

S B

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LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 12, 2001

SUBJECT: Need for SB 39 (Work Order No. 22-GS1055\A)

TO: Senator Gene Therriault
Attn: Joe

FROM:  Theresa L. Bannister
Legislative Counsel

You have asked whether the contents of SB 39 can be accomplished without amending state statutes. The bill essentially authorizes the adjutant general, with the concurrence of the governor, to appoint an assistant adjutant general to act as the official military representative of the state in matters relating to the development and deployment of a national missile defense program in this state. I believe that, with one exception, SB 39 could be accomplished under current law without enactment of a bill.

The adjutant general, as the principal executive officer of the Department of Military and Veterans' Affairs under AS 44.35.010, currently has the authority to establish necessary subordinate positions, and make appointments to these positions (subject to state personnel laws).¹ AS 44.17.040. The adjutant general, therefore, has the authority to establish and fill an assistant adjutant general position that the adjutant general considers necessary. The adjutant general also has the authority to delegate the adjutant general's functions to subordinate officers and employees (AS 44.17.010), so the adjutant general currently has the authority to delegate adjutant general functions to the new assistant adjutant general.

¹The bill's appointment of the assistant adjutant general does not appear to be subject to the appointment language of art. III sec. 19, of the state constitution (Military Authority). My reading of art. III, sec. 19 is that it addresses the appointment of persons to particular military ranks (e.g., a major general). Although the constitutional convention history is somewhat confusing on this matter (see Minutes of the Daily Proceedings--Alaska Constitutional Convention, pp. 2280 - 2282), it is my conclusion that the constitutional provision does not address the appointment of adjutant generals (or assistant adjutant generals) because an adjutant general does not appear to be a military rank and because the confirmation of the adjutant general as head of the Department of Military and Veterans Affairs is already handled by another provision of the state constitution (art. III, sec. 25).

Senator Gene Therriault

February 12, 2001

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With regard to the functions that the new assistant adjutant general is being assigned under the bill, specifically to act as the official military representative of the state with regard to the development and deployment of the national missile defense program in this state, the adjutant general, among other duties, is charged with conducting the military affairs of the state as prescribed by the Military Code, which is found in AS 26.05. AS 44.35.020(a)(1). Under AS 26.05.170 of the Military Code, the governor's military command² is exercised through the adjutant general, who is directed to carry out the policies of the governor in military affairs. AS 26.05.170. The development and deployment of the national missile defense program in this state appears to be a military affair that would fall under the governor's command, so the adjutant general can take steps to carry out the governor's policies with regard to that program. The establishment of an official military representative in the matter would be a logical exercise of that power. Under this authority, the adjutant general could also establish the duration of the position.

The only area that might not be achievable without the bill is exempting the position from the State Personnel Act (AS 39.25). The bill would place the new assistant adjutant general in the exempt service under AS 39.25.110, and the new position does not appear to fall under any of the current categories of AS 39.25.110.³


If I may be of further assistance, please advise.

TLB:lmb
01-045.lmb

² The governor is the commander-in-chief of the armed forces of the state. Art. III, sec. 19, Constitution of the State of Alaska.

³ For your information, an assistant adjutant general is currently listed in the partially exempt service under AS 39.25.120(c)(1).

Memorandum

To: Sen. Gene Therriault
From: Joe Balash, State Affairs Committee Aide 
Date: 2/06/01
Subject: Necessity of Senate Bill 39

You have asked me to identify statutes relating to the possible appointment of an assistant adjutant general for national missile defense. Specifically, you wanted to know whether the adjutant general has authority to appoint such a position within existing statutes.

There are essentially four sections of statute that appear relevant to the discussion on the appointment of an assistant adjutant general. AS 44.17.005 identifies the principal offices and departments of the executive branch. The Department of Military and Veterans Affairs is identified in this section. AS 44.17.010 permits the principal executive officer of each state department to assign the functions vested in the department to subordinate officers and employees. AS 44.17.040 permits each principal executive officer to establish necessary subordinate positions and AS 44.35.010 identifies the adjutant general as the principal executive officer of the Department of Military and Veterans Affairs.

