

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 29, 2013

1:36 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Fred Dyson
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Lesil McGuire, Vice Chair
Senator Donald Olson

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 24(JUD)

"An Act relating to self-defense in any place where a person has a right to be."

- MOVED CSHB 24(JUD) OUT OF COMMITTEE 3/27/13

HOUSE BILL NO. 81

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 83(JUD)

"An Act relating to certain federal statutes, regulations, presidential executive orders and actions, and secretarial orders and actions; relating to the duties of the attorney general; and providing for an effective date."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 36

"An Act relating to missing vulnerable adult prompt response and notification plans."

- MOVED CSSSSB 36(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 69(JUD)

"An Act exempting certain firearms, firearm accessories, and ammunition in this state from federal regulation; declaring certain federal statutes, regulations, rules, and orders unconstitutional under the Constitution of the United States and unenforceable in this state; providing criminal penalties for federal officials who enforce or attempt to enforce a federal statute, regulation, rule, or order regulating certain firearms and firearm accessories in this state; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 81

SHORT TITLE: 2013 REVISOR'S BILL

SPONSOR(s): RULES BY REQUEST OF LEGISLATIVE COUNCIL

01/22/13	(H)	READ THE FIRST TIME - REFERRALS
01/22/13	(H)	JUD
03/01/13	(H)	JUD AT 1:00 PM CAPITOL 120
03/01/13	(H)	Heard & Held
03/01/13	(H)	MINUTE(JUD)
03/04/13	(H)	JUD AT 1:00 PM CAPITOL 120
03/04/13	(H)	Heard & Held
03/04/13	(H)	MINUTE(JUD)
03/11/13	(H)	JUD AT 1:00 PM CAPITOL 120
03/11/13	(H)	Moved Out of Committee
03/11/13	(H)	MINUTE(JUD)
03/13/13	(H)	JUD RPT 5DP
03/13/13	(H)	DP: GRUENBERG, LYNN, LEDOUX, FOSTER, KELLER
03/15/13	(H)	TRANSMITTED TO (S)
03/15/13	(H)	VERSION: HB 81
03/18/13	(S)	READ THE FIRST TIME - REFERRALS
03/18/13	(S)	JUD
03/29/13	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 83

SHORT TITLE: FEDERAL LAWS & EXECUTIVE ORDERS

SPONSOR(s): KELLER

01/22/13	(H)	READ THE FIRST TIME - REFERRALS
01/22/13	(H)	JUD
02/08/13	(H)	JUD AT 1:00 PM CAPITOL 120
02/08/13	(H)	Heard & Held
02/08/13	(H)	MINUTE(JUD)

02/18/13 (H) JUD AT 1:00 PM CAPITOL 120
02/18/13 (H) Scheduled But Not Heard
02/25/13 (H) JUD AT 1:00 PM CAPITOL 120
02/25/13 (H) Scheduled But Not Heard
02/27/13 (H) JUD AT 1:00 PM CAPITOL 120
02/27/13 (H) Heard & Held
02/27/13 (H) MINUTE(JUD)
03/04/13 (H) JUD AT 1:00 PM CAPITOL 120
03/04/13 (H) Moved CSHB 83(JUD) Out of Committee
03/04/13 (H) MINUTE(JUD)
03/05/13 (H) JUD RPT CS(JUD) NT 5DP
03/05/13 (H) DP: MILLETT, GRUENBERG, PRUITT, FOSTER,
KELLER
03/13/13 (H) TRANSMITTED TO (S)
03/13/13 (H) VERSION: CSHB 83(JUD)
03/15/13 (S) READ THE FIRST TIME - REFERRALS
03/15/13 (S) JUD
03/29/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 36

SHORT TITLE: MISSING VULNERABLE ADULT RESPONSE PLAN

SPONSOR(s): ELLIS

01/25/13 (S) READ THE FIRST TIME - REFERRALS
01/25/13 (S) STA, JUD
02/08/13 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/08/13 (S) STA, JUD
02/21/13 (S) STA RPT 3DP
02/21/13 (S) DP: DYSON, WIELECHOWSKI, STEDMAN
02/21/13 (S) STA AT 9:00 AM BUTROVICH 205
02/21/13 (S) Moved SSSB 36 Out of Committee
02/21/13 (S) MINUTE(STA)
03/27/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/27/13 (S) Heard & Held
03/27/13 (S) MINUTE(JUD)
03/29/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 69

