

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

May 16, 2022

1:55 p.m.

MEMBERS PRESENT

Representative Sara Hannan, Co-Chair
Representative Calvin Schrage, Co-Chair
Representative Josiah Patkotak, Vice Chair
Representative Harriet Drummond
Representative Mike Prax
Representative Ken McCarty
Representative Kevin McCabe

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 136 (CRA)

"An Act relating to firearms and other weapons restrictions."

- MOVED CSSB 136 (CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 136

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS

SPONSOR(S): SENATOR(S) MYERS

05/05/21	(S)	READ THE FIRST TIME - REFERRALS
05/05/21	(S)	CRA, STA
05/11/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/11/21	(S)	-- MEETING CANCELED --
05/13/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/13/21	(S)	Heard & Held
05/13/21	(S)	MINUTE (CRA)
05/18/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
05/18/21	(S)	Moved CSSB 136 (CRA) Out of Committee
05/18/21	(S)	MINUTE (CRA)
05/19/21	(S)	CRA RPT CS 2DP 1DNP SAME TITLE
05/19/21	(S)	DP: HUGHES, MYERS
05/19/21	(S)	DNP: GRAY-JACKSON
02/01/22	(S)	STA AT 3:30 PM BUTROVICH 205
02/01/22	(S)	Heard & Held

02/01/22 (S) MINUTE (STA)
02/15/22 (S) STA AT 3:30 PM BUTROVICH 205
02/15/22 (S) Heard & Held
02/15/22 (S) MINUTE (STA)
03/03/22 (S) STA AT 3:30 PM BUTROVICH 205
03/03/22 (S) Moved CSSB 136 (CRA) Out of Committee
03/03/22 (S) MINUTE (STA)
03/04/22 (S) STA RPT CS (CRA) 3DP 2NR SAME TITLE
03/04/22 (S) DP: SHOWER, COSTELLO, HOLLAND
03/04/22 (S) NR: REINBOLD, KAWASAKI
03/16/22 (S) TRANSMITTED TO (H)
03/16/22 (S) VERSION: CSSB 136 (CRA)
03/18/22 (H) READ THE FIRST TIME - REFERRALS
03/18/22 (H) CRA, STA
04/28/22 (H) CRA AT 8:00 AM BARNES 124
04/28/22 (H) Heard & Held
04/28/22 (H) MINUTE (CRA)
05/16/22 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

ANN GIFFORD, Representing Self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

PATTY OWEN, Representing Self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

LAURA FLEMING, Representing Self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

LUANN MCVEY, Representing Self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

AOIBHEANN CLINE, State Director
National Rifle Association
Fairfax, Virginia

POSITION STATEMENT: Testified during the hearing of SB 136.

MARIANN CLOUGH, representing self
Auke Bay, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

JANICE CAULFIELD, Representing Self

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

ROCHELLE PARKER, Representing Self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

JOY LYON, Representing Self

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

EMILY KANE, Representing Self

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

JOHN SONIN, Representing Self

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

SUE LIBENSON, Representing Self

Haines, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

LEJLA BERBEROVIC, Representing Self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 136.

SHAWN WILLIAMS, Representing Self

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 136.

SALLY DUNCAN, Representing Self

Two Rivers, Alaska

POSITION STATEMENT: Testified in support of SB 136.

THERESA GROVES, Representing Self

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 136.

JAMES SQUYRES, Representing Self

Deltana, Alaska

POSITION STATEMENT: Testified in support of SB 136.

GARY TYNDALL, Representing Self

North Pole, Alaska

POSITION STATEMENT: Testified in support of SB 136.

ARTHUR DUNCAN, Representing Self
Three Rivers, Alaska

POSITION STATEMENT: Testified in support of SB 136.

KELLY HOWELL, Legislative Liaison
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 136.

MICHAELLA ANDERSON, Staff
Senator Robert Myers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 136 (CRA) on behalf of Senator Myers, prime sponsor.

ANDY MILLER, Assistant Attorney General
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 136 (CRA).

ACTION NARRATIVE

[1:55:22 PM](#)

CO-CHAIR CALVIN SCHRAGE called the House Community and Regional Affairs Standing Committee meeting to order at 1:55 p.m. Representatives McCarty, Patkotak, McCabe, Prax, Drummond, Hannan, and Schrage were present at the call to order.