From these statutes, it is fairly straightforward that the adjutant general has sufficient authority to appoint a subordinate officer to oversee activities related to a national missile defense system. However, since the department wishes to appoint a general, Article III, Section 19 of the Constitution comes into play, which reads in part, "...The governor, *as provided by law*, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation..." [emphasis added]. AS 26.05.180 provides for the appointment of assistant adjutant generals for the Air National Guard and the Army National Guard. They are appointed by the adjutant general with the concurrence of the governor. Whether or not AS 44.17.010 and 44.17.040 delegate the authority to the adjutant general to appoint an assistant adjutant general is unclear.

If a colonel were to be appointed for this position, the discussion would essentially be over—existing statutes allow for the creation and appointment of subordinate officers. The appointment of an assistant adjutant general is a murkier question. Discussions with the LAA Legal Department confirm this, and an opinion has been requested, although it could not be prepared in time for the committee hearing this afternoon. The statutes cited are attached.

Chapter 15. Organization of Executive Branch.

[Renumbered as AS 44.17.005.]

Chapter 17. Organization and Administration of Departments.

Section

- 05. Offices and departments
- 10. Delegation of functions
- 20. Divisions
- 30. Regulations
- 40. Department staffs

Section

- 50. Continuation of functions
- 60. Unassigned functions
- 70. Reorganization by department heads
- 80. Appearance before the legislature

Sec. 44.17.005. Offices and departments. There are in the state government the following principal offices and departments:

- (1) Office of the Governor
- (2) Department of Administration
- (3) Department of Law
- (4) Department of Revenue
- (5) Department of Education and Early Development
- (6) Department of Health and Social Services
- (7) Department of Labor and Workforce Development
- (8) Department of Community and Economic Development
- (9) Department of Military and Veterans' Affairs
- (10) Department of Natural Resources
- (11) Department of Fish and Game
- (12) Department of Public Safety
- (13) [Repealed, E.O. No. 39, § 13 (1977)]
- (14) [Repealed, § 2 ch 207 SLA 1975]
- (15) Department of Transportation and Public Facilities
- (16) Department of Environmental Conservation
- (17) [Repealed, § 84 ch 58 SLA 1999]
- (18) Department of Corrections. (§ 2 ch 64 SLA 1959; am § 1 ch 49 SLA 1963; am § 1 ch 103 SLA 1966; am § 1 ch 104 SLA 1971; am § 1 ch 120 SLA 1971; am § 1 ch 200 SLA 1972; am § 2 ch 207 SLA 1975; am § 94 ch 218 SLA 1976; am E.O. No. 39, §§ 7, 13 (1977); am E.O. No. 55, § 37 (1984); am E.O. No. 58, § 19 (1984); am § 84 ch 58 SLA 1999)

Revisor's notes. — Formerly AS 44.15.010. Renumbered in 1980.

In 1999, "Department of Education" was changed to "Department of Education and Early Development" in paragraph (5), "Department of Labor" was changed to "Department of Labor and Workforce Development" in paragraph (7), and "Department of Commerce and

Economic Development" was changed to "Department of Community and Economic Development" in paragraph (8) in accordance with §§ 88-90, ch. 58, SLA 1999.

Effect of amendments. — The 1999 amendment, effective July 1, 1999, repealed paragraph (17).

NOTES TO DECISIONS

The University of Alaska cannot be allocated among the principal departments now identified under this section. *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975).

The University of Alaska is an instrumentality of the sovereign which enjoys in some limited respects a status which is co-equal rather than subordinate to that of the executive or the legislative arms of government. Therefore, it is not necessarily subject to such

allocation under this section. *University of Alaska v. National Aircraft Leasing, Ltd.*, 536 P.2d 121 (Alaska 1975).

Former Alaska State-Operated School System not a separate principal department of government. — See *Alaska State-Operated Sch. Sys. v. Mueller*, 536 P.2d 99 (Alaska 1975).

