

April 3, 2014

Roger L. Somers  
514 Powers Road  
Manchester, TN 37355-5924

Retirement #R000168319  
Re: Governor Parnell FY15 budget

To whom it may concern:

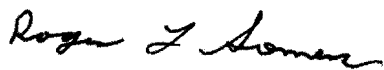
I was an Alaska State employee working in the Department of Transportation for twenty-five years, 1978 -2003. I was proud to be an Alaskan. Being employed by D.O.T. designated as a heavy equipment operator was an opportunity to work with a team committed to keep road maintenance in all seasons.

Throughout my working years culminating in my retirement year – I appreciated the opportunity to be an employee of the State of Alaska.

I was made aware the retiree trust funds are under funded by \$12 billion. Governor Parnell included a \$3 billion transfer from the Constitutional Budget Reserve to the retiree trusts in his FY15 budget, thus helping pay down the unfunded liability and saving \$2 billion in the long run. The annual contribution from the state to the trust funds would remain around \$500 million. Without the cash infusion, the annual contribution will soon exceed \$1 billion. Being an astronomical number this would negatively affect retirees and other agencies.

It is my understanding that after the governor put the money in the budget the House took it out. This action gives me grave concern for the financial future of both myself and my wife.

I respectfully ask the House to reconsider.



Roger L. Somers  
lgs

cc  
Governor Sean Parnell  
Legislative House and Senate Members

**SCANNED**

APR 13 2014



# TO PREVENT GUN VIOLENCE

BECAUSE SMART GUN LAWS SAVE LIVES

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## VIA FACSIMILE

April 11, 2014

**Re: Opposition to SB 176 and HB 335 - Unnecessarily creating a dangerous learning environment.**

Dear Senator Kelly,

On behalf of the Law Center to Prevent Gun Violence, I offer our opposition to SB 176 and HB 335, bills that remove the authority granted to the University of Alaska Board of Regents and President by the state constitution to regulate firearms on campus. Founded by lawyers after an assault weapon massacre at a San Francisco law firm in 1993, the Law Center provides legal and technical assistance in support of gun violence prevention to federal, state, and local legislators nationwide.

The University already has one of the most permissive firearms policies in the county. Unlike most American institutions of higher education, University of Alaska students are allowed to keep firearms in their residences and transport them to and from their residential buildings. As discussed below, neither the federal or state right to bear arms provisions require the University to allow students to possess guns on campus. However, in enacting its policies, the Board of Regents expressed its intent to balance students' desire to possess firearms with its duty to provide a safe and productive learning environment. Furthermore, the University allows all individuals on campus to possess and store firearms in their vehicles.

Neither the United States Second Amendment nor the Alaska Constitution's Right to Bear Arms (ARBA) requires colleges and universities to allow guns on campus. In *District of Columbia v. Heller*, the U.S. Supreme Court case that held the Second Amendment protects an individual right to keep a handgun for self-defense in the home, the Court explicitly stated that, "nothing in our opinion should be taken to cast doubt on . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings[.]" Given this explicit guidance from the Supreme Court, lower courts have uniformly upheld laws prohibiting guns on campus. Most significantly, in *Digiacinto v. Rector & Visitors of George Mason University*,<sup>1</sup> the Virginia Supreme Court rejected a Second Amendment challenge to a Virginia public university's policy keeping guns out of school buildings and away from campus events. In fact, since the *Heller* decision, no federal appellate court or state supreme court has struck down a restriction on guns on campus on Second Amendment grounds.

Similarly, like the federal Second Amendment, ARBA, the state counterpart to the Second Amendment, is not unlimited. Alaska courts have held that ARBA was "not intended to eliminate government regulation of people's possession and use of firearms."<sup>2</sup> ARBA does not require colleges to allow gun on campus. In numerous cases, Alaska courts have recognized that ARBA is not unlimited. For example, in *Gibson v. State*, the Alaska Court of Appeals looked at the history of ARBA and

<sup>1</sup> 704 SE 2d 365 (Va. 2011).

<sup>2</sup> *Gibson v. State*, 930 P. 2d 1300, 1301 (Ak. App. 1997).

concluded that it did not take away the authority of the legislature to regulate firearm possession.

The court relied in part on the arguments supporting a successful ballot initiative that clarified that ARBA protects an individual right. That argument stated that the proposed amendment would "NOT overturn or invalidate state laws restricting access or possession of arms . . . in school buildings." Thus, ARBA does not require colleges and universities to allow guns on campus.

Furthermore, if enacted, courts may find that these laws violate the Alaska Constitution. The Alaska Constitution endows the Board of Regents with the power to administer property and govern the University.<sup>3</sup> While this autonomy is not absolute, the drafters of the Alaska Constitution expressed their intent that the University would remain free from political interference.<sup>4</sup> SB 176 and HB 335 are politically controversial laws specifically and narrowly aimed at the University's ability to regulate firearms. In fact, the debate over gun regulation is presently one of the most politically polarizing issues in America. As such, these laws may well run afoul of the drafters' intent to provide the Board of Regents autonomy from political interference. A court reasonably may conclude that the legislature impermissibly infringed on the constitutional rights granted to the University.

By allowing more guns in sensitive areas such as university campuses, SB 176 and HB 335 may have the unintended consequence of increasing gun violence. Forcing governing bodies to allow guns on campus may lead to more deaths. The American Association of State Colleges and Universities reports that young adults between the ages of 18-25 experience the highest rate of serious mental illness. A Journal of American College Health study demonstrated that between 9% and 11% of college students seriously considered suicide in the previous school year and the U.S. Centers for Disease Control and Prevention states that about 1,100 college students commit suicide each year. When a gun enters this mix, data from the U.S. Department of Education show that a suicide attempt becomes considerably more lethal, as 85% of gun suicide attempts are fatal.

Finally, more guns will not increase student safety. There is no credible evidence to suggest that the presence of guns will reduce violence on college campuses.<sup>5</sup> This fact belies any need for students, faculty, and visitors to carry guns on campus for self-defense or any other reason.

Forcing guns onto our college campuses would pose additional concerns, such as a greater likelihood of gun thefts, increased liability and public relations costs for colleges that lack institutional authority to restrict weapons, and inhibiting dialogue by making students and faculty feel less safe to freely express ideas and exchange information.

SB 176 and HB 335 are unnecessary, possibly unconstitutional and may increase gun violence. We urge you to vote "no" on these bills.

Very truly yours,

  
Laura Cutilletta, Senior Staff Attorney

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<sup>3</sup> AK Const. Art. 7, §§ 2, 3.

<sup>4</sup> 2007 Alaska Op. Att'y. Gen. (Feb. 2), pp 2-3.

<sup>5</sup> Evidence suggests that permissive concealed gun carrying generally will increase crime. See, e.g., Ian Ayres & John J. Donohue III, *Shooting Down the "More Guns, Less Crime" Hypothesis*, 55 Stan. L. Rev. 1193, 1285, 1296 (Apr. 2003); and Ian Ayres & John J. Donohue III, *The Latest Misfires in Support of the "More Guns, Less Crime" Hypothesis*, 55 Stan. L. Rev. 1371, 1397 (Apr. 2003).