

ALASKA STATE LEGISLATURE
SENATE EDUCATION STANDING COMMITTEE

February 23, 2016

3:32 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

SENATE BILL NO. 174

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

- MOVED CSSB 174(EDC) OUT OF COMMITTEE

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
02/18/16	(S)	Heard & Held
02/18/16	(S)	MINUTE (EDC)
02/23/16	(S)	EDC AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR PETE KELLY, Alaska State Legislature
Juneau, Alaska
Sponsor of SB 174

POSITION STATEMENT: Testified on SB 174.

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

POSITION STATEMENT: Presented changes in version N of SB 174.

KATHRYN MONFREDA, Chief
Criminal Records & Identification Bureau
Division of Statewide Services
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SB 174.

JIM JOHNSEN, President
University of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified on SB 174.

BRIAN JUDY, Alaska State Liaison
National Rifle Association
Sacramento, CA

POSITION STATEMENT: Testified in support of SB 174.

HANS RODVIK, representing himself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 174.

JOHN SONIN, representing himself
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

EUGENE AVEY, Superintendent
Annette Island School District
Metlakatla, Alaska

POSITION STATEMENT: Testified in opposition to SB 174.

MIKE COONS, representing himself
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 174.

ACTION NARRATIVE

[3:32:46 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 Gardner, Huggins, Giessel, and Chair Dunleavy.

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

[3:33:20 PM](#)

CHAIR DUNLEAVY announced the consideration of SB 174.

SENATOR HUGGINS moved to adopt the CS for SB 174, labeled 29-LS1306\N.

CHAIR DUNLEAVY objected for discussion.

[3:33:59 PM](#)

SENATOR PETE KELLY, Alaska State Legislature, sponsor of SB 174, testified on SB 174. He deferred to his staff to explain changes in the new CS.

SENATOR GIESSEL asked which version was before the committee.

[3:34:50 PM](#)

JOE BYRNES, Staff, Senator Pete Kelly, Alaska State Legislature, presented changes in version N of SB 174. He noted version N was before the committee.

MR. BYRNES addressed the summary of changes from version H to version N:

Page 2, Lines 3-12

Under AS 14.40.173(b) adds to the exceptions of how the Board of Regents may regulate the possession, ownership, use, carrying, registration, storage, or transportation of concealed handguns or knives by incorporating the recommendations from the University of Alaska Board of Regents

- (b)(2) when the behavior of a student or an employee demonstrates that the student or employee poses a risk of harm to self or others [lines 5-6]
- (b)(3) in student dormitories or other shared living quarters [line 7]
- (b)(4) in university facilities where health services, counseling services, or other services related to sexual harassment or violence are provided [lines 8-9]
- (b)(5) in university facilities during adjudication of staff or student disciplinary issues [lines 10-11]

- (b)(6) in restricted access areas under (c)(3) [line 12 referencing lines 21-23]

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Page 2, Lines 24-26

Adds a subsection (d) that requires the University to establish a process to allow a person who is prevented from carrying a concealed handgun or knife under (b)(2) [lines 5-6] to regain the ability to carry a concealed handgun or knife on university property.

Page 3

Removes the transition language [previously in Section 3] giving the Board of Regents 30 days following the effective date to implement conforming policies.

He said the change on page 3 was not requested by the university, but the sponsor felt it was not necessary and would cause a delay.

[3:38:01 PM](#)

CHAIR DUNLEAVY asked if the language in the CS protects the rights of a student in a classroom from being dismissed for having a concealed gun.

MR. BYRNES said the bill does not allow the Board of Regents to restrict the carry of guns and knives on campus.

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CHAIR DUNLEAVY opened public testimony.

KATHRYN MONFREDA, Chief, Criminal Records & Identification Bureau, Division of Statewide Services, Department of Public Safety (DPS), offered to answered questions related to SB 174.

SENATOR GARDNER asked if DPS has a position on the bill.

MS. MONFREDA said DPS is neutral on the legislation.

