

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 11, 2023

3:03 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Stanley Wright, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jamie Allard
Representative Jennie Armstrong
Representative Andi Story

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 140

"An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses."

- MOVED CSHB 140 (STA) OUT OF COMMITTEE

HOUSE BILL NO. 61

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

- HEARD & HELD

HOUSE BILL NO. 81

"An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

- MOVED HB 81 OUT OF COMMITTEE

HOUSE BILL NO. 141

"An Act establishing June 9 of each year as Don Young Day."

- MOVED HB 141 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 140

SHORT TITLE: LEG SALARIES; STATE OFFICERS COMP COMM
SPONSOR(s): RULES BY REQUEST

03/27/23 (H) READ THE FIRST TIME - REFERRALS
03/27/23 (H) STA
03/28/23 (H) STA AT 3:00 PM GRUENBERG 120
03/28/23 (H) <Bill Hearing Rescheduled to 03/30/23>
03/30/23 (H) STA AT 3:00 PM GRUENBERG 120
03/30/23 (H) Heard & Held
03/30/23 (H) MINUTE(STA)
04/11/23 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 61

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS
SPONSOR(s): TILTON

02/06/23 (H) READ THE FIRST TIME - REFERRALS
02/06/23 (H) CRA, STA
03/16/23 (H) CRA AT 8:00 AM BARNES 124
03/16/23 (H) Heard & Held
03/16/23 (H) MINUTE(CRA)
03/21/23 (H) CRA AT 8:00 AM BARNES 124
03/21/23 (H) Moved HB 61 Out of Committee
03/21/23 (H) MINUTE(CRA)
03/22/23 (H) CRA RPT 4DP 1DNP 1AM
03/22/23 (H) DP: MCKAY, RUFFRIDGE, MCCABE, MCCORMICK
03/22/23 (H) DNP: MEARS
03/22/23 (H) AM: HIMSCHOOT
04/11/23 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 81

SHORT TITLE: VEHICLES/BOATS: TRANSFER ON DEATH TITLE
SPONSOR(s): RAUSCHER

02/22/23 (H) READ THE FIRST TIME - REFERRALS
02/22/23 (H) TRA, STA
03/02/23 (H) TRA AT 1:00 PM BARNES 124
03/02/23 (H) Heard & Held
03/02/23 (H) MINUTE(TRA)
03/07/23 (H) TRA AT 1:00 PM BARNES 124
03/07/23 (H) Moved HB 81 Out of Committee
03/07/23 (H) MINUTE(TRA)
03/08/23 (H) TRA RPT 6DP 1NR
03/08/23 (H) DP: C.JOHNSON, SUMNER, MCKAY, MINA,
VANCE, MCCABE
03/08/23 (H) NR: STUTES
03/21/23 (H) STA AT 3:00 PM GRUENBERG 120

03/21/23 (H) Heard & Held
03/21/23 (H) MINUTE (STA)
04/11/23 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 141

SHORT TITLE: ESTABLISHING DON YOUNG DAY

SPONSOR(s): RULES

03/27/23 (H) READ THE FIRST TIME - REFERRALS
03/27/23 (H) STA
04/11/23 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

HEATH HILYARD, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information on amendments to HB 140, on behalf of the House Rules Standing Committee, sponsor by request.

JOSH WALTON, Staff
Representative Laddie Shaw
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information on amendments to HB 140, on behalf of Representative Shaw.

REPRESENTATIVE CATHY TILTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 61, as the prime sponsor

STEVE ST. CLAIR, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered the sectional analysis for HB 61, on behalf of Representative Tilton, prime sponsor.

AOIBHEANN CLINE. State Director
National Rifle Association
Homer, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 61.

MARIAN CLOUGH
Representing Self
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

ODETTE EDGAR
Representing Self
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

FRANK RUE
Representing Self
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

JAN CAULFIED
Representing Self
Wasilla, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

LUANN MCVEY
Representing Self
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

SALLY RUE
Representing Self
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

ISAAC RICHARDS
Representing Self
Gakona, Alaska
POSITION STATEMENT: Testified in support of HB 61.

TAMARA KRUSE ROSELIUS
Moms Demand Action for Gun Sense
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HB 61.

DAVE MAXWELL
Representing Self
Palmer, Alaska
POSITION STATEMENT: Testified in support of HB 61.

CARMELA WARFIELD, Executive Vice President
Alaska Policy Forum

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 61.

JENNIFER GRAHAM

Representing Self

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 61.

MIKE KUNZ

Representing Self

Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

PAMELA SAMASH

Representing Self

Nenana, Alaska

POSITION STATEMENT: Testified in support of HB 61.

