

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

May 14, 2023

2:01 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin (via teleconference)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 61(STA)

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

- MOVED SCS CSHB 61(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 61

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS

SPONSOR(S): REPRESENTATIVE(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
04/11/23	(H)	Heard & Held
04/11/23	(H)	MINUTE(STA)
04/18/23	(H)	STA AT 3:00 PM GRUENBERG 120

04/18/23 (H) Moved CSHB 61(STA) Out of Committee
 04/18/23 (H) MINUTE(STA)
 04/19/23 (H) STA RPT CS(STA) 5DP 2AM
 04/19/23 (H) DP: C.JOHNSON, CARPENTER, ALLARD,
 WRIGHT, SHAW
 04/19/23 (H) AM: ARMSTRONG, STORY
 05/05/23 (H) TECHNICAL SESSION 5/5 - RECON HELD TO
 5/8
 05/08/23 (H) TRANSMITTED TO (S)
 05/08/23 (H) VERSION: CSHB 61(STA)
 05/08/23 (S) JUD AT 1:30 PM BUTROVICH 205
 05/08/23 (S) <Pending Referral>
 05/09/23 (S) READ THE FIRST TIME - REFERRALS
 05/09/23 (S) JUD
 05/10/23 (S) JUD AT 1:30 PM BUTROVICH 205
 05/10/23 (S) Heard & Held
 05/10/23 (S) MINUTE(JUD)
 05/14/23 (S) JUD AT 10:00 AM BUTROVICH 205

WITNESS REGISTER

LIZZIE KUBITZ, Staff
 Senator Matt Claman
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented the changes between version D and version U for HB 61.

REPRESENTATIVE CATHY TILTON, District 26
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 61.

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

POSITION STATEMENT: Provided information related to HB 61 on behalf of the sponsor.

MIKE COONS, representing self
 Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

JOHN LETTOW, representing self
 Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 61.

TOM BOUTIN, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 61.

ANN GIFFORD, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

LUANN MCVEY, representing self
Douglas, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

AOIBHEANN CLINE, State Director
National Rifle Association (NRA)
Fairfax Virginia

POSITION STATEMENT: Testified in support of HB 61.

CHERI RUIZ, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

ODETTE EDGAR, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

MICHAEL GARHART, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 61.

ANNE CAUFIELD, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

JAN CAUFIELD, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

IRENE BORTNICK, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 61.

JOEL SIGMAN, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 61.

DONNA ANTHONY, representing self

Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

TAMARA KRUSE ROSELIUS, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

SALLY RUE, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

ROCHELLE PARKER, Volunteer

Alaska Chapter of Moms Demand Action

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

CJ KOAN, representing self

Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 61.

EILEEN FOYLE SAFT, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 61.

JANEL DOCKENDORF, representing self

Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 61.

EDITH COONS, representing self

Kodiak, Alaska

POSITION STATEMENT: Testified in support of HB 61.

GREG COLLINS, representing self

Homer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

CAROLINE PORTER, representing self

Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 61.

ACTION NARRATIVE

[2:01:21 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 2:01 p.m. Present at the call to order were

Senators Giessel, Kiehl, Kaufman, Tobin (via teleconference), and Chair Claman.

HB 61-LIMITATIONS ON FIREARMS RESTRICTIONS

[2:01:55 PM](#)

CHAIR CLAMAN announced the consideration of CS FOR HOUSE BILL NO. 61(STA) "An Act relating to restrictions on firearms and other weapons."

He noted that this was the second hearing and there was a Senate committee substitute (SCS) for HB 61 for the committee to consider. He asked Ms. Kubitz to present the changes in the work draft SCS.

[2:02:20 PM](#)

LIZZIE KUBITZ, Staff, Senator Matt Claman, Alaska State Legislature, Juneau, Alaska, presented the changes between version D and version U for HB 61. She stated that the SCS makes three changes. The first change appears on page 1, lines 3 through [6] where the following legislative intent language was added:

It is the intent of the legislature that this act does not affect the ability of the state or a municipality to exercise its duties under AS 29.35.145.

The second change appears in paragraph (4) on page 2, lines 5 through 6. The language was amended to exempt grocery stores, pharmacies, medical facilities, and businesses that provide housing, including rental accommodations, hotels, and motels from closure. This change addresses concerns that were brought up during the last committee meeting about closure and limitations on forms of commerce.

The final change was to remove subsection (d) on page 2, following line 25. This removed all reference to what a prevailing plaintiff may recover in a civil case including: (1) the greater amount of actual economic damages or punitive damages in the amount of three times the plaintiff's attorney fees, (2) court costs, and (3) attorney fees. She noted that subsection (d) was removed because other Alaska statutes address what a prevailing plaintiff may recover.

