based in Anchorage. The director has the responsibility of maintaining contact with local and national veterans organizations, publishing the newsletter and coordinating veterans services with the federal government.

In addition to the functions performed by the director, the division also provides funding to veterans service organizations under AS 26.10.040 - AS 26.10.050. Under AS 26.10.040 the state may reimburse service organizations for employing full time service officers. The service officers are to assist veterans in receiving the appropriate benefit from the federal government.

These funds are awarded to the American Legion and the Veterans of Foreign Wars.

A certified service officer is to provide assistance to any veteran regardless of whether the veteran is a member of the sponsoring service organization.

Service Officers

The service officer's main function is to assist the veteran, the veteran's surviving spouse and/or the veteran's surviving children in learning of and claiming the benefits they are entitled to as the result of the veteran's military service.

Each service organization provides support and training to their service officers. The most comprehensive training would be for the National and Department service officer. The National organization maintains a staff of attorneys and service officers that can assist Department service officers as well as provide direct help for the veteran. The Department service officer assists the Post service officer as well as provides direct assistance to the veteran.

If the veteran wishes a service officer to represent him before the VA, the veteran signs a Power of Attorney to the organization. The certified service officer may then represent that veteran at all levels of the VA regarding this application. Representation may include attending informal meetings, securing additional backup information, review of the VA files, filing of written appeals, and appearing on behalf of the veteran at the final appeal hearing. It is the National organization staff that would most often appear before the VA final appeal hearing to represent the veteran.

Federal statute Title 38 § 3402(a)(2)(b)(1) and § 3403(1) state that service officers certified by the VA may not charge or receive any compensation for the services they perform.

Federal statute Title 38 § 3402(a)(2) also allows the VA to furnish office space for the use of full time paid service officers. This space is free as long as the service officer is certified by the service organization and the VA. In Alaska free office space has been made available to both the American Legion and the Veterans of Foreign Wars.

Other States' Experience

Alaska has opted to provide for service officers by reimbursing service organizations. In other states, service officers are state employees.

Given the uniqueness of service officers, we contacted four other states. In three of the states (Montana, Idaho, Oregon) service officers are state employees. However, in addition to these state employees, county governments also employ service officers using local tax dollars.

In Oregon, the state will reimburse a portion of the cost of the service officer employed by the county. In one state (Washington) the service officers are employed by 5 different veterans service organizations under contract to the state.

In all four states, there are National service officers employed by the service organization and paid for by the service organization's national office.

Alaska's Experience

Both the American Legion and the Veterans of Foreign Wars indicated that they have received state funds since the early 1960's. We could trace state budget documents back to FY 75 for both groups.

The service officers were based in Juneau until the VA offices moved to Anchorage in 1980. At that time, the service officers also moved to Anchorage.

In 1984 Executive Order #58 transferred the authority for these services from the Department of Commerce and Economic Development to the Department of Military and Veterans Affairs.

At this time, the American Legion and the Veterans of Foreign Wars each employ two service officers and one clerk/assistant service officer. Each organization maintains an office in the VA building in Anchorage and travels to other areas of the state. Each organization receives \$126,000 per year from DMVA.

The American Legion and the Veterans of Foreign Wars are the only two organizations in Alaska that have certified service officers based in Alaska. Funding for these service officers comes from the DMVA. Neither of these organization have National service officers based in Alaska.

The Disabled American Veterans (DAV) has recently re-activated the local chapter. The DAV receives assistance from a National service officer from Seattle, Washington who visits Alaska once every two months. In addition, the Marine Corps League also works out of the DAV facility and they have a service officer to represent that group.

RECOMMENDATIONS

RECOMMENDATION NO. 1

The Department of Military and Veterans Affairs should assure that contracts issued for the provision of veterans service officers comply with the provisions of the procurement code (AS 36.30).

The DMVA has never issued a Request for Proposal (RFP) for the provision of service officers. The DMVA (and the Department of Commerce and Economic Development before them) have provided funds to the American Legion and the Veterans of Foreign Wars exclusively for more than 25 years.

Contracting for professional services does not require a competition on price alone. DMVA has the option of competitive sealed proposal in which evaluation criteria are developed to score each application. Price can then be reviewed with other evaluation criteria in choosing a single or multiple contractors.

DMVA also has the option of requesting an alternate procurement process such as limited competition procurement or sole source procurement.

The benefit in issuing an RFP is that all parties have knowledge of what the DMVA wishes to purchase and how this purchased service will be evaluated. At the time of this audit, DMVA has a signed Memorandum of Agreement (used in lieu of a state contract form) with only one provider. The other provider disagrees with the proposed Memorandum of Agreement (MOA) and had not signed. DMVA has continued to pay and the provider has continued to serve veterans.

The majority of the disagreements would not be issues if DMVA had issued an RFP specifying what services it wanted to purchase, how the service was to be provided and how DMVA would monitor the contractor. DMVA has the obligation to specify this information prior to requesting any potential provider to respond.

RECOMMENDATION NO. 2

The DMVA should develop specific contract monitoring and evaluation procedures which include written definitions of data to be collected and how that data will be used.

Current contractual agreements for the service officers do not incorporate adequate reporting requirements or evaluation criteria for monitoring and assessing the two providers receiving state funds.

The data collected by DMVA is based on information required by one provider to be submitted to its National office. The department has not utilized this data for any review or evaluation purpose. Currently the DMVA is attempting to change the reporting requirements and provide more meaningful information. This effort has been supported by one provider but not the other.

DMVA and the two current providers were asked to define six of the current data elements being collected to monitor the veterans services. Based on our interviews, there was sufficient disagreement between the three parties that a clear definition of data needs to be established prior to collection or evaluation by the DMVA.