Applied in *Granato v. Occhipinti*, 602 P.2d 442 (Alaska 1979).

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Cited in *Aspen Exploration Corp. v. Sheffield*, 739 P.2d 150 (Alaska 1987).

Collateral references. — 38 Am. Jur. 2d, Governor, §§ 1 to 15; 63 Am. Jur. 2d, Public Officers and Employees, § 1 et seq; 72 Am. Jur. 2d, States, Territories and Dependencies, §§ 62 to 65. 81A C.J.S., States, §§ 79 to 103.

Sec. 44.17.010. Delegation of functions. The principal executive officer of each state department may assign the functions vested in the department to subordinate officers and employees. (§ 3 ch 64 SLA 1959)

NOTES TO DECISIONS

Appointment of a special prosecutor. — Neither the Alaska Constitution (Article III, section 22) nor the legislation permitting the establishment of the Department of Law (44.17.010, 44.17.040) limits or deprives the attorney general of the power to appoint a special prosecutor when, in the wide discretion granted, the attorney general believes such an appointment to be in the public interest; the proper appointment of a special prosecutor in circumstances where the attorney general believes he and the Department of Law are disqualified by a conflict of interest is within the attorney general's discretionary control over the legal business of the state. *State v. Breeze*, 873 P.2d 627 (Alaska Ct. App. 1994). Quoted in *City of Cordova v. Medicaid Rate Comm'n*, 789 P.2d 346 (Alaska 1990).

Collateral references. — 1 Am. Jur. 2d, Administrative Law, § 1 et seq; 3 Am. Jur. 2d, Agency, § 68 et seq. 3 C.J.S., Agency, §§ 257 to 267; 73 C.J.S., Public Administrative Law, § 1 et seq.

Sec. 44.17.020. Divisions. The principal executive officer of each department may, with the approval of the governor, establish divisions or other administrative or organization units within the department in the interests of economy and efficiency and in accord with sound administrative principles and practices. (§ 3 ch 64 SLA 1959)

Sec. 44.17.030. Regulations. The principal executive officer of each department may adopt regulations, consistent with law or regulations established by the governor, for

- (1) the administration of the department;
- (2) the conduct of employees;
- (3) the distribution and performance of business; and
- (4) the custody, use, and preservation of the records, documents, and property pertaining to department business. (§ 3 ch 64 SLA 1959)

Sec. 44.17.040. Department staffs. The principal executive officer of each department may establish necessary subordinate positions, make appointments to these positions, and remove persons appointed within the limitations of appropriations and subject to state personnel laws. Each person appointed to a subordinate position established by the principal executive officer is under the supervision, direction, and control of the officer. (§ 5 ch 64 SLA 1959)

NOTES TO DECISIONS

Appointment of special prosecutor. — Neither the Alaska Constitution (Article III, section 22) nor the legislation permitting the establishment of the Department of Law (44.17.010, 44.17.040) limits or deprives the attorney general of the power to appoint a special prosecutor when, in the wide discretion granted, the attorney general believes such an appointment to be in the public interest; the proper appointment of a special prosecutor in circumstances where the attorney general believes he and the Department of Law are disqualified by a conflict of interest is within the attorney general's discretionary control over the legal business of the state. *State v. Breeze*, 873 P.2d 627 (Alaska Ct. App. 1994). Quoted in *City of Cordova v. Medicaid Rate Comm'n*, 789 P.2d 346 (Alaska 1990).

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of new high value-added manufacturing facilities in the state, and to assist in coordinating existing research and development efforts by state and federal agencies and other public and private entities.

(c) The program coordinator shall identify unfilled needs and problems impeding the development of a high value-added wood products industry in the state, gather information and conduct analyses, and propose solutions by exploring successful models in other states and nations. (§ 3 ch 124 SLA 1996)

Revisor's notes. — In 1999, in (a) of this section, "Department of Commerce and Economic Development" was changed to "Department of Community and Economic Development" in accordance with § 88, ch. 58, SLA 1999.