SB 136-LIMITATIONS ON FIREARMS RESTRICTIONS

[1:56:02 PM](#)

CO-CHAIR SCHRAGE announced that the only order of business would be CS FOR SENATE BILL NO. 136(CRA), "An Act relating to firearms and other weapons restrictions."

[1:56:10 PM](#)

CO-CHAIR SCHRAGE opened public testimony on CSSB 136 (CRA).

[1:56:38 PM](#)

ANN GIFFORD, Representing Self, stated that she is a retired lawyer testifying against the passage of SB 136. She cautioned that passing the bill would have the potential to hamper the ability of local officials to maintain public safety because they may need to prevent people from carrying firearms in sensitive areas after the occurrence of a natural disaster. She stated that certain temporary restrictions on the Second Amendment had been recognized in the past by the courts.

[1:58:49 PM](#)

PATTY OWEN, Representing Self, testified in opposition to SB 136. She opined that during a declared disaster in Alaska, the primary focus should be on protecting public safety and full-scale emergency response should take precedence.

[1:59:58 PM](#)

REPRESENTATIVE MCCABE asked Ms. Owen whether she owns any guns.

MS. OWEN replied she does not.

[2:00:11 PM](#)

LAURA FLEMING, Representing Self, testified in opposition to SB 136. She expressed her appreciation, as a resident of Alaska, to freely own and safely use firearms. She said the bill seems aimed at solving a problem that does not exist in the state and seemed to erode executive authority.

[2:01:54 PM](#)

REPRESENTATIVE MCCABE asked Ms. Fleming whether she uses her guns for hunting.

MS. FLEMING replied that her husband [uses guns for hunting] and she goes to the range to practice.

[2:02:25 PM](#)

LUANN MCVEY, Representing Self, testified in opposition to SB 136. She said that she does not support an "unnecessary" and "potentially harmful" bill to pass out of committee.

[2:04:37 PM](#)

REPRESENTATIVE MCCABE asked Ms. McVey whether she or her family owns guns and, if so, for what use.

MS. MCVEY replied there are two hunting rifles in the house that her husband uses.

[2:05:26 PM](#)

The committee took an at-ease from 2:05 p.m. to 2:06 p.m.

[2:06:11 PM](#)

AOIBHEANN CLINE, State Director, National Rifle Association, testified that SB 136 does not prevent the closure [of businesses] and firearm-related businesses cannot be singled out. At the core of the Second Amendment, she said, is the right to self-defense, the importance of which is elevated in times of chaos, uncertainty, and emergency. She opined that it is crucial to be able to access firearms, ammunition, and shooting ranges.

[2:07:40 PM](#)

MARIANN CLOUGH, representing self, testified in opposition to SB 136, arguing that the bill sets up individuals or interest groups to act as the legal enforcers of state law. She said the guns in her family's possession are used for hunting, outdoor recreation, and protection.

[2:09:25 PM](#)

JANICE CAULFIELD, Representing Self, Testified in opposition to SB 136. She stated that she has been an Alaska resident 43 years and her family owns guns for hunting and keeps them stored and locked. She said leaders are given special powers during disasters because they must consider the circumstances and take decisive action to protect citizens. She opined that the law would not make Alaska safer during a disaster, adding that she did not see a problem that needed to be fixed.

[2:12:27 PM](#)

ROCHELLE PARKER, Representing Self, stated that she is not a gun owner but a mother of three, who is testifying opposition to SB 136. She said that if Alaska enters a state of emergency, the focus should be on creating and enforcing policies that make

citizens safer instead of blindly promoting more access to firearms.

[2:13:56 PM](#)

JOY LYON, Representing Self, testified in opposition to SB 136. During a disaster, she said, local control should be given to people on the ground that are able to make decisions without fear of civil litigation later on, which could also be crippling for smaller communities.

[2:16:13 PM](#)

REPRESENTATIVE MCCABE thanked Ms. Lyon for taking the time to go to Front Site [firearms training] for instruction.