CARL NELSON

Representing Self

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 61.

PATRICK MARTIN

Representing Self

Wasilla, Alaska

POSITION STATEMENT: Testified during the hearing on HB 61.

RYAN MCKEE, Staff

Representative George Rauscher

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 81, on behalf of Representative Rauscher, prime sponsor.

DENEEN TUCK, Staff

Representative Craig Johnson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 141, on behalf of Representative C. Johnson, prime sponsor.

JOHN ALCANTRA, Business and Community Liaison

Don Young Alaska Job Corps Center

Palmer, Alaska

POSITION STATEMENT: Offered invited testimony during the hearing on HB 141.

ACTION NARRATIVE

[3:03:18 PM](#)

CHAIR LADDIE SHAW called the House State Affairs Standing Committee meeting to order at 3:03 p.m. Representatives Carpenter, C. Johnson, Allard, Armstrong, Story, and Shaw were present at the call to order. Representative Wright arrived as the meeting was in progress.

HB 140-LEG SALARIES; STATE OFFICERS COMP COMM

[3:04:20 PM](#)

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 140, "An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses."

CHAIR SHAW resumed public testimony on HB 140 [left open from 3/30/23].

[3:05:26 PM](#)

The committee took a brief at-ease.

[3:05:43 PM](#)

CHAIR SHAW public closed public testimony on HB 140 after ascertaining that no one online or in person wished to testify.

[3:06:16 PM](#)

REPRESENTATIVE WRIGHT moved to adopt Amendment 1 to HB 140, labeled 33-LS0692\A.1, Klein/Nauman, 3/28/23, which read:

Page 2, following line 2:

Insert a new bill section to read:

"* Sec. 3. AS 39.23.500(c) is amended to read:

(c) The commission shall meet at the call of the chair. Notice of a meeting shall be mailed to each member at least 20 days before the date scheduled for the meeting and posted on the Alaska Online Public Notice System at least five days before the date scheduled for the meeting."

Renumber the following bill sections accordingly.

REPRESENTATIVE CARPNETER objected.

[3:06:36 PM](#)

REPRESENTATIVE WRIGHT explained that Amendment 1 would require the commission to provide public notice [on the Alaska Online Public Notice System] at least five days prior to the date scheduled for the meeting.

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Amendment 1 was adopted.

[3:07:17 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 2 to HB 140, as amended, labeled 33-LS0692\A.2, Klein, 3/28/23, which read:

Page 2, following line 2:

Insert a new bill section to read:

"* Sec. 3. AS 39.23.500(d) is amended to read:

(d) The commission shall meet to discuss its findings and recommendations at least twice before submitting its final reports [REPORT] to the presiding officers of each house of the legislature and the governor."

Renumber the following bill sections accordingly.

Page 2, line 12:

Delete "a report"

Insert "reports [A REPORT]"

Page 2, line 14:

Delete "report is"

Insert "reports are [REPORT IS]"

Page 2, line 20:

Delete "a final report"

Insert "the final reports [A FINAL REPORT]"

Page 2, line 24:

Delete "a final report"

Insert "two final reports [A FINAL REPORT]"

Page 2, line 25, following "recommendations":
Insert ", one report"

Page 2, line 26, following "legislators,":
Insert "and one report as to the rate and form of compensation, benefits, and allowances for"

Page 2, line 27, following "head":
Insert ","

Page 2, line 29:
Delete "this section"
Insert "a report [THIS SECTION] "

Page 3, line 8:
Following "amend":
Insert "a"
Delete "TO] the"
Insert "TO THE] "

Page 3, following line 13:
Insert a new bill section to read:
** **Sec. 9.** AS 39.23.540(g) is amended to read:
(g) A recommendation in a final report under this section increasing the compensation, benefits, and allowances of a public officer is not effective unless all recommended increases included in that [THE FINAL] report [UNDER (d) OF THIS SECTION] are fully funded by appropriations."

REPRESENTATIVE C. JOHNSON objected.

REPRESENTATIVE ALLARD deferred to Mr. Hilyard.

[3:07:48 PM](#)

HEATH HILYARD, Staff, Representative Cathy Tilton, Alaska State Legislature, explained Amendment 2 on behalf of the House Rules Standing Committee, sponsor by request. He stated that the proposed amendment would bifurcate the executive and legislative branch report into two - one for the legislature and one for the administration; therefore, if one stalled due to objection or concern from the legislature, the other would continue on.

REPRESENTATIVE C. JOHNSON removed his objection. There being no further objection, Amendment 2 was adopted.

[3:08:32 PM](#)

The committee took a brief at-ease.

