

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 18, 2016

3:34 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Mike Dunleavy, Chair

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 3:30 PM BUTROVICH 205
02/16/16	(S)	Heard & Held
02/16/16	(S)	MINUTE(EDC)
02/17/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/17/16	(S)	Scheduled but Not Heard
02/18/16	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CALLIE CONERTON, Student Body President
University of Alaska-Southeast
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

LORA VESS, Assistant Professor

University of Alaska-Southeast
Juneau, Alaska

POSITION STATEMENT: Testified in strong opposition to SB 174.

COLIN OSTERHOUT, representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

PAUL SWETZOVF, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 174.

DAVID WEAVER, representing himself
Anchorage, Anchorage

POSITION STATEMENT: Testified in opposition to SB 174.

GRANT REBNE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 174.

RYEN-JASON HENE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

GEORGIA DEKEYSER, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in strong opposition to SB 174.

SANDIE GILLILAND, representing herself
Soldotna, Alaska

POSITION STATEMENT: Testified in support of SB 174.

STEPHANIE QUEEN, representing herself
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

TOM BOUTIN, representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 174.

KEITH MALLARD, Chief of Police
University of Alaska Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

JON QUINONES, Student
University of Alaska-Fairbanks

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

MIKE COONS, representing himself

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 174.

RUSSELL NEWELL, representing himself

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

MAUREEN O'HANLON, representing herself

Sitka, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

CYRUS COOPER, representing himself

Healy, Alaska

POSITION STATEMENT: Testified in support of SB 174.

DIXIE HOOD, representing herself

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

BRUCE SCHULTZ, Vice Chancellor, Student Affairs

University of Alaska-Anchorage

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

ARNOLD LIEBELT, representing himself

Douglas, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

TIMOTHY ROBINSON, representing himself

Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

MATTHEW OSTRANDER, representing himself

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

JOE BYRNES, Staff

Representative Kelley

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided information regarding SB 174.

MATT COOPER, General Counsel

University of Alaska-Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Addressed civil immunity issues in SB 174.

JAMES SQUYRES, representing himself
Deltana, Alaska

POSITION STATEMENT: Testified in support of SB 174.

NEAL KOENEMAN, Student
UAA

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

HAYLEY CAVITT, Student
UAA

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

ACTION NARRATIVE

[3:34:07 PM](#)

VICE CHAIR HUGGINS called the Senate Education Standing Committee meeting to order at 3:34 p.m. Present at the call to order were Senators Giessel, Stevens, and Vice Chair Huggins. Senator Gardner arrived shortly thereafter.

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

[3:34:53 PM](#)

VICE CHAIR HUGGINS announced the consideration of SB 174. He said the purpose of the meeting is to take public testimony. Public testimony will remain open after the meeting.

[3:37:10 PM](#)

CALLIE CONERTON, Student Body President, University of Alaska-Southeast, testified in opposition to SB 174. She listed the reasons why she opposes the bill. She said she trusts the university to keep her safe with their rules and policies regarding concealed carry. She opined that the university is not a place where a person needs access to a firearm. Some students attending UAS are under 18 and are dually enrolled in high school and in college. There are campus tours for K-12 students and student and staff with children.

She pointed out that Alaska has no required concealed carry permits and there is no guarantee that a person knows the right way to operate a firearm, is in the right state of mind, and has

had no criminal convictions. Guns in dorms provide easy access to weapons by roommates and visitors who could operate the firearm under the influence. The bill would not allow the university to take guns away in risky circumstances. She said she knows basic firearm safety and has friends who hunt, but she would not feel safe if students could carry a firearms on campus.

VICE CHAIR HUGGINS requested Ms. Conerton state her association with the legislature.

MS. CONERTON responded that she is the student body president at UAS and Vice Chair for the Coalition of Student Leaders.

SENATOR GIESSEL and Senator Huggins thanked Ms. Conerton.

3:40:53 PM

LORA VESS, Ph.D., Assistant Professor, University of Alaska-Southeast, testified in strong opposition to SB 174. She related that she is neither for nor against gun ownership or use. She maintained that institutions of higher learning are not the appropriate setting to wage a battle over the right to possess firearms. She said many of her students are struggling to find their adult identity and to develop a sense of self. The bill adds another potential variable into their transition from adolescence to adulthood.

She said she does not want to work in an environment where there may be concealed firearms in the classroom and students shouldn't have to learn in one. She concluded that she is concerned that the bill is ideologically driven with a narrow conceptualization of freedom and liberty that has nothing to do with the operations or needs of Alaska's universities, or the safety of the thousands of students, faculty, staff, visitors, and minors on Alaska campuses. She said she stands in support with the Board of Regents, United Students of UAS, Student Services Council of UA, and others.