[2:17:19 PM](#)

EMILY KANE, Representing Self, Testified in opposition to SB 136 and stated she is a family doctor, a mother, and does not own a gun. She urged the committee to "shut down" SB 136. She said allowing for easier access to firearms cannot render Alaska safer during a time of disaster or emergency, which is by nature unpredictable. Untrained gunmen should not have free reign during a time when civic management by government officials should be of utmost importance, she opined.

[2:19:07 PM](#)

JOHN SONIN, Representing Self, testified in opposition to SB 136. He stated that the bill has no place at the end of the session and legislators' minds should be on supporting Alaska, not "dismembering."

[2:21:53 PM](#)

SUE LIBENSON, Representing Self, testified in opposition to SB 136 and stated that "spending time on this is absurd," especially in an era with so much gun violence. It is a red flag to rally for some unknown cause, she said.

[2:24:40 PM](#)

REPRESENTATIVE MCCABE asked Ms. Libenson whether there are gun stores in Haines, Alaska, and whether there are bear population problems.

MS. LIBENSON responded yes to both questions.

[2:25:45 PM](#)

The committee took an at-ease from 2:25 p.m. to 2:26 p.m.

[2:26:43 PM](#)

LEJLA BERBEROVIC, Representing Self, testified in opposition to SB 136 and stated that she does not see a reason for the bill. Leadership and government, she explained, does a "pretty good job taking care of us." She shared her opinion that more restrictions were unneeded.

[2:28:14 PM](#)

REPRESENTATIVE MCCARTY asked Ms. Berberovic whether she was part of any disaster team for Anchorage or the state.

MS. BERBEROVIC replied that after "the earthquake," she signed up for a disaster team but had not been called out to the field.

[2:29:06 PM](#)

SHAWN WILLIAMS, Representing Self, testified in support of SB 136. He shared that during the COVID-19 pandemic, all stores were required to shut down, adding that he wished to make sure in times of crisis that there is access to the kinds of protections he considered important. He expressed strong support for SB 136.

[2:30:58 PM](#)

SALLY DUNCAN, Representing Self, Testified in support of SB 136. She expressed her appreciation for the bill and those who brought it together. Closing firearm stores, she said, was poor judgement by the government and this should not be able to happen again. Additionally, she stressed the importance of the Second Amendment being protected.

[2:32:06 PM](#)

THERESA GROVES, Representing Self, testified in support of SB 136 and encouraged the committee to support it as well. She stated that an increase in government control is not needed; gun stores are where honest people go and there are already protocols in place.

[2:33:24 PM](#)

JAMES SQUYRES, Representing Self, offered his support for SB 136 and stated that firearms are a way of life in rural Deltana, Alaska. He quoted Article 1, Section 19, of the Alaska Constitution, "the right of the people to keep and bear arms shall not be infringed", and specified how clear the language is. He urged the committee to move the bill as soon as possible.

[2:35:06 PM](#)

REPRESENTATIVE MCCABE asked Mr. Squyres about buying ammunition ("ammo") in the location where he lives.

MR. SQUYRES replied that he is about 40 miles from the nearest town where ammo can be purchased, which is Delta Junction, Alaska.

[2:36:03 PM](#)

GARY TYNDALL, Representing Self, testified in support of SB 136 and stated that the bill reinforces constitutional rights to keep and bear arms, as well as citizens' responsibility.

[2:37:04 PM](#)

ARTHUR DUNCAN, Representing Self, testified in support of SB 136. He said the bill would reinforce the language of the Constitution of the United States and show that citizens believe in it and support it.

[2:38:06 PM](#)

CO-CHAIR SCHRAGE, after ascertaining there was no one else who wished to testify, closed public testimony on SB 136.

[2:38:27 PM](#)

CO-CHAIR SCHRAGE announced that the committee would entertain amendments.

[2:38:40 PM](#)

CO-CHAIR HANNAN moved to adopt Amendment 1 to CSSB 136(CRA), labeled 32-LS0856\B.5 Radford, 5/16/22, which read:

Page 1, line 14, following "use;":
Insert "or"

Page 2, line 4:
Delete ";"
Insert "."

Page 2, lines 5 - 8:
Delete all material.

[2:38:42 PM](#)

REPRESENTATIVE MCCABE objected.

