

SENATE FINANCE COMMITTEE

April 4, 2016

9:07 a.m.

9:07:03 AM

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:07 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair
Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

Senator Click Bishop

ALSO PRESENT

Jordan Shilling, Staff, Senator John Coghill; Senator John Coghill; Erin Shine, Staff, Senator Anna MacKinnon; Sean O'Brien, Director, Division of Public Assistance, Department of Health and Social Services; Monica Mitchell, Chief of Program and Policy, Department of Health and Social Services; Akis Gialopsos, Staff, Senator Cathy Giessel; Joe Byrnes, Staff, Senator Pete Kelly.

PRESENT VIA TELECONFERENCE

Mike Hostina, General Counsel, University of Alaska, Fairbanks; Matt Cooper, Associate General Counsel, University of Alaska, Fairbanks.

SUMMARY

SB 91 OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

SB 91 was HEARD and HELD in committee for further consideration.

- SB 145 DAY CARE ASSISTANCE & CHILD CARE GRANTS
- SB 145 was HEARD and HELD in committee for further consideration.
- SB 147 SENIOR BENEFITS PROG. ELIGIBILITY
- CSSB 147(HSS) was REPORTED out of committee with a "do pass" recommendation and with one previously published fiscal impact note: FN2 (DHS).
- SB 170 DNR FEES FOR GEOLOGICAL SERVICES
- CSSB 170(RES) was REPORTED out of committee with a "do pass" recommendation and with one new fiscal impact note from the Department of Natural Resources.
- SB 174 REG. OF FIREARMS/KNIVES BY UNIV. OF AK
- CSSB 174(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note by the Senate Finance Committee for the University.

Co-Chair MacKinnon discussed the agenda for the day.

#sb91

SENATE BILL NO. 91

"An Act relating to protective orders; relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to the

disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rules 32 and 35(b), Alaska Rules of Criminal Procedure; and providing for an effective date."

[9:08:26 AM](#)

Co-Chair Kelly MOVED to ADOPT proposed committee substitute (CS) for SB 91, Work Draft 29-LS0541\F (Martin/Gardner, 4/3/16).

Co-Chair MacKinnon OBJECTED for discussion.

Co-Chair MacKinnon asked for an explanation of the CS, which contained amendments from the meeting the previous day.

JORDAN SHILLING, STAFF, SENATOR JOHN COGHILL, replied he did not have a comprehensive list on hand, but he affirmed the CS contained the amendments offered and adopted by the committee the previous day.

Co-Chair MacKinnon WITHDREW her OJECTION. There being NO further OBJECTION, it was so ordered.

Co-Chair MacKinnon explained the committee was still working on an amendment that was not quite right (previously Amendment 1 that had become Amendment 26 or 27). She asked for verification the amendment pertained to arrests.

Mr. Shilling agreed.

Co-Chair MacKinnon relayed the committee was still working with the Department of Law (DOL), Public Defender's Office.

[9:10:33 AM](#)

SENATOR JOHN COGHILL, thanked the committee for the work that had been completed during its recent Saturday meeting. He noted there had been many appropriate policy calls made. He informed the committee that as the commission [Alaska Criminal Justice Commission] had helped to compile the

bill, the governor and the presiding officers of both bodies had considered how to achieve the lowest cost with the highest public safety. As work had been done on the bill, it had become clear that public safety trumped [the cost savings]. He believed some of the changes and applicability made by the committee had been completely appropriate. He relayed he had watched the amendment process. He believed the fiscal notes related to public safety would probably come in a bit less than they would have under the original bill. On the other hand, he thought the people of Alaska would know the accountability measures trumped some of the cost savings, which he was grateful for. He believed the work was well done.

Co-Chair MacKinnon relayed the committee was waiting on updated fiscal notes and the amendment.

SB 91 was HEARD and HELD in committee for further consideration.

[9:12:40 AM](#)

#sb145

SENATE BILL NO. 145

"An Act relating to the recovery of overpayments of day care assistance and child care grants; and providing for an effective date."

