

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

March 22, 2005

8:08 a.m.

**MEMBERS PRESENT**

Representative Kurt Olson, Co-Chair  
Representative Bill Thomas, Co-Chair  
Representative Pete Kott  
Representative Gabrielle LeDoux  
Representative Mark Neuman  
Representative Sharon Cissna  
Representative Woodie Salmon

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 184

"An Act relating to firearms."

- MOVED HB 184 OUT OF COMMITTEE

HOUSE BILL NO. 27

"An Act relating to an optional exemption from municipal property taxes on certain residences of law enforcement officers."

- MOVED CSHB 27(CRA) OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 157

"An Act clarifying the powers of electric or telephone cooperatives to become members of or own stock in other entities."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: HB 184

SHORT TITLE: MUNICIPAL FIREARM ORDINANCES

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

02/28/05            (H)            READ THE FIRST TIME - REFERRALS

02/28/05 (H) CRA, JUD  
03/22/05 (H) CRA AT 8:00 AM CAPITOL 124

BILL: HB 27

SHORT TITLE: MUNI PROP TAX EXEMPTION FOR POLICE HOMES  
SPONSOR(S): REPRESENTATIVE(S) CHENAULT, GRUENBERG

01/10/05 (H) PREFILE RELEASED 12/30/04  
01/10/05 (H) READ THE FIRST TIME - REFERRALS  
01/10/05 (H) CRA, FIN  
02/15/05 (H) CRA AT 8:00 AM CAPITOL 124  
02/15/05 (H) Heard & Held  
02/15/05 (H) MINUTE(CRA)  
03/22/05 (H) CRA AT 8:00 AM CAPITOL 124

**WITNESS REGISTER**

SUE WRIGHT, Staff  
to Representative Mike Chenault  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented HB 184 on behalf of the sponsor,  
Representative Chenault.

BRIAN JUDY, Alaska State Liaison  
National Rifle Association (NRA)  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HB 184.

JENNIFER YUHAS, Executive Director  
Alaska Outdoor Council (AOC)  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HB 184.

STEVE VAN SANT, State Assessor  
Division of Community Advocacy  
Department of Commerce, Community, & Economic Development  
Anchorage, Alaska  
POSITION STATEMENT: During discussion of HB 184, cautioned the  
committee with respect to the suggestion regarding local  
communities not being able to tax firearms.

SCOTT HAMANN  
Kenai, Alaska  
POSITION STATEMENT: Testified in support of HB 184.

REPRESENTATIVE MAX GRUENBERG

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the prime co-sponsor of HB 184.

### **ACTION NARRATIVE**

**CO-CHAIR BILL THOMAS** called the House Community and Regional Affairs Standing Committee meeting to order at [8:08:04 AM](#). Representatives Olson, Thomas, LeDoux, Neuman, Cissna, and Salmon were present at the call to order. Representative Kott arrived as the meeting was in progress.

#### HB 184-MUNICIPAL FIREARM ORDINANCES

CO-CHAIR THOMAS announced that the first order of business would be HOUSE BILL NO. 184, "An Act relating to firearms."

[8:08:25 AM](#)

SUE WRIGHT, Staff to Representative Mike Chenault, Alaska State Legislature, explained that HB 184 would ensure that citizens would be able to look to one law with regard to firearm regulations. Currently, 18 communities that have law differing from state statute regarding the use and carrying of firearms. This legislation would bring uniformity to the state on the matter of firearm regulations.

[8:09:45 AM](#)

REPRESENTATIVE CISSNA questioned what other areas of personal choice for which the law is uniform throughout the state. She questioned the purpose of local government if there is one law.

MS. WRIGHT related her personal experience in which she lives on the "Duck Flats" in the City of Kenai. It's legal to discharge a firearm on the Duck Flats, but not legal within other areas of the city. She emphasized that there isn't a firm line or map specifying where it's legal to discharge a firearm and where it's not. However, one of the aggravating factors when one defends himself or herself in an assault can be a local ordinance. This law ensures uniformity, she emphasized.

[8:12:05 AM](#)

REPRESENTATIVE LEDOUX commented that she has no problem with the intent of HB 184. However, she said she isn't certain that it actually accomplishes the intent because it's left to the courts to determine what law is inconsistent with another law. Representative LeDoux opined that a local law could never be ruled inconsistent with a state law. Therefore, she suggested that a more appropriate intent would be that "state law preempts all local law with respect to firearms" and then specify what a municipality may not enact or enforce. She further opined that HB 184 is too open to interpretation to accomplish the goal.