[2:03:55 PM](#)

CHAIR CLAMAN found no questions and asked the sponsor and her staff to comment.

[2:04:25 PM](#)

REPRESENTATIVE CATHY TILTON, District 26, Alaska State Legislature, Juneau, Alaska, sponsor of HB 61, stated that she had no problem with adding the intent language, but she did have concerns with the exemptions. She argued that the Second Amendment right is a constitutional right that should not be exempted. She said she could live with the change to remove subsection (d), but it wasn't her preference. She deferred further comment to Mr. Hilyard.

[2:05:39 PM](#)

HEATH HILYARD, Staff, Representative Cathy Tilton, Alaska State Legislature, Juneau, Alaska, referenced the memorandum he issued regarding damages in the amount of three times attorney fees and clarified that subsection (d) was not included intentionally. Regarding the exemptions in paragraph (4), he said his thought was that those would be deemed essential businesses in an emergency situation. The NRA concern is that those forms of commerce were being put on equal footing with an enumerated constitutional right.

CHAIR CLAMAN said the memorandum answered his lingering questions.

[2:07:42 PM](#)

SENATOR KIEHL asked Mr. Hilyard to articulate the necessity for including the provision about who has standing to bring a civil suit.

MR. HILYARD responded that the sponsor's concern was that it adds a layer of complexity and cost when it's not clearly articulated in statute.

[2:09:38 PM](#)

CHAIR CLAMAN solicited a motion to adopt the SCS as the working document.

[2:09:51 PM](#)

SENATOR GIESSEL moved to adopt the Senate committee substitute (SCS) for HB 61, work order 33-LS0333\D, as the working document.

CHAIR CLAMAN found no objection and version D was adopted.

[2:10:40 PM](#)

CHAIR CLAMAN opened public testimony on HB 61.

[2:11:06 PM](#)

MIKE COONS, representing self, Palmer, Alaska, testified in full support of HB 61. He cited an article about a Virginia district judge who overturned federal law prohibiting the sale of handguns to people under age 21. He called that a "direct hard push" beyond what the government has been doing since the 1968 gun control act. He also cited a 2022 decision from the US Supreme Court on the same topic and said these cases directly pertain to HB 61 which will ensure that citizens are able to purchase firearms and ammunition during national emergencies regardless of the reason.

[2:13:12 PM](#)

JOHN LETTOW, representing self, Wasilla, Alaska, testified in support of HB 61. He stated support for the sponsor's comments and described Mike Coon's comments were timely, accurate, and necessary to understand that the people do not lose control of the Second Amendment right to keep and bear arms. This right should not be infringed.

[2:14:14 PM](#)

TOM BOUTIN, representing self, Juneau, Alaska, testified in support of HB 61. He shares the sponsor's concerns with the Senate CS and hopes that it doesn't prevent the bill from being enacted by the end of this legislative session. He described the original draft of HB 61 as a great bill.

[2:15:13 PM](#)

ANN GIFFORD, representing self, Juneau, Alaska, testified in opposition to HB 61. As a mother and grandmother she cares strongly about the safety of children. She opined that HB 61 would remove the little control the governor and other public officials have to limit carrying or the use of guns in an emergency, even when those limits would help keep kids and other people safe. She said guns are useful tools but they have become the number one cause of death for children and teenagers in Alaska. Reasonable limits are needed on when and where they can be used. She urged the committee to spend time on bills that would reduce gun violence as opposed to bills like HB 61.

[2:16:33 PM](#)

LUANN MCVEY, representing self, Douglas, Alaska, testified in opposition to HB 61. She stated that she grew up in a home that had guns for hunting and she was urging the committee to prevent the passage of HB 61. She opined that it was not appropriate to prevent the governor, a state agency, or a municipality from

taking action during a declared emergency to restrict the possession, use, or sale of a firearm or other weapons, or to temporarily close gun stores and gun ranges. She urged the committee to prevent passage of unnecessary laws such as HB 61.

[2:18:50 PM](#)

AOIBHEANN CLINE, State Director, National Rifle Association (NRA), Fairfax Virginia, testified in support of HB 61 which protects Alaskans' constitutional right to keep and bear arms from being arbitrarily infringed by the state or municipal governments during a declared disaster. HB 61 also avoids improperly placing the burden of proof on a firearms business to establish that it is critical or essential in an emergency. She said the right to self-defense is the core of the Second Amendment and its importance is elevated during emergencies. She opined that HB 61 provides a thoughtful and effective approach to balance Second Amendment rights and local control. She said the NRA has remaining concerns in Section 2 with subsection (a) (4) of the Senate CS.