[9:12:50 AM](#)

Co-Chair Kelly MOVED to ADOPT proposed committee substitute for SB 145, Work Draft 29-GS2769\W (Glover, 3/24/16).

Co-Chair MacKinnon OBJECTED for discussion.

ERIN SHINE, STAFF, SENATOR ANNA MACKINNON, explained the change in the CS. She detailed that previously the bill allowed Permanent Fund Dividend (PFD) garnishment for daycare assistance and childcare grants overpayments. She elaborated that during a hearing of the companion bill in the other body [House] it had come to light there were two other benefit programs (Senior Benefits Program and Alaska Heating Assistance Program) under public assistance that did not have the ability. The CS allowed the Division of Public Assistance to garnish for all public assistance programs.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO further OBJECTION, it was so ordered.

[9:14:32 AM](#)

SEAN O'BRIEN, DIRECTOR, DIVISION OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (DHSS), spoke in support of the change in the CS. He explained it was primarily to ensure the option for PFD garnishment was made available across all public assistance programs. The division felt the consistency was important for the sake of equity and for administering the program.

Co-Chair MacKinnon asked if the fiscal notes needed to be updated. Mr. O'Brien replied that the \$500,000 receipt recovery was probably still very close [to accurate]. The department had not submitted a revised fiscal note because the vast majority of anticipated funds would come through the childcare program. The other two programs that would be impacted by the amendment were the Senior Benefits Program and the Alaska Heating Assistance Program. The department's analysis had not seen an appreciable change. The fiscal note currently showed an anticipated recovery period of \$500,000, which DHSS felt would cover all of its programs. He reiterated the amount was an estimate.

Senator Olson observed that there had been a change from federal funds to general funds in the fiscal note. Mr. O'Brien responded that childcare funds were federal funds. He specified if the department was unable to recoup those funds the difference would have to be paid with general funds. If the department recouped the federal funds it would offset the cost "and transfer those that way" as opposed to potentially losing the general funds, which the department would have to pay back if it did not recoup the federal funds.

[9:17:35 AM](#)

Senator Olson believed the fiscal note showed a cost of \$500,000 in general funds. Mr. O'Brien answered the General Fund could take a hit of \$500,000 if the department did not have the ability to recoup the federal funding.

Senator Olson asked for verification the department looked at the issue as positive. Mr. O'Brien responded that the department looked at the item as a neutral offset.

Co-Chair MacKinnon asked for a review of the three fiscal notes.

Vice-Chair Micciche relayed he had two fiscal notes for the legislation.

[9:18:24 AM](#)

AT EASE

[9:21:34 AM](#)

RECONVENED

Co-Chair MacKinnon explained that Fiscal Note 3 had replaced Fiscal Note 1.

Vice-Chair Micciche addressed Fiscal Note 2 from the Department of Revenue, which included zero fiscal impact. Fiscal note 3, which had replaced Fiscal Note 1 from the Department of Health and Social Services showed federal receipts of \$500,000 per year and General Fund program authority of \$500,000. He understood the committee had questions about the absolute impact of the particular fiscal note.

Co-Chair MacKinnon clarified the note showed reduction of \$500,000 in federal receipts and a new expenditure of \$500,000 in general funds. She asked for the accuracy of her statement.

Vice-Chair Micciche replied he believed the note showed a wash of federal receipts offsetting [general funds].

Co-Chair MacKinnon conveyed she would speak to the Legislative Finance Division about zeroing out the general funds associated with the note.

SB 145 was HEARD and HELD in committee for further consideration.

#sb147

SENATE BILL NO. 147

"An Act relating to eligibility requirements of the Alaska senior benefits payment program; and providing for an effective date."

[9:23:44 AM](#)

Co-Chair Kelly relayed the committee was addressing the Senate Health and Social Services Committee version of the bill.

Co-Chair MacKinnon relayed the bill had been heard on March 15, 2016. She asked for a review of the fiscal note.