[2:38:54 PM](#)

The committee took an at-ease from 2:38 p.m. to 2:39 p.m.

[2:39:47 PM](#)

CO-CHAIR HANNAN, in response to Co-Chair Schrage, restated the motion to adopt Amendment 1.

CO-CHAIR SCHRAGE noted that an objection had been stated by Representative McCabe.

CO-CHAIR HANNAN drew attention to page 2, lines 5-8, and presumed that most people know that in Alaska, no one is required to have a concealed weapons permit. Her concern, she said, is setting up the opportunity to sue if anything should happen. She said when she met with the National Rifle Association (NRA), its representatives explained that this is a template bill that the NRA is trying to push in all 50 states. She opined that the bill would not work well in Alaska.

[2:42:02 PM](#)

REPRESENTATIVE MCCABE spoke to his objection. He explained that the concealed carry permit (CCP) is not required in Alaska; however, a person can still get the CCP, but it takes some instruction. One can spend the time, money, and effort to get the CCP and then be denied. He said CSSB 136(CRA) is designed around that.

CO-CHAIR HANNAN observed that the bill provides that if the state does not accept an application for a concealed weapons

permit during an emergency declaration, then the applicant can sue. She deemed this inappropriate.

REPRESENTATIVE MCCABE surmised that the "suing portion" is to get the situation in front of the judge.

CO-CHAIR HANNAN highlighted the language on page 2, line 7, "refusing to accept an application to carry a concealed handgun". She considered a scenario in which agencies were not functioning during a period of emergency response and characterized the ability to sue someone for refusing to accept a concealed carry application as a "frivolous red herring that doesn't match with Alaska's law or its access to guns."

[2:46:00 PM](#)

REPRESENTATIVE MCCARTY offered a personal experience when he purchased a gun and the system crashed during this purchase. He explained that he paid for the gun, but the store had to hold the gun until the system was restored, which took a week. Another event that can delay the application process, he said, is a disaster of some sort. He stated that he "does not see a problem here or in the protocol."

[2:47:15 PM](#)

CO-CHAIR SCHRAGE said a big part of his concern is the probability of lawsuits.

[2:48:28 PM](#)

REPRESENTATIVE PATKOTAK shared his belief that there is a reciprocity clause between Alaska and some states. He asked whether the staff member from the NRA who testified earlier was still online to speak to some of these issues.

[2:49:52 PM](#)

MS. KLINE responded in reference to the concealed carry reciprocity and explained that there are 38 states that recognize Alaska's CCP. While one does not need a permit in the state of Alaska, 38 states recognize when an individual goes above and beyond and obtains his/her concealed carry permit, she said.

REPRESENTATIVE PATKOTAK suspected that of those 38 states, there are probably some that require [a concealed carry permit],

unlike Alaska. As for processing background checks, he asked about the process for approving CCPs and questioned the interface with state agencies.

MS. KLINE responded that she was not entirely clear on the question, but what was seen across the country during the COVID-19 pandemic and other examples provided in written testimony is that [the pandemic] exposed dangers of anti-firearms coming after Second Amendment rights and using the power of an emergency declaration to restrict those Second Amendment rights. She explained that there have been comments that people do not need guns during a pandemic or emergency situation; however, she argued the opposite, as the right to self-defense is never more important than in times of chaos and uncertainty.

[2:52:20 PM](#)

CO-CHAIR SCHRAGE asked Ms. Kline whether she could address who conducts background checks for a CCP.

MS. KLINE replied she had not looked into the specifics for the state of Alaska, but in order to purchase a firearm, one must go through the universal background check.

[2:52:48 PM](#)

REPRESENTATIVE MCCABE commented that a local background check and fingerprints from the Department of Public Safety (DPS) is needed for the CCP.

[2:53:26 PM](#)

REPRESENTATIVE DRUMMOND shared a disclaimer that there are guns in her household, and she has had training, but has never purchased a gun over the counter. She recalled Representative McCarty's story about the "system being down," and asked which system he was referring to.

[2:54:25 PM](#)

REPRESENTATIVE MCCARTY replied that the system is the National Instant Criminal Background Check System (NICS).

REPRESENTATIVE DRUMMOND asked whether she would have to go through NICS if she purchased a gun through a friend.