[2:21:06 PM](#)

CHERI RUIZ, representing self, Palmer, Alaska, stated that she supports HB 61 and the ability of citizens to purchase firearms and have access to firearms education and training to ensure they are handled safely in communities during emergencies. She also supports the sponsor's point regarding other entities being given equal footing as a constitutional right. She urged the committee to have trust and faith in their fellow Alaskans during emergency declarations.

[2:22:08 PM](#)

ODETTE EDGAR, representing self, Juneau, Alaska, stated opposition to HB 61 saying that during an emergency, state and municipal employees need to take special steps to ensure public safety. If HB 61 were to pass, they would have to take additional steps to protect themselves from being sued if they tried to prevent guns in emergency shelters and other potentially volatile locations. She voiced objection to subsection (c) because gun rights organizations should not be given special status in Alaska law, and said she was pleased that subsection (d) was removed.

[2:24:08 PM](#)

MICHAEL GARHART, representing self, Wasilla, Alaska, stated support for HB 61 and any bill that supports the Second Amendment. He opined that Americans need to be able to protect themselves against domestic and foreign invasions. He believes

that when the US gets invaded, Americans need to defend themselves because 911 won't be available.

2:25:10 PM

ANNE CAUFIELD, representing self, Juneau, Alaska, stated strong opposition to HB 61. She is particularly concerned about the provision that would not allow the governor, state agencies, or municipalities to place temporary restrictions on the possession and use of guns during a declared emergency. This is reckless and dangerous and could lead to tragic outcomes. As a Red Cross volunteer, she knows that working in disaster shelters is demanding and sometimes chaotic. The thought of unrestricted firearms in these shelters is terrifying. If HB 61 were to pass as currently drafted, she would be unwilling to volunteer in a shelter.

2:27:13 PM

JAN CAUFIELD, representing self, Juneau, Alaska, stated strong opposition to HB 61. She said the bill goes far beyond the equity in commerce that the proponents have requested. It raises confusion about the ability for state and local governments to keep the public safe during a disaster. She articulated concern that the new intent language does not completely ensure that state agencies and municipalities could place restrictions on the use and possession of guns during a declared emergency in places where guns would have been allowed prior to the emergency declaration. She supports sensible restrictions in emergency shelters as others have suggested because anything that ties the hands of disaster agencies to respond in emergencies or creates confusion can make people less safe. She also stated opposition to special interest groups having standing in civil suits and highlighted the potential for costly litigation to be a dangerous distraction to state and local officials trying to manage a disaster response.

2:29:30 PM

IRENE BORTNICK, representing self, Anchorage, Alaska, stated that she supports the right to bear arms but urges the committee to vote against HB 61. The bill helps people who should not have guns to more easily acquire them. She supports any bill that adds to the safety of the citizenry, especially during an emergency. She opined that even the Senate CS doesn't seem to improve safety.

2:30:24 PM

JOEL SIGMAN, representing self, Wasilla, Alaska, stated that anybody who votes against HB 61 should step down because the

bill is about supporting constitutional rights. These rights shall not be infringed. He supports good guys carrying guns to provide protection from criminals. People without guns are doomed.

[2:32:27 PM](#)

DONNA ANTHONY, representing self, Palmer, Alaska, stated support for HB 61. She spoke about the false sense of security that some Alaskans seem to have. The state of Alaska has fewer than 900 officers and they were struggling during the pandemic. She supports the right for people to bear arms to protect themselves and their families, especially during a disaster. Businesses should not be closed during such times. She mentioned previous testimony and clarified that statute already prohibits guns in schools and domestic violence shelters. HB 61 recognizes that everybody is a first responder.

[2:33:53 PM](#)

TAMARA KRUSE ROSELIUS, representing self, Fairbanks, Alaska, stated opposition to HB 61. She said that if the problem that needs to be addressed is the state's ability to shut down firearm stores during the pandemic, limit the bill solely to equity in commerce. The remainder is legislative overreach into state and local governance. The language in the bill about preventing restrictions on the use of firearms during emergencies goes too far. During an emergency the focus should be on official action to protect public safety. Specifically giving organizations the right to sue officials who are working to preserve public safety also goes too far. Decisions about where to limit guns should be left to trained professionals. Constitutional limits on state authority and guaranteed rights under art. I, sec. 19 of the Constitution of the State of Alaska remain in full effect during an emergency. She also pointed out that the constitution protects against possible arbitrary restrictions on individual Alaskans. The provision about actions against public safety officers is also unnecessary.