SHORT TITLE: EXEMPT FIREARMS FROM FEDERAL REGULATION

SPONSOR(s): CHENAULT

01/16/13 (H) READ THE FIRST TIME - REFERRALS
01/16/13 (H) JUD
01/18/13 (H) BILL REPRINTED 1/17/13
02/08/13 (H) JUD AT 1:00 PM CAPITOL 120
02/08/13 (H) Heard & Held
02/08/13 (H) MINUTE(JUD)

02/18/13 (H) JUD AT 1:00 PM CAPITOL 120
 02/18/13 (H) Moved CSHB 69(JUD) Out of Committee
 02/18/13 (H) MINUTE(JUD)
 02/20/13 (H) JUD RPT CS(JUD) NT 6DP 1NR
 02/20/13 (H) DP: MILLETT, PRUITT, LYNN, FOSTER,
 LEDOUX, KELLER

 02/20/13 (H) NR: GRUENBERG
 02/27/13 (H) TRANSMITTED TO (S)
 02/27/13 (H) VERSION: CSHB 69(JUD)
 02/28/13 (S) READ THE FIRST TIME - REFERRALS
 02/28/13 (S) JUD
 03/15/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/15/13 (S) Heard & Held
 03/15/13 (S) MINUTE(JUD)
 03/18/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/18/13 (S) Heard & Held
 03/18/13 (S) MINUTE(JUD)
 03/20/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/20/13 (S) -- MEETING CANCELED --
 03/25/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/25/13 (S) Heard & Held
 03/25/13 (S) MINUTE(JUD)
 03/29/13 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

KATHERINE KURTZ, Revisor of Statutes
 Legislative Legal Services
 Legislative Affairs Agency
 Juneau, Alaska
POSITION STATEMENT: Presented HB 81.

JIM POUND, Staff
 Representative Wes Keller
 Alaska State Legislature
 Juneau, Alaska
POSITION STATEMENT: Introduced HB 83 on behalf of the sponsor.

ANNE CARPENETI, Assistant Attorney General
 Legal Services Section
 Criminal Division
 Department of Law
POSITION STATEMENT: Commented on an amendment to SB 36.

NATHAN ZENSEY, Staff
 Senator Johnny Ellis
 Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Explained the intent of amendment 28-LS0338\C.1 to SB 36.

JORDAN SHILLING, Staff
Senator John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes in the Senate CS for HB 69.

MIKE COONS, representing himself
Palmer, Alaska

POSITION STATEMENT: Testified in reluctant support of version I for HB 69.

THOM BUZARD, Commander
Alaska Citizen's Militia
Juneau, Alaska

POSITION STATEMENT: Testified in support of including the felony language in HB 69.

ACTION NARRATIVE

[1:36:33 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Dyson, Wielechowski, and Chair Coghill.

HB 81-2013 REVISOR'S BILL

[1:37:38 PM](#)

CHAIR COGHILL announced the consideration of HB 81.

[1:37:45 PM](#)

KATHERINE KURTZ, Revisor of Statutes, Legislative Legal Services, Legislative Affairs Agency, explained that Legislative Legal Services is statutorily required to submit a bill each year to correct and remove deficiencies, conflicts, and obsolete provisions in the statutes. She provided the following sectional analysis:

Section 1 amends AS 04.11.080 to include destination resort licenses in the list of licenses and permits issued under Title 4 relating to alcoholic beverages. When this license was created it wasn't added to this statute.

Section 2 amends AS 04.11.220(e) to update a reference to an accreditation organization that has changed its name.

Section 3 amends AS 08.70.110(a) to repeal an obsolete licensing provision for nursing home administrators licensed under emergency regulation that was repealed in 1977. The Department of Law has said that no one is licensed under this provision.

Sections 4 and 6 relate to the definition of "oil or gas pipeline or supporting facilities," which doesn't exactly match usage in the statutes. Section 4 changes the term "facilities" to "facility" in AS 11.46.495. Section 6 changes "and" to "or" in AS 11.56.810(a)(2) for consistency and to match the term defined in AS 11.46.495.

