

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, February 28, 2014

**TIME:** 8:00 A.M.

**PLACE:** Room WW02

**MEMBERS:** Chairman Loertscher, Vice Chairman Batt, Representative(s) Anderson(1), Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, Packer, Smith, Gannon, Woodings

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Loertscher** called the meeting to order at 8:01 a.m.

**S 1254:** **Senator McKenzie** presented **S 1254**, legislation that revises the preemption of firearms regulation on college campuses for certain licensed persons creates penalties for carrying concealed weapons under the influence of alcohol or drugs on a college campus, and adds a new section to provide civil immunity of colleges and universities allowing firearms. The legislation allows public colleges to permit the carrying of concealed weapons by license holders. He stated the age requirement for enhanced carry license holders is 21 years old. The legislation prohibits anyone from carrying a concealed weapon on a place that seats over 1,000 people. He stated the universities are safe but there is no viable security currently in place. He said six other states have adopted such a law and this legislation does not allow a person to carry when it is not allowed by federal law. He stated the Fraternal Order of Police is **in support** of the bill.

In response to committee questions, **Senator McKenzie** stated the "open carry" law has nothing to do with this legislation and the bill does not change it. He said the bill allows campus security to regulate beyond the scope they have now.

**Kelby Monks**, student at BSU, spoke **in support** of **S 1254** and stated he believes the bill will help prevent crime. He said he would rather sacrifice himself to help others than be caught off guard and unprepared to defend himself. He stated there are many students who are concealed weapon license holders who want to carry because they want to feel safe. He said he does not want his Second Amendment rights infringed upon, nor the right to protect his fellow students. **Callie Sands**, teacher, spoke **in support** of **S 1254** and stated she is a concealed weapon license holder. She stated she has a lot of experience with shooting and that it is important for teachers and students to be able to protect themselves. She said police can only respond to an incident, they are not in the middle of the conflict until after the fact. She stated teachers are trusted to teach the kids, so they should be able to protect them as well. She stated the few licensed persons who carry concealed weapons can be trusted.

**David Duke**, Chief of Police, City of Moscow, spoke **in opposition** to **S 1254** and stated the legislation allows open and concealed carry of weapons, which is dangerous. He stated his department responds routinely to fights on campus and the combination of low lighting, drugs and alcohol creates a threat with guns on campus. **Don Soltman**, President of State Board of Education, spoke **in opposition** to **S 1254** and stated all the board members are opposed. He stated the U.S. Supreme Court has agreed that Second Amendment rights need to be regulated sometimes.

**Don Burnett**, representing University of Idaho, Higher Education Presidents Council, spoke **in opposition** to **S 1254** and stated the universities should be able to govern their own campuses. He stated the teaching and learning environment will be affected if the bill passes. He said this is not the way to make campuses safer. He said universities have a range of options to protect students and teachers.

In response to committee questions, **Mr. Burnett** stated campus security is not currently armed and they call the Moscow Police Department in for any issues that might need that type of attention. He said the campus is safe and there is not a feeling or a need for firearms for the campus security. He stated they are not 100% sure no one is armed on campus at any time.

**Cassandra Sullivan**, Association of Students of BSU (ASBSU), spoke **in opposition** to **S 1254** and stated the Supreme Court has agreed there are certain situations where Second Amendment rights need to be regulated and they believe college campuses is one of those places. She said the fiscal impact would be higher than the addition of new signage because security around campus would need to be heightened. She presented a petition with signatures of 2,500 students of BSU (see attached). **Kent Nelson**, Attorney for University of Idaho, spoke **in opposition** to **S 1254** and stated there is currently no criminal charges for persons who illegally carry concealed weapons on campus. He said there are several issues with carrying guns on campus. He also stated there is nothing in the bill that prohibits open carry of weapons on campus.

**Mark Browning**, faculty at North Idaho College, spoke **in opposition** to **S 1254** and stated it would cost a minimum of \$300,000 to make changes to deal with this bill's implications. He stated there are young children on campus doing tours and such and this would affect them. He stated local control is important with college campuses.

In response to committee questions, **Mr. Browning** stated the \$300,000 would include new signs for each campus around the boundaries and training for security and additional staff on campus. He stated that marking boundaries would be difficult.