The incorporation of written reporting and compliance requirements within the service contracts will provide DMVA with the ability to require the providers to accumulate and report needed information. This information will be used to assess the services currently being provided veterans within the state and to evaluate the performance of the providers.

ADDITIONAL COMMENTS

DMVA may want to seek advice regarding either budget or statutory changes so that this service can be funded as a grant rather than a contract. When identical services are provided to identical populations in the same geographic area, the normal funding is through a grant program. In addition, the services being provided are to the veterans living in Alaska, not services to a governmental agency. The normal mechanism for funding such a service is through a grant program. An RFP should still be developed, and an evaluation and monitoring procedure established.

DMVA should also look to the future and prepare for additional service organizations that may seek state funds. The VA will be moving to a larger office area in 1991. They have been notified by the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Marine Corps League and AMVETS that they would like space in that facility for service officers.

DEFINITION OF TERMS

- Department:** The veterans service organization administrative group above the Post. This is generally the statewide organization and consists of elected officers and may also include some paid staff. The dues paid at the local level help support the Department activities.
- National:** Term used to signify the veterans organization National administrative group above the Department. These National groups have elected officers and paid staff. The dues paid at the local level help support the National activities.
- Post:** The veterans organization local community facility. An example would be the local American Legion Post in Fairbanks or Ketchikan. There maybe more than one Post in a local community. Financial support is from dues, fund raisers, and often a bar.
- Service Officer:** The individual persons appointed as a volunteer or hired by a service organization to assist veterans in prosecuting their claims before the federal government. There are Post, Department and National service officers.
- Service Organization:** Groups such as the American Legion, Veterans of Foreign Wars, Disabled American Veterans, The Military Order of the Purple Heart, The Marine Corps League and others groups organized for the benefit of veterans.

MEMORANDUM

State of Alaska

TO John L. Lucas, Director
Division of Audit and Management Services
Office of Management and Budget

DATE May 17, 1989

TELEPHONE NO 249-1565

FROM John W. Schaeffer *JWS*
Major General
Alaska National Guard
The Adjutant General

SUBJECT Audit on
Veterans
Service
Contracts

We have reviewed your draft audit on the Veterans Service Officer Contracts (audit 09-26), forwarded in your memo of May 5, and offer the following responses to your audit recommendations.

Recommendation No. 1: The Department of Military and Veterans Affairs should assure that contracts issued for the provision of veterans service offices comply with the provision of the procurement code (AS 36.30)

Response: We concur. Until this issue was raised during the audit, it had not occurred to our department to apply the new procurement statutes to these contracts. In FY90, we plan to comply with the statutes by requesting a Request for Alternate Procurement (RAP) from the Commissioner of Administration to approve a limited competition procurement, to limit the award of service officer contracts to the Veterans of Foreign Wars and the American Legion. Attached is a copy of a portion of the FY90 operating budget which includes legislative intent to that effect. It is also our intent to solicit help from the Division of General Services and Supply to develop a more standard contract format.

Recommendation No. 2: The DMVA should develop specific contract monitoring and evaluation procedures which include written definitions of data to be collected and how that data will be used.

Response: We concur. We had hoped to receive your advice regarding the adequacy of the current contract and determine what changes, if any, in terms of definitions, administration (monitoring) and evaluation would provide the most effective use of the state's limited resources. We will continue working to standardize definitions and reporting requirements.

We would appreciate any additional information you have concerning the difference between treating a contracted service as a grant rather than a contract. If both require an RFP, and both require definitions of terms and reporting of performance to ensure accountability for the expenditure of public funds, then there seems to be little essential difference between the two, except their names. How would treating these contracts as grants relieve us of any requirements we now have? If we determined that grants would be more appropriate than contracts, would your office find any fault if we simply changed our procedures, transferred the authorization to the grants account (with OMB approval), and executed grant documents instead of contracts?

Your audit also contained a comment concerning the potential for additional service organizations seeking state funds in the future. We did request an increment for funding the Disabled American Veterans for a small amount in FY90, but the increment did not survive the budget process. We will probably continue to request additional funds for veterans services in future budgets.

We appreciate the time and effort you and Loren Jones have devoted to this audit. When a new Director is appointed, these matters will receive his immediate attention.

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

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RECEIVED
FEB 15 1991

February 12, 1991

Randy S. Welker
Legislative Auditor
P.O. Box W
Juneau, AK 99811-3300

LEGISLATIVE AUDIT

Dear Mr. Welker,

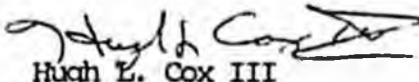
This letter is our department's written response to your preliminary audit report on the DMVA Veterans Service Officer Programs, dated November 16, 1990.

The report contained no recommendations, and was factually correct in all of the information presented. There was one significant omission in the "Issues Background" section of the report.

In the explanation of the reasons why the Director of Veterans Affairs modified the recommendations of the advisory board concerning the dollar amounts to be awarded to the competing veterans organizations, the only reason stated in your report was that the second, third, and fourth place organizations were very closely ranked. An additional consideration for changing the board's recommendation was that the American Legion, under the board's recommendation, would have had to adjust very quickly to a complete cessation of state funding for a function that they had been doing for a long number of years. It was believed that the revised amount provided a better opportunity for the American Legion to adjust to a reduced level of support for the remainder of the fiscal year.

Thank you for the opportunity to comment on your preliminary audit report. Please do not hesitate to contact our department further if you require any additional information.

Sincerely,



Hugh L. Cox III
Major General
Alaska National Guard
The Adjutant General

cc: Jeff Morrison, Director, Administrative and Support Services Division

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