[3:08:43 PM](#)

REPRESENTATIVE CARPENTER moved to adopt Amendment 3 to HB 140, as amended, labeled 33-LS0692\A.6, Wallace/Nauman, 4/5/23, which read:

Page 2, following line 2:

Insert new bill sections to read:

"* **Sec. 3.** AS 39.23.500(d) is amended to read:

(d) The commission shall meet at least twice to discuss the [ITS] findings and recommendations contained in [AT LEAST TWICE BEFORE SUBMITTING] its final report or an amended report before submitting the report to the presiding officers of each house of the legislature and the governor.

* **Sec. 4.** AS 39.23.500 is amended by adding a new subsection to read:

(f) An action taken contrary to the notice or meeting requirements of (c) and (d) of this section is voidable under AS 44.62.310(f)."

Renumber the following bill sections accordingly.

REPRESENTATIVE ALLARD objected.

[3:09:10 PM](#)

REPRESENTATIVE CARPENTER explained that Amendment 3 would insert a new bill section on page 2, following line 2, providing that the commission shall meet at least twice to discuss the findings and recommendations contained in its final report or an amended report.

REPRESENTATIVE ALLARD withdrew her objection. There being no further objection, Amendment 3 was adopted.

[3:10:20 PM](#)

The committee took a brief at-ease.

[3:10:43 PM](#)

CHAIR SHAW moved to adopt Amendment 4 to HB 140, as amended, labeled 33-LS0692\A.4, Klein/Nauman, 3/28/23, which read:

Page 2, line 27:
Delete "30"
Insert "15"

Page 2, line 29:
Delete "90"
Insert "75"

[3:11:02 PM](#)

REPRESENTATIVE WRIGHT objected for purpose of discussion.

[3:11:12 PM](#)

JOSH WALTON, Staff, Representative Laddie Shaw, Alaska State Legislature, explained Amendment 4 on behalf of Representative Shaw. He relayed that Amendment 4 made two changes to important dates related to the work of the commission and the legislature. First, the 30-day deadline for submittal of reports to the legislature would be shortened to 15 days; second, Amendment 4 would change the deadline for rejection of the commission's recommendations from 90 to 75 days.

[3:12:29 PM](#)

REPRESENTATIVE WRIGHT withdrew his objection. There being no further objection, Amendment 4 was adopted.

[3:12:41 PM](#)

The committee took a brief at-ease.

[3:13:36 PM](#)

REPRESENTATIVE WRIGHT moved to report HB 140, as amended, out of committee with individual recommendations and the accompanying zero fiscal notes. There being no objection, CSHB 140(STA) was reported out of the House State Affairs Standing Committee.

[3:14:05 PM](#)

The committee took an at-ease from 3:14 p.m. to 3:18 p.m.

HB 61-LIMITATIONS ON FIREARMS RESTRICTIONS

3:18:06 PM

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 61, "An Act relating to restrictions on firearms and other weapons."

3:18:47 PM

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, as prime sponsor, presented HB 61. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB 61 is a response to situations that have occurred throughout the country during the COVID-19 pandemic.

In at least five states including Alaska, and the Municipality of Anchorage, firearms retailers were arbitrarily closed by governors and mayors. When it comes to firearms Alaska is different compared to most other states. Firearm use for protection and subsistence predates Alaska's statehood and the application of the Second Amendment.

HB 61 reaffirms Alaskans' right to survive and protect themselves, along with their rights granted to them through the Second Amendment. HB 61 stipulates that the state, municipalities, and other instrumentalities of the state may not implement new restrictions to access firearms, ammunition, firearms accessories, or shooting ranges resulting from disaster declarations. Furthermore, HB 61 also provides a civil remedy to Alaskans, should any of those entities adopt statutes, ordinances, or policies in violation of the provisions of this bill.

Nothing in HB 61 limits the state, municipalities, and other instrumentalities from regulating firearms or their use within previously established constitutional and statutory boundaries.

3:21:33 PM

STEVE ST. CLAIR, Staff, Representative Cathy Tilton, Alaska State Legislature, on behalf of Representative Tilton, prime sponsor, offered the sectional analysis for HB 61 [included in

the committee packet], which read as follows [original punctuation provided]:

Section 1 - Prohibits the State, municipalities, and other instrumentalities from restricting the following under a disaster declaration:

1. Possession, use or transfer of a firearm, firearm accessory, or ammunition;
2. Ordering the seizure of the above-referenced items;
3. Limiting the quantity or other restrictions on the sales and services of those items;
4. Closing or limiting the hours of operation for retail establishments that sell and service those items unless the closure or limitation applies to all other forms of commerce within the jurisdiction;
5. Closing or limiting the hours of operation for shooting ranges;
6. Suspending or revoking a concealed carry permit outside of current statutory provisions;
7. Refusing to accept an application for a concealed carry permit;
8. Provides for civil action as relief for a violation of the above-referenced prohibitions;
9. Provides definitions for "firearm" and "firearm accessory";

Section 2 - Repeals a previous definition of "firearm accessory" found under the Alaska Firearms Freedom Act.