Vice-Chair Micciche addressed Fiscal Note 2 from the Department of Health and Social Services, which showed zero operating expenditures for FY 17 and annual savings of \$43,200 in FY 18 through FY 22. The fund source was General Fund.

[9:26:11 AM](#)

AT EASE

[9:26:54 AM](#)

RECONVENED

Co-Chair MacKinnon referred to conversation with the Legislative Finance Division indicating the savings shown in the fiscal note may need to be reduced.

Mr. O'Brien shared that the fiscal note reflected savings of approximately \$43,000 per year beginning in FY 18. The savings would result from more efficient administering of the program. He detailed the action under the bill would create a level playing field in terms of the U.S. citizenship requirement of all the other Division of Public Assistance programs. There were currently about 16 individuals who would not meet the U.S. citizenship eligibility guidelines under the proposed rules; therefore, there would be some cost savings in that area as well. He believed the department's original fiscal note had not changed.

[9:28:30 AM](#)

Vice-Chair Micciche observed the only change was the "citizen of the United States or a qualified alien" requirement. He wondered how the change translated into

\$43,000 in savings. He asked if it would simplify the process, which would translate into a time savings per applicant.

Mr. O'Brien deferred the question to a colleague.

MONICA MITCHELL, CHIEF OF PROGRAM AND POLICY, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, explained that the savings came from the 16 people the department had identified who did not meet the citizenship requirements. The department would be able to close those particular cases.

Vice-Chair Micciche asked if the same cost per person was easy enough to calculate just by closing out the cases. Ms. Mitchell replied in the affirmative.

Co-Chair Kelly MOVED to report CSSB 147(HSS) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSSB 147(HSS) was REPORTED out of committee with a "do pass" recommendation and with one previously published fiscal impact note: FN2 (DHS).

[9:30:24 AM](#)

AT EASE

[9:34:11 AM](#)

RECONVENED

#sb170

SENATE BILL NO. 170

"An Act authorizing the Department of Natural Resources, division of geological and geophysical surveys, to collect fees for facilities, equipment, products, and services; relating to accounting for certain program receipts; and providing for an effective date."

[9:34:16 AM](#)

Co-Chair MacKinnon shared that the public hearing had been held and closed on March 17, 2016. She asked the bill sponsor's staff to put his name on the record.

AKIS GIALOPSOS, STAFF, SENATOR CATHY GIESSEL, introduced himself.

Vice-Chair Micciche discussed the fiscal note from the Department of Natural Resources. He relayed there were zero operating costs from FY 17 through FY 22. He highlighted an increase in revenues of \$85,000 in FY 17, \$200,000 in FY 18, \$275,000 in FY 19, \$350,000 in FY 20, \$425,000 in FY 21, and \$485,000 in FY 22.

9:36:02 AM

AT EASE

9:36:18 AM

RECONVENED

Co-Chair MacKinnon referred to a document from the Legislative Finance Division dated March 14, 2016 (copy not on file).

Vice-Chair Micciche explained the document specified there were no technical issues with the fiscal note. He elaborated that an earlier version of the fiscal note had omitted the change in revenues, which had been corrected. He detailed that under the scenario contemplated in the fiscal note, fee revenues would not be utilized for division operations. Instead, the fee revenues would go to the General Fund until program receipts reached \$400,000 annually. He continued that at that time the Geologic Materials Center would join the Public Building Fund, which was projected to occur in FY 21. Capital costs would be reduced for operations of the center; until that time, program receipts could replace undesignated general funds (UGF) in the operating budget.

Co-Chair MacKinnon clarified that the funds would be diverted to the General Fund and would join another area of state agencies for operation replacement value and maintenance.

Co-Chair Kelly MOVED to report CSSB 170(RES) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSSB 170(RES) was REPORTED out of committee with a "do pass" recommendation and with one new fiscal impact note from the Department of Natural Resources.