Cross references. — For legislative findings and purpose in connection with the enactment of this

section, see § 1, ch. 124, SLA 1996 in the Temporary and Special Acts.

Legislative history reports. — For governor's transmittal letter in connection with the enactment of this section by § 3, ch. 124, SLA 1996 (HCS CSSB 180(FIN)), see 1995 Senate Journal 1680.

Chapter 35. Department of Military and Veterans' Affairs.

Section

- 10. Adjutant general
- 20. Duties and powers of department
- 30. Construction of memorials to Alaska veterans

Section

- 40. Fees for certain training
- 100. Definition

Sec. 44.35.010. Adjutant general. The principal executive officer of the Department of Military and Veterans' Affairs is the adjutant general. (§ 15 ch 64 SLA 1959; am E.O. No. 58, § 20 (1984))

Collateral references. — 53 Am. Jur. 2d, Military and Civil Defense, §§ 4, 30, 33, 37. 6 C.J.S., Armed Services, §§ 15, 288-298.

Sec. 44.35.020. Duties and powers of department. (a) The Department of Military and Veterans' Affairs shall

- (1) conduct the military affairs of the state as prescribed by the Military Code;
- (2) cooperate with the federal government in matters of mutual concern pertaining to the welfare of Alaskan veterans, including establishing, extending, or strengthening services for veterans in the state; and
- (3) annually, not later than February 1, make available a report to the legislature, through the governor, outlining the department's activities during the previous calendar year; the department shall notify the legislature that the report is available.

(b) The Department of Military and Veterans' Affairs may administer training and pre-employment training programs. (§ 15 ch 64 SLA 1959; am E.O. No. 58, § 21 (1984); am § 12 ch 95 SLA 1989; am § 2 ch 6 SLA 1992; am § 95 ch 21 SLA 1995)

Cross references. — For the Military Code of Alaska, see AS 26.05.

Effect of amendments. — The 1989 amendment, effective July 1, 1989, added subsection (b).

The 1992 amendment, effective April 14, 1992, added paragraph (a)(3).

The 1995 amendment, effective August 8, 1995, in

paragraph (a)(3), inserted "make available a" and added "; the department shall notify the legislature that the report is available" at the end; and made a minor stylistic change.

Collateral references. — 53 Am. Jur. 2d, Military and Civil Defense, § 1 et seq.

Sec. 44.35.030. Construction of memorials to Alaska veterans. The Department of Military and Veterans' Affairs may construct memorials to Alaska veterans. A memorial constructed under this section is not subject to AS 35.15 or AS 35.27. (§ 1 ch 30 SLA 1981; am E.O. No. 58, § 22 (1984))

to active service. The reasons set forth in all of the available records, the governor may transfer into active service, in this chapter, as the

of the militia who is required to report at the adjutant general's representative office, unless the adjutant general is standing that the adjutant general designated. A person may be designated and compelled to

be. A physician who is designated concerning a person's conviction, forever in this state. (§ 14 ch

15. The provisions of this chapter for the enforcement of civil law apply to members of the militia for the state by

16. Members of the militia are not liable for damages while in this such suit as a listed person of the militia in an official capacity. The adjutant general may bring the suit to give the adjutant general reasonable costs shall be paid and may be defended by the adjutant general may employ private

17. In all civil cases, 76 L. Ed. 2d

18. The adjutant general shall be the commanding officer of the militia if any of those acts are required or dispersing the militia. The adjutant general exercises this discretion in the performance of duty. (§ 16 ch

19. **Adjutant general.** The governor shall designate the adjutant general. To be the adjutant general of the state. The

adjutant general shall make returns and reports to the Chief, National Guard Bureau, and to the governor or to the officers designated by the Chief, National Guard Bureau, and the governor, at the times and in the form prescribed.

(b) The adjutant general shall execute a bond running to the state in the penal sum of \$20,000 conditioned upon the faithful performance of the adjutant general's duties. The attorney general shall approve the bond and the bond shall be filed with the Department of Administration. The state shall pay the cost of the bond.