CHAIR SHAW invited questions from members of the committee.

[3:24:48 PM](#)

REPRESENTATIVE STORY asked whether firearms restrictions could be placed on a shelter providing emergency disaster relief.

MR. ST. CLAIR stated that if the location authorized the carry of firearms prior to a disaster declaration, nothing would change when a disaster declaration was declared, and vice versa. For example, if an emergency shelter was created in a Walmart parking lot post-disaster declaration, individuals would be allowed to carry firearms on site, as there was no existing prohibition on carrying a firearm in a Walmart parking lot.

[3:27:10 PM](#)

REPRESENTATIVE STORY asked whether firearms could be restricted by the mayor or municipal police department in the aforementioned example of the Walmart parking lot.

MR. ST. CLAIR responded no; the municipality could not implement new restrictions. He provided an example.

REPRESENTATIVE STORY expressed confusion as to why firearms could not be restricted in an emergency shelter if it was deemed advisable by law enforcement.

MR. ST. CLAIR emphasized that the proposed legislation would not add to or detract from the use of firearms in shelters, adding that in only applied to gun stores.

[3:30:36 PM](#)

REPRESENTATIVE ARMSTRONG inquired about a scenario in which the windows of a gun store were destroyed by an earthquake and law enforcement attempted to board them up to protect the store from looters.

MR. ST. CLAIR explained that law enforcement was authorized to seize weapons to secure them.

REPRESENTATIVE ARMSTRONG sought to confirm that concealed carry permits were not required in Alaska.

MR. ST. CLAIR said a permit was necessary for individuals who frequently traveled to other states with reciprocal concealed carry laws.

REPRESENTATIVE ARMSTRONG asked how the concealed carry permit process would be managed amidst a disaster.

MR. ST. CLAIR responded that the answer was situational.

[3:33:14 PM](#)

REPRESENTATIVE ALLARD sought confirmation that the bill was specific to equity and commerce.

REPRESENTATIVE TILTON confirmed that is correct.

[3:33:59 PM](#)

REPRESENTATIVE STORY surmised that HB 61 could open the state up to financial liability. She asked whether municipalities would be allowed to recoup legal fees or any unnecessary charges.

MR. ST. CLAIR offered to follow up with the requested information.

CHAIR SAW sought confirmation that the bill was accompanied by a zero fiscal note.

MR. ST. CLAIR confirmed that the attached zero fiscal note was from DOL.

[3:35:33 PM](#)

CHAIR SHAW commenced invited testimony.

[3:35:56 PM](#)

AOIBHEANN CLINE, State Director, National Rifle Association (NRA), paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

On behalf of the National Rifle Association (NRA), I am writing to express strong support for House Bill (HB) 61. The NRA is appreciative of your willingness to give the bill its initial hearing on May 10, 2023 and we respectfully request another hearing to move the bill to the Senate Floor for further consideration.

HB 61 seeks to place limitations on firearms restrictions by state and municipal agencies during disaster emergency declarations. These limitations are drawn from real-life examples of restrictions imposed by governmental entities during disaster emergency declarations.

In the aftermath of Hurricane Katrina in 2005, and the emergency conditions that followed, New Orleans police superintendent ordered the confiscation of privately-owned firearms, saying "only law enforcement will be able to have guns." This deprivation of Second Amendment rights led the U.S. Congress to pass Public Law 109-295 (42 U.S.C.A. § 5207), which protects

citizens from federal officials confiscating lawfully-owned firearms during a declaration of emergency.

In 2020, declarations of emergency due to the COVID-19 pandemic were similarly used to curtail Americans' Second Amendment rights. At the outset of the pandemic, varying levels of government across the nation discussed, and in some cases decided, which businesses could stay open and which would have to close, including here in Alaska. These decisions impact firearms related businesses and negatively impact Alaskans' right to keep and bear arms as protected by the Second Amendment and Article 1, Section 19 of the Alaska Constitution.