9:38:02 AM

AT EASE

9:40:30 AM

RECONVENED

#sb174

SENATE BILL NO. 174

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

9:40:34 AM

Co-Chair Kelly MOVED to ADOPT proposed committee substitute for SB 174, Work Draft 29-LS1306\I (Martin, 3/29/16).

Co-Chair MacKinnon OJBECTED for discussion.

JOE BYRNES, STAFF, SENATOR PETE KELLY, read from summary of changes (copy on file):

Page 2

Under AS 14.40.173(b) which adds exceptions of how the Board of Regents may regulate the possession, ownership, use, carrying, registration, storage, or transportation of concealed handguns or knives

Removed:

- When the behavior of a student or an employee demonstrates that the student or employee poses a risk of harm to self or others [Version N, Page 2, lines 5-6]
- In university facilities where health services, counseling services, or other services related to sexual harassment or violence are provided [Version N, Page 2, lines 8-9]
- In university facilities during adjudication of staff or student disciplinary issues [Version N, Page 2, lines 10-11]

Co-Chair Kelly pointed out that some of language had been moved to another section and had not necessarily been removed from the legislation.

[9:42:38 AM](#)

Mr. Byrnes continued to read from the summary of changes:

Page 2, Line 8

From the language which allows the Board of Regents to adopt and enforce policies regarding openly carried firearms, removes the terms "possession," "ownership," "use," "registration," "storage," "transportation," and "knives"

Page 2, Lines 15-18

In the language which allows the Board of Regents to adopt and enforce policies restricting possession of firearms and knives in "restricted access areas" (defined on page 4), adds the words: "which may include university-designated rooms where sexual assault, sexual harassment, or domestic violence are investigated and victim assistance is provided and in university-designated rooms during adjudication of staff or student disciplinary issues and disputes"

Page 2, Lines 21-31 and Page 3, Lines 1-2

Adds a new subsection that specifies if the Board of Regents adopts a policy regulating concealed carry in dormitories, it must require:

1. If the person is not a resident of the dormitory, the owner shall carry the handgun at all times
2. If the person is a resident of the dormitory:
 - a. The handgun is stored in an owner provided lockbox at all times he or she is not carrying the handgun
 - b. The owner is responsible for ensuring the storage is in compliance with state law
 - c. The owner may not leave the handgun in a lockbox unattended in a dormitory room for more than one day
 - d. The owner must declare to the university that the owner intends to keep the weapon in the owner's dormitory room

[9:44:17 AM](#)

Mr. Byrnes continued to read from the summary of changes:

Page 3, Lines 3-11

Specifies that the university may privately collect and store (for not more than a year) information regarding a student who intends to keep a weapon in the student's dormitory room. The university may use that information when making housing decisions for students who expressed they don't want to share a dormitory room with a person who possesses a firearm. The university may not segregate students who intend to keep a weapon in a dormitory room to a separate building, floor, or area of the university.

Page 3, Lines 16-19

Specifies the university may not require written permission before a person may possess a firearm on campus and they may not adopt implied consent policies regarding restricted possession of concealed handguns or knives

Page 3, Lines 30-31

Adds a definition of "lockbox" to mean: a metal, hard-sided container designed to enclose or encase handguns with a built-in locking mechanism.

[9:45:24 AM](#)

Senator Dunleavy read from page 2, line 1 and page 2, line 7 respectively:

The Board of Regents may not regulate the possession, ownership, use, carrying, registration, storage, or transportation of concealed handguns or knives, except...

(2) in student dormitories or other shared living quarters; or

Senator Dunleavy asked if the bill language on line 25 ["is not a resident of the dormitory, the owner shall carry the handgun at all times;"] prevented the university from coming up with a regulation banning it from the dorm.

Mr. Byrnes read language on lines 21 and 22 stated "If the Board of Regents adopts a policy under (b)(2) of this section, the policy must require that, if the owner of a concealed handgun..." The subsection listed subsequent requirements.

Senator Dunleavy referred back to the language he had read from page 2, line 1 and page 2, line 7. He questioned whether the Board of Regents could ban handguns outright as a result of Section (b)(2).