[3:40:05 PM](#)

JIM JOHNSON, President, University of Alaska, testified on SB 174. He thanked the sponsor for including changes in the new CS that address four areas of concern. He said the university still has some concerns. The bill does not address concealed carry in programs where there are K-12 students. If the programs were offered in a K-12 setting it would be a criminal offense to

carry a weapon. He requested that SB 174 be consistent with existing law and allow the university to apply similar standards of care. He said he would be happy to work with the sponsor on drafting a provision that narrowly focuses on this provision.

He brought up a second area of concern - concealed carry without a permit. The CS does not require a permit as Senator Coghill's bill did. He felt that it made a lot of sense in conjunction with the other management tools. He said he would be happy to work with the sponsor on that issue.

DR. JOHNSEN said the language proposed as AS 14.41.73(b)(5), on page 2, line 10, of the CS applies to the adjudication of student and employee discipline, but does not include disputes. He stated the reasons why disputes need to be included, as well.

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BRIAN JUDY, Alaska State Liaison, National Rifle Association, testified in support of SB 174. He said a person should have the fundamental rights of self-defense and bearing arms when they are on a college campus. He disagreed that protection should be left up to the professionals. He maintained that police cannot respond quickly enough, and every mass killing has been in a gun-free zone. He said nine states have passed similar legislation and there have been no problems on those college campuses. He provided the history of concealed carry. He suggested that the bill will not increase the need for more security on campus.

[3:48:56 PM](#)

SENATOR GARDNER asked if the NRA thinks a citizen should be unarmed on commercial aircraft.

MR. JUDY said that armed citizens should not be allowed at security checkpoints if it can be proved that it will be safer to do so. He said there could be secure areas on campus, if one could assure that bad guys will not be on campus.

SENATOR GARDNER assumed that belief would hold true for a court room also. She asked if the NRA believes K-12 schools should be gun-free zones.

[3:51:00 PM](#)

MR. JUDY pointed out that it is in gun-free zones where mass killings have taken place. He understood that in Alaska K-12 schools are theoretically gun free.

SENATOR GARDNER said the NRA has taken a position that guns aren't the problem; mental health issues are the problem and mental health services and screening are the solutions. She requested more information about those services.

MR. JUDY thought that people with mental health issues should get treatment.

[3:53:04 PM](#)

HANS RODVIK, representing himself, testified in support of SB 174. He said he worked on Senator Coghill's bill on concealed carry on university campuses. He gave as reasons for supporting the bill the safety of students and constitutional rights. He shared a story about a rape on the University of Nevada-Reno. He said there were 35 registered sex offenders within one mile of UAA in 2014. He concluded that students have a right to protect themselves.

[3:57:00 PM](#)

JOHN SONIN, representing himself, testified in opposition to SB 174. He questioned why the bill is even being heard. He did not believe "kids" should have access to guns on campus. He did not agree with the "good guy/bad guy" theory. He did not want to return to the era where everyone carried guns.

[3:59:53 PM](#)

EUGENE AVEY, Superintendent, Annette Island School District, testified in opposition to SB 174. He shared incidences when two students brought weapons to school. He said in both instances, the students had troubled lives. He did not think it would be beneficial to allow teachers or anyone to have weapons on campus and make quick decisions about whether to use them. He said teachers do not want to be put into that position; it is best left it up to the police force. He noted that getting the right services for students provides better success.

SENATOR GARDNER asked if his concern was that the children would have been shot.

MR. AVERY said yes, and that faculty might have had to make a decision that they are not qualified to make. Teachers do not need to be trained in concealed carry.

[4:02:36 PM](#)

MIKE COONS, representing himself, testified in support of SB 174. He did not agree with Dr. Johnsen's recommendation to not allow concealed carry where K-12 students are. He said those

kids are not in danger and are more secure around people with guns. He also was against the need to have a concealed carry permit.

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CHAIR DUNLEAVY closed public testimony.

[4:06:25 PM](#)

At ease

[4:06:38 PM](#)

CHAIR DUNLEAVY asked if there were any amendments to the bill.

SENATOR GARDNER moved to adopt Amendment 1:

Page 2, following line 14:

Insert a new subsection to read:

"(d) Notwithstanding (b) of this section, the Board of Regents may require a person who possesses, owns, uses, carries, registers, stores, or transports a concealed handgun to obtain a permit to carry a concealed handgun in AS 18.65.700 - 18.65.790."