Recognizing the differing ways in which government entities were treating gun stores, the Cybersecurity & Infrastructure Agency (CISA), a part of the Department of Homeland Security, issued revisions to its advisory memorandum listing "essential" infrastructure and workers during the COVID-19 pandemic. The agency declared firearms stores, ammunition manufacturers and shooting ranges to be essential businesses. In contrast, under Anchorage Mayor's Emergency "Hunker Down" Order EO-03 (issued March 20, 2020), firearms stores and shooting ranges were not listed as an enumerated "critical" business, imposing the burden of proof on the firearms business owners to establish that their business was in-fact critical.

In defense of the Second Amendment, in January 2022, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit sided with the National Rifle Association Institute of Legislative Action (NRA-ILA) when it recognized that Los Angeles County violated the Second Amendment when it forced gun stores and shooting ranges to close in 2020 during the COVID19 pandemic.

HB 61 recognizes Alaskans' Constitutional rights to keep and bear arms, rights that "shall not be denied or infringed by the State or a political subdivision" thereof (Alaska Constitution Article I, Section 19). When a firearms store is forced to close, when ammunition is not allowed to be sold, when gun ranges are shut down, and concealed carry permits are not

issued, an individual's ability to keep and bear arms is infringed, and could be rendered impossible.

Further, HB 61 recognizes the importance of local control and maintains municipal authority in an emergency by providing that a state or municipal agency may close or restrict firearms stores and shooting ranges as long as "the closure or limitation applies equally to all forms of commerce within the jurisdiction." Local governments retain enactment and enforcement power of firearm ordinances under AK Stat § 29.35.145 (2017), powers already granted by the state.

At the core of the Second Amendment is the right to self-defense. The importance of this right is elevated in times of chaos, uncertainty, and emergency. Alaskans must be able to access firearms, ammunition, shooting ranges and other essential firearms-related businesses during times of emergency. HB 61 provides a thoughtful and effective approach to balance Second Amendment rights and local control.

On behalf of the tens of thousands of members of the National Rifle Association across Alaska, I respectfully urge your support of HB 61.

[3:40:06 PM](#)

CHAIR SHAW opened public testimony on HB 61.

[3:40:51 PM](#)

MARIAN CLOUGH, Representing Self, paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

Thank you for considering my testimony in opposition to HB 61. I testified at your committee meeting on Tuesday, April 11 and in addition, have submitted two written letters which should be included in the documents for HB 61.

As I stated before, I support the Second Amendment, a citizen's right to bear arms. I am a gun owner and enjoy trap shooting.

I do not support HB 61 as it is written in regards to subparagraph (c) at page 2, starting at line 13, which allows civil action by "a membership organization consisting of two or more individuals" to bring suit if adversely affected. A prevailing plaintiff would recover punitive damages in the amount of three times their actual attorneys' fees.

Are there other Alaska state statutes that allow a prevailing party to recover three times the punitive damages? Is it common in the State of Alaska? The four examples of similar legislation from other states (Georgia, North Dakota, South Dakota, and West Virginia) are not similar at all regarding three times the punitive damages. Georgia allows actual damages or liquidated damages of three times plaintiff's attorney's fees and is the only state of the examples provided that mentions triple damages. North Dakota says "reasonable attorney's fees." South Dakota has the attorney general, not an individual or organization, litigate on Second Amendment rights; there is nothing about emergency declarations. West Virginia allows closure in a declared emergency and allows "reasonable" not three times attorney's fees.

There are already protections in the Alaska State Constitution and the U.S. Constitution protecting our right to bear arms. Is HB 61 really necessary?

If HB 61 was only about commercial parity with private businesses that would be one thing. Unfortunately, HB 61 goes much further to hamstring our state or municipal agencies to respond to disasters unencumbered by the political agendas of interest groups. Wouldn't it better to have the Alaska Department of Law, instead of special interest groups be enforcers of our laws thus avoiding expensive private party and interest group litigation? It would be nice to have less lawsuits not more.

I respectfully request you not pass HB 61.

Thank you for your continued public service.

[3:42:42 PM](#)

REPRESENTATIVE ALLARD asked Ms. Clough which state she was from.

MS. CLOUGH said she had lived in Alaska for 40 years.

REPRESENTATIVE ALLARD asked whether there should be repercussions for a gun shop being shut down arbitrarily.

MS. CLOUGH emphasized her belief in equity and commerce, adding that a gun store or gun range should remain open if other commercial businesses remain open.

[3:44:16 PM](#)

ODETTE EDGAR, Representing Self, paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

Good afternoon, Chair Shaw and members of the State Affairs committee.

My name is Odette Edgar. I live in Juneau, am a 53-year Alaska resident, and I represent myself.

I am testifying in opposition to HB61. The bill's sponsors have testified that this bill does not significantly change state law; that is a good reason not to pass this bill.