(c) The adjutant general is the official liaison between the state and the active military in the state. The adjutant general shall provide advice and assistance to state agencies having dealings with the active military in the state.

(d) The adjutant general is the official liaison between the state and the federal Department of Veterans Affairs. The adjutant general shall provide advice and assistance to state agencies having dealings with the federal Department of Veterans Affairs.

(e) The adjutant general is the official liaison between the state and the Federal Emergency Management Agency in the state. The adjutant general shall provide advice and assistance to state agencies having dealings with the Federal Emergency Management Agency. (§ 17 ch 150 SLA 1955; am § 1 ch 4 SLA 1965; am § 1 ch 57 SLA 1967; am § 1 ch 6 SLA 1992)

Effect of amendments. — The 1992 amendment, effective April 14, 1992, added subsections (c)-(e).

Collateral references. — 53 Am. Jur. 2d, Military and Civil Defense, § 35.
57 C.J.S., Militia, § 11.

Sec. 26.05.170. Governor's command and instructions exercised through the adjutant general. The governor's command is exercised through the adjutant general, who shall carry out the policies of the governor in military affairs. The adjutant general represents the governor and shall act in conformity with the governor's instructions. The adjutant general shall exercise control over the military department of the state. (§ 18 ch 150 SLA 1955)

Sec. 26.05.180. Headquarters staff of Alaska National Guard. (a) The headquarters of the Alaska National Guard is composed of an Army National Guard component, an Air National Guard component and a Naval Militia component. The Army National Guard component and the Air National Guard component shall each be commanded by an assistant adjutant general appointed by the adjutant general with the concurrence of the governor. An assistant adjutant general shall, while holding office, have the grade of brigadier general or a lower grade that the adjutant general may prescribe. On initial appointment an assistant adjutant general must hold a federally-recognized field-grade commission with at least five years service in the Alaska Army National Guard or in the Alaska Air National Guard.

(b) The adjutant general may appoint necessary officers, enlisted persons, and civilian employees to the headquarters staff. (§ 19 ch 150 SLA 1955; am § 1 ch 46 SLA 1965; am § 1 ch 122 SLA 1971; am § 3 ch 141 SLA 1972; am § 3 ch 34 SLA 1973)

Sec. 26.05.190. Administration. (a) The adjutant general shall adopt and publish orders and regulations not contrary to law that in the adjutant general's judgment are necessary to bring the organizations, armament, equipment and discipline of the organized militia to a high degree of efficiency. The adjutant general shall perform all the administrative functions incident to the operation of the Alaska National Guard and the Alaska Naval Militia. In addition the adjutant general shall have an inventory taken at least once each year of all state military stores, property, and funds under the jurisdiction of the adjutant general.

(b) [Repealed, § 35 ch 126 SLA 1994.]

initiate debate about them. The governor's message may help set the agenda of the legislature.

The power of the governor to introduce bills in the legislature derives from this provision and from a statute [AS 24.08.060([b])]. Letters transmitting bills from the governor to the legislature typically begin with a reference to Article III, Section 18.

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.

This is a common constitutional provision. It reasserts the subordination of military to civilian power that appears in Article I, Section 20. The governor is commander-in-chief of the armed forces of the state (the Alaska Air National Guard and Army National Guard) when these forces are engaged in activities within the state and not activated by a call to federal service (in which case the governor ceases to have control over them). National guard units are only nominally state organizations; standards for their training, equipping and organizing, as well as most of their financial support, come from the federal government.

If Alaska National Guard units were called upon by the governor "to execute the laws" under this section (for example, to quell rioting) they would have to do so under all of the constraints of civil law. Backing up the police with national guard troops in an effort to restore public order is different from declaring martial law under Section 20.

**Report on SJR 9 National Missile Defense System and SB 39 Asst. Adjutant General for
Missile Defense (February 6, 2001 - 3:00 p.m.)**

**From Pete Hallgren
City of Delta Junction
Department of Economic Development
Director**

The City of Delta Junction is the Local Redevelopment Authority for the surplus areas of Fort Greely. The Delta Junction economy continues to suffer from the downsizing of Fort Greely.