CHAIR DUNLEAVY objected for discussion.

SENATOR GARDNER explained Amendment 1. She referred to President Johnsen's reasons for requiring someone who wants to carry concealed to have a permit. It would ensure that a student or employee would have had a certain amount of training, knowledge of gun safety, and applicable law, as it was included in SB 176 in the previous legislature.

CHAIR DUNLEAVY maintained his objection.

[4:07:41 PM](#)

A roll call vote was taken. Senator Gardner voted in favor of Amendment 1 and Senators Huggins, Giessel, and Dunleavy voted against it. Therefore, Amendment 1 failed by a 1:3 vote.

[4:08:18 PM](#)

SENATOR GARDNER moved Amendment 2:

Page 2, line 3:

Following "in":

Insert "(1)"

Following "law":

Insert";

(2)university facilities where programs for preschool, elementary, junior high, or secondary students are provided; or
(3)restricted access areas under (c)(3) of this section"

CHAIR DUNLEAVY objected for discussion.

SENATOR GARDNER explained that Amendment 2 was one of the changes requested by the university. President Johnsen said it would allow the university to regulate gun carry the same as K-12 with existing standards for care on campus. University facilities with K-12 students present would be regulated the same as K-12 schools.

CHAIR DUNLEAVY maintained his objection.

[4:08:59 PM](#)

A roll call vote was taken. Senators Gardner voted in favor of Amendment 2 and Senators Huggins, Giessel, and Dunleavy voted against it. Therefore, Amendment 2 failed by a 1:3 vote.

SENATOR GARDNER moved Conceptual Amendment 3: on page 2, line 11, after "disciplinary issues" include the words "or disputes." She said this was also suggested by President Johnsen.

[4:10:06 PM](#)

CHAIR DUNLEAVY objected.

SENATOR HUGGINS appreciated the spirit of the amendment, but said the bill is dealing with constitutional rights and he did not want to consider a conceptual amendment.

CHAIR DUNLEAVY agreed with Senator Huggins. He thought that "dispute" needed to be defined. He said the next committee can take up that amendment.

A roll call vote was taken. Senator Gardner voted in favor of Conceptual Amendment 3 and Senators Huggins, Giessel, and Dunleavy voted against it. Therefore, Conceptual Amendment 3 failed by a 1:3 vote.

[4:12:03 PM](#)

SENATOR HUGGINS moved to report CSSB 174 (EDC), version N, from committee with individual recommendations.

SENATOR GARDNER objected. She said she understands that for some people this is a black and white issue that the Second Amendment has guarantees and for others it is understood as part of a militia. She maintained that citizens accept that rights have common sense compromises in various situations. It is accepted that guns cannot be carried on airplanes and in psychiatric wards, or in court rooms, pre-schools, and elementary schools. She believed it should be the same for universities where there are young people who are unformed in many ways and are in new environments.

She did not believe that having everybody armed made people safer. She gave examples of rape victims where the perpetrator had a weapon. She said she was informed that the person with the most training is safer in situations such as that, but, training is not required in the bill. She concluded that the bill is dangerous and she is going to vote against it.

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SENATOR HUGGINS said he does not accept that a person cannot carry in an airplane. He shared a story about his daughter needing guns for protection.

CHAIR DUNLEAVY appreciated the discussion. He maintained that private institutions can set their own rules, but public institutions that take public money must follow state law. He said most students at some universities in Alaska are adults. He said he considers the bill a rights issue. He spoke as a father of three daughters, one who is on campus. He noted that research shows that women are not involved in mass killings, except for what occurred in San Bernardino. He believed students in Alaska need protection on campus.

He agreed that alcohol is an issue on all campuses, but that it does not mean gun rights should be denied. He said he sides on the side of the Second Amendment. He said the University of Utah has this law. He concluded that the bill would provide protection on campus.

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A roll call vote was taken. Senator Gardner voted against moving the bill out of committee and Senators Huggins, Giessel, and Dunleavy voted for it. Therefore, the motion failed by a 1:3 vote. CSSB 174(EDC) reported from the Senate Education Standing Committee.

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There being no further business to come before the committee,
Chair Dunleavy adjourned the Senate Education Standing Committee
at 4:22 p.m.