

**ALASKA STATE LEGISLATURE**  
**SENATE EDUCATION STANDING COMMITTEE**

February 16, 2016

3:32 p.m.

**MEMBERS PRESENT**

Senator Mike Dunleavy, Chair  
Senator Charlie Huggins, Vice Chair  
Senator Cathy Giessel  
Senator Gary Stevens  
Senator Berta Gardner

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 174

"An Act relating to the regulation of firearms and knives by the University of Alaska."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 174

SHORT TITLE: REG. OF FIREARMS/KNIVES BY UNIV. OF AK

SPONSOR(S): SENATOR(S) KELLY

02/08/16	(S)	READ THE FIRST TIME - REFERRALS
02/08/16	(S)	EDC, JUD
02/16/16	(S)	EDC AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR PETE KELLY  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 174.

JOE BYRNES, Staff  
Senator Pete Kelly  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented information on SB 174.

JIM JOHNSEN, President  
University of Alaska  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 174.

SCOTT OGEN, representing himself  
Palmer, Alaska

**POSITION STATEMENT:** Testified in favor of SB 174.

LILY POTHIER, Student  
University of Alaska-Southeast  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 174.

ZHENIA PETERSON, Student  
University of Alaska-Anchorage  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to SB 174.

SAMANTHA SAVAGE, Student  
University of Alaska-Southeast, Juneau Alaska

**POSITION STATEMENT:** Testified in opposition to SB 174.

#### **ACTION NARRATIVE**

[3:32:16 PM](#)

**CHAIR MIKE DUNLEAVY** called the Senate Education Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Huggins, Giessel, Gardner, Stevens, and Chair Dunleavy.

#### **SB 174-REG. OF FIREARMS/KNIVES BY UNIV. OF AK**

[3:33:05 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 174.

SENATOR PETE KELLY, Alaska State Legislature, sponsor of SB 174, related that the reason behind the bill is the escalating incidence of mass shootings and the prohibiting of guns in gun-free areas making many public institutions soft targets for people with serious mental problems and terrorists to act. He referred to examples of gun laws that were ineffective. He said the University Board of Regents has made the University of Alaska campuses gun free. He maintained that shooters are targeting such places. He pointed out that people have a constitutional right to keep and bear arms.

[3:35:52 PM](#)

JOE BYRNES, Staff, Senator Pete Kelly, Alaska State Legislature, presented information on SB 174. He commented that the constitution says, "The right to keep and bear arms shall not be denied or infringed by the state or political subdivision of the state."

SENATOR KELLY said the Board of Regents, a political subdivision, has infringed upon that right. He agreed that the Board of Regents has some duty to provide security on campus. The bill allows the board to regulate the possession of firearms in certain circumstances and beyond certain points. The bill prevents the board from posting signs stating that guns are forbidden on campus. He referred to the theater shooting incident in Colorado as an example of how shooters target places where guns are not allowed.

SENATOR KELLY said the bill is simple, but controversial, and the people of Alaska have said they wish to, and have a right to, carry concealed weapons. Not allowing this right on Alaska campuses is putting students in danger. He noted there are 150 campuses in the U.S. that have allowed concealed carry without a single incidence.

[3:38:58 PM](#)

SENATOR HUGGINS asked if SB 174 is the same as Senator Coghill's previous bill.

SENATOR KELLY said it is similar with some changes.

[3:40:00 PM](#)

MR. BYRNES read from the sectional analysis of the bill:

#### Section 1

It is the findings and intent of the legislature that the right to bear arms is constitutionally protected under Art. 1, Sec. 19 of the Alaska Constitution, that the University Of Alaska Board Of Regents may not abridge that right, and the legislature reserves to the state the authority to regulate firearms.

#### Section 2

Amends AS 14.40 (The University of Alaska and the Community Colleges statutes) affirming the authority to regulate firearms and knives is reserved to the state and except as provided by statute, the Board of Regents may not regulate firearms and knives.

The Board of Regents may adopt and enforce policies regulating the open carry of firearms and knives, restricting the discharge, and prohibiting the possession in restricted access areas: on land where there is a reasonable likelihood that people, animals, or property will be in jeopardy, and in an area beyond a secure point where visitors are screened.

The University is prohibited from creating a database or registry of persons who possess firearms on campus.

The University is also immune from civil liability for policies enforced under this section.

Section 3

The Board of Regents have 30 days after the effective date to adopt conforming policies.