[1:39:48 PM](#)

SENATOR WIELECHOWSKI noted that 5-6 years ago the legislature changed the term "and" to "or" in a statute regarding oil and gas and it brought an additional \$160 million to the state. He inquired what the proposed change in Section 6 exactly deals with.

MS KURTZ explained that these are criminal statutes that relate to an oil or gas pipeline or supporting facility. Section 4 deals with offenses against property and Section 6 deals with terroristic threatening.

Section 5 adds the word "to" in AS 11.51.100((a)(3), because the preposition was missing.

Section 7 changes the term "education" to "educational" in AS 14.20.310(a) to match the term used in AS 14.08 and elsewhere in the statutes.

Sections 8 and 9 replace the term "election district" with "house district" in AS 15.10.120(a) and AS 15.15.430(a) to match changes in the state constitution.

Sections 10-17 remove the phrase "but not limited to" in a section relating to safe employment and in several definitions relating to safety glazing. AS 01.10.040(b) directs that when the term "including" is used in a law, it should always be read as though it were followed by the phrase "but not limited to." This change brings those definitions into consistency with that provision in statute and the drafting manual.

Section 10 also replaces the term "work place" with "workplace" in AS 18.60.075(a).

Section 18 amends AS 18.63.040(b) to replace a reference to a repealed regulation with a generic reference to a regulation adopted by the department.

Sections 19-21, 24-27, and 31 relate to the commissioner of the Department of Transportation and Public Facilities (DOTPF). There is currently no definition of "commissioner" and the term has been used inconsistently. This creates a new definition for the entire title so it doesn't need to be spelled out every time. The meaning of the current references won't change.

Sections 22-23 remove obsolete dates in AS 35.27.020(c) and AS 35.40.110.

Section 28 amends AS 44.62.175(a), relating to the Alaska Online Public Notice System, to update the provision requiring that summaries of certain opinions of the attorney general be posted on the system.

Section 29 adds the word "energy" to AS 44.88.070(1) to conform to changes made previously to AS 44.88.010(a) and (b). The omission was an oversight.

Section 30 amends AS 47.12.310(a) to resolve an internal conflict between subsections (a) and (i) of AS 47.12.310.

Section 31 repeals the definition of the commissioner of the Department of Transportation and Public Facilities from AS 35.27.

Section 32 provides an immediate effective date.

[1:46:49 PM](#)

SENATOR DYSON asked where suggestions for revisions come from.

MS. KURTZ replied they come from various sources including the attorney general's office and Legislative Legal Services' publisher.

SENATOR DYSON inquired if any suggestions come from the Duke Law Review.

MS. KURTZ said no, but other sources include LexisNexis, attorneys in the legislative legal office and, on rare occasion, the public.

SENATOR DYSON asked if they get nothing from the Duke Law Review.

MS. KURTZ said she has never been contacted by the Duke Law Review.

SENATOR DYSON expressed astonishment since he understands the legislature has a contract with them that includes review and comment.

MS. KURTZ said she wasn't able to comment on who the parties to that contract are.

[1:49:11 PM](#)

CHAIR COGHILL stated he would hold HB 81 and take action on it on Monday.

HB 83-FEDERAL LAWS & EXECUTIVE ORDERS

[1:50:19 PM](#)

CHAIR COGHILL announced the consideration of HB 83. [CSHB 83(JUD) was before the committee.]

[1:50:39 PM](#)

JIM POUND, Staff, Representative Wes Keller, sponsor of HB 83, introduced the bill on behalf of the sponsor. He spoke to the following sponsor statement: [Original punctuation provided.]

CS for HB 83 clarifies in Alaska Statute that a federal statute, regulation, presidential executive orders, or secretarial orders or actions that are not properly adopted or are unconstitutional do not preempt state law. The Attorney General will continue to review and report federal statute, regulation, presidential executive orders, or secretarial orders or actions that appear to have not been properly adopted. Under CSHB 83 those reports will be forwarded to the legislature for consideration.

CSHB 83 presumes Alaska Legislative interest in an important legal process known as nullification. It opens the opportunity for the state to consider proclaiming a federal law or rule to be void and

inoperative, or 'non-effective' within the boundaries of that state. In CSHB 83 a negative review by the Attorney General would generate an alert to our Judiciary Committees so nullification legislation can be considered.

