

HB

354

Alaska State Legislature

Chairman

Military & Veterans' Affairs Committee

Member

Labor and Commerce Committee

State Affairs Committee

Economic Development, Trade & Tourism
Committee

Education Committee

Joint Armed Services Committee

Finance Subcommittees

Labor & Workforce Development

Community & Economic Development

Military & Veterans' Affairs



A Communication From
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Sponsor Statement CSHB 354 (MLV)

Currently, the governor of Alaska is free to appoint any citizen of Alaska, without other qualifications to be Adjutant General. This bill remedies that situation by recognizing additional guidelines for appointees, such as serving at least five years in the Alaska National Guard/Alaska Air Guard – the current requirement for an *Assistant* Adjutant General.

Qualifications for appointment must be tailored to the unique requirements of the Alaska's Adjutant General's mission, without political considerations. The nature of the job requires substantial experience and understanding of military operations in general, and the Alaska National Guard /Alaska Air Guard in particular. Other civilian business and managerial experience is valuable but, in itself, not comparable to high-level military operations. Business people cannot operate their business like the military; likewise, the military cannot conduct operations like a business.

In addition, operating conditions in Alaska are unlike any other jurisdiction. As a result, extensive guard experience in Alaska is critical. This Alaska experience, as well as qualifications at operational or strategic levels of military leadership, is essential to the best interest of Alaska. It's also important to the interaction of Alaska with national homeland security, national disaster agencies, and national war efforts.

In summary, an Alaska Adjutant General should be selected from a cadre of professional Alaska officers that goes through the military educational process with active duty military. This will insure the success of the Adjutant General of Alaska's mission. Your support of this bill is respectfully requested.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 354(MLV)
 (H) Publish Date: 2/10/06

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title: "An Act relating to qualifications of the RDU: Executive Operations
adjutant general..." Component: Executive Office
 Sponsor: Military & Veterans' Affairs
 Requester: House Military and Veterans Affairs Committee Component No. 6

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will have no fiscal impact on the Office of the Governor.

Prepared by: Gail Fenumial Phone 465-3885
 Division: Asst. Admin. Director Date/Time 1/17/2006, 9:37am
 Approved by: Linda J. Perez, Administrative Director Date 1/17/2006
 Agency: Office of the Governor, Administrative Services Division

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 354(MLV)
 (H) Publish Date: 2/10/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
 Title: Qualifications of the Adjutant General RDU: Military and Veterans Affairs
 Component: Office of the Commissioner
 Sponsor: Dept of Military and Veterans Affairs
 Requester: _____ Component No. 414

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer
 Division: Administrative Services Division
 Approved by: Craig E. Campbell, Commissioner
 Agency: Department of Military & Veterans' Affairs

Phone (907) 465-4602
 Date/Time: 1/12/06 3:15 PM
 Date: 1/12/2006



ALASKA NATIONAL GUARD OFFICER'S ASSOCIATION

200 West 34th Avenue, PMB 727, Anchorage, Alaska 99503

ANGOA

16 JANUARY 2006

MEMORANDUM FOR RECORD: Proposal to Amend Alaska Statute (AS 26.05.160) Reference "Qualifications for the Position of Adjutant General"

Based on present statutory and constitutional language, this proposed amendment specifically addresses the position of "Adjutant General" in AS 26.05.160 without contradicting the constitutional language that specifies "department head appointed by the governor". The two titles "department head", or "The Adjutant General" (TAG) may be used separately or mutually at the discretion of the Governor.

Many other states already have statutory requirements similar to what we are requesting. For example, Texas requires ten years Texas Guard membership. Other states have made the political appointment of TAG from junior ranks (Warrant Officer, a Major, civilians) with mixed results. Lack of experience or qualifications at the operational or strategic levels of military leadership and/or lack of understanding and background of Alaska and its National Guard have been at the center of many of our historic areas of concern. We feel that a person being appointed to the highest military position in the Alaska National Guard and the Alaska State Militia forces should have a significant understanding and experience of the Alaska National Guard and of the State of Alaska.

In Alaska, the Adjutant General position also is a political appointee, civilian, State Commissioner by the Governor, under the State Constitution with additional criteria in statute. In both capacities, TAG reports to the Governor in his roles as State Commander in Chief (military title) and as the Chief Executive (civilian title). As The Adjutant General, the primary responsibility is control of the Alaska National Guard in support of State missions. As a military general/flag officer, TAG is uniquely responsible for the melding of the Federal funding and missions of the National Guard while balancing the two distinct lanes (State and Federal) of resourcing and execution. This requires individuals with a strong background in National Guard (State/Militia) experience, as well as an overall general military experience and education.

