

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

January 31, 2019

3:31 p.m.

**MEMBERS PRESENT**

Senator Mike Shower, Chair  
Senator John Coghill, Vice Chair  
Senator Lora Reinbold  
Senator Peter Micciche  
Senator Scott Kawasaki

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Commissioner Designee, Department of Military & Veterans Affairs  
Brigadier General Torrence "Tory" W. Saxe - JBER

- CONFIRMATION ADVANCED

SENATE CONCURRENT RESOLUTION NO. 1

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the appearance of measures on the daily calendar after the ninetieth day of the regular session.

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 1

SHORT TITLE: UNIFORM RULE AMENDMENT; BUDGET

SPONSOR(S): SENATOR(S) SHOWER

01/16/19	(S)	READ THE FIRST TIME - REFERRALS
01/16/19	(S)	STA
01/31/19	(S)	STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

BRIGADIER GENERAL TORRENCE "Tory" W. SAXE, Commissioner Designee  
and Adjutant General  
Department of Military & Veterans Affairs  
JBER, Alaska

**POSITION STATEMENT:** Testified as nominee to the position of  
commissioner of the Department of Military & Veterans Affairs.

SCOTT OGAN, Staff  
Senator Mike Shower  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SCR 1 on behalf of the sponsor.

THERESA USIBELLI, representing self  
Healy, Alaska

**POSITION STATEMENT:** Testified in support of the appointment of  
Brigadier General Saxe as commissioner of the Department of  
Military & Veterans Affairs.

DAVE GARGANTA, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of the appointment of  
Brigadier General Saxe as commissioner of the Department of  
Military & Veterans Affairs.

VIKKI JO KENNEDY, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified that she supports the appointment  
of Brigadier General Saxe as commissioner of the Department of  
Military & Veterans Affairs.

CHAD CANNAN, representing self  
Houston, Texas

**POSITION STATEMENT:** Testified in support of the appointment of  
Brigadier General Saxe as commissioner of the Department of  
Military & Veterans Affairs (DMVA).

CHARLES STRONG, representing self  
California

**POSITION STATEMENT:** Testified in support of the appointment of  
Brigadier General Saxe as commissioner of the Department of  
Military & Veterans Affairs (DMVA).

#### **ACTION NARRATIVE**

[3:31:11 PM](#)

**CHAIR MIKE SHOWER** called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Coghill, Reinbold, Kawasaki, and Chair Shower.

**CONFIRMATION HEARING(S)**

**Commissioner, Department of Military & Veterans Affairs**

[3:32:24 PM](#)

**CHAIR SHOWER** invited General Torrence "Tory" W. Saxe, commissioner designee and adjutant General of the Department of Military & Veterans Affairs, to tell the committee about himself.

[3:32:47 PM](#)

**BRIGIDIER GENERAL TORRENCE W. SAXE**, Commissioner Designee and adjutant general, Department of Military & Veterans Affairs, said first he wanted to relay the good news that President Trump has granted the request for individual and public assistance after the earthquake.

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**SENATOR MICCICHE** joined the committee.

**GENERAL SAXE** reported that the declaration means that individuals and Alaskan families are eligible for up to \$34,000 in federal assistance. State assistance for individuals is limited to about \$17,000. He explained that after the earthquake those in need were put into shelters and temporary housing. The next phase is to get people out of hotels and into temporary housing. For those who are eligible, federal grants cover up to three months of rent and up to 18 months for those with mortgages. That cap is up to \$34,900.

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**SENATOR REINBOLD** asked if people should use the ready.gov website.

**GENERAL SAXE** said yes. He added that with the Governor's concurrence there is a one-month extension to apply for assistance. Currently, there are about 13,000 applicants and the number is growing daily.

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**GENERAL SAXE** stated that he has been in the military almost 30 years. He comes from a military family and initially enlisted in

the Army. His father is a retired infantry officer, his wife is in the Army, and her 96-year-old grandmother was a Marine in World War II.