There has been disagreement regarding nullification going back to the late eighteenth century. Not surprisingly, federal courts have often leaned toward favoring federal power over state sovereignty in spite of the fact that our founding fathers clearly intended otherwise. Federalism is our historically unique and profound arrangement where sovereign and separate states got together and carefully designed a central government with limited powers. It is an illogical perversion of one of our most important founding principles to presume states must comply with unconstitutional federal language. CSHB 83 presumes a proper State responsibility to uphold and protect our constitution.

CSHB 83 is intended to provide important information to the Alaska State Legislature by tapping the expertise and evaluation of our Attorney General. Certainly the legislature has a responsibility to consider its response whenever there is question of constitutionality of a federal statute, or the process involved in regulation, presidential executive order, or secretarial order or actions.

SENATOR WIELECHOWSKI summarized that the attorney general will review federal statutes, regulations, executive orders and actions and secretarial orders to make sure that they don't conflict with state law.

MR. POUND clarified that there is already a review process, but bringing the findings up under state law will be up to the determination of the judiciary committees.

SENATOR WIELECHOWSKI asked if there would be a timeline imposed on the attorney general to review all of these documents because it could be tens if not hundreds of thousands of pages.

MR. POUND said he couldn't speak to how the attorney general does it now, but he did know that DOL provides information to the governor's office. The bill ensures that the legislature is included in the loop.

SENATOR WIELECHOWSKI highlighted that the bill doesn't ask the attorney general to do anything new, just notify legislative bodies if there are conflicts.

MR. POUND agreed.

SENATOR WIELECHOWSKI asked if there are specific [federal] statutes, regulations, or executive orders that he believes are currently being violated.

[1:54:39 PM](#)

MR. POUND said he finds a recent interpretation from the U.S. Department of Veterans Affairs interesting. He characterized a letter sent to veterans about competency as excessive oversight based on a regulation promulgated by the VA. He read the following excerpt:

A determination of incompetency will prohibit you from purchasing, possessing, receiving, or transporting a firearm or ammunition. If you knowingly violate any of these provisions you may be fined, imprisoned, or both under the Brady Handgun Violence Prevention Act.

SENATOR WIELECHOWSKI asked if the attorney general was filing a lawsuit to overturn that for being unconstitutional.

MR. POUND said he was not aware of that.

[1:55:53 PM](#)

SENATOR WIELECHOWSKI said he would hope that the attorney general would take legal action if an unconstitutional law is on the books prohibiting veterans from getting firearms.

MR. POUND surmised that would happen at some point.

SENATOR WIELECHOWSKI asked if the sponsor asked for an increment in the budget to fund this litigation.

MR. POUND responded that the Department of Law submitted a zero fiscal note, and it probably would be some time before the issue of litigation costs come up.

CHAIR COGHILL asked if the sponsor anticipated that the reports called for in the bill would flow with other annual reports coming out of the Department of Law (DOL).

MR. POUND said yes, and any issue that's identified and results in legislation would still have to go through the legislative process.

[1:57:31 PM](#)

CHAIR COGHILL said he'd like to hear from the DOL to understand what is already taking place and how this bill will be accommodated.

SENATOR WIELECHOWSKI said he likes the idea of DOL keeping the legislature informed, but he'd also like an annual report about litigation and the costs.

CHAIR COGHILL asked Mr. Pound to make arrangements with the Department of Law to come before the committee to answer questions.

MR. POUND acknowledged the request.

[2:00:33 PM](#)

SENATOR DYSON commended the effort and motive of the legislation, and expressed hope that somebody was watching for federal actions that affect how the legislature does its business and fulfills its mission.

CHAIR COGHILL commented on the balance between working cooperatively with the federal government and challenging federal action.

He stated that he would hold HB 83 in committee.

SB 36-MISSING VULNERABLE ADULT RESPONSE PLAN

[2:02:10 PM](#)

CHAIR COGHILL announced the consideration of SB 36. [CSSSSB 36, version C, was before the committee.]

He moved Amendment 1, labeled 28-LS0338\C.1.