3:44:20 PM

COLIN OSTERHOUT, representing himself, testified in opposition to SB 174. He said he works for UAS and believes that the bill is a hasty attempt to pass legislation that is due to personally held beliefs, done so without sufficient research or advice from the university system. He said he is a gun owner who does not feel that firearms belong on campus and that they stifle the free, creative expression of ideas. He maintained that UAS is a special small community and energy and time should be spent on

fostering that community, and to reach out to students who may be struggling. He suggested addressing security concerns in other ways. He shared his experience at Virginia Tech and said he can envision where the shootings occurred. He concluded that SB 174 is misguided.

SENATOR GARDNER thanked Mr. Osterhout for his emails and for testifying in person.

[3:47:46 PM](#)

PAUL SWETZOVF, representing himself, testified in support of SB 174. He said the university cannot have a law that is more restrictive than the state's law. He maintained that all Alaskans have the constitutional right to bear arms. He said there has never been a mass shooting where firearms are allowed on campus. He referred to the Sandy Hook shooting and the lack of defense in that situation. He said he would like his son to have a fighting chance if there were a shooting on campus.

[3:50:52 PM](#)

DAVID WEAVER, representing himself, testified in opposition to SB 174. He said even as a Republican and a gun owner he cannot support the bill. As the Director of University Housing on the Anchorage campus, he said he sees students with mental health issues. He requested the committee consider the potential side effects from SB 174.

[3:52:49 PM](#)

GRANT REBNE, representing himself, testified in support of SB 174. He suggested that the bill will protect students on university campuses. He provided personal examples of when he wished he had had a gun. He spoke of the increase in gun crimes and said that relates to the reduction in the right to carry.

[3:55:35 PM](#)

RYEN-JASON HENE, representing himself, testified in opposition to SB 174. He shared his past and current roles working with students on campus for fifteen years. He cited the number of student mental health issues as a reason not to allow guns on campus. Allowing guns on campus is a step backward in supporting education in Alaska. As of December 14, 2015, the American Association of College and University had over 400 individual colleges in 42 different states that signed statements against allowing guns on college campuses.

[3:57:28 PM](#)

SENATOR GARDNER asked for more information about those statistics.

MR. HENE shared the website keepgunsoffcampus.org for that information.

[3:58:22 PM](#)

GEORGIA DEKEYSER, representing herself, testified in strong opposition to SB 174. She spoke of her job as UAA's director of the Student Health and Counselor Center. As an RN she said she has worked with students who were suicidal and who had mental health issues. She said suicide and homicide are directly correlated. She concluded by saying the university police are available for student safety.

[3:59:39 PM](#)

SANDIE GILLILAND, representing herself, testified in support of SB 174. He said he works at the Kenai Peninsula College and would like to have more protection on campus. He shared the "run, hide, fight" plan for when there is a shooter situation on campus. He said he opposes the Board of Regents' policies. He suggested two amendments to SB 174, requiring a concealed carry permit and excluding dorms from concealed carry zones.

[4:02:36 PM](#)

STEPHANIE QUEEN, representing herself, testified in opposition to SB 174. She shared that she volunteers at Kenai Peninsula College. She maintained that many crimes on campus are correlated with access to guns. She called the Board of Regents' current policy, measured and thoughtful, and it allows for student access to have guns on campus. She said the policy keeps people safe so the university can focus on its core mission of educating Alaskans.

[4:04:20 PM](#)

VICE CHAIR HUGGINS listed people that are available for questions.

[4:04:52 PM](#)

TOM BOUTIN, representing himself, testified in support of SB 174. It brings the university into compliance with state law. He thought the sponsor was willing to work with the university.

[4:06:40 PM](#)

SENATOR STEVENS asked for Chief Mallard's opinion of the bill.

[4:07:35 PM](#)

KEITH MALLARD, Chief of Police, University of Alaska Fairbanks, testified in opposition to SB 174. He said he has many concerns about how the bill is currently written and is hopeful about the sponsor's willingness to work with the university. The proposed amendments may make it workable. He did not believe that more guns on campus would make it safer, but would increase calls for police service, whether it be for unlawful discharge or other firearm access problems.

[4:08:57 PM](#)

SENATOR GARDNER asked what the average response time for campus police is.

CHIEF MALLARD said about 2.5 minutes on the Fairbanks campus.

SENATOR GARDNER asked if the officers have had training for active shooters and rapid response.

CHIEF MALLARD said yes. They actively coordinate with other law enforcement agencies to develop response plans and they offer violent intruder training for all on campus. They no longer focus exclusively on mass killing events, because violence is more likely than the reality of a shooter.

[4:11:09 PM](#)

SENATOR GIESSEL provided a hypothetical example of an assault and asked when the response time would begin.

CHIEF MALLARD said from the point they are notified.