He said he was a reservist when his unit was deployed in Desert Storm and Desert Shield and the experience of being a medic in the operating room gave him quick focus about war and what he needed to do to be prepared. He has tried to apply the saying "Be ready for war because war is ready for you." to everything he's done in his career.

He subsequently finished his degree from Eastern Washington University and was cross-commissioned into the Air Force. His first job was as a missileer in a missile silo in Montana. That training provided rigid discipline for his assignment to the radome at Clear Air Force Station ("Clear"). After a year he was sent to England to do space surveillance. Next, he was sent to Peterson Air Force Base, Colorado where he worked in personnel as executive officer. When word came that Clear was going to the National Guard, he applied and was able to return to Alaska, he said. Eventually, he became the guard commander and installation commander at Clear. In that capacity he was in charge of the guard, active duty, Canadians, and civilians. He said he's always taken that as a good sign because he knows that things go well when you develop a good relationship with your active duty counterparts. This is borne out in his current position where active duty often drives what is relevant on the national stage.

GENERAL SAXE related that when he left Clear he went to War College at Maxwell Air Force Base, Alabama and is grateful for the experience. He had a year to concentrate on critical thinking and to prepare for future commands. After graduation, his assignment was aircraft maintenance at JBER for C-17s, C-130s, and helicopters. After that he became the wing commander at Eielson overseeing the KC-135s, refueling, and the personnel at Clear. Next, he became the commander of the Alaska Air National Guard and then moved into his current position. He said this is his seventh command and his philosophy continues to be, "You take care of the people and they will take care of the mission." He opined that is important to be a people-centered guard commander because people tend to stay a long time. Active duty moves every 2-3 years whereas guard personnel potentially will be in the same unit their entire careers.

GENERAL SAXE said his theme going forward is "Team Alaska," which will be inclusive and focused on the mission. He highlighted that the Alaska Air National Guard has both a state

and federal mission. It is the one part of the Department of Defense with that distinction. Day-to-day, his commander in chief is the Governor and he wants to focus on state operations, earthquake preparedness, and response. General Saxe said he has informed guard staff that work directly for him that there will have an earthquake exercise in the near future. Within 75 days a larger exercise will be held that also includes active duty personnel. He opined that it's important to do that as a dual-status commander. All forces should be brought to bear on a domestic response.

He said the second aspect of his vision focuses on the people and whether they want to go to work. He wants to get rid of toxic behavior at any level and has no tolerance for toxic behavior, sexual harassment, or sexual assault. He said his wife gave him permission to share that she was sexually harassed during her Army career. It affected her moral and the moral of her section. He said he will not tolerate that in any unit, and he won't tolerate anyone who fails to act if it happens.

GENERAL SAXE said he wants people to understand that he believes in empowering people and has already passed on his expectations to his unit. Everyone who identifies a problem gets a letter grade C, a B if they do that and give a course of action, and an A if they do both and let him know what they've done. He acknowledged that empowerment alone is not enough. The missions must be relevant, particularly in the relationship with active duty. The F-35 are coming to Alaska in a few years and he would like to be part of a total force integration with them, either flying or fixing those fighters. Refueling is also on the list of importance. There is a current need to refuel the KC-135s and the need will be even greater when the F-35s arrive. If active duty decides that the KC-46 follow-on refueler will go to Eielson, he wants to be part of that. He said he is ready today for total force integration with the current tanker, but they are older and will eventually be phased out.

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GENERAL SAXE said future missions at Clear include the Long Range Discrimination Radar that will be connected into the Aleutians and the existing radar that will have a dedicated landline into Fort Greely. The Alaska Army National Guard just received two Lakota helicopters and he has asked them to be placed on alert to work with the Air Force for in-state search and rescue. He said he agrees with Billy Mitchel who said that Alaska is the most strategic spot on the globe. There is a shift

to the Pacific and it's important that all the agencies within the DMVA are focused on the future.

CHAIR SHOWER thanked General Saxe and asked if there were questions.

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SENATOR COGHILL asked if he had any ideas about how to better integrate with the active duty Air Force in both the Pacific and Arctic.