Many Alaska National Guard (AKNG) officers have succeeded at the highest levels with recent service around the world in combat, peacemaking or peacekeeping roles in command of active duty, multi-national and multi-service components. Most have served in State Homeland Security/Emergency Response missions. Many of the functions of senior military officers are equal to and exceed civilian business management and leadership tenets. Bringing in a civilian from the business world without military credentials would not be in the best interests of the military missions of the Alaska National Guard and could negatively affect the morale of qualified Alaska National Guard Officers now and in the future.

We have a professional officer cadre that goes through the military schooling system with the active Army and Air Force and are required to have civilian education commensurate with their rank. We believe these officers should have first priority to serve at the highest military rank in Alaska's National Guard. Statutory specification to that effect would ensure this goal.

FOR THE BOARD OF DIRECTORS

((ORIGINAL SIGNED))

Colleen Hough

Mike Bridges

Thomas Katkus

Roger Schnell

President

Legislative Liaison

Board Member

Board Member

PROPOSAL FOR A STATE OF ALASKA RESOLUTION AMFNDMENT

RELATING TO QUALIFICATIONS IN ALASKA STATUTE AS.26.05.160. FOR APPOINTMENT AS THE
ADJUTANT GENERAL

BACKGROUND: Currently in the State of Alaska, the Governor is essentially free to appoint nearly anyone he/she chooses to be The Adjutant General (TAG) for Alaska, the highest military position of the Alaska National Guard. At the same time, the requirements for appointment of the two (Army and Air Guard) Assistant Adjutant Generals, require that they have served at least five (5) years in the Alaska National Guard, be able to be Federally recognized as General Officers, and other specific statutory and regulatory requirements. Additionally, in a group of peer Adjutants General, a non-Federally recognized TAG is not an equal amongst his/her peers particularly when addressing the Federal resources and missions relating to the National Guard of the State(s).

This creates both a real and perceived disparity between two militarily qualified General Officers and their potential immediate military leader that is unacceptable. Also, someone who has no knowledge of the Alaska National Guard tends to spend most of their time just trying to learn about our capabilities and challenges, the Alaska military and political environments and the State military needs. This is contrary to someone who has come from within the organization. Also, the military training, experience, schooling requirements to include the War College are intense and cumulative to achieve the level of General Officer in today's National Guard. Someone who has not served in the higher military ranks also should not be considered to be placed in a military command position at the level of Adjutant General.

As this proposal has not been able to be accomplished through administrative action, it is hereby presented for support through the Alaska State Legislature.

PROPOSED RESOLUTION AMENDMENT FOR THE STATE OF ALASKA TO A.S. 26.05.160:
Appointment, Qualifications, and Duties of Adjutant General.

"An Act relating to qualifications of the adjutant general; and providing for an effective date."

* Section 1. AS 26.05.160(a) is amended to read:

Sec. 26.05.160. Appointment, qualifications, and duties of adjutant general. (a) The adjutant general of the state is appointed by the governor. The governor shall prescribe the grade of the adjutant general, which may not exceed major general. To be eligible for appointment as adjutant general, a person must be a citizen of the state and must be a federally recognized general-grade officer in the Alaska National Guard or an officer who has the qualifications to gain federal recognition as a general-grade officer, either in active status or in retirement status eligible for reappointment as a general-grade officer; in appointing the adjutant general, the governor shall consider and give preference to persons with at least five years' service in the Alaska Army National Guard or in the Alaska Air National Guard. 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.

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c)

Sec. 26.05.160. Appointment, qualifications, and duties of adjutant general.

(a) The adjutant general of the state is appointed by the governor. The governor shall prescribe the grade of the adjutant general, which may not exceed major general. To be eligible for appointment as adjutant general, a person must be a citizen 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.

History -

(Sec. 17 ch 150 SLA 1955; am Sec. 1 ch 4 SLA 1965; am Sec. 1 ch 57 SLA 1967; am Sec. 1 ch 6 SLA 1992)

Amendment Notes -

The 1992 amendment, effective April 14, 1992, added subsections (c)-(e).