SENATOR GIESSEL said after the event occurs.

SENATOR GARDNER gave an example of a stalker and a victim and asked whether the victim's safety is improved by both having a weapon.

CHIEF MALLARD said the question is do firearms, in and of themselves, make somebody safer. He said you could make the argument that someone well-trained with a firearm is safer. However, in current law, there is no requirement for training for concealed carry. He opined that having access to a firearm does not make you safer; being trained on how to use that firearm does add a level of safety.

[4:12:59 PM](#)

JON QUINONES, Student, University of Alaska-Fairbanks, testified in opposition to SB 174. He said he also serves on the student

government. He maintained that rights are not absolute, they are conditional. He thought "heroes" might create more casualties. He pointed out that sexual abuse is a problem at the university and he suggested that sanctioned weapon carries would not help the situation.

[4:15:26 PM](#)

MIKE COONS, representing himself, testified in support of SB 174. He said all those that he knows who carry concealed have had training. He said gun-free zones have more shootings and the most casualties, as compared to zones where guns are allowed. He spoke of rape on campus and said those who are unarmed are prey and victims. Alaskans outside campus are all armed so no one should be afraid of them. He concluded that 2 to 29 campuses are armed and none have had stabbings or shootings.

[4:18:07 PM](#)

RUSSELL NEWELL, representing himself, testified in opposition to SB 174. He provided an example of a gun-free campus in Utah where the university police could not protect a speaker.

[4:20:36 PM](#)

MAUREEN O'HANLON, representing herself, testified in opposition to SB 174. She reported that in her job as a tutor at the Sitka Student Success Center she works with students between the ages of 14 to 18 on campus. She said guns on campus will not protect students and strangers with guns are not security officers.

[4:22:05 PM](#)

CYRUS COOPER, representing himself, testified in support of SB 174. He thought that training should be regulated for concealed carry. He said citizens should take action to protect others during active shooter situations, not police. He said UAF did not even have a police chief years ago. He maintained that students are adults and the university should suspend students with problems.

[4:24:58 PM](#)

DIXIE HOOD, representing herself, testified in opposition to SB 174. She shared her long experience as a counselor. She spoke in favor of the rules that prevent concealed carry on campus because they provide a safe campus for students, faculty, staff, and others. She said the bill is a horrifying proposal and would create a high risk environment on all UA grounds. Students are still developing and they sometimes feel impervious to risk. The bill is a political pro-gun proposal, not a constitutional right bill.

[4:27:31 PM](#)

BRUCE SCHULTZ, Vice Chancellor, Student Affairs, University of Alaska-Anchorage, testified in opposition to SB 174. He said he has the responsibility, for the past 24 years, of overseeing student life operations, including on-campus residential communities, physical and mental health services, student activities, and the student code of conduct. He shared that he has been involved in more than 1,000 incidents the past 24 years, including verbal and physical assaults, harassments and disruptions in the classroom, suicides, and grossly intoxicated individuals. He stated that he cannot think of one of those incidents that would have been better managed by the presence of a concealed weapon. He said he knows, based on his professional background and training, that hundreds of those incidents would have escalated and required a much more aggressive response from university officials and law enforcement if weapons were present.

He said the university allows weapons on campus in a way that is reasonable. The regulations are in a category where firearms are restricted in sensitive places and are presumptively lawful and outside the constitutional protections.

He pointed out that suicide is the second leading cause of death for college students and thousands more attempt suicide. He said the lack of immediate access to a means is the greatest advantage his staff has for getting the student the intervention they need. He said open access to firearms on campus, especially in residence halls and counseling centers, would worsen this serious problem as suicide attempts involving firearms are almost always fatal. In the last two years, there have been 18 suicide attempts, 29 incidents of suicide ideation, and 42 incidences of assault, which includes domestic and dating violence, on the Anchorage campus.

He concluded that at a time when the university is focused on getting more students to graduate on time, SB 174 will detract attention, consume more of already constrained resources, and for some students, interfere with their ability to learn. The overwhelming majority of the 4,400 universities in the U.S. prohibit the carrying of firearms on their campuses.

[4:30:06 PM](#)

SENATOR GARDNER requested he send his written testimony to the committee.

MR. SCHULTZ said he would and that he has already sent a letter to Chair Dunleavy.

SENATOR STEVENS asked for more information about "consuming resources."

MR. SCHULTZ said the university trains and relies heavily on student residency advisors who are 18-20 years old to monitor and confront the behavior of their peers. The introduction of weapons into these high density and sometimes highly charged living environments would mean that student advisors could no longer be the first line of intervention. The university will need to seriously consider adding trained law enforcement officers. The same could be said for the work that goes on in the health and counseling centers.

VICE CHAIR HUGGINS shared a story of having a shotgun in his room. He asked if things have changed.