GENERAL SAXE said the C-17 is a good example of Total Force Integration. It started as active duty only owned iron and has transitioned to guard owned iron with no impact on the mission capable rate to fix and fly the aircraft. He said his focus would be anything that could project that power such as the KC-46, F-22 and F-35. With regard to the Arctic, it's important to be able to get to the places that are impacted by climate change, he said.

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SENATOR COGHILL highlighted that manning missile defense and Eyes in the Sky at Clear has increased the mission in Alaska significantly. He asked what other projects might be coming from the Air Force.

GENERAL SAXE replied the largest project is the Long Range Discrimination Radar, and the Guard is not currently part of that. If it is going to be manned by Air Force personnel, that is where he would like to take the initiative, he said. Nearly 100 percent of the mission at Clear is operated by guardsmen with a small cadre of Canadians and active duty. Active duty is likely to leave Clear in the future, so it is a good mission for the guard to take on. It is cutting edge. He noted that the relationship between Clear and Fort Greely is almost completely manned by guardsmen, which is the type of relationship he's interested in. The saying at Fort Greely is that "It's the 300 protecting the 300 million," and he agrees completely.

SENATOR COGHILL noted that the university has worked with the Army on drones and with the Federal Aviation Administration (FAA) on training for air space issues. He asked if he foresees the Army National Guard taking a role in the management of drone operations.

GENERAL SAXE said he would not pursue that at this time.

SENATOR COGHILL asked him to talk about the benefit of the Army War College.

GENERAL SAXE explained that every service except the Marines has a War College for select lieutenants and colonels. He said that once you are accepted, you have a year to focus on strategic studies and critical thinking. Participants are challenged daily by their peers and professors and a large percentage of graduates do go on to higher command. He said he completely endorses it and believes the rigorous experience helped him personally and professionally. He also came away with another master's degree.

SENATOR COGHILL described his own experience at the Army War College.

GENERAL SAXE reiterated that he is a proponent of any War College.

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SENATOR KAWASAKI asked how the previous commissioner did with regard to the sexual assault issues in the Alaska Guard, and what he will do to ensure that won't happen again.

GENERAL SAXE said he knows his predecessor did several things to refine the response. He believes that it is critical for the commander to set a good example and to hold all subordinate commanders to the same standard. What he's seen in other units is that everyone knows about a behavior, but no action is taken. He said that under his command, a commander who does that will be held accountable for not enforcing the culture.

He discussed the education and training he'd like to further. Currently there is a sexual assault response coordinator and victim advocates. He explained that there are two paths for victims of sexual assault - restricted and unrestricted. Restricted means that the incident is truly between the victim and a small number of people whereas the unrestricted path can open up to the chain of command. He emphasized that the key is that the victim decides the path, not the commander. He said he wants to make sure that there is a culture where everyone understands that sexual assault is never appropriate and will not be tolerated. It is his job to ensure that culture is never close to the line. Training is ongoing to make sure that this is a safe place for all to work, he said.

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SENATOR KAWASAKI asked why he decided to switch from the Army to the Air Force.

GENERAL SAXE said there was a family connection with the Air Force.

SENATOR KAWASAKI asked if he knows the result of the Army/Air Force game that was played in Fairbanks several weeks ago.

GENERAL SAXE answered he did not know the outcome, but heard it was a lot of fun, just like those games always are.

SENATOR KAWASAKI reported that the Army slaughtered the Air Force.

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SENATOR REINBOLD asked what his largest challenges will be.

GENERAL SAXE said the number one challenge is recruitment. Improvements have been made the last several years but there is more to do. He shared a success story of recruiting at Eielson over a period of 18 months. He credited good leadership, good recruiters, and the belief that it can be done. Retention is not a challenge at this time; it is about 95 percent. That is a good sign. The number two challenge is to have a relevant weapons system. The Alaska Air Guard currently does not have a fighter community which is why he wants to be part of the F-35. The number three challenge is to build the bench of officers and enlisted personnel and ensure they see there is a path forward. The number four challenge is rural engagement. Forces are now concentrated in Anchorage and Fairbanks and it's important to get out with better capacity and be the Department of Military & Veterans Affairs for all of Alaska. He has asked homeland security to look at rural airports and get out to rural communities more. With some support from active duty, he wants to be prepared for a domestic contingency or a federal response. The Alaska Air National Guard currently can fly into Bethel and Galena and he plans to also take recruiters, the Office of Veterans' Affairs, and the Alaska State Defense Force.