[2:55:45 PM](#)

REPRESENTATIVE PATKOTAK asked whether one would get streamlined through the NICS process if they had a CCP.

[2:56:24 PM](#)

REPRESENTATIVE MCCABE, directing his response to Representative Drummond, explained that if she bought a gun from another person who does not have a federal firearms license (FFL), then she would not have to go through any system.

[2:58:32 PM](#)

REPRESENTATIVE DRUMMOND requested further explanation of the acronyms used today.

[2:59:00 PM](#)

REPRESENTATIVE PRAX sought to clarify whether the specific topic of the proposed amendment dealt with the CCP, as opposed to buying a firearm.

[2:59:16 PM](#)

REPRESENTATIVE HANNAN confirmed that is correct.

REPRESENTATIVE PRAX said his concern is that "some government agency" would refuse to process the permit, as opposed to being unable to process it.

[2:59:41 PM](#)

REPRESENTATIVE SCHRAGE reiterated his earlier concern about backlogs for background checks and whether the bill could expose the state to lawsuits by instituting a policy of not processing CCPs during a public health emergency. He asked whether DPS had a formal position on the bill.

[3:00:51 PM](#)

KELLY HOWELL, Legislative Liaison, Department of Public Safety, clarified that the Department of Public Safety (DPS) does administer the CCP program throughout the state of Alaska but does not have an official position on this piece of legislation. She said if the bill were to pass, DPS would comply with any requirements.

3:02:03 PM

REPRESENTATIVE MCCARTY recalled that during the COVID-19 pandemic, the background check process was greatly challenged. For example, nurses were unable to get work because of being unable to get a background check. He offered his understanding that there is a difference between the background check for the Department of Health and Social Services (DHSS) and for that of DPS.

MS. HOWELL responded that DPS processes both state and national criminal history background checks, as well as background checks for licensing purposes. She noted there are also some other agency background checks that flow through DPS.

REPRESENTATIVE MCCARTY said his clear understanding is that there are additional requirements that must go through DHSS for individuals such as nurses. He asked whether someone trying to get a firearm could do it more expeditiously than someone trying to get a job.

MS. HOWELL said she could not answer one way or another.

3:05:31 PM

CO-CHAIR SCHRAGE asked Ms. Howell to clarify whether all forms of background checks were significantly delayed due to the pandemic; additionally, whether DPS delayed processing of concealed handgun permits to help provide resources towards catching up on the backload of background checks.

MS. HOWELL confirmed that there was a delay in processing background checks as a result of individuals not at the work site or out on COVID leave. She stated that she did not know the timeframe of whether it delayed the background checks required for a concealed handgun permit; however, she could get the statistics to the committee at a later date.

3:07:02 PM

REPRESENTATIVE PATKOTAK asked under what circumstances DPS would refuse to accept an application when the applicant met all requirements under Alaska Statutes.

MS. HOWELL responded that DPS would not refuse to accept an application but would process it to determine the person's eligibility for the concealed handgun permit.

REPRESENTATIVE PATKOTAK offered his understanding that paragraph (6), [beginning on page 2, line 7 of CSSB 136(CRA)], spoke to when an individual is following the law and legally carrying a concealed weapon (CCW) but the municipality refused to accept the application.

[3:09:38 PM](#)

REPRESENTATIVE MCCABE pointed out that the language on page 2, line 5 of the bill said nothing about delayed background checks. He expressed his opposition to Amendment 1.

[3:10:24 PM](#)

CO-CHAIR HANNAN referred to page 2, line 5, and asked Ms. Howell under what circumstances, conditions, or statutes a CCP in Alaska can be revoked.

MS. HOWELL answered that one needs to be eligible under federal law to possess a firearm, and if there were any disqualifying conditions once the permit was acquired, it could then be revoked, for example, if one was convicted of a felony.

[3:11:33 PM](#)

REPRESENTATIVE MCCABE maintained his objection.

[3:11:38 PM](#)

A roll call vote was taken. Representatives Drummond and Hannan voted in favor of Amendment 1 to CSSB 136(CRA). Representatives Patkotak, Prax, McCarty, McCabe, and Schrage voted against it. Therefore, Amendment 1 failed by a vote of 2-5.

