

HB

419

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/23/96

FURTHER: REPORTED
SFC 3/8/96

DATE TURNED INTO OFFICE: 3-8-96

The Finance Committee considered CS FOR HOUSE BILL NO. 419(STA)

"An Act relating to the disposal of property, including firearms and ammunition."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR" _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
_____	✓	_____	✓		
_____	✓				
_____	✓				
Co-Chair: _____	✓	Co-Chair: _____			
Co-Chair: _____	✓	Co-Chair: _____			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DOA	1/24/96		10.4 Rev
DPS	1/24/96		

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

Version: CSHB 419 (STA)
 (H) Publish Date: 1/30/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to the disposal of firearms and ammunition by the state or a municipality.
 Sponsor: Rep. Kort
 Requestor: H (STA)

Department Affected: Administration
 BRU: General Services
 Component: Property Management
 COMPONENT SERIAL NO. 61

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1005)	10.4	10.4	10.4	10.4	10.4	10.4
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL						

Estimate of any current year (FY 96) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Section 1: The bill gives the Commissioner of Public Safety disposal authority of firearms and ammunition that are unclaimed property used as evidence, property of unknown owners, and firearms forfeited under court order.

Section 2: The bill restricts disposal options of state firearms to destruction in specified circumstances, use by law enforcement organizations, and sales to licensed firearms dealers.

Prepared by: Dugan Petty, Director
 Division: General Services

Phone: 465-2250
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1-24-96

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FISCAL NOTE

STATE OF ALASKA BILL NO. HB 419
 1996 LEGISLATIVE SESSION

ANALYSIS: (continued)

1. Assumptions:

- 1.1 Projected annual number of handguns to be disposed of under the bill 100
- 1.2 Projected long-barreled rifles/shotguns disposed of under the bill 35
- 1.3 Estimated number of firearms of annual projection that qualify as unclaimed property, or have unknown owners 30 handguns
4 rifles
- 1.4 Estimated number of firearms of annual projection forfeited by order of the Court and disposed of by Public Safety other than through sales 15 handguns
10 rifles
- 1.5 Estimated annual number of collectibles under federal definition in annual projection 1 handgun
1 rifle
- 1.6 50% of forfeited firearms are declared surplus by the Department of Public Safety and transferred to DOA for disposal 15 handguns
10 rifles
- 1.7 The number of firearms destroyed is the same
- 1.8 Estimated average sales price to licensed dealers. Average public disposal \$165 * 70% = \$116.00
- 1.9 Ammunition disposal is negligible

2. DEPARTMENT OF ADMINISTRATION FISCAL IMPACTS

2.1 Handgun sales		
PROPOSED BILL PROJECTED RECEIPTS	70 x \$116.00 =	\$8,120.0
NET GAIN IN RECEIPTS		\$8,120.0
2.2 Long-barreled rifles and shotgun sales		
EXISTING PROJECTED RECEIPTS	34 x \$116.00 =	\$3,944.00
from sales to licensed dealers only		
PROPOSED BILL PROJECTED RECEIPTS	16 x \$116.00 =	\$1,856.00
NET LOSS OF RECEIPTS		\$(2,088.00)
2.3 Disposal of Collectibles		
Existing collectibles retained for display purpose	2 each =	0
PROPOSED BILL PROJECTED RECEIPTS	2 x \$200 =	\$400.00
NET GAIN IN RECEIPTS		\$400.00

FISCAL NOTE

No. 2

(Bill Version: CSHB 419 (STA))

(H) Publish Date: 1/30/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: Disposal of firearms and ammunition by the BRU: Alaska State Troopers
state and municipalities. Component: Detachments
 Sponsor: Representative Kott
 Requestor: _____ COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill does not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 24, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 1/24/96
 Agency: Ronald L. Otte, Department of Public Safety

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COMMITTEE COPY

Cross-Ref. to HB 419

BILL: SB 219

SHORT TITLE: DISPOSAL OF FIREARMS BY PUBLIC AGENCIES

BILL VERSION:

SPONSOR(S): SENATOR(S) MILLER, Leman, Sharp, Halford, Kelly, Taylor, Torgerson
Green, Donley, Pearce

CURRENT STATUS: (S) JUD
THEN FIN

STATUS DATE: 02/13/96

TITLE: "An Act relating to the disposal of firearms and ammunition by the state or a municipality."