SENATOR REINBOLD asked what his plan is for getting relevant weapons as well as his plan for the Arctic.

GENERAL SAXE said the best thing they can do is be in the rural part of Alaska and enhance the state defense force. Right now, there are about 111 people and he would like to increase that to about 500. With the Governor's number one priority being public

safety, it is appropriate to look with public safety at a constabulary defense force. The preliminary discussions are ongoing.

With regard to relevant weapons, he said he believes that building a trusting relationship with active duty (such as he described earlier as commander at Clear) can make that happen. Going forward he will use that template; he wants to be embedding with active duty counterparts to ensure that the Alaska Air National Guard is on board with emerging systems. He offered his perspective that, "We're all on the same team, just different positions."

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SENATOR SHOWER asked him to highlight where the Navy and the Coast Guard are showing interest in the Arctic and the ice breaking capacity the U.S. is lacking.

GENERAL SAXE said it is public knowledge that compared to some potential adversaries, the U.S. does not have a comparable icebreaker force. If the Arctic waterways continue to open up, the Alaska Air National Guard can be part of satellite surveillance and forward deployment of the State Defense Force. They are the eyes and ears for homeland security. Active duty Navy and the Coast Guard assume more direct involvement.

He highlighted that the state's defense force personnel recently saw a Russian ship that was close to the border and reported it up the chain to Alaska command. That is a tangible example of the importance of a forward presence, he said.

SENATOR MICCICHE asked if he believes he will be given the necessary tools to complete his mission and guiding principles for the Department of Military & Veterans Affairs.

GENERAL SAXE replied, "I definitely will lead what I am given and work within the budget I am given as well." He said his tiered approach is to look at the effect on readiness, relevancy, and recruiting.

SENATOR MICCICHE mentioned the educational benefits of enlisting and asked if there is potential for partnerships with the university to make course work more relevant and keep students in the state.

GENERAL SAXE said his daughter joined the Guard because she wanted to serve her country and state and because the

educational benefits are very good. He added that more emphasis on science and math would help with relevancy.

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SENATOR SHOWER asked what challenges the legislature and governor may need to address to accommodate the budget the DMVA needs.

GENERAL SAXE said the criteria he looks at is whether the budget is sufficient to address readiness and relevancy and whether he can positively impact recruiting. He noted that the state budget is about \$15 million, and the federal budget is almost \$1 billion.

CHAIR SHOWER asked if he feels he's in good shape at this time.

GENERAL SAXE said yes.

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CHAIR SHOWER opened public testimony on the appointment.

THERESA USIBELLI, representing self, Healy, testified in support of the appointment of Brigadier General Saxe as commissioner of the Department of Military & Veterans Affairs. She related that she is a family friend and would trust him with her family's life. He is kind, courteous, trustworthy, level-headed, and the best person for the position.

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DAVE GARGANTA, representing self, Anchorage, testified that he is retired from the Alaska Air National Guard after 38 years of service, and it is an honor to speak in support of Brigadier General Saxe's confirmation. He has never worked for a finer person. His leadership, mentorship, and dedication to the mission is beyond compare. He is well-rounded and has the best interest of the military, veterans, and the nation at heart. He is truly an officer and a gentleman.

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VIKKI JO KENNEDY, representing self, Juneau, said she too supports the appointment of Brigadier General Saxe as commissioner of the Department of Military & Veterans Affairs, but wants him to tell the public why, when missile defense is so imperative to the state, he is relying solely on Fort Greely. She suggested moving half the force to Juneau.