MR. SCHULTZ said the university does allow weapons on campus in a reasonable fashion.

VICE CHAIR HUGGINS spoke of presumed guilt instead of presumed innocence in policies for those who commit sexual assault.

[4:33:00 PM](#)

MR. SCHULTZ looked at it differently. He said the university is very concerned about incidents of sexual assault on college campuses. The investigation is not focusing on personal protection at the time of the attack. Most of the incidents occur during dating violence and high intoxication. To be effective in changing that culture on campus, the university provides information and programs focusing on respect before students even get to college.

VICE CHAIR HUGGINS requested the university's written policy on sexual assault.

[4:34:13 PM](#)

ARNOLD LIEBELT, representing himself, testified in opposition to SB 174. He thought the system had failed in order to get to this point in society. He said guns are inherently dangerous and humans are inherently unpredictable and to put the two together on college campuses is a bad idea. He understood the intent of the bill, but thought putting more guns into the hands of people on campuses was not going to solve the problem, but complicate it. He did not understand the analogy of "bad guys with guns."

If the problem is that there are too many guns in the hands of bad people, the solution is to get the guns away from them. He said that 19 states have passed this type of legislation. He suggested not rushing to join that group. He concluded that he considers the bill to be "state overreach." Universities understand this issue very well, and if they are not on board, the bill should not pass.

[4:37:14 PM](#)

TIMOTHY ROBINSON, representing himself, testified in opposition to SB 174. He pointed out that the committee has heard a resounding "do not pass this bill." He thought the bill would be defeated if everyone could vote on it. He said that maybe faculty should be allowed to have guns, but students do not need to be running around with guns on campus. Young people are prone to swings of emotion. He shared that his son committed suicide.

[4:38:48 PM](#)

MATTHEW OSTRANDER, representing himself, testified in opposition to SB 174. He said he is vice president of the Union of Students, the recognized government organization at UAA. He stated opposition to concealed carry when there are K-12 students on college campuses. He gave examples of when students are on campus, such as for drama, debate, and forensics tournaments. He suggested adding an amendment to the effect that concealed carry cannot be in areas where K-12 students are.

[4:40:42 PM](#)

SENATOR GARDNER asked if it is practical to exclude concealed carry on campus when there are K-12 programs on campus.

MR. OXANDER thought there could be areas that are set apart, such as eliminating specific areas and certain buildings from concealed carry. He agreed it could mean a complete ban of concealed carry.

[4:42:16 PM](#)

At ease

[4:43:58 PM](#)

JOE BYRNES, Staff, Representative Kelley, Alaska State Legislature, provided information regarding SB 174. He said the section of the bill regarding civil immunity was suggested by the university. He noted there were two people available to answer questions.

SENATOR STEVENS referred to line 19 on page 2 of the bill and asked how the university would be immune from civil liability.

[4:45:50 PM](#)

MATT COOPER, General Counsel, University of Alaska-Fairbanks, addressed the civil immunity issues in SB 174. He said there is nothing to prevent someone from filing a lawsuit against the university. The university maintains that an immunity provision in the statute could result in a move to dismiss - an affirmative defense and an absolute bar to the litigation. He offered to prepare a memo on that issue.

[4:47:21 PM](#)

SENATOR GARDNER spoke of liability waivers not holding water. She asked if an immunity is granted in statute it is different.

MR. COOPER replied it would be different; it is similar to immunities found in Title IX and in the Good Samaritan Act which are more effective than a liability waiver.

[4:48:45 PM](#)

SENATOR GARDNER asked how effective it would be - 100 percent or having some risk.

MR. COOPER could not say it would be 100 percent effective.

[4:49:18 PM](#)

At ease

[4:49:48 PM](#)

VICE CHAIR HUGGINS noted more testifiers online.

JAMES SQUYRES, representing himself, testified in support of SB 174. He said the gun-free zone is unconstitutional and is a kill zone. He said the average gun fight is 2.5 seconds. Students should be trusted with this right.

[4:51:14 PM](#)

NEAL KOENEMAN, Student, UAA, testified in opposition to SB 174. He said he does not feel safe at a campus where, to be just as safe as the next person, he has to be armed all the time. He stated that if he was to carry a handgun, he would not trust himself or other students to use a gun in a fire fight.

[4:52:21 PM](#)

HAYLEY CAVITT, Student, UAA, testified in opposition to SB 174. She voiced concern that faculty members would be put at risk

under this bill as they often have to deal with unruly students. She said she would hate to see them leave the university because they feared for their own lives.

VICE CHAIR HUGGINS kept public testimony open and held SB 174 in committee.

4:54:08 PM

There being no further business to come before the committee, Vice Chair Huggins adjourned the Senate Education Committee at 4:54 p.m.