[2:36:01 PM](#)

SALLY RUE, representing self, Juneau, Alaska, stated that she is not anti-gun or anti-Second Amendment but she has serious concerns about the potential for HB 61 to limit the governor, state agencies, and local governments to protect the health, safety, and welfare in the event of a declared disaster emergency. The sponsors say this will not affect existing restrictions on carrying firearms in prohibited locations, but she would suggest adding a specific provision to that effect

before moving the bill forward. She also questioned whether the legislative intent was adequate.

[2:38:11 PM](#)

ROCHELLE PARKER, Alaska Chapter of Moms Demand Action, Anchorage, Alaska, testified in opposition to HB 61. She finds it shameful that the committee was hearing HB 61 on Mother's Day and potentially advancing NRA backed legislation that could put more lives at risk. She wondered whether Alaskans loved their guns more than their mothers and children because many mothers are grieving about the loss of a child to gun violence. In Alaska, guns are the leading cause of death for children and teens. Gun violence is prolific and growing nationwide. She wondered why there wasn't legislation to protect kids from gun violence. She understands and respects the need to protect Second Amendment rights but she believes HB 61 is unnecessary and could prevent leaders from making decisions that would keep children and families safe in unknown disaster situations. She reiterated opposition to HB 61 and urged the committee to instead advance secure firearms storage laws and extreme risk protective order laws that have proven to be helpful.

[2:40:01 PM](#)

CJ KOAN, representing self, Wasilla, Alaska, testified in support of HB 61. She stated that in cities with rigid gun laws, the only people who are protected are the people with illegal guns. She called HB 61 a good bill and stated agreement with the comments from the sponsor and the NRA. She said she doesn't agree with the Senate CS but she would like to see the bill pass this year.

[2:41:30 PM](#)

EILEEN FOYLE SAFT, representing self, Anchorage, Alaska, stated that she strongly opposes HB 61. It is alarming and does nothing to ensure safety. She opined that municipal assemblies must be able to declare gun-free zones. Reasonable limits must be considered during emergencies. Providence Hospital does not allow firearms and she's asked if she is carrying a gun each time she volunteers there. She worries that if the bill were to pass, mass confusion and chaos would pose a threat in the event of an emergency.

[2:42:51 PM](#)

JANEL DOCKENDORF, representing self, Wasilla, Alaska, stated support for HB 61. She believes that people should have the right to have guns in their houses for protection.

[2:43:30 PM](#)

EDITH COONS, representing self, Kodiak, Alaska, stated support for HB 61. She believes that limiting good, responsible, honest citizens from arming themselves during an emergency would be a mistake.

[2:44:29 PM](#)

GREG COLLINS, representing self, Homer, Alaska, stated strong support for HB 61. Seeing what happened after some of the disasters in the Lower 48 convinced him that it is important for people to be able to protect themselves during a disaster because there aren't enough law enforcement officers to do so. Citizens need to stand up and keep the wolves at bay.

[2:45:32 PM](#)

CAROLINE PORTER, representing self, Palmer, Alaska, stated support for HB 61. She is concerned about regular Alaskans arbitrarily not being able to defend themselves. During a disaster it's important for people to have access to whatever is needed to take care of themselves, their families, and their homes. Anybody who believe that people who are interested in nefarious acts won't be armed is naïve. Responsible Alaskans don't want to go around blasting but they do have the constitutional right to protect themselves.

[2:46:56 PM](#)

CHAIR CLAMAN closed public testimony on HB 61.

[2:46:59 PM](#)

At ease

[2:47:25 PM](#)

CHAIR CLAMAN reconvened the meeting and asked the members if they had any final comments.

[2:47:36 PM](#)

SENATOR GIESSEL stated that she appreciates the intent of the bill and the provision in the Senate CS on page 2, lines 4-7 which exempts certain businesses from closure. The reason for her support is that businesses that provide food, medical care, and housing meet the fundamental, natural rights of citizens to life, liberty, and property. Ensuring that these businesses are exempted is very important.

[2:49:04 PM](#)

SENATOR KIEHL opined that Senator Giessel's comments were very insightful. The only businesses that are exempted are food,

medicine, and housing. This is the strictest of standards and a responsible approach.

CHAIR CLAMAN found no further questions or comments and solicited a motion.

[2:50:26 PM](#)

SENATOR GIESSEL moved to report the Senate CS for HB 61, work order 33-LS0333\D, from committee with individual recommendations and attached fiscal note(s).

[2:50:38 PM](#)

CHAIR CLAMAN found no objection and SCS CSHB 61(JUD) was reported from the Senate Judiciary Standing Committee.
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[2:50:57 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:50 p.m.