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CHAD CANNAN, representing self, Houston, Texas, testified that General Saxe has many personal and professional values that make him uniquely qualified for the position. First, he has found the elusive leadership balance between executing the mission and growing the people who are executing the mission. Second, he always does things the right way, emphasizing that it is not just what is accomplished but how it is accomplished. Third, his high regard for family is an indelible sign of the type of person he is, and it speaks to his character.

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CHARLES STRONG, representing self, California, testified that he worked with General Saxe for 15 years and was impressed with his professional bearing and record. He can be counted on to get the job done. He always plays in the middle of the field and expects his people to do the same. General Saxe also understands the challenges of working with active duty. He is uniquely qualified and there is no better person for the position, Mr. Strong said.

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CHAIR SHOWER closed public testimony.

GENERAL SAXE responded to Ms. Kennedy's question about redundancy by explaining that the Alaska Air National Guard has interceptors at Fort Greely and Vandenberg Air Force Base in central California so all of Alaska and down to California is covered.

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SENATOR REINBOLD listed the medals she saw on General Saxe's uniform and asked how he achieved them.

GENERAL SAXE replied medals are typically awarded for superior performance during an assignment. Meritorious service medals are usually given for someone who is a field-grade officer who has done a good job in command. The achievement medal typically is awarded to a more junior officer and the commendation medal is the mid-tier officer. He said he received the combat readiness medal when he was in in a combat missile crew dealing with nuclear weapons.

SENATOR REINBOLD said it's an honor to have you before us and many of us are in awe of your biography.

CHAIR SHOWER encouraged the public to submit written testimony to his office.

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CHAIR SHOWER stated that in accordance with AS 39.05.080, the Senate State Affairs Standing Committee reviewed the following and recommends the appointment(s) be forwarded to a joint session for consideration:

Commissioner & Adjutant General, Department of Military & Veterans Affairs

Torrence W. Saxe - JBER

This does not reflect an intent by any of the members to vote for or against the confirmation of the individual(s) during any further sessions.

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At ease

**SCR 1-UNIFORM RULE AMENDMENT; BUDGET**

[4:27:51 PM](#)

CHAIR SHOWER announced the consideration of SENATE CONCURRENT RESOLUTION NO. 1; Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the appearance of measures on the daily calendar after the ninetieth day of the regular session. He noted that he is the sponsor.

[4:28:15 PM](#)

SCOTT OGAN, Staff, Senator Mike Shower, Alaska State Legislature, Juneau, introduced SCR 1 on behalf of the sponsor speaking to the following sponsor statement: [Original punctuation provided.]

Proposing an amendment to the Uniform Rules of the Alaska Legislature relating to the appearance of measures on the daily calendar after the 90th day of the regular session.

The Legislature has a constitutional duty to pass a budget. With this proposed guidance in the Uniform Rules, the legislature can only consider a constitutionally mandated appropriation bill past the 90-day mark.

Legislators will know there is a hard deadline to get their legislation on the calendar for consideration by committees. Focus after 90 days will be directed at passing a constitutionally required budget.

This measure would honor the intent of the voters when they passed an initiative in 2006 to limit the session to 90 days. While the initiative's 90-day limit is currently in statute, it creates tension with the Article II Sec 8 constitutional provision, which provides that the "legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes, except the regular session may be extended once for up to ten consecutive calendar days." The legislative practice of late has been to ignore the voter-mandated 90-day limit.

By amending the Uniform Rules of the Alaska Legislature as this resolution proposes to do, no bill other than an appropriation bill may appear on the daily calendar after the 90th day of the regular session. As a result, this may cause work on the floor to cease for any non-appropriation measure unless the Uniform Rules are suspended with a 2/3 majority of the represented house body where the measure resides. However, committee work on legislation would still be permitted at the discretion of the chair. Bills on high profile issues can always be brought to the floor if a super majority of legislators agree.

This measure focuses the legislature's attention on only the budget, if the budget takes longer than 90 days. It also provides a circuit breaker against excessive special sessions by allowing high priority legislation that receives a 2/3 vote to waive the Uniform Rules to come to the floor.