[3:12:18 PM](#)

CO-CHAIR HANNAN moved to adopt Amendment 2 to CSSB 136(CRA), labeled 32-LS0856\B.4, Radford, 5/15/22, which read:

Page 2, line 11, following "state":
Insert "or federal"

[3:12:22 PM](#)

REPRESENTATIVE DRUMMOND objected.

REPRESENTATIVE MCCABE objected.

CO-CHAIR HANNAN spoke to Amendment 2. She said inserting "federal" would address the issue of one having a federal restriction, which is not currently addressed in the bill.

[3:13:23 PM](#)

REPRESENTATIVE MCCABE stated his understanding that state laws probably include felonies and federal laws. He requested further explanation on Amendment 2.

[3:14:45 PM](#)

MICHAELLA ANDERSON, Staff, Senator Robert Myers, Alaska State Legislature, on behalf of Senator Myers, prime sponsor, shared her understanding that the state takes federal law into consideration. She noted that a similar amendment was considered in the Senate; however, it was not offered after much discussion because it would override any legislation that has been passed by the legislature in prior years.

[3:15:59 PM](#)

CO-CHAIR SCHRAGE asked whether there are federal laws that would prohibit someone from owning a firearm that are not in state law.

[3:16:27 PM](#)

MS. HOWELL directed the question to the Department of Law (DOL). She explained that if someone were federally prohibited, they would be prohibited by state as well.

[3:17:11 PM](#)

REPRESENTATIVE MCCARTY highlighted the sovereignty of the state and expressed his opposition to Amendment 2.

[3:18:07 PM](#)

REPRESENTATIVE MCCABE shared his understanding that the state statutes requested the issuance of a CCW. He added that the state, during background checks, would check to see whether one had a misdemeanor or a felony from another state. He observed that the federal government seemed to have left the authority in

the state's hands, and he affirmed that he is not in support of Amendment 2.

[3:19:07 PM](#)

CO-CHAIR SCHRAGE noted Representative Drummond, who had objected to Amendment 2, was not in the room at present.

[3:19:18 PM](#)

REPRESENTATIVE MCCABE restated his previous objection.

[3:19:25 PM](#)

A roll call vote was taken. Representative Hannan voted in favor of Amendment 2 to CSSB 136(CRA). Representatives Patkotak, Prax, McCarty, and McCabe voted against it. Therefore, Amendment 2 failed by a vote of 1-5.

[3:20:09 PM](#)

CO-CHAIR HANNAN moved to adopt Amendment 3 to CSSB 136(CRA), labeled 32-LS0856\B.3, Radford, 5/15/22, which read:

Page 2, following line 8:

Insert a new subsection to read:

"(b) The provisions of (a) of this section do not supersede an order, proclamation, regulation, ordinance, or policy that is in effect in the state or a municipality when a disaster emergency is declared."

Reletter the following subsections accordingly.

Page 2, line 20:

Delete "(c)"

Insert "(d)"

[3:20:13 PM](#)

CO-CHAIR SCHRAGE objected for the purpose of discussion.

[3:20:21 PM](#)

The committee took an at-ease from 3:20 p.m. to 3:24 p.m.

[3:24:48 PM](#)

CO-CHAIR HANNAN spoke to Amendment 3. She explained that the new subsection would clarify that if a municipality had ordinances in place about gun use before a disaster, then the ordinances would remain in place.

[3:25:58 PM](#)

REPRESENTATIVE MCCARTY observed that Amendment 3 appeared to be "doing a paradoxical reversal" of the intent of the bill.

REPRESENTATIVE HANNAN highlighted line 4 of Amendment 3, which would affirm that a local ordinance about gun use would remain even during an emergency.

REPRESENTATIVE MCCARTY considered a conceptual amendment that would insert "preexisting orders" to clarify that an order cannot be made in the midst of a disaster.

CO-CHAIR HANNAN indicated that the existing language "in effect" already made that clear.

[3:28:02 PM](#)

REPRESENTATIVE MCCABE asked whether a person could violate a city ordinance for [using a firearm as] self-protection from a bear.