[3:42:05 PM](#)

SENATOR STEVENS asked for an explanation of the immunity clause.

MR. BYRNES referred to a memo from legal services. He said it would help prevent frivolous lawsuits against the university for enacting policies conforming to Alaska statutes.

SENATOR STEVENS gave an example of a shooting on campus where students were killed and the parents filed a lawsuit. He asked if the university was liable.

[3:43:14 PM](#)

SENATOR KELLY thought the bill would not change anything in current law. He offered to provide a copy of the legal opinion.

MR. BYRNES suggested asking legal services that question.

CHAIR DUNLEAVY asked if open carry is currently allowed on campus.

SENATOR KELLY said the university is currently able to regulate open carry and the bill does not change that.

CHAIR DUNLEAVY said that decision is made by the regents.

JOE BYRNES clarified that SB 174 says that the university may adopt policies that would restrict the open carrying of firearms and knives. They must not adopt policies that would restrict concealed carry.

3:45:03 PM

REPRESENTATIVE GARDNER asked what the current process is for getting a concealed carry permit.

MR. BYRNES stated that a concealed carry permit would not be required under SB 174. Concealed carry permits are offered by the Department of Public Safety. The process involves a fee, training, fingerprinting, and a background check.

SENATOR GARDNER asked when a concealed carry permit is required.

SENATOR KELLY said anyone 18 and older can carry concealed. The person must be 21 or older and go through a process to obtain a concealed carry permit.

3:46:44 PM

SENATOR GARDNER asked why anyone would get a permit.

SENATOR KELLY said it could aid in getting a background check.

CHAIR DUNLEAVY added that there may be reciprocal agreements with other states.

3:47:24 PM

SENATOR HUGGINS said the National Instant Criminal Background Check System (NICS) serves as a background check for purchasing firearms. He provided an examples of a student who had hunting guns on campus in his car and a student who has a gun in the dorm room. He asked what current rules the university has regarding those examples.

MR. BYRNES said current university policy requires that the guns be locked up in the vehicle or in storage. The campus has places to lock them up.

SENATOR KELLY suggested looking at the regulations proposed by the university regarding open carry in dorms.

3:49:28 PM

SENATOR GARDNER asked if there are limitations on concealed carry other than on federal property and in K-12 schools and pre-schools.

MR. BURNES said there are areas in Alaska where people cannot conceal carry a weapon: in a person's home without their permission, where alcohol is served for on-site consumption,

except in restaurants, in or around K-12 schools or on a school bus, except with the consent of an administrator, in or around a child care facility, in a court house or in justice related entities, and in a domestic violence or sexual assault shelter.

SENATOR GARDNER asked if there are any limitations based on characteristics of an individual, such as domestic violence convictions or threats to persons.

SENATOR KELLY said those restrictions happen during the court case; a conviction for domestic violence, a felony, forbids access to firearms.

MR. BYRNES said those individuals would fail the background check.

CHAIR DUNLEAVY said it prevents legal access to firearms.

SENATOR GARDNER inquired if a person who has been charged many times, but never convicted of domestic violence, would have restrictions to concealed carry.

SENATOR KELLY did not think so.

CHAIR DUNLEAVY said that should be checked out.

[3:52:21 PM](#)

SENATOR GIESSEL asked why this bill is needed other than for constitutional rights and to prevent shootings.

SENATOR KELLY thought those alone were compelling reasons to have the bill. There are situations where concealed carry stops bad guys with guns, but they do not get reported. There is evidence that those who carry stop shooters. He listed places where people were killed by shooters who targeted easy places. Since 1958, all but two public mass shootings have been in areas where concealed carry was not allowed.

[3:55:12 PM](#)

SENATOR GIESSEL said her interest is providing protection for young women who live on campus by allowing them to carry concealed. She asked if there is any data on that type of issue.

[3:55:54 PM](#)

MR. BYRNES referred to a study that points to improved outcomes for victims that have weapons. He noted law enforcement comes "after the fact."

[3:56:47 PM](#)

CHAIR DUNLEAVY summarized that currently guns are allowed on campus under specific circumstances. He asked how many shootings have been committed on Alaska campuses.

MR. BYRNES offered to find out. He said he does have data on crimes committed on campus.

CHAIR DUNLEAVY said currently guns are allowed if they are locked up. He wanted to know the statistics about the number of guns and the number of murders on campus. He stated that the bill does not criminalize concealed carry on campus. He asked what the current penalties are for concealed carry on campus.