**Bryan Lovell**, Idaho Fraternal Order of Police, spoke **in support** of **S 1254** and stated the legislation is needed because there is currently nothing in place to stop an armed gunman on campus. He stated law enforcement respond to many different kinds of situations and the response time is not always fast. He stated a dangerous part about law enforcement responding to situations on campus is that they are not single-entry with armed guards or metal detectors. He said law enforcement does not want to stop anyone from protecting themselves or others.

In response to committee questions, **Mr. Lovell** stated the Idaho Fraternal Order has 18 to 20 lodges which is about 1,500 members, one-third of the officers in the state. He stated the majority of their members are in support of the legislation. He said some off-duty or retired officers have requested special permits to allow them to carry weapons on campus but most have been denied. He stated that concealed weapon license holders want to protect themselves and they take on a responsibility. He said law enforcement responding to an incident with an armed person has a lag time and the information could get misconstrued, but a person in the situation would know what to do.

**Kathy Martin**, Dean, Lewiston-Clark State College, spoke **in opposition to S 1254** and stated the Lewiston Police who provide emergency security on campus are also opposed because they are concerned with the combination of college students, guns, alcohol, and drugs. **Tony Fernandez**, President of Lewis-Clark State College, spoke **in opposition to S 1254** and stated the legislation causes serious safety concerns. He said violent crime has decreased in the past 14 years.

**Erik Simpson**, former Idaho House Representative, spoke **in support of S 1254** and explained the history of the bill. He said the legislation provides uniformity. He stated there needs to be a policy in place that regulates the open and concealed carry weapons on college campuses. He said that Article 1, Section 11, Idaho State Constitution, gives Idaho citizens the right to bear arms. He said the exemptions include the "supervision by law enforcement" and all concealed weapon license holders are under that exemption when they receive their license. He stated the rights of the citizens of Idaho are being abridged.

In response to committee questions, **Mr. Simpson** stated open carry is allowed everywhere in the state except the courthouses and elementary schools. He said open carry of weapons is even allowed at the Capitol building. He said that we would need to amend the Idaho Constitution to change the open carry law. He stated the Idaho citizens were polled and 82.5% supported strengthening Article 1, Section 11 of the Idaho Constitution.

**Max Cowen**, President of Associated Students of University of Idaho, representing 9,000 students, spoke **in opposition to S 1254** and stated they value control but the bill removes the colleges power to regulate themselves. **Rod Lewis**, State Board of Education, spoke **in opposition to S 1254** and urged the committee to listen to all of the testimony. He stated the colleges and universities, who are the stakeholders, were not consulted about the legislation and no negotiations were held. He said guns on campus will cause learning problems. He stated it is not always easy to determine who the good guy and bad guy are when there is an armed gunman causing problems. He stated allowing guns on campus will cause strain between parents and college staff. **Jeff Herps**, Lewis-Clark College, spoke **in opposition to S 1254** and stated there are hazards associated with carrying weapons on campus. He stated the open carry aspect will be a problem and is not feasible on college campuses. **Steve Olsten**, President of Eastern Idaho Technical College, spoke **in opposition to S 1254** and stated he will not be comfortable working in an environment in which guns are allowed.

**Jeff Fox**, President, College of Southern Idaho, spoke **in opposition** to **S 1254** and stated there are three outreach campuses and the Idaho School of the Deaf and Blind and the legislation would affect all of those campuses. **Jeff Gunter**, City of Hailey, spoke **in opposition** to **S 1254** and stated the legislation is flawed and causes issues because there are multiple college classes that are held on high school campuses. **Claude Spinosa**, self, spoke **in opposition** to **S 1254** and stated guns are for killing and the last thing he wants are guns on campus, where they are supposed to be learning. **Stan Bastian**, CWI Chairman of Board, spoke **in opposition** to **S 1254** and stated the bill is flawed because there are unintended consequences. He stated there is no definition of "on campus" which causes problems. He said the bill does not consider youth on college campuses. He stated the bill takes away from local control. He said there may be times when guns can be allowed on campuses but more negotiations need to be held.

**Clyde Moneyhum**, Professor at BSU, spoke **in opposition** to **S 1254** and stated civilians with guns in stressful situations is not good. He stated being pro-gun means to consider gun legislation very carefully. **Kirk Smith**, Associated Dean, BSU College of Business and Economics, spoke **in opposition** to **S 1254** and stated this bill is not a safe bill, it will not make campuses safer. **Mike Masterson**, Boise Police Chief, spoke **in opposition** to **S 1254** and stated this bill is not good for campus security and has the potential to cause many issues. **Ashley Morehouse**, student at University of Idaho, spoke **in opposition** to **S 1254** and stated the conversation about implementing this legislation needs to include the students and the administration of the colleges. **Dr. Vincent Serio**, BSU professor, spoke **in opposition** to **S 1254** and stated there is more evidence that guns on campus will cause more harm than good. He stated the risk of being threatened with a gun is heightened and people are more obliged to use alcohol and drugs. He said he is worried about firearms in the medical centers on campus. He stated the doctors and health professionals need to be protected.