MS. WRIGHT mentioned that there has been a proposed conceptual amendment from the National Rifle Association (NRA), but the sponsor chose not to [incorporate] it at this time. She indicated that [the sponsor] elected to have it corrected in the Senate. She related her belief that the proposed conceptual amendment would appease Representative LeDoux's concern. She offered to work with Representative LeDoux on this "and allow the bill to pass out of committee."

[8:14:28 AM](#)

REPRESENTATIVE NEUMAN said that he supports HB 184, which brings clarity with regard to how guns can be handled in different communities.

[8:15:45 AM](#)

REPRESENTATIVE CISSNA pointed out that this matter would look very different from different political views. She highlighted that urban centers tend to be quite different than the outlying areas, which may have different needs with regard to firearms. If urban centers control what is happening at the state level, rural areas could end up having laws that are abhorrent to local populations. Therefore, in a state as diverse and large as Alaska, it's better to have local government make decisions [on this matter]. She opined that "big brother," as exemplified with the federal government, is onerous. "I just think it's a bad idea having big government dominating any kind of thing that I can think of," she said.

[8:18:37 AM](#)

REPRESENTATIVE NEUMAN opined that the bottom line is that criminals don't obey gun laws. This legislation protects those who use guns in the appropriate manner. Representative Neuman highlighted the following language from the Alaska State

Constitution: "The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State."

8:20:02 AM

BRIAN JUDY, Alaska State Liaison, National Rifle Association (NRA), urged support for HB 184, which strengthens and broadens Alaska's existing firearm preemption statute. Mr. Judy provided the following testimony:

The current law only narrowly limits local governments' ability to impose two types of restrictions. First, on the right to own or possess firearms within a residence. And second, on the transportation of unloaded firearms. Any other restrictions may be imposed by local municipalities. Further, the existing law would allow restrictions in the two aforementioned categories if ratified by the voters, and this is not right. Fundamental constitutional rights of a minority should not be able to be limited just because a majority of voters support such a restriction. House Bill 184 will provide for a standardization of all firearms laws throughout the State of Alaska based on current and future statutes enacted by the state legislature. It would make null and void any local ordinances that are more or less restrictive than current state law. And it's important to emphasize, however, that this bill will in no way lessen the current body of federal and state firearms laws. The problem with local firearms ordinances is one of sheer variety. Where no uniform state laws are in place, the result can be a complex patchwork of restrictions that change from one local jurisdiction to the next. But it's unreasonable to require citizens, whether they're residents or ... persons visiting from out of state, to memorize a myriad of varying laws. Where inconsistent ordinances are in place, law-abiding citizens with no criminal intent are placed in jeopardy of running afoul of restrictions they don't even know exist. Further, anti-gun proposals and restrictive ordinances at the local level threaten honest firearm owners' rights and the fundamental American principle of equal protection under the law for all citizens. The necessary criminal laws should be enacted on the state level because the uniform application of law treats all

citizens fairly and because all citizens in the state should benefit from and be protected equally by those laws which are determined to be needed. Additionally, House Bill 184 ... will allow law enforcement to concentrate on the real criminal element .... Enforcement of unwitting violations by otherwise law-abiding citizens diverts scarce law enforcement resources. Uniformity is what law-abiding citizens and law enforcement officials need and deserve. To prevent the problems associated with restrictive local ordinances, 46 states have now enacted firearm preemption laws. The current Alaska law is among the weakest. On behalf of the NRA members and all firearm owners in Alaska, I urge your support for this legislation.

8:23:22 AM

MR. JUDY then turned to the earlier remark that in the future urban centers could control rural areas. However, Mr. Judy emphasized that laws passed by the legislature will impact the entire state, regardless of this law. This legislation would at least ensure that abhorrent laws wouldn't be passed in some areas of the state. Mr. Judy then turned to Representative LeDoux's comment with regard to the possible inconsistency that the courts could create, with which he agreed. Mr. Judy also agreed that there could be better language. This legislation, he opined, uses language from Washington State's preemption law, which was passed some time ago. Mr. Judy noted that he spoke with the sponsor regarding a language [change]. However, he agreed with the sponsor's desire to move the legislation today and continue working on it through the process.

8:25:10 AM

REPRESENTATIVE LEDOUX asked if Mr. Judy's language specifically mentions preemption.

MR. JUDY suggested deleting the language that's inconsistent with state law and use language that's more of a command. He suggested the following language: "A municipality may not enact or enforce any ordinance regarding the possession, ownership, sale, transfer, use, carrying, transportation, taxation, licensing, or registration of firearms."

REPRESENTATIVE LEDOUX asked if the proposed language should specifically address concealed weapons.