MR. BYRNES replied that according to regent's policy, students who have a weapon are subject to administrative sanctions. He thought the person with a weapon would be asked to leave campus and could be given a no trespassing sanction.

CHAIR DUNLEAVY gave an example of a teacher who kicks a student out of a class for having a gun in his bag. He noted guns are allowed on campus in certain circumstances. He thought the university could provide the answer as to what would happen to that student.

[4:00:38 PM](#)

SENATOR KELLY referred to Umpqua Community College shooting where the Oregon State Supreme Court had determined students could carry on campus; however, the student handbook said they couldn't because the Board of Regents had ignored the law.

CHAIR DUNLEAVY noted that there are students who carry concealed on campus now and their concern is over ramifications by the university.

[4:02:14 PM](#)

SENATOR GARDNER referred to a document where the university lists the number of offenses at each campus over three years. She related that the Anchorage campus has the most problems and most are liquor law violations, a little drug abuse, and several sexual assaults, almost all in the dorms.

SENATOR GIESSEL inquired about page 2, lines 5 and 6, regarding regulating possession. She asked if it is the intent that individuals would be required to have a concealed carry card

after taking a course that emphasized the responsibility of concealed carry.

SENATOR KELLY said no. It is up to the legislature to decide when and how a student could conceal carry.

CHAIR DUNLEAVY said under SB 174 rifles would still need to be locked in cars or lock boxes.

[4:04:36 PM](#)

SENATOR GARDNER asked, since the university is considered a political subdivision of the state like the state capital, by what authority is the capital able to be weapons-free.

SENATOR KELLY explained that it is state law. This bill does not address that.

SENATOR GARDNER commented that there is a statute that says you can prohibit guns in the state capital building.

CHAIR DUNLEAVY asked if Senator Gardner wished to make an amendment.

SENATOR GARDNER said no. She wondered, "If what was good for the goose, was good for the gander." She asked about having sporting events, public speaker events, or conference venues being gun-free due to the tendency toward ire-producing atmospheres.

[4:06:36 PM](#)

CHAIR DUNLEAVY opened public testimony.

JIM JOHNSEN, President, University of Alaska, testified in opposition to SB 174. He recognized that the issue is not whether the university is for or against guns in the broader community. The university firearms regulations don't extend into the community at large, they apply only university campuses and to situations and people for which the university is uniquely responsible. The university must intervene daily in conflicts and manage how students and employees interact with each other.

DR. JOHNSEN said he believes the bill would prevent the university and the regents from managing specific and known problems. As a result, the university request amendments in five specific areas: when student behavior indicates a risk of harm to themselves or others; in student dormitories or other shared living quarters, in K-12 programs on campus, in health, counseling, discrimination, harassment, and Title IX offices,

and in adjudication of staff or student disputes, or disciplinary issues. He stressed that these areas require regulation and parallel restrictions found in criminal law. They would allow the university to act before something happens.

4:10:53 PM

DR. JOHNSEN further addressed each of the proposed amendments. For behavior indicating risk or harm, under SB 174, a student or employee who exhibits depression, suicidal gestures, overt hostility or aggression, must be allowed his or her weapon. The "Report to the NRA" by the National School Shield Task Force recommends that schools act promptly to behavior that indicates a risk. Suicide is the second leading cause of death for American college students. Alaska's suicide rate is nearly twice the national average and is the leading cause of death for people ages 15 to 24. Suicide attempts involving firearms are almost always fatal. The campus actively works on these issues.

DR. JOHNSEN spoke to the second suggested amendment regarding dormitories or other shared student housing. The university is responsible for students' wellbeing and staff monitors students in their living quarters. Under the bill, the student advisors and resident assistants would have to deal with students who may or may not be armed and intoxicated. Half of resident students are under 21 and may not legally carry concealed weapons and don't necessarily get to choose their roommates. Allowing current university regulation would be consistent with criminal law age limits on concealed carry, alcohol restrictions on possession of firearms, as well as requirements for adult resident consent to concealed carry in a residence. He said he would not rely on criminal law alone to manage a residential school.

DR. JOHNSEN addressed proposed Amendment 3 - dedicated programs for K-12 students, which are run year round and especially during the summer. Allowing UA regulation would be consistent with existing state law governing K-12 grounds, buildings, and events. They would also allow UA to meet the standard of care suggested by those laws.