01/12/96	2130	(S)	READ THE FIRST TIME - REFERRAL(S)
01/12/96	2130	(S)	STA, JUD
01/31/96	2263	(S)	STA RPT 4DP 1DNP
01/31/96	2263	(S)	ZERO FISCAL NOTE(S) (DPS, DCRA)
01/31/96	2263	(S)	REFERRED TO JUDICIARY
02/13/96	2409	(S)	FIN REFERRAL ADDED
02/13/96	2409	(S)	REFERRED TO JUD THEN FIN

Alaska State Legislature
House of Representatives

FEB 28 1996

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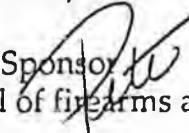


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SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
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MEMORANDUM

TO: Senator Rick Halford, Co-Chair, Senate Finance Committee
Senator Steve Frank, Co-Chair, Senate Finance Committee

FROM: Representative Pete Kott, Sponsor 
CS HB 419(STA), Disposal of firearms and ammunition

DATE: February 28, 1996

SUBJECT: Request for a Committee Hearing on CS HB 419(STA)

I would like to respectfully request that a Senate Committee hearing be held at your earliest convenience on CS HB 419(STA).

This bill would stabilize the constant recent flip-flops in administration policy this past year on the sale of confiscated firearms, excess service revolvers, and ammunition. It would require all handguns to be sold to a federally licensed firearms dealer, who in turn would be able to sell them to the public, instead of just to law enforcement officials (which is the current administration policy). By allowing the Department of Public Safety to dispose of all unsafe firearms first, and then having the licensed dealer do a background check before selling them to the public, the concerns of public safety have been addressed. Finally, the bill would continue to allow a revenue stream from the sale of such guns to continue.

There is a companion bill, SB 219 by Senator Miller. The only difference between them is that the CS for HB 419(STA) removed language that would require municipal law enforcement agencies to be included in the bill along with state law enforcement agencies. The sponsor of SB 219 concurs with this amendment.

Attached are the following documents for your reference and use:

Bill History
Sponsor Statement
Sectional Analysis
Fiscal Note
Background

If you have any questions, please contact me or my aide Roger Poppe, at 3777.



Representative Pete Kott



Alaska State Legislature House of Representatives

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SPONSOR STATEMENT CS HB 419 (STA)

It has long been the practice of the Department of Administration's State and Federal Property Management program to auction off excess service revolvers, confiscated firearms, and ammunition. This activity has been a source of revenue for the program in the past, and has also been a means by which gun collectors could obtain collectible items, as well as a means by which the general public could obtain guns and ammunition.

In a 1995 change in Administration policy, only hunting rifles and shotguns would be sold at public auction, but handguns would be destroyed. Therefore, on October 25, 1995, the state destroyed some 50 weapons, with an estimated market value of \$13,925. Responding to threatened lawsuits and the submission of legislative bills on this matter, the administration in January once again changed its policy, this time to conform to many of the essential features of this bill. Currently, both the administration and this bill now have the guns being sold to a federally licensed firearms dealer. The key difference is that the administration wants that dealer to sell the guns and ammunition only to law enforcement officials and agencies, while this bill would require that the dealer sell them to the public.

Aside from revenues that public sale of the guns and ammunition would generate, both the administration and the bill sponsor are concerned with the issue of public safety. This bill would deal with this concern in two ways. First, the Department of Public Safety could only pass on to the Department of Administration firearms and ammunition it deemed to be serviceable and safe. Second, the Department of Administration could then only dispose of them to a federally licensed firearms dealer, who would then sell them to the public. By doing a background check on any purchaser before sale, the licensed dealer would thus ensure that these items would not be sold to someone with a felony record. Thus, public safety is protected, a state revenue source can continue to be maintained, and handguns and ammunition can still be obtained by the public.

In a Committee Substitute in House State Affairs, references in the bill to include municipalities in this bill were deleted, as this was seen as an issue of local control.