[9:47:01 AM](#)

Co-Chair Kelly thought that Senator Dunleavy was pointing out that under subsection (d) the legislature determined how the Board of Regents may regulate, which was consistent with the major portions of the bill.

Mr. Byrnes emphasized that the language in subsection (b)(2) allowed an exception to how the Board of Regents may regulate concealed weapons. He elaborated that if the board adopted the regulations they were required to conform with the language in subsection (d) beginning on page 2, line 23 through page 3, line 4.

Co-Chair MacKinnon asked why the bill did not include an effective date. She was concerned about a university's ability to implement appropriate student safety policies in time if the bill was adopted during the current semester. She detailed there were summer semesters where universities may have fewer students on campuses. She mentioned the fall semester of 2017.

Mr. Byrnes stated that initially the bill had contained a delayed effective date that would have theoretically extended the effective date of the bill to 120 days after the bill signing. The language had been removed in the Senate Education Committee. He explained the language had been removed to prevent a delay of a student's ability to possess a handgun on campus. The bill sponsor's expectation was the university would adopt conforming policies accordingly.

[9:49:27 AM](#)

Co-Chair MacKinnon asked if the Board of Regents met on a monthly or quarterly basis.

Co-Chair Kelly responded that the Board of Regents met six times per year and also met via teleconference throughout the year.

Co-Chair MacKinnon had a concern that there was no effective date. She reasoned if the legislature was going to change policy the university needed to be given an opportunity to put the policy in place.

[9:50:01 AM](#)

Senator Hoffman referred to page 2, line 31 and wondered why there was a specification that a handgun may not be left unattended in a dormitory room lockbox for more than one day. He opined it would be very difficult to prove the timeframe.

Mr. Byrnes answered that one of the concerns the university had raised with weapons being inside dormitory rooms was related to the possibility of theft. By limiting the presence of a handgun inside a lockbox to one day, it decreased the likelihood the handgun could be stolen if a student was away for a prolonged period of time. The language was designed to ensure a student handgun owner was accountable for the weapon and that the weapon was accounted for at all times.

Co-Chair Kelly thought it was important that gun owners were expected to be responsible and in possession of the gun as much as practically possible. He noted that sometimes students left campus for extended periods (e.g. due to a death in their family). The goal was to prevent a situation where the gun was in a dormitory, not in control of the owner, for prolonged periods of time where it could be stolen or used by others. He thought that the one day requirement was fairly strict, but it was not strict in the gun world where a person was expected to be in control of the weapons they own.

[9:52:01 AM](#)

Co-Chair MacKinnon knew that other college campuses allowed guns on campus, and wondered how the bill deviated or conformed to the law in State of Utah.

Mr. Byrnes conveyed that 8 different states had laws requiring public institutions and public universities to allow students or faculty to carry concealed weapons on campus. Additionally, over 150 college campuses had policies that allowed concealed carry on campus - he noted it may not be public institutions. He noted that of the 8 states, the policies in Oregon and Colorado had been instituted judicially when the courts found that university gun bans were in conflict with concealed carry laws in the state. In places the law had been instituted legislatively, there were different carve outs depending on the jurisdiction. He explained that similar to SB 174, Utah allowed for restricted access areas on campus, which were designated by the university. He elaborated a university may select a restricted area, but there was a screening process in order to ensure the area was weapon free. The provision was across all public buildings and was inclusive of Utah's universities. He stated that in other places it was people that carry concealed handgun licenses or permits depending on the jurisdiction.

Mr. Byrnes continued that the systems were not completely analogous all the way through; they all allowed some form of concealed carry on campus, but the mechanisms differed between jurisdictions.

[9:54:49 AM](#)

Co-Chair Kelly reiterated that with 150 campuses in 8 states there were all different laws. The point of SB 174 and some other campuses outside Alaska had been concerned about dormitories, sexual assault, and other. The bill tried to accommodate the university, which had common complaints with other universities who carry out the same mission. He relayed it would be difficult to answer how the other universities dealt with the issue because there were 150 campuses and each state had different laws. He concluded it would look different in each state.