He explained that proposed Amendment 4 relates to places of counseling services or other services for sexual harassment or violence. SB 174 would require the university to allow disgruntled or stressed out parties to bring concealed weapons to investigative or other meetings and to places where victims are seeking services. Allowing the university to regulate that

would parallel state law that makes possession of a firearm on the grounds of a domestic violence shelter a crime.

DR. JOHNSEN explained proposed Amendment 5 regarding adjudication of staff or student disputes. He said during adjudication of disputes or disciplinary issues, the bill would require the university to allow potentially combative and highly stressed students and employees to carry a concealed weapon to a grievance hearing or adjudication hearing. Allowing the university to regulate that would be more consistent with current state law that makes possession of a firearm in a court facility a crime.

He concluded without these changes UA will not be able to manage these foreseeable, high conflict, high risk situations that occur on campus daily. He believed that responding after a crime has occurred is not sufficient; legislators, parents, and students expect more. He stressed that regulations in these circumstances has value and UA's policies allow them to take preventative action. The university does not believe the bill is necessary given the restricted environment to which university rules are applicable.

The university's regulations are in the category of restrictions on weapons in government buildings and schools, recognized by the courts and legislature as sensitive places where the regulation of firearms is presumptively lawful and outside the scope of constitutional protection. He stated that UA campuses are very similar to circumstances in which Alaska law criminalizes weapons possession. He said if the bill goes forward the university respectfully requests changes be made to protect the Board of Regents and the university administration and to allow them to govern the university as constitutionally mandated.

[4:16:57 PM](#)

SENATOR KELLY said the denial of constitutional rights is what the bill is trying to address. He agreed with four out of the five recommendations the university pointed out - there are places "you don't bring your gun." He noted it is also important to have the Board of Regents not putting a "wet blanket" on this constitutional right.

[4:18:26 PM](#)

SENATOR STEVENS asked which provision Senator Kelly does not agree with it.

SENATOR KELLY opined that parents should be allowed to have guns at university K-12 programs.

4:20:22 PM

CHAIR DUNLEAVY asked whether disturbed students are currently prohibited from having a gun in the trunk of their car.

DR. JOHNSEN offered to get back to the committee on that.

SENATOR STEVENS asked if there would be a need for more police protection if SB 174 were to pass.

DR. JOHNSEN replied that there would be a need to expand security and add a police force to the campus in Southeast Alaska and in thirteen other campuses, at significant cost.

4:22:21 PM

SENATOR GARDNER asked about UA's ability to manage high risk situations. She asked what Dr. Johnsen meant about protecting the Board of Regent members. She requested an email response.

SENATOR HUGGINS spoke of the need for additional security. He said many people could qualify to volunteer to be security on campus.

4:24:07 PM

SCOTT OGEN, representing himself, testified in favor of SB 174. He shared his experience of wishing he could have carried a weapon when he worked in the Atwood Building. He agreed that shooters frequent no-carry zones. He spoke in support of reasonable regulations on campus.

4:26:50 PM

LILY POTHIER, Student, University of Alaska-Southeast, testified in opposition to SB 174. She maintained that the bill directly affects students' sense of security. She said concealed carry on campus affects safety in areas other than just mass shootings, such as violent situations on college campuses. She suggested that differentials in powers would arise from having concealed weapons on campus and this could affect relationships between students, and staff and students. The change that happens in a public space is not positive when people are allowed to carry weapons. People feel less comfortable with other people, not safe or full of well-being. If the goal is to increase campus safety, a solution is to have armed guards, not armed students. She concluded there should be a registry and screening process for people with guns on campus.

[4:30:35 PM](#)

ZHENIA PETERSON, Student, University of Alaska-Anchorage, testified in opposition to SB 174. She said allowing students to carry concealed guns on campus would increase injury and death. She spoke of her experience living on campus and said minors and older students abuse alcohol. It would be dangerous for students who use alcohol to have guns. The living quarters are very close and it could be dangerous to have students with concealed weapons who have not been screened.

[4:32:54 PM](#)

SAMANTHA SAVAGE, Student, University of Alaska-Southeast, testified in opposition to SB 174. She pointed out that suicide the second leading cause of death among college students and is a major crisis in Alaska. Many studies have shown that access to firearms and alcohol are risk factors for suicide. She shared her experience on campus with suicides related to firearms. She spoke in support of the university's efforts to protect their students.

CHAIR DUNLEAVY left public testimony open and held SB 174 in committee.

[4:34:25 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Education Committee at 4:34 p.m.