The National Missile Defense Deployment Final Environmental Impact Statement issued December 8, 2000, designates Fort Greely as the preferred alternative for siting the Ground Based Interceptors and the Battle Management Command and Control element.

The City Council, and the overwhelming majority of Delta area residents have consistently supported siting of these elements of the National Missile Defense System at Fort Greely.

The EIS hearing in Delta had the largest turnout of any hearing in the Nation.

The City therefore supports both Senate Joint Resolution No 9 and Senate Bill 39 as being helpful to the ultimate economic recovery of the Delta area and the defense of our entire Nation.

Thank you.

Commissioner of Labor & WD

- administers Voc Rehab program
- may appoint administrative officers and delegate to them the authority necessary to carry out AS 23.15.010-.210

Commissioner of DEED

- appointed by Board of EED subject to approval by governor

Organization and Administration of Departments

AS 44.17.010:

the principal executive officer of each state department may assign the functions vested in the department to subordinate officers and employees.

AS 44.17.040:

the principal XO of each dept. may establish necessary subordinate positions, make appointments to these positions, and remove persons appointed within the limitations of appropriations and subject to state personnel laws. Each person appointed to a subordinate position established by the principal XO is under the supervision, direction, and control of the officer.

SB 39 2/5/01 1:00pm

Subcommittee on Appropriations on Defense

Sid Ashworth ...

aware of it...

they don't have a position...

there is a long list of those waiting for a general's position...

Nat'l Guard Bureau?

has only heard from Alaska Guard

they support the mission... but it's very unclear as to whether or not / when the mission will take place.

Her take is that ANG is looking to be fully staffed up for the mission when it happens...

STATE OF ALASKA

DEPARTMENT OF MILITARY AND
VETERANS AFFAIRS
Office of the Commissioner

TONY KNOWLES, GOVERNOR

P.O. BOX 5800
Ft. Richardson 99505
National Guard Armory

January 29, 2001

The Honorable Gene Therriault, Chair
Senate State Affairs Committee
Alaska State Senate
Alaska State Capitol
Juneau, Alaska 99811

Dear Senator Therriault:

The Department of Military and Veterans Affairs requests a hearing on SB 39 "An act relating to an assistant adjutant general for national missile defense". The bill would allow the state to be directly involved with military decisions by the Department of Defense in the development and deployment of a National Missile Defense system in Alaska.

The Adjutant General for National Missile Defense (AAG for NMD) created by this legislation would be federally funded. The AAG for NMD would be part of the Alaska National Guard and in that capacity will report to The Adjutant General of the State of Alaska. Concurrently, the position may also report to the National Missile Defense Joint Program Office in the role of Commander of the Site Activation Command in Alaska.

The Governor would approve the person selected for the position of AAG for NMD. Confirmation by the Legislature is required for all general officers in the Alaska National Guard.

The department believes that establishing this joint position will allow the Alaska National Guard to fully meet Alaskan interests in the fielding and operation of the national missile defense system.

If I can provide further information, please call Carol
Carroll at 465-4730. I look forward to working with you on
this bill.

Sincerely

A handwritten signature in cursive script that reads "Carol Carroll". The signature is written in dark ink and is positioned above the typed name and title.

Phillip Oates, Adjutant General
Department of Military and Veterans Affairs

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 39
 (S) Publish Date: 1/17/01
 Dept Affected: Military & Veterans Affairs
 BRU: Alaska National Guard
 Component: Military Headquarters
 Component No. 2135

Revision Date/Time: _____
 Title: Asst. AG for National Missile Defense
 Sponsor: Rules Committee
 Requestor: Governor

Expenditures/Revenues (Thousands of Dollars)
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
PERSONAL SERVICES	148.4	148.4	148.4	148.4	148.4	148.4
TRAVEL	35.0	35.0	35.0	35.0	35.0	35.0
CONTRACTUAL	16.6	16.6	16.6	16.6	16.6	16.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
1002 Federal Receipts	200.0	200.0	200.0	200.0	200.0	200.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	200.0	200.0	200.0	200.0	200.0	200.0

Estimate of any current year (FY2001) cost: \$ 0.0

POSITIONS

POSITIONS	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill authorizes an Assistant Adjutant General for National Missile Defense. The position will be a State of Alaska position paid by federal funds. No general funds will be needed to support this position. The position will be the in-state military representative of the federal national missile defense program.