Vice-Chair Micciche wondered if there was any commonality with different state laws regarding dormitory storage of handguns. He understood Senator Hoffman's point that the one-day requirement was unenforceable. He also understood the intent of the requirement. He wondered how successful programs had been related to dorm storage.

Co-Chair Kelly stated that currently "they just say 'don't do that.'" He thought it was currently unenforceable. They were relying on that law-abiding gun owners would obey the regulations as they were currently expected to obey. There really was no enforcement currently. He reiterated that essentially there was merely a sign specifying not to do something. The genesis of the bill was that "bad guys ignore those signs and the good guys do." The bill would enable the university to regulate. He supposed any time requirement would be difficult to enforce because it would be hard to prove; however, there was currently no other way of enforcement either.

[9:57:14 AM](#)

Co-Chair MacKinnon referred to page 3, lines 12 and 13:

The Board of Regents, the University of Alaska, and any officers, employees, or agents of the University of Alaska may not

(1) except as provided in (e) of this section, create a database or registry of persons who possess a firearm on campus;

(2) require written permission before a person may possess a firearm on campus; or

(3) adopt an implied consent policy regarding restricted possession of concealed handguns or knives.

Co-Chair MacKinnon wondered how the university would implement the policy (without a database) related to when a student requests not to be near another student with a gun.

Mr. Byrnes stated that the bill was drafted to be self-consistent by Legislative Legal Services. Language about how the university may collect and store the information was included on page 3, lines 3 through 11. The intention was to balance an individual's privacy (who chose to carry a handgun on campus) with the need of the university to make housing decisions for students who may not want to room with a person in possession of a handgun. The intention of the language on lines 3 through 11 was to create an exception.

Co-Chair Kelly stated that the idea was to keep the university from creating a gun registry. He detailed if the university was able to keep the data, over time it would

essentially be keeping a database of gun ownership, which was not his intent. However, there were some unique circumstances particularly in dormitories the universities needed to be able to manage the situation when people did not want to room with people with guns. The exception was allowed for a period of time - included in subsection (c).

[9:59:44 AM](#)

Co-Chair MacKinnon thought there was a contradiction in the bill language. She questioned whether subsection (c) would supersede subsection (f). She detailed subsection (f) specified the university may not create a database. She supported the concept of destroying the information identifying individuals who were carrying guns.

Mr. Byrnes referred to language on page 3, line 4, "regarding a student who intends to keep a weapon" and page 3, line 14, "persons who possess a firearm." He observed it was perhaps where a split existed. He detailed that by saying a person intended to carry a firearm did not necessarily mean they possessed one. He stated the desire was to protect the privacy of individuals choosing to carry a firearm on campus.

Senator Dunleavy interpreted the bill language to mean that incoming college students would be matched with dormitory roommates via a questionnaire. He considered the questionnaire as a possible mechanism for matching students. He furthered it would not be considered a registry, but a matchup for the dorm. He continued that a student would not be required to demonstrate they had registered or otherwise make note they possessed a firearm on campus. He reiterated he believed the language was merely to match students with roommates.

[10:02:05 AM](#)

Co-Chair Kelly stated that he would look into the possible contradiction with Legislative Legal Services to determine if an inconsistency existed.

Co-Chair MacKinnon thought Senator Dunleavy had offered a route that may work effectively.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO further OBJECTION, the CS was ADOPTED.