CO-CHAIR HANNAN confirmed that shooting off the roadway in Juneau is allowed unless for duck hunting in the Mendenhall Wetlands State Game Refuge.

REPRESENTATIVE MCCABE highlighted Section 1 of the bill, which provides that an order, proclamation, regulation, ordinance, or policy may not be issued or adopted. He opined that the proposed amendment did not fit with the bill, and, for that reason, he would not support it.

[3:30:43 PM](#)

REPRESENTATIVE MCCARTY focused on the language on line 3 of the proposed amendment and asked whether it refers to past proclamations and cannot be changed.

[3:32:19 PM](#)

REPRESENTATIVE PRAX observed that the bill would not give a municipality the power to impose a prohibition against shooting firearms even if there were an emergency.

[3:33:37 PM](#)

REPRESENTATIVE MCCARTY stated that rules change; however, he is not in support of Amendment 3.

[3:34:21 PM](#)

A roll call vote was taken. Representatives Hannan and Drummond voted in favor of Amendment 3 to CSSB 136(CRA). Representatives McCabe, Patkotak, Prax, McCarty, and Schrage voted against it. Therefore, Amendment 3 failed by a vote of 2-5.

[3:35:20 PM](#)

CO-CHAIR HANNAN moved to adopt Amendment 4 to CSSB 136(CRA), labeled 32-LS0856\B.2, Radford, 5/15/22, which read:

Page 1, line 5, following "AS 26.23.020,":
Insert "unless necessary to maintain public order,"

[3:35:25 PM](#)

REPRESENTATIVE MCCABE objected.

CO-CHAIR HANNAN considered the example of a curfew instituted during a disaster. She stressed the importance of local governments having the ability to respond to disasters and maintain public order.

[3:36:21 PM](#)

REPRESENTATIVE MCCABE stated that the language would negate what the bill is intended to accomplish, which is to allow citizens to maintain the rights to protect themselves. Police officers, he said, may not be able to help every person that needs it during a disaster, adding that "armed society is a polite society." He affirmed his opposition to Amendment 4.

[3:37:44 PM](#)

A roll call vote was taken. Representatives Drummond and Hannan voted in favor of Amendment 4 to CSSB 136(CRA). Representatives

McCarty, McCabe, Patkotak, Prax, and Schrage voted against it. Therefore, Amendment 4 failed by a vote of 2-5.

[3:38:39 PM](#)

CO-CHAIR SCHRAGE moved to adopt Amendment [5] to CSSB 136(CRA), labeled 32-LS0856/B, 5/16/22, which read:

Page 2, Lines 17-25: Delete all material.

[3:38:52 PM](#)

REPRESENTATIVE PRAX objected.

CO-CHAIR SCHRAGE spoke to Amendment 5. He reiterated that the material on lines 17-25 would be deleted, resulting in two things: it would remove the ability for a membership organization to sue, and it would remove subsection (d) which allows for the prevailing plaintiff to recover the greater amount of punitive damages in the amount of three times the plaintiff's attorney's fees. He stated that he fully supported the intent of the bill and offered his understanding that protections already exist, but the intent of the bill is to further clarify and reinforce that a municipality may not restrict those rights. He is not, he said, in support of subsection (d) and would not support the bill with those provisions.

[3:41:44 PM](#)

REPRESENTATIVE MCCABE opined that Co-Chair Schrage may be "misreading" the proposed amendment, and he drew attention to subsection (c) on page 2, lines 13-17 of the bill. He offered an example of having an NRA sticker on his car window, resulting in a cop trying to confiscate his guns without a warrant strictly because he is an NRA member. He opined that the language is "just to get it in front of the judge."

[3:43:50 PM](#)

REPRESENTATIVE DRUMMOND referred to page 2, lines 13-17 of the bill and asked whether the words "a member of" were missing on line 17. She shared her understanding that the NRA could bring an action under this section.

[3:45:26 PM](#)

CO-CHAIR SCHRAGE asked Ms. Kline to respond to this line of questioning.

[3:45:46 PM](#)

MS. KLINE clarified that the language in question enables the NRA to bring suit on behalf of its members.

CO-CHAIR SCHRAGE questioned why recovering three times the plaintiff's attorney fees would be appropriate.