MR. JUDY replied no, because [the legislation] is saying that local municipalities can't enact or enforce any such ordinances. The state law already addresses concealed firearms and how firearms may be carried.

[8:27:14 AM](#)

JENNIFER YUHAS, Executive Director, Alaska Outdoor Council (AOC), provided the following testimony:

On behalf of our board of directors of the Alaska Outdoor Council representing over 54 member clubs and nearly 4,000 associate members for a collective membership of nearly 12,000 individuals, which is also the recognized state association for the National Rifle Association, I would like to thank Representative Chenault for his sponsorship of HB 184 and offer our enthusiastic support of this legislation. ... We support the amendments offered by the NRA. House Bill 184 recognizes the constitutionally guaranteed right of private individuals to keep and bear arms and corrects any oversight that may have been unintentionally restrictive of that right. This legislation also eliminates any possible confusion that may be caused to the private law-abiding citizen as they exercise that right. The committee has already discussed the consequences of refusing to standardize firearm possession jeopardizing those with the best intentions to unrealistic expectations and unnecessarily burdening our enforcement authorities. While many matters should remain under local control, no municipality should have the authority to restrict any constitutionally guaranteed right to a U.S. citizen. This committee will be upholding the foundational founding document of our great country and our state by supporting this legislation today with its passage and will enjoy the full support of the Alaska Outdoor Council in doing so. Please pass this legislation today.

[8:28:55 AM](#)

STEVE VAN SANT, State Assessor, Division of Community Advocacy, Department of Commerce, Community, & Economic Development (DCCED), said that he is present to answer questions and is not

taking a position on HB 184. However, he cautioned the committee with respect to Mr. Judy's earlier suggestion regarding local communities not being able to tax firearms because that can fall under the sales tax ordinances throughout the state.

[8:29:40 AM](#)

SCOTT HAMANN testified in support of HB 184. As a citizen of Alaska, Mr. Hamann related that he travels throughout the state and shouldn't have to be concerned with being pulled over and found not to be abiding by the local law. He urged the committee to pass HB 184.

[8:31:16 AM](#)

REPRESENTATIVE NEUMAN moved to report HB 184 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE CISSNA objected.

[8:31:22 AM](#)

A roll call vote was taken. Representatives Neuman, Salmon, Kott, LeDoux, Olson, and Thomas voted in favor of reporting HB 184 from committee. Representative Cissna voted against it. Therefore, HB 184 was reported out of the House Community and Regional Affairs Standing Committee by a vote of 6-1.

HB 27-MUNI PROP TAX EXEMPTION FOR POLICE HOMES

CO-CHAIR THOMAS announced that the final order of business would be HOUSE BILL NO. 27, "An Act relating to an optional exemption from municipal property taxes on certain residences of law enforcement officers." [Before the committee is CSHB 27, Version 24-LS0182\F, Cook, 2/14/05.]

[8:32:29 AM](#)

REPRESENTATIVE MAX GRUENBERG, Alaska State Legislature, prime co-sponsor, reviewed the differences between the proposed committee substitute (CS), Version F, and the original legislation. On page 1, line 8, the language, "primary permanent place of abode" was inserted in order to address the primary place that the law enforcement officer lives. The language on page 1, lines 8-10, specifies that no more than two

exemptions for the same property are allowed. The legislation specifies that the ordinance can specify [that the eligible area] falls into one or more of the categories listed on page 2. Representative Gruenberg related that Chief Monegan, Anchorage Police Department, was planning on testifying in support of HB 27, although he may be in court at this time. He related his understanding that there is a plan to offer an amendment to raise the exemption from "\$10,000" to "\$150,000", which he said he would support.

[8:35:36 AM](#)

REPRESENTATIVE KOTT moved that the committee adopt Amendment 1 [labeled 24-LS0182\F.1, Cook, 3/1/05], which read:

Page 1, line 6:  
Delete "\$10,000"  
Insert "\$150,000"

REPRESENTATIVE KOTT stated that Amendment 1 would make the proposed exemption in HB 27 conform to existing municipal ordinances providing property tax exemptions for senior citizens and disabled veterans.

There being no objection, Amendment 1 was adopted.

[8:36:33 AM](#)

REPRESENTATIVE GRUENBERG noted that the committee packet should include a resolution from Mountain View Community Council.

[8:36:42 AM](#)

REPRESENTATIVE KOTT moved to report CSHB 27, Version 24-LS0182\F, Cook, 2/14/05, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 27(CRA) was reported from the House Community and Regional Affairs Standing Committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at [8:37:02 AM](#).