

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 176(JUD)
 Fiscal Note Number: 1
 (S) Publish Date: 3/24/14

Identifier: SB176CS(JUD)-UA-SYSBRA-3-21-14
 Title: REG. OF FIREARMS/KNIVES BY UNIVERSITY
 Sponsor: COGHILL
 Requester: Senate Judiciary

Department: University of Alaska
 Appropriation: University of Alaska
 Allocation: Budget Reductions/Additions - Systemwide
 OMB Component Number: 1296

Expenditures/Revenues

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

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services	450.0						
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	450.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund	450.0						
Total	450.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for CS(JUD).

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Division: <u>University of Alaska</u>	Date: <u>03/19/2014 11:00 AM</u>
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Agency: <u>University of Alaska</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

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Analysis

There is significant uncertainty, fiscal and otherwise, associated with the downstream effects of the CS for SB 176.

The CS would require that UA allow concealed carry of handguns by permit holders on UA premises, including: in residences (but student housing could require proof of a permit and use of lockboxes); in buildings and areas of campus where UA programs for K-12 students are held or students are present; in museums and libraries (but an individual who is “participating in a [K-12] sponsored event” may not possess a weapon); in buildings housing day care centers (though not in the day care itself or in an adjacent parking lot); in medical and counseling centers; in buildings where student disciplinary, personnel and sexual harassment complaints are adjudicated and evaluations for faculty tenure are conducted; in halls and arenas used for graduations, cultural and sporting events (though not when a K-12 “sponsored event” is occurring or in a place “where intoxicating liquor is served for consumption on the premises”); in dining halls; in classrooms; in labs containing hazardous materials; in animal care facilities; and in areas and buildings housing critical infrastructure such as the Poker Flat Rocket Range, earth satellite stations, power and water treatment plants, super computers, networking and telecommunications gear.

These complex and conflicting requirements will at a minimum require comprehensive re-writes of policies, regulations, campus handbooks and training materials, as well as additional training for police, residence life and other staff and faculty. They also can be expected to result in additional claims against UA for failure to enforce or for wrongful enforcement.

The CS would **require that UA allow permitted concealed firearms in circumstances in which firearms are restricted off-campus**, including the following:

- firearms in dorms where 60% of UA residential students are under 21, and where, unlike private housing, UA is the “adult” in dorms – UA retains authority & responsibility for dorms, hires RA’s to maintain safety, order and provide counseling;
- Liquor is served in campus pubs and is present in dormitories;
- Both UAA and UAF have child care facilities on campus;
- UA adjudicates disciplinary and academic issues daily;
- UA operates health & counseling centers & sexual harassment offices;
- K-12 students regularly attend UA’s 16 campuses in large numbers**, sometimes in extended residential, enrichment and college prep programs, often daily after school.

For example, under the CS, UA could not restrict armed permit holders from areas where UA-sponsored K-12 programming occurs or from dorms where armed permit holders would live and interact with students and visitors for whom concealed carry is a crime as well as with students or visitors without permits. UA will be placed in a situation where it cannot enforce the standard of care created by the Legislature but will still be responsible and liable for taking action to ensure safety. As a result, UA must attempt to mitigate risks even while potential liability increases. This will result in increased operating and insurance costs or in some cases reduction in programming and revenues.

The Report to the NRA by the National School Shield Task Force recommends 60-80 hours of training for school **employees** who are authorized to be armed. By contrast, a concealed carry permit requires only 12 hours of self-defense, legal and weapons handling training, and permittees are self-selected.

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Analysis Continued

The same NRA-sponsored report recommends that schools react to behavior that indicates a risk to a school. However, the CS would prohibit UA from restricting weapons of permit holders whose behavior indicates risk. For example, a permit holder who is involuntarily hospitalized for psychological **evaluation** or who exhibits warning signs including depression, suicide gestures, overt hostility or aggression, everyday occurrences on residential college campuses, doesn't lose his/her permit. That's because no state law prohibits possession of firearms by those with psychological disturbances; federal law prohibits possession by those "adjudicated as a mental defective" or "committed to a mental institution." These formal mental health adjudications are rare.

The CS also would prevent restrictions on permit holders who have committed or who later commit certain crimes. The permit law allows one class A misdemeanor in the past 6 years. So UA could not restrict concealed carry if a permit holder: is convicted once, for example, of stalking in the second degree, assault in the 4th degree, or is convicted of an Attempt or Solicitation of a Class C Felony.

Given UA's responsibility for occurrences on its premises, including dorms, and the high standard of care that applies to circumstances prevailing on its premises, inability to restrict handguns in these and other sensitive areas described above will require that UA explore additional security. Because UA's facilities inventory and programs are so extensive, it is not clear what additional security measures would be appropriate. The University of Alaska would hire a consultant to do a facilities and program inventory and security analysis. The University is responsible for 414 facilities at 3 universities, 14 community campuses, and numerous outreach centers across the State. The projected cost of the study is \$450,000.

Additional costs are indeterminate and may include the costs of secure firearm storage in dorms, hiring additional security personnel recommended by the study and additional policing, counseling, student discipline, insurance, claims and litigation defense costs. In Boise, where more restrictive legislation recently passed, the municipal chief of police estimated additional campus security costs at \$500,000 per year for one campus.

With the passage of CS SB176, Board of Regents' policy P.02.09.020 and university regulation R.02.09.020 "Possession of Weapons" would need to be updated. The date would be based on the bill's effective date.