During an emergency, state and municipal officials must take unusual measures to protect public safety. This bill allows them to be sued if they decide to limit gun use to protect public safety. Here's an example discussed during earlier hearings in the Community and Regional Affairs committee. Officials could be sued if guns are prohibited in an emergency shelter or soup kitchen set up in a public place, for example, a Walmart parking lot. I believe guns should not be allowed in an emergency shelter, regardless of its location.

But my main objections are with sections C and D in HB 61:

Section C allows two or more members of a gun rights organization or the group itself to bring civil action in superior court. I strongly object to giving any gun right organization special status in Alaska law. My apologies to any committee members here who are

members of this organization, but this is a special interest group that does not reflect my values.

In Section D, the enhanced (triple) attorney fees are outrageous, and awarding court costs may conflict with the Alaska Rules of Civil Procedure. The award of attorney fees is a normally determined by the court system.

We are a society that sues at the drop of a hat, and this bill takes us further down that road.

Please do not pass HB61 out of committee.
Thank you for considering my testimony.

[3:47:27 PM](#)

FRANK RUE, Representing Self, introduced himself as a gun owner, hunter, and former commissioner of the Alaska Department of Fish & Game (ADF&G), stressing his support for shooting sport, hunting, and responsible use of firearms. He stated his opposition to HB 61, as drafted, and urged the committee to amend the legislation. He opined that the bill should be limited to equity and commerce, as opposed to possession and use. In closing, he reiterated his belief that the bill needed further clarification.

[3:50:54 PM](#)

JAN CAULFIED, Representing Self, paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

I am 44 year resident of Alaska, my family owns a gun used for hunting, and I oppose HB 61.

I listened to the House & Senate Community and Regional Affairs Committee hearings regarding HB 61/SB63 and I understand the proponents' interest in equity in commerce. If HB 61 was amended to address just this interest – that gun/ammo stores and gun ranges would remain open under a disaster declaration if other commercial businesses were allowed to remain open – then I would not oppose that version of the bill.

However, as currently written, the bill goes far beyond that, and includes sections that could threaten public safety in times of disaster.

First - Bill proponents state that it would not eliminate existing restrictions or prohibitions on gun use and possession during time of disaster. However, that is not really the point of concern. What is critical and potentially dangerous is that the bill would not allow the Governor, state agencies or municipalities to place **any additional, temporary** restrictions on gun use and possession during a declared emergency - including sensible restrictions that may be temporarily needed to protect public safety.

Are you really saying that municipalities or disaster responders running emergency shelters in areas where guns are not currently prohibited (for example, a retail parking lot, a YMCA) would not be allowed to prohibit carrying firearms at those shelters, or even make smart rules about how shelter residents' firearms are stored? Wouldn't you agree that some rules about gun possession and use might be needed in that shelter to keep families and children safe in these crowded and potentially chaotic conditions?

Disaster agencies need to be able to respond to the particular risks and dangers in each emergency to keep us safe. Tying their hands and taking away needed tools and authorities makes no sense.

Second - It is outrageous that this law would be enforced by civil suit (including suits by special interest groups) and that those bringing suit could receive triple punitive damages from Alaska's governments or disaster response entities. The fear of costly litigation would be a dangerous distraction to state and local officials as they manage rapid disaster response in a crisis situation, and would dampen good decision making that is in the public interest.

I am curious if the bill proponents - or members of this Committee - have asked Alaskan municipalities,

the Alaska Municipal League, first responders, or disaster relief organizations their views regarding losing the authority to temporarily and in a limited manner restrict gun use or possession during a disaster, AND the potential that they would be sued and suffer costly penalties if they took such action to protect the public.

I encourage you to fully understand ALL sections of this bill. Purportedly, the main interest is to keep gun stores open in a disaster. But, this bill goes far beyond ensuring "equity in commerce". I urge you to address that interest only, and delete the bill sections that limit the authority of state and municipal responders in times of emergency and that invoke enforcement by civil suit.

[3:54:43 PM](#)

LUANN MCVEY, Representing Self, paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

Dear Representatives Shaw, Wright, Carpenter, Johnson, Allard, Armstrong, and Story,

I am a retired Alaskan teacher and a volunteer with the Alaska Chapter of Moms Demand Action for Gun Sense. I am opposed to HB 61 and I strongly urge you to keep this unnecessary and potentially harmful bill from passing out of your committee. I do not understand why we would prevent the governor, a state agency, or a municipality from taking action, during a declared disaster emergency, to restrict the possession, use or sale of a firearm, a firearm accessory, ammunition or other weapon. It does not make sense to stop our elected officials or agencies from temporarily closing gun stores or gun ranges during a declared disaster.