MIKE HOSTINA, GENERAL COUNSEL, UNIVERSITY OF ALASKA, FAIRBANKS (via teleconference), provided concerns and comments. He noted that the CS had removed a provision, which would have allowed the university to regulate firearms in cases where a process determined a student or employee posed a risk of harm to self or others. He stressed it caused enormous concern because it posed an obstacle to the university dealing with those very specific situations (e.g. when a student was suicidal, assaultive, and other) and left the university with limited options of excluding the person from campus or trying to obtain a Title 47 commitment, which was rare. The concern was significant related to dealing with troubled individuals on campus, which was a common occurrence. Additionally, the bill would provide some ability to regulate firearms in certain areas, but they would be required to be beyond a secure point where visitors would be screened. The university appreciated the ability to establish the restricted areas, but it was unclear what constituted a secure point. He noted that depending on the outcome it could be expensive and could mean litigation since the law was unclear.

[10:05:02 AM](#)

Mr. Hostina highlighted concern that because the bill currently allowed the university to regulate only the carrying of long guns, it was not clear the university could prohibit concealed carry of a long gun or storage of a long gun in a dormitory room. He continued that it was not clear whether the university may regulate firearms in dorms. Based on testimony by Mr. Byrnes, he believed the university would be required to permit concealed handguns in dorms with only the restrictions in subsection (d) of the bill.

Mr. Hostina addressed the inconsistency between subsections (e) and (f). He surmised the discrepancy may be solved simply by including language "in (f)(1) except as provided in section (e)."

Senator Dunleavy asked for verification the university currently allowed guns on campus if they were locked in a vehicle. Mr. Hostina replied in the affirmative.

Senator Dunleavy asked for verification that the university did not currently differentiate between "long guns, short guns, etcetera." Mr. Hostina agreed.

Senator Dunleavy wondered if the university had the ability to deny an individual the right to have a gun on campus in their car if the individual was seen to potentially be problematic (e.g. suicidal, etcetera). He wondered if there was currently a written policy in place related to guns in locked car trunks.

Mr. Hostina answered in the negative. He explained state law prohibited the university from regulating weapons in cars in parking lots.

[10:07:39 AM](#)

Co-Chair Kelly pointed out that the secure point language in the legislation was the same as existing municipal regulations of firearms in statute.

MATT COOPER, ASSOCIATE GENERAL COUNCIL, UNIVERSITY OF ALASKA, FAIRBANKS (via teleconference), expounded on his colleague Mr. Hostina's testimony. He relayed the Board of Regents had requested two additional amendments to the bill including the ability to regulate concealed handguns and knives in facilities where K-12 students were present and to add a requirement that a person would be required to have a state-issued permit in order to carry a concealed handgun. The two additions were not included in the CS. He remarked that the terminology used in the bill moved between concealed handguns and knives, firearms, and weapons. He detailed the different language created some ambiguity in places about what exactly was being talked about under certain circumstances. He thought the committee may wish to consider how the terms were used throughout the legislation.

Co-Chair Kelly commented that the committee had heard that some of the things [in the bill] were unclear; however, he believed it was clear the people of Alaska were allowed to carry and the university disregarded the state's constitution and statutes by specifying people could not carry on campus. The legislation tried to make as many accommodations to the university as possible so it could meet the spirit of the law that allowed Alaskans to carry weapons. He stressed the committee had adopted a number of

amendments to address the university's concerns. He reasoned the university was saying that it would not support the legislation because the committee had not adopted all of the regent's recommendations. He stated the university would not support the legislation even if all of its recommendations were adopted.

Co-Chair Kelly continued that the university did not like the bill and it wanted the ability to regulate beyond the constitution and statutes as if it was a separate political subdivision from the state. He emphasized the university was not a separate political subdivision. He believed the committee had successfully compromised, but the university had not. He stated the university would continue to be unclear on the legislation and would continue to have concerns. He reiterated the university did not want the state to be able to regulate the issue. He elaborated the university did not want to be regulated and that it fought the issue at every opportunity.

[10:11:21 AM](#)

AT EASE

[10:17:50 AM](#)

RECONVENED

Co-Chair MacKinnon noted the public hearing on the bill had previously been closed.

Co-Chair Kelly MOVED to ADOPT conceptual Amendment 1.

Co-Chair MacKinnon OBJECTED for discussion.