AMENDMENT 1

OFFERED IN THE SENATE BY SENATOR COGHILL
TO: CSSSSB 36(JUD), Draft Version "C"

Page 2, following line 20:
Insert a new bill section to read:

"(c) Notwithstanding another provision of law,

(1) a law enforcement agency, an officer or employee of a law enforcement agency, a person, or a group is not civilly liable for

(A) failing to participate in a missing vulnerable adult prompt response and notification plan;

(B) failing to implement a missing vulnerable adult prompt response and notification plan; or

(C) activating a missing vulnerable adult prompt response and notification plan if implementation is undertaken in good faith;

(2) a radio or television broadcaster or newspaper publisher is not civilly liable for participating in a missing vulnerable adult prompt response and notification plan or for participating in the actual implementation of a plan if the broadcaster or publisher has verified the authenticity of that implementation with the law enforcement agency."

Reletter the following subsections accordingly.

SENATOR DYSON objected [for discussion purposes.]

CHAIR COGHILL asked Ms. Carpeneti to comment.

[2:03:15 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law, said that Susan Cox indicated that this would provide better protection for law enforcement than what is currently in the CS.

CHAIR COGHILL offered his understanding that the amendment provides civil liability protection for those in law enforcement and those who activate the vulnerable adult alert.

[2:04:37 PM](#)

SENATOR WIELECHOWSKI inquired if this was just for negligent behavior or if it would exempt from liability someone who failed to participate.

MS. CARPENETI said it doesn't specify so it would probably be for all circumstances where a person did not participate.

SENATOR WIELECHOWSKI agreed with the intent on negligence, but questioned the policy reason for extending the liability exemption that far.

MS. CARPENETI agreed that it was a policy call for the legislature.

CHAIR COGHILL offered his understanding that the civil liability exemption previously extended to newspaper publishers and other communications media. The amendment broadens the definition.

MS. CARPENETI deferred to the sponsor because this provision was in the bill originally.

[2:06:37 PM](#)

NATHAN ZENSEY, Staff, Senator Johnny Ellis, explained that the intent is to diminish the burden for law enforcement agencies. The hope is that those agencies will act in accordance with the public trust placed in them.

SENATOR WIELECHOWSKI said he can envision this becoming a problem in years to come, but the expectation is that law enforcement will do the right thing. He posed hypothetical examples.

SENATOR DYSON asked the point at which conduct by law enforcement crosses the line and the person becomes civilly or criminally liable.

MS. CARPENETI deferred the question to someone working in the Civil Division.

SENATOR DYSON said he was relatively comfortable that current law and practice would cover the current concern.

MS. CARPENETI responded that her understanding was that this immunity would apply under the circumstances of silver alert.

[2:10:08 PM](#)

SENATOR DYSON said he didn't think that anyone would reason that the Silver Alert was any different than things like the Amber Alert or Caylee's Law.

CHAIR COGHILL asked Mr. Zensey if the standard was the same as other alert systems.

MR. ZENSEY replied that the standards differ from state to state, but he thought that at some point, whatever governs negligence in normal missing person searches would govern negligence in missing vulnerable adults.

SENATOR WIELECHOWSKI agreed that it was a policy call.

[2:12:43 PM](#)

SENATOR DYSON removed his objection.

CHAIR COGHILL found no further objection and announced that Amendment 1 was adopted. He summarized the contents of the bill and asked if the sponsor had closing comments.

MR. ZENSEY thanked the committee.

[2:13:50 PM](#)

SENATOR DYSON moved to report CSSSSB 36, version C as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR COGHILL found no objection and announced that CSSSSB 36(JUD) moved from the Senate Judiciary Standing Committee.

[2:14:18 PM](#)

At ease

HB 69-EXEMPT FIREARMS FROM FEDERAL REGULATION

[2:16:29 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HB 69. [SCS CSHB 69, version R, was before the committee.]

[2:16:41 PM](#)

SENATOR DYSON moved to adopt Senate CS for HB 69, labeled 28-LS0290\I, as the working document.

CHAIR COGHILL found no objection and version I was before the committee. He asked Mr. Shilling to speak to the changes.