During a disaster emergency, emotions tend to run hot and our leaders might find it necessary to restrict gun use or sales, in order to limit the chaos that can erupt when angry people have easy access to firearms. I believe in the ability of our leaders to decide when such limits are necessary.

Please do not take away a tool that could be used for constructive purposes, to disarm those who might cause harm to others. Guns are not the answer to human strife, especially during a declared disaster emergency. I hope you will prevent this bill from passing out of your committee.

I implore you to put your time and energy into constructive legislation, such as requiring secure storage of firearms, or increasing funding for Alaskan schools, rather than crafting unnecessary legislation like HB 61.

[3:57:10 PM](#)

SALLY RUE, Representing Self, paraphrased the following written remarks [included in the committee packet], which read as follows [original punctuation provided]:

Dear Chairman Shaw and Members of the House State Affairs Committee,

Thank you for scheduling this opportunity for public comment on HB 61, "An Act relating to restrictions on firearms and other weapons."

I am a 46-year resident of Alaska and a gun owner. I have serious concerns about HB 61 and its potential negative impact on the ability of the governor, state agencies and local governments to protect the public health, safety and welfare in the event of a declared disaster emergency.

By definition, times of emergency are unpredictable, chaotic, and full of stress and uncertainty. Communications are often disrupted. Keeping the public safe often requires fast and decisive action. State law gives officials broad powers that would not apply under ordinary circumstances for good reason.

Why would we want to arbitrarily limit the ability of the governor and state and municipal officials to respond to unique disaster emergencies in the most effective way to protect life and safety? Enacting a blanket prohibition on any kind of restrictions on possession and use of firearms and other weapons during a disaster second-guesses the frontline local

and state officials who know best what is happening on the ground.

Although sponsors say this will not affect existing restrictions on carrying firearms in currently prohibited locations such as schools, hospitals, and shelters, I would like to see a specific clause added to that effect.

If this bill is enacted, what happens when an emergency shelter is set up in another location? Will first responders and local emergency officials be prohibited from restricting a person from bringing in firearms and other weapons? Will families with children be sheltered with a lot of stressed out, exhausted people with loaded firearms and 'other weapons?' Can we expect that volunteers from the Red Cross and other organizations will feel safe volunteering in this environment?

My second major concern is in Sec. 44.99.510(c), providing for civil action by a person who thinks they have been adversely affected, or "a membership organization consisting of two or more individuals eligible under (1) of this section that is dedicated in whole or in part to the protection of the rights of persons who possess or use firearms or other weapons." Giving such a particularly described organization the status of a 'person' is troublesome at best. Allowing triple punitive damage awards will invite costly and likely specious lawsuits. At worst, this section will create confusion, and could have an extreme chilling effect on first responders, state and local emergency services officials, and volunteers trying to do their job of protecting the public under difficult circumstances.

I urge you to consider the real implications and unintended consequences of this bill in real disaster emergencies.

I urge you to oppose this bill as written, and address the substantial deficiencies that have come to light prior to moving it forward.

[4:00:29 PM](#)

ISAAC RICHARDS, Representing Self, offered a rural perspective in relation to HB 61. He identified himself as a retired first responder and spoke in favor of the bill, as it would protect equity and commerce, as well as the right to self-defense. He shared a personal anecdote.

[4:04:13 PM](#)

TAMARA KRUSE ROSELIUS, Moms Demand Action for Gun Sense, spoke in opposition to HB 61. She characterized the bill's prevention of any restrictions on firearm use during a disaster as legislative overreach into local governance. She stated that during the state of emergency, the focus should be on the state officials' actions to protect public safety, instead of limiting local governments' power to maintain order and safety. In conclusion, she stated that the constitutionally guaranteed right to own guns was not threatened by an emergency; however, taking public safety out of the hands of trained emergency personnel would be a threat, she opined. She urged the committee to oppose HB 61.

[4:07:12 PM](#)

DAVE MAXWELL, Representing Self, identified himself as a State of Alaska whistle-blower, positing state officials as uncredible and unreliable. He stated his support for HB 61, opining that it didn't go far enough.

[4:10:05 PM](#)

CARMELA WARFIELD, Executive Vice President, Alaska Policy Forum, expressed her support for HB 61. She opined that Alaskans should be able to defend themselves and provide for their families, especially during unprecedented times of emergency. Restrictions on firearms and firearms accessories during official emergencies would undermine and infringe upon fundamental freedoms.

[4:12:09 PM](#)

JENNIFER GRAHAM, Representing Self, described HB 61 as imperative during an emergency. She emphasized that the constitution should be respected, adding that Alaskans should have the right to purchase or possess a firearm without government interference, especially during an emergency. She urged the committee not to stop her from protecting herself.