Prepared by: Carol Carroll Phone: 465-4730
 Division: Administrative Services Date: 14-Nov-00
 Approved by Commissioner: _____ Date: _____
 Phil Oates
 Agency: Military & Veterans Affairs

For distribution information, call the Governor's Legislative Office

Terry Bannister 2/5/01

It looks like he has authority under
HH.17 to appoint

Under 36.05 the AG can carry out
the policies of the Governor...

Emergency Committee... there are provisions
for cooperation

Will wait for word from us as to whether
or not we want a formal opinion...

Carol Carroll

Gen. Oates has talked w/ the Army and
the J7. Missile Defense ...

They want somebody in Alaska @
general rank ... but none of the
branches have a spare general ...
they are willing to pay for

We are limited to 2 asst. adj. generals.
one for Army Guard
one for Air Guard

last year, the leg. gave DMVA a position
to coordinate civilian spin-offs. That
position sits in the commissioner's office
and is filled by ~~the~~ Chris Nelson.

This position is a military person, general
officer, paid for by the feds who will
facilitate the project.

Commissioner wants it to be an Alaskan
who is in or will become a member
of the AK Nat'l Guard. There will
have to be a MOU to protect us from
feds and vice versa.

leg. confirms the rank of general ...

House DMVA mtg @ 3:30
General Oates is testifying
Off-Net site @ General's office
428-6003

2631 555

Journal Text



01-17-2001

Senate Journal

0098

Governor's transmittal letter dated January 15:

Dear President Halford:

This bill I am transmitting establishes the position of assistant adjutant general for nacional missile defense in the Department of Military and Veterans' Affairs to represent the state in matters pertaining to the development and deployment of the national missile defense program.

This position would be federally financed and authorized for as long as the federal government is developing and deploying the national missile defense program in this state and is financing the position, which is expected for at least three years. The position would be filled by the adjutant general with the concurrence of the governor.

In order for the state to thoroughly participate in the national missile defense program as it involves Alaska, I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Tony Knowles
Governor

Bill Root: [Display Bill Root](#)

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR
TO REPORT PROBLEMS WITH BASIS INQUIRY

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FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1

Bill Version: SB 39

(S) Publish Date: 1/17/01

Revision Date/Time:

Dept Affected: Military & Veterans Affairs

Title: Asst. AG for National Missile Defense

BRU: Alaska National Guard

Component: Military Headquarters

Sponsor: Rules Committee

Requestor: Governor

Component No. 2135

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007
PERSONAL SERVICES	148.4	148.4	148.4	148.4	148.4	148.4
TRAVEL	35.0	35.0	35.0	35.0	35.0	35.0
CONTRACTUAL	16.6	16.6	16.6	16.6	16.6	16.6
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	200.0	200.0	200.0	200.0	200.0	200.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	200.0	200.0	200.0	200.0	200.0	200.0

Estimate of any current year (FY:001) cost: \$ 0.0

POSITIONS

	1	1	1	1	1	1
FULL-TIME						
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

This bill authorizes an Assistant Adjutant General for National Missile Defense. The position will be a State of Alaska position paid by federal funds. No general funds will be needed to support this position. The position will be the in-state military representative of the federal national missile defense program.

Prepared by: Carol Carroll

Phone: 465-4730

Division: Administrative Services

Date: 14-Nov-00

Approved by Commissioner:

Phil Oates

Date: 14-Nov-00

Agency:

Military & Veterans' Affairs

For distribution information, call the Governor's Legislative Office