Collateral Refs -

53 Am. Jur. 2d, Military, and Civil Defense, Sec. 35.

57 C.J.S., Militia, Se

Sec. 26.05.160. Appointment, qualifications, and duties of adjutant general.

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Amendment Notes -

The 1992 amendment, effective April 14, 1992, added subsections (c)-(e).

Collateral Refs -

53 Am. Jur. 2d, Military, and Civil Defense, Sec. 35.

57 C.J.S., Militia, Sec. 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.

History -

(Sec. 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

TAKE NOTE

LEGISLATIVE RESEARCH REPORT

JANUARY 19, 2006



REPORT NUMBER 06.098

QUALIFICATIONS FOR NATIONAL GUARD ADJUTANTS GENERAL IN OTHER STATES

PREPARED FOR REPRESENTATIVE BOB LYNN

BY PATRICIA YOUNG, MANAGER

In anticipation of a hearing on HB 354, which would add eligibility requirements for the position of adjutant general in Alaska, you asked for information on the requirements for the position of adjutant general (TAG) in other states. You also wished to know if any states' adjutants general gain the position by a process other than appointment by the governor.

According to Bernie Phelps, legislative analyst, National Guard Association of the United States (NGAUS), governors appoint the adjutants general in every state except South Carolina and Vermont.¹ In South Carolina the TAG is elected by popular vote.² In Vermont the TAG is elected by vote of the legislature every two years.³ For the District of Columbia, the U.S. president appoints the adjutant general. In at least eight states, the governor's appointment is approved by the Senate.

Neither the NGAUS nor the Adjutants General Association of the United States has compiled information on the qualifications of adjutants general. We therefore sent requests to the TAG of each state. At this time, we have information on 25 states. While the time constraints of this request have allowed only a quick review of states' statutes, we note the following features:

¹ Bernie Phelps, legislative analyst, National Guard Association of the United States, can be reached at (202) 408-5884.

² Under the state's constitution, the only requirement for election is qualification as a registered voter in South Carolina; no military experience is required. By statute, if the office is vacated by the elected TAG, the governor appoints an officer in the active National Guard who holds the rank of lieutenant colonel or above, is a registered voter, and has a minimum of 15 years' active commissioned service in the state's National Guard. Danny Stewart, South Carolina TAG Administrative Coordinator.

³ Major General Martha Rainville, Adjutant General of Vermont.

- ◆ Most of the states we reviewed require that the candidate be a federally recognized officer with substantial (5 to 15 years) previous experience in the armed forces, generally as a commissioned officer.
- ◆ Some states limit the appointment to individuals under the age of 64 or 65.
- ◆ Among the states we reviewed, Tennessee and South Carolina (like Alaska) were alone in having no qualifications other than state residency. The TAG in Tennessee notes that they probably should rewrite their code.

Several responders to our request for information added comments about the qualification requirements. Because you may find them to be useful, we include those comments here:

Arizona—We are very satisfied with our rules as they apply to the appointment of the Adjutant General. They have taken the "Politics" out of the process, and made the job competitive only for well-qualified individuals. Over the years we continually look at the laws, and have not changed them because they give the Governor an opportunity to pick from a large pool, but again, only the most senior officers, and who were, or are, members of the AZ NG. Major General David P. Rataczak, TAG, Arizona.

Florida—Some states' policies weaken the TAGS ability to make decisive decisions when actions must be taken for good order and discipline. Having a TAG easily replaced usually shows up in [diminished] readiness ratings and detracts from strong leadership. Major General Douglas Burnett, TAG, Florida

Idaho—Please note that we amended [the statute], deliberately raising the minimum appointment eligibility from lieutenant colonel to colonel. Two basic reasons for the change: the increased experience held by more senior colonels, often including graduation at War College, and the fact that senior colonels typically will have a quicker and easier process obtaining federal recognition at the ranks of brigadier and major general. Major David Dahle, Judge Advocate, Idaho.

Maine—The law [in Maine] is silent on the requirement of the Adjutant General or Assistant Adjutant General to be able to attain federal recognition as a General Officer. In my personal opinion, the law should require the TAG/AAG to be able to obtain federal recognition. If we as TAGs are to be considered "legitimate" General Officers among our peers on Active Duty, we should meet the same educational and promotion standards they do. Major General John W. Libby, TAG, Maine.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

⁴ Major General Gus L. Hargett, Jr., Adjutant General of Tennessee.