

LEGAL SERVICES

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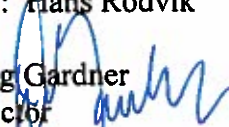
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 6, 2014

SUBJECT: Firearms on University of Alaska Campuses
(Work Order No. 28-LS1385\A)

TO: Senator John Coghill
Attn: Hans Rodvik

FROM: Doug Gardner
Director 

You asked for a bill applying the provisions of AS 29.35.145 regarding the regulation of firearms and knives to the Board of Regents of the University of Alaska (University). The drafting request you submitted raised a question regarding the autonomy of the University under art. VII, sec. 2 of the Constitution of the State of Alaska.

The University is a constitutionally-created independent corporation, with a great deal of autonomy. While it is not entirely clear, the legislature may be able to restrict the University from adopting or enforcing policies concerning firearms and knives as the legislature has done with municipalities, so it is likely that the bill you requested is constitutional.

Article VII, sec. 2, Constitution of the State of Alaska, provides the University with legal title to its property:

SECTION 2. State University. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

The University's Board of Regents has the care, control, and management of the lands and property deeded to it.^{1, 2} It may adopt rules for the governance of the University.³

¹ In *State v. University of Alaska*, 624 P.2d 807, 814 - 15 (Alaska 1981), the Alaska Supreme Court acknowledged that the University held title to the land, but also that the legislature could dispose of land under certain circumstances.

² AS 14.40.170(a)(4).

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However, since the University must administer its property "according to law" the bill is arguably within the legislature's authority. Please review the bill draft and make sure that the changes I made to adapt the language of AS 29.35.145 to the University satisfies your request.

DDG:ln
14-045.lnd

Enclosure

³ AS 14.40.070(b)(1).