MR. OGAN noted that the bill amends Uniform Rule 18 and that Uniform Rule 54 addresses suspension of the rules [by a concurrent resolution approved by a two-thirds vote of the full membership of each house.]

CHAIR SHOWER asked if the resolution had a sectional analysis or fiscal note.

MR. OGAN replied the resolution has a zero fiscal note. It simply amends Uniform Rule 18 by adding a new subsection (b) that reads as follows:

(b) No measure other than an appropriation bill may appear on the daily calendar after the ninetieth day of a regular session.

[4:31:04 PM](#)

CHAIR SHOWER explained that he filed the resolution in the hope of fulfilling the voters' will when they passed an initiative for a 90-day session in 2006. As was mentioned, the one constitutional obligation the legislature has is to pass a budget. The resolution amends the Uniform Rules, but it does not affect the constitutional 120-day session. All appropriation bills are exempt. After 90 days committee work can continue, but only high priority non-appropriation measures could go to the floor if two-thirds of the body believes it is important.

SENATOR REINBOLD asked for clarification of Rule 54 and Rule 18.

MR. OGAN explained that Rule 54 would be used to move a non-appropriation bill to the floor after 90 days. It requires a concurrent resolution approved by a two-thirds vote of the full membership of each house. SCR 1 amends Uniform Rule 18.

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SENATOR KAWASAKI pointed out that Uniform Rule 17 articulates the daily order of business and [paragraph (m)] discusses the Consideration of the Daily Calendar. He asked if the resolution would prohibit the introduction of new bills after day 90.

MR. OGAN replied he would follow up with an answer after he does some research and checks with legislative legal.

SENATOR KAWASAKI said he reviewed Rules 17 and 18 and said he was unclear whether SCR 1 would impact the ability to introduce legislation after day 90.

MR. OGAN said the intent is to not allow non-appropriation measures to go to the floor, but he would talk with legislative legal to ensure that SCR 1 does not have that unintended consequence.

CHAIR SHOWER clarified that there is no intent to prohibit the introduction of bills that are intended to come to the floor for a vote during the second session.

[4:36:05 PM](#)

SENATOR KAWASAKI suggested the two-thirds vote could disenfranchise the minority opinion, depending on the size of the majority.

MR. OGAN said there probably will be winners and losers but ultimately the winner is voter intent to have the legislature meet for 90 days.

SENATOR KAWASAKI said he supports the concept of the resolution but hopes it wouldn't be used as a tool to divide legislators.

CHAIR SHOWER reiterated that the intent is to honor the will of the people. He added that he doesn't believe anyone would try to get a two-thirds majority vote past 90 days because it's such a high bar.

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SENATOR MICCICHE asked if a two-thirds vote is required to pass the bill.

MR. OGAN said yes.

SENATOR MICCICHE said he supports the idea of getting work done in 90 days and to prioritize work on the appropriation bills after that. However, he agrees with Senator Kawasaki that there should be an exception for the introduction of new bills in the first year. He said he'd also like to discuss a carve-out for bills related to statute changes that are needed to finalize appropriation bills.

CHAIR SHOWER said he was open to discuss ways to improve the bill and avoid unintended consequences.

SENATOR COGHILL said he would struggle to support the bill. He was not a fan of the 2006 initiative because it limits the people's access and empowers the administration. He said Senator Kawasaki brought up good questions that should be answered. He opined that there are political dynamics that he will need to consider. "I'm holding my powder off on this one. My first answer's going to be no," he said.

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MR. OGAN acknowledged that it isn't under consideration, but he likes the Wyoming model of a 20-day session the first year for just the budget and a 40-day session the second year for other legislation.

SENATOR COGHILL observed that, as written, SCR 1 provides a way to game the system. The legislature could pass an appropriation bill without passing the budget.

CHAIR SHOWER agreed that may need to be changed. He added that the idea is to find a way to improve the process.

SENATOR COGHILL pointed out the potential limitations of imposing a two-thirds vote to bring a bill to the floor when it requires a simple majority to pass it.

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CHAIR SHOWER held SCR 1 in committee.

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There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 4:50 pm.