MS. KLINE said the right to keep and bear arms is a fundamental constitutional right protected by both the Constitution of the United States and the Alaska Constitution. She explained that the three times recovery rate would allow for recourse if this fundamental right was violated.

[3:48:15 PM](#)

ANDY MILLER, Assistant Attorney General, Department of Law, in response to recent discussion, offered to follow up with the requested information. In Alaska, he said, there are certain provisions for recovering attorney fees, but he was unclear whether they could be for this amount.

[3:49:14 PM](#)

REPRESENTATIVE MCCARTY characterized the language in the bill as a "deterrent." He questioned whether a suit would be automatically recognized if it did not turn out in favor of the plaintiff.

MR. MILLER acknowledged that he needed to look into the language more in depth; however, his understanding was that one would have to prevail to get the fees.

REPRESENTATIVE MCCARTY rephrased his concern and asked whether the municipality or entity would have to reimburse the defendant without having to go through a countersuit process if the defendant prevailed.

MR. MILLER shared his understanding that in general, the award does not have any impact on the outcome for the defendant.

[3:51:37 PM](#)

REPRESENTATIVE MCCABE highlighted the language "may recover" on page 2, line 21 of the bill and offered his understanding that it allows the judge to reduce the amount if he/she chooses.

MR. MILLER agreed with that interpretation.

[3:52:28 PM](#)

CO-CHAIR SCHRAGE perceived the language in question to be a disincentive for municipalities or governments to enact emergency ordinances that would restrict Second Amendment rights. Further, he believed it would create an incentive for individuals to litigate the state in hopes of recovering exorbitant attorney fees.

[3:54:14 PM](#)

REPRESENTATIVE MCCABE remarked that there are all kinds of penalties for both civil and criminal events in state law. He believed that the language was designed to penalize a cop or mayor for "[going] down this road."

[3:55:20 PM](#)

CO-CHAIR SCHRAGE noted the word "Notwithstanding" on page 2, line 20, which lays out the punitive damages that already exist.

[3:55:36 PM](#)

The committee took an at-ease from 3:55 p.m. to 3:56 p.m.

[3:57:23 PM](#)

A roll call vote was taken. Representatives Drummond, Hannan, and Schrage voted in favor of Amendment 5 to CSSB 136(CRA). Representatives Prax, McCarty, McCabe, and Patkotak voted against it. Therefore, Amendment 5 failed by a vote of 3-4.

[3:58:21 PM](#)

The committee took a brief at-ease at 3:58 p.m.

[3:58:39 PM](#)

ADJOURNMENT

The House Community and Regional Affairs Standing Committee recessed to a call of the chair at 3:59 p.m.

[4:11:49 PM](#)

CO-CHAIR SCHRAGE called the House Community and Regional Affairs Standing Committee back to order at 4:12 p.m. Present at the call back to order were Representatives McCarty, Drummond, Patkotak, Prax, McCabe, Hannan, and Schrage.

SB 136-LIMITATIONS ON FIREARMS RESTRICTIONS

[4:11:53 PM](#)

CO-CHAIR SCHRAGE announced that the final order of business would be a return to CS FOR SENATE BILL NO. 136(CRA), "An Act relating to firearms and other weapons restrictions."

[4:12:11 PM](#)

The committee took a brief at-ease at 4:12 p.m.

[4:12:32 PM](#)

CO-CHAIR HANNAN moved to report CSSB 136(CRA) out of committee with individual recommendations and the accompanying fiscal notes.

[4:12:52 PM](#)

CO-CHAIR SCHRAGE objected for the purpose of discussion. He noted that he cannot support the bill in its current form, but he had spoken to the bill sponsor's office and they've indicated support for removing "punitive damages" in the next committee of referral. He maintained his objection and asked that members vote on the bill.

[4:13:46 PM](#)

A roll call vote was taken. Representatives Patkotak, Prax, McCarty, McCabe, and Schrage voted in favor of the motion to report CSSB 136(CRA) out of committee with individual recommendations and the accompanying fiscal notes. Representatives Drummond and Hannan voted against it. Therefore, CSSB 136(CRA) was reported out of the House Community and Regional Affairs Standing Committee by a vote of 5-2.

4:14:40 PM

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 4:15 p.m.