**Brian Kane**, Deputy Attorney General, was recognized to answer questions on **S 1254**. **Mr. Kane** stated under this legislation, the Education Board and Colleges would have the authority to regulate open carry on campus. He stated they can regulate to the broadest extent. He said the colleges can deal internally with penalties for carrying firearms.

**Bob Van Arnem**, self, spoke **in opposition** to **S 1254** and stated there could be issues with mental health and gun holders.

**Chairman Loertscher** called a recess of the committee at 11:14 a.m.

**Chairman Loertscher** reconvened the meeting at 1:05 p.m.

**Kevin Satterlee**, Vice President of Operations, BSU, spoke **in opposition** to **S 1254** and stated the bill is ambiguous. He stated BSU has been using recommendations that were issued after the Virginia Tech incident. He stated this bill will cause a delay in responding because security won't know who the good guys are versus the bad guys. He said universities and colleges would have to heighten security which will raise costs.

In response to committee questions, **Mr. Satter Lee** stated there is a chance for lawsuits due to the immunity provision that is in the bill that states one of the two licenses cannot be regulated.

**Tony Snesko**, Founder of Idaho Carry, spoke **in support** of **S 1254** and stated law enforcement response is around five minutes from the time the officer gets out of his vehicle. He said even **President Obama** made the statement that one in five women are sexually assaulted in college and because of that fact, the state needs to be more preventative. **Ryan Jenks**, attorney and certified concealed weapons instructor, spoke **in support** of **S 1254** and stated concealed weapons license holders are not crazy, they are all over the state everyday all day without incident. He stated the average person who takes classes to obtain a concealed weapons permit wants to know how to handle stressful situations. He stated there are already laws that prevent unlawful actions with weapons. **Marissa Jenks**, spoke **in support** of **S 1254** and stated as a student she is scared for her safety all the time. She said she should not have to give up her right to carry a concealed weapon when she is licensed and trained to do so.

**Nick Ferronato**, BSU Young Americans for Liberty, spoke **in support** of **S 1254** and stated they support the freedom of the right to protect themselves. A weapon in the hands of a law-abiding citizen is not a crime. He also asked why universities do so little to prevent guns on campus right now and why the campus security is unarmed.

**Jon Uda**, Executive Director of Security BSU, spoke **in opposition** to **S 1254** and stated there is a problem with the bill which asks unarmed security to confront armed individuals. He stated it will be expensive for colleges and universities to employ trained and armed staff. He asked the committee to please consider the fiscal impact on the colleges.

In response to committee questions, **Mr. Uda** stated current and former law enforcement officers are sometimes allowed to carry concealed weapons on campus with permission. He also said he assumes there are people who carry guns on campus already against university policy.

**Mary Bolognino**, grandmother, spoke **in opposition** to **S 1254** and stated she has grandchildren in college and is worried about their safety if this legislation passes. **Heather Parkinson Dermott**, teacher, spoke **in opposition** to **S 1254** and stated she has had experiences in her time teaching with mentally disturbed students which has made her fear that if they had firearms on campus she would feel even more unsafe. **Bob Hay**, professor at BSU, spoke **in opposition** to **S 1254** and stated the legislation puts faculty in a bad position.

**Dakota Moore**, National Rifle Association, spoke **in support** of **S 1254** and stated the universities are arguing that there are issues with the legislation regarding the open carry of firearms, fiscal impact, posting signage, and protection of nuclear facilities. He stated that open carry is not mentioned in the bill, the fiscal impact will be minimal because the colleges are not mandated to post signs regarding the right to carry, and there is no threat to nuclear facilities being affected. He said the colleges have no valid reason to oppose the legislation.

In response to committee questions, **Mr. Moore** stated that currently the only ramification is to ask an individual to leave campus if carrying a firearm. He said the only way to amend the open carry law anywhere in the state is to amend the Idaho Constitution.