Co-Chair Kelly explained the amendment would add an effective date of August 1, 2016. He detailed the effective date was consistent with the committee's discussion about giving the university the time to prepare for the upcoming semester.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO further OBJECTION, conceptual Amendment 1 was ADOPTED.

Co-Chair Kelly MOVED to ADOPT conceptual Amendment 2:

Co-Chair MacKinnon OBJECTED for discussion.

Co-Chair Kelly communicated the amendment would insert the words "except as provided for in section (e)" on page 3, line 13.

Co-Chair MacKinnon explained the committee had heard from the university's legal counsel that if the words "except as provided for in section (e)" were inserted on line 13 after the words "may not," it should clear up the inconsistency between a permanent and temporary record status and would allow students to be housed away from students with firearms if they so desired.

10:19:36 AM

AT EASE

10:22:43 AM

RECONVENED

Co-Chair MacKinnon explained that the committee had discussed students who may have already applied for the fall semester. She relayed it was the committee's expectation that if the university had already received applications it would go back and provide future students an opportunity to check the box on a form if they planned to carry a handgun.

Co-Chair Kelly relayed nothing prohibited the university from managing at that level; if it did, it would become apparent as the bill moved forward and he would make the change. He believed it was a reasonable consideration.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO further OBJECTION, conceptual Amendment 2 was ADOPTED. She directed Legislative Legal Services to make technical and conforming changes to the conceptual amendments when drafting the CS.

Vice-Chair Micciche discussed the one fiscal note from the University of Alaska. He read a Legislative Finance Division footnote dated March 14, 2016:

The cost of regulating the carrying of concealed handguns and knives at the university is indeterminate. Although the university has projected a fiscal note of \$1.3 million UGF and a services contract for FY 17 and \$800,000 UGF as a steady cost in the out years, these amounts cannot be verified.

Similar efforts in other state universities project up to three times the initial amount shown in the UA fiscal note.

Vice-Chair Micciche relayed the fiscal note was indeterminate for FY 17 through FY 22, which essentially meant it was a zero fiscal note.

Co-Chair MacKinnon there was a proposal to amend the fiscal note to zero for FY 17 through FY 22. There being NO OBJECTION, it was so ordered; the fiscal note was zeroed out by the Senate Finance Committee.

[10:25:29 AM](#)

Vice-Chair Micciche wondered if there was a legitimate management cost to the university, the legislature would be willing to cover the costs in the future. He specified legitimate meant something the legislature realized was an appropriate expense related to SB 174.

Co-Chair Kelly did not have objection. He commented that some universities in other states that had put forth extremely high fiscal notes, had not ultimately spent that much to accommodate similar legislation. He noted his comments were currently anecdotal.

Co-Chair MacKinnon understood that the Legislative Finance Division had looked at fiscal notes from other states and concurred that they typically tended to be inflated coming from the universities.

Co-Chair Kelly MOVED to report CSSB 174(FIN) out of Committee with individual recommendations and the accompanying fiscal note.

[10:27:22 AM](#)

AT EASE

[10:27:28 AM](#)

RECONVENED

Co-Chair MacKinnon asked Co-Chair Kelly to restate his motion.

Co-Chair Kelly MOVED to report CSSB 174(FIN) as amended out of Committee with individual recommendations and the

accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSSB 174(FIN) was REPORTED out of committee with a "do pass" recommendation and with one new zero fiscal note by the Senate Finance Committee for the University.

10:28:08 AM

AT EASE

10:32:28 AM

RECONVENED

Co-Chair MacKinnon summarized action taken during the current meeting. She discussed the afternoon schedule. She reviewed the schedule for the remainder of the week.

Senator Dunleavy asked for details on the schedule for Wednesday.

Co-Chair MacKinnon complied.

Senator Dunleavy was interested in a specific bill related to a countermand amendment. He thought it was supposed to be heard during the Wednesday meeting.

Co-Chair MacKinnon answered she would look into the question.

#

ADJOURNMENT

10:37:14 AM

The meeting was adjourned at 10:37 a.m.