[4:14:08 PM](#)

MIKE KUNZ, Representing Self, described HB 61 as paramount. He recounted scenes from the pandemic, recalling that gun shops were shut down while porn shops were deemed essential. He opined that the bill would stop the misuse of "home rule." He emphasized that gun owners were lawful and trained. He urged the passage of HB 61 without further delay.

[4:17:32 PM](#)

PAMELA SAMASH, Representing Self, recalled a personal anecdote wherein a gun saved her and her baby's life. She spoke against the government selecting which stores should stay open and which should close during a state of emergency.

[4:21:00 PM](#)

CARL NELSON, Representing Self, stated his support for the bill, describing it as essential for protecting individual rights and mandatory for state security.

[4:22:35 PM](#)

PATRICK MARTIN, Representing Self, directed attention to Section 1, line 15 and asked whether an existing statute explicitly authorized the government to shut down commerce during an emergency disaster declaration. He argued that if no such statute existed, the bill was creating a new statutory authority on line 4 that failed to protect Second Amendment and broader commerce rights. He opined that HB 61 should be amended to provide Second Amendment protections without creating a new statutory authority that infringed upon those rights.

[4:26:06 PM](#)

CHAIR SHAW closed public testimony on HB 61 and announced that the bill would be held over.

HB 81-VEHICLES/BOATS: TRANSFER ON DEATH TITLE

[4:26:50 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 81, "An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

CHAIR SHAW asked the bill sponsor to speak to the indeterminate fiscal note.

[4:27:35 PM](#)

RYAN MCKEE, Staff, Representative George Rauscher, Alaska State Legislature, on behalf of Representative Rauscher, prime sponsor of HB 81, confirmed that the [Department of Administration (DOA)] was unable to justify the estimated cost of \$75,000 and 600 hours to complete the work needed in order to conform to the mandates of the legislation. Further, the fees associated with the new transfer on death (TOD) title were not reflected in the fiscal note. For these reasons, he suggested that the fiscal impact needed further analysis.

REPRESENTATIVE ALLARD expressed her concern about the indeterminate fiscal note, characterizing DOA's determination of fiscal notes as "alarming."

[4:29:56 PM](#)

REPRESENTATIVE WRIGHT moved to report HB 81 out of committee with individual recommendations and the accompanying indeterminate fiscal note. There being no objection, HB 81 was reported out of the House State Affairs Standing Committee.

[4:30:36 PM](#)

The committee took a brief at-ease.

HB 141-ESTABLISHING DON YOUNG DAY

[4:33:50 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 141, "An Act establishing June 9 of each year as Don Young Day."

[4:34:25 PM](#)

REPRESENTATIVE C. JOHNSON, as prime sponsor, provided introductory remarks on HB 141.

[4:34:56 PM](#)

DENEEN TUCK, Staff, Representative Craig Johnson, Alaska State Legislature, on behalf of Representative C. Johnson, prime

sponsor of HB 141, presented a timeline of Congressman Don Young's accomplishments [included in the committee packet].

[4:43:29 PM](#)

REPRESENTATIVE STORY pointed out that June 9 was close to Walter Harper Day [June 7] established in a bill carried by Senator Bishop. She described Mr. Harper as a "man of high caliber and strength" and suspected that Congressman Young would be pleased to be honored on a day so close to Mr. Harper's.

CHAIR SHAW inquired about the fiscal note.

MS. TUCK acknowledged the attached zero fiscal note.

CHAIR SHAW opened [public testimony] on HB 141.

[4:44:34 PM](#)

JOHN ALCANTRA, Business and Community Liaison, Don Young Alaska Job Corps Center, described the Don Young Alaska Job Corps Center, noting that [in 2024], the center would celebrate its thirtieth anniversary. He highlighted an event on June 28 at the center and encouraged legislators to attend. He concluded by expressing his support for the bill.

[4:47:49 PM](#)

CHAIR SHAW closed public testimony on HB 141.

[4:48:42 PM](#)

The committee took a brief at-ease.

[4:50:51 PM](#)

REPRESENTATIVE WRIGHT moved to report HB 141 out of committee with individual recommendations and the accompanying zero fiscal notes.

[4:51:23 PM](#)

The committee took an at-ease from 4:51 p.m. to 4:55 p.m.

[4:55:14 PM](#)

CHAIR SHAW clarified that without objection, HB 141 was reported out of the House State Affairs Standing Committee.

[4:55:26 PM](#)

The committee took an at-ease from 4:55 p.m. to 4:57 p.m.

[4:57:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [4:57] p.m.