**Dolores Aragon**, Mom's Demand Action, Idaho Chapter, spoke **in opposition** to **S 1254** and stated she is worried about student safety. **Kent Kunz**, Director of Government Relations for Idaho State University, spoke **in opposition** to **S 1254** and stated there is a conflict when high school and college campuses are combined. He stated it would potentially cost \$600,000 to comply with this legislation.

**Mel Walker**, self-defense teacher, spoke **in support** of **S 1254** and stated the legislation is an extension of self-defense outside the home. He stated the legislation is not forcing people to carry weapons, it simply allows permit holders to do so. He said women, especially young women, would benefit the most from this bill. He stated that Idaho has some of the harshest penalties for drinking while carrying a concealed weapon. He said that a person must have zero percentage alcohol when carrying a firearm.

**Michelle Martinez**, teacher at BSU, spoke **in opposition** to **S 1254** and stated having guns on campus could be perceived as bullying or threatening to others. **Emily Walton**, student at BSU, spoke **in opposition** to **S 1254** and stated she and fellow students are building a coalition to keep guns off campus. **Bob Kustra**, President of BSU, spoke **in opposition** to **S 1254** and stated the universities/colleges were not brought in to negotiate the bill at all. He stated he doesn't want Idaho to be a bad example to the nation. He said he is uncomfortable with the college campuses in Idaho being the testing grounds for guns on campus laws. He also stated it will be difficult to employ and keep the current teachers because many are opposed to guns on campus.

In response to committee questions, **Mr. Kustra** stated BSU does not want concealed carry or open carry weapons allowed on campus. He said the only exceptions they would allow on campus would be for retired law enforcement to carry.

**Bruce Newcomb**, BSU, spoke **in opposition** to **S 1254** and stated the Second Amendment does not apply to schools according to the Supreme Court. He said this bill was not collaborative and needs to be discussed more by the parties who will be involved.

**Greg Ferch**, self, spoke **in support** of **S 1254** and stated this bill would add security that is already needed on campus. **Jacob Palmer**, BSU student, spoke **in support** of **S 1254** and stated he feels safe knowing people who have been trained to handle firearms would be on campus to protect themselves and can help protect others. **Kim Knoff**, student, spoke **in support** of **S 1254** and stated she is not intimidating to others nor is she intimidated by other permit holders who carry. She said she is intimidated to walk out to her car after class at night and not be able to defend herself if she needed to. She stated BSU does nothing to prevent guns being carried on campus right now.

**Senator McKenzie** was recognized to close testimony on **S 1254**. He stated the majority of people who will be affected by this bill are in support of it. He reiterated that this is a fundamental liberty. He also stated this concerns concealed weapons and does not affect open carry.

**MOTION:**

**Rep. Palmer** made a motion to send **S 1254** to the floor with a **DO PASS** recommendation.

**Rep. Packer** spoke **in support** of the motion and stated this bill will not create an environment of over excess of carrying firearms on campus, these are law-abiding citizens who have the licenses to do so. **Rep. Andrus** spoke **in support** of the motion and stated there are women out there who need to be able to protect themselves. He stated he does not want to deny any person the ability from defending themselves if they choose. **Rep. Monks** spoke **in support** of the motion and stated he has children who are students at a few different colleges in Idaho and would feel better if they were allowed to protect themselves, especially since violence on campuses has increased. He also stated women should have the right to protect themselves. **Rep. Sims** spoke **in support** of the motion and stated she supports the bill because the right to bear arms is in the Idaho Constitution which trumps all.

**Rep. Woodings** spoke in opposition to the motion and stated she did not agree with the legislation because all of the parties were not included in negotiating the bill. **Rep. Gannon** spoke in opposition to the motion and stated not all parties or issues have been discussed and the open carry matter needs to be addressed. He also stated that colleges and universities need to have better security regardless. **Rep. Smith** spoke in opposition to the motion and stated the Supreme Court ruled that schools are exempt from the right to carry guns. She stated Idaho does not have many problems on college campuses, but security should be better.

**ROLL CALL  
VOTE:**

Roll call vote was requested. **Motion carried by a vote of 11 AYE, 3 NAY, and 2 ABSENT/EXCUSED.** Voting in favor of the motion: **Chairman Loertscher, Reps. Batt, Andrus, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Monks, and Packer.** Voting in opposition to the motion: **Reps. Smith, Gannon and Woodings.** **Reps. Anderson(1) and Luker** were absent/excused. **Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 4:04 p.m.

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Representative Loertscher  
Chair

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Kasey Perkins  
Secretary