[2:17:06 PM](#)

JORDAN SHILLING, Staff, Senator John Coghill, explained that the title was changed to conform to changes made later in the bill. The first substantial change occurs on page 4, line 28. The phrase "violates the Second Amendment to the Constitution of the United States or art. I, sec. 19, Constitution of the State of

Alaska" was inserted to clarify that any future law that is unconstitutional and unenforceable is unenforceable because it violates the Second Amendment.

On page 5, line 4, the word "may" was changed to "shall" and the provision that allowed the attorney general to use all state resources necessary was removed. He explained that the intent was to ensure that resources like the permanent fund would not be at the attorney general's disposal to file lawsuits.

SENATOR COGHILL relayed that DOL's expectation was that it already was directive, and the attorney general [would file legal action to prevent implementation of law that violates the rights of Alaskans.] He asked the members to consider a suggestion to insert the word "illegally" on page 3, lines 7 and 9, at the beginning of paragraphs (A) and (B).

He acknowledged that version I was somewhat different than the version that passed the House. The current draft removes some nullification issues, but the most significant change was to remove the provision that says the state would arrest and charge a federal official with a felony. He said he didn't know how that would work in practice and was concerned that the backlash could move the state backward rather than forward.

[2:21:30 PM](#)

SENATOR WIELECHOWSKI asked if there was a legal opinion on the constitutionality of the bill that passed the House, and whether or not the state could arrest a federal official as it provided.

CHAIR COGHILL offered his understanding that there were four legal opinions and they were in the packets. He suggested members peruse the opinions before the meeting on Monday, because his intention was to take action on the bill that day.

He opened public testimony.

[2:23:04 PM](#)

MIKE COONS, representing himself, Palmer, Alaska, said he supports the additions to HB 69 that ensure that no agency may assist a federal official who is trying to enforce laws that violate Second Amendment rights. Those sections are strong and protect all Alaskans. He also stated support for the directive language regarding the attorney general using all powers to defend Alaskans, but continues to disagree with the attorney general opinion that provisions in the original bill were unenforceable and unconstitutional. He questioned the concern of

the commissioner of public safety about enforcement in light of Lieutenant Dial's testimony that the department reviewed the CS and doesn't see any problems if the legislation were to pass.

MR. COONS expressed concern about the almost daily attacks on citizens' liberties by President Obama. He cited examples and stated that he reluctantly supports version I.

CHAIR COGHILL said the discussion will continue on Monday.

2:27:58 PM

THOM BUZARD, Commander, Alaska Citizen's Militia, Juneau, Alaska, stated that when he served in the armed forces he took an oath to protect and defend the country, its laws, and the constitution, and because of recent events he was concerned that the citizenry may be preparing for a domestic war against the federal government. He emphasized that many Americans are so concerned that they have purchased all available firearms and ammunition from store shelves across the country. He cited examples worldwide of governments establishing gun control and the consequences to the citizenry.

MR. BUZARD said there are also examples in the U.S. of gun confiscation and government troops killing Americans. These include the massacre at Wounded Knee in 1890, the shelling of the village of Angoon 125 years ago, and the Katrina disaster when the police chief ordered officers to confiscate firearms from citizens' homes. He expressed concern that the federal government was poised to execute a power grab like none other, and for that reason he would like the felony language reinserted in the bill.

2:37:00 PM

CHAIR COGHILL highlighted that the emergency confiscation that occurred during Katrina sparked legislation in Alaska that forbade that practice.

MR. BUZARD said he believes that the current governor and legislature are pointed in the right direction.

SENATOR DYSON relayed that he had heard that Homeland Security was buying large amounts of firearms and ammunition. He asked if there were credible sources for that sort of information.

MR. BUZARD suggested he visit the websites wnd.com, breitbart.com, and drudgereport.com.

[2:39:57 PM](#)

CHAIR COGHILL thanked Mr. Buzard for his service and assured him that the legislature takes the constitution seriously. When it comes to nullification the legislature will employ the best resources of the state to defend the citizens and their right, he said.

MR. BUZARD offered his opinion that these matters should be handled in a legal and constitutional manner.

CHAIR COGHILL agreed, and added that he believes that version I offers a better approach.

[2:42:30 PM](#)

CHAIR COGHILL read AS 11.76.110(a)(1) and relayed his intention to look at the nexus between that law and the bill.

He held HB 69 in committee.

[2:43:44 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:43 p.m.