Representative Pete Kott



Alaska State Legislature House of Representatives

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SECTIONAL ANALYSIS CS HB 419(STA)

Section #1: Allows state and municipal law enforcement agencies to dispose of all recovered, seized, or abandoned property at a sale. With respect to firearms and ammunition, however, state agencies have to follow the disposal procedures set out in Section 4 of this bill.

Section #2: Allows the Department of Public Safety to dispose of deadly weapons that have been forfeited to the state because they were in the possession of, or used by, a defendant in the commission of a crime, except for firearms and ammunition.

Section #3: Adds a new statutory subsection to the disposal of deadly weapons to cover the firearms and ammunition exempted in Section #2. Under this section, firearms and ammunition forfeited as deadly weapons shall also be disposed of in accordance with Section 4 of this bill.

Section #4: Firearms and ammunition obtained by the state through surplus, abandonment, or forfeiture shall be sold to a federally licensed firearms dealer. Exempt from this procedure are firearms and ammunition that are obtained through forfeitures related to crimes involving controlled substances, those not serviceable or safe, or those not legal for a licensed dealer to possess.



Representative Pete Kott



WEAPONS DESTROYED
PROPERTY DESTRUCTION #23574
SEPTEMBER 13, 1995

NOTES: ESTIMATED MARKET FOR MOST WEAPONS IS AS LISTED IN GUN TRADER'S GUIDE, 16TH EDITION										
THE PROPERTY MANAGEMENT SECTION HAS NO RECORDS REGARDING WEAPONS ACQUISITION.										
ITEM #	MANUFACTURER	CALIBER	SERIAL #	LENGTH	ACTION	DEPARTMENT	TAR #	REPORTED AS	ESTIMATED MARKET VALUE	ESTIMATED SALES VALUE
1	Uzi 45 Y 18 (1)	45	002753		Auto	Public Safety	57887	Evidence	\$900.00	\$0.00
2	Winchester 12 gauge, Md 1200	12 ga	L1332784	under 18"	Pump	Public Safety	3718E	Forfeiture	\$200.00	\$0.00
3	Winchester 12 gauge, Md 1300	12 ga	L2571702	under 18"	Pump	Public Safety	3719E	Forfeiture	\$250.00	\$0.00
4	High Standard 12 gauge Y 19 (5)	12 ga	3243379	under 18"	Pump	Public Safety	1178E	Confiscation	\$200.00	\$0.00
5	Mossberg 12 gauge, Md 500 A	12 ga	L546893	under 18"	Pump	Public Safety	3719E	Forfeiture	\$200.00	\$0.00
6	Western Field 12 gauge, Md M550ABD	12 ga	G387206	under 18"	Pump	Public Safety	1178E	Excess	\$250.00	\$0.00
7	Ingram 9 mil P 26 (12)	9 mm	12345		Auto	Public Safety	8788E	Excess	\$150.00	\$0.00
8	Interatec 22 P 28 (14)	22	043731		Auto	Public Safety	3719E	Forfeiture	\$795.00	\$0.00
9	RFB, Inc	9 mm	453070		Auto	Public Safety	8788E	Excess	\$150.00	\$0.00
10	Ingram 9 mil	9 mm	2-2000450		Auto	Public Safety	8788E	Excess	\$795.00	\$0.00
11	Interdynamic 9 mil P 22 (12)	9 mm	00557		Auto	Public Safety	8788E	Excess	\$150.00	\$0.00
12	Corbay 9 mil	9 mm	890023597		Auto	Public Safety	8788E	Excess	\$250.00	\$0.00
13	Corbay 9 mil	9 mm	890023598		Auto	Public Safety	8788E	Excess	\$250.00	\$0.00
14	Colt 223 27 (13)	223	M4024082		Auto	Public Safety	59825	Forfeiture	\$875.00	\$0.00
15	H & R 10 gauge, Md 178 22 (15)	10 ga	AX825811	under 18"	Single	Public Safety	8788E	Excess	\$145.00	\$0.00
16	Mossberg, Md 600 AT	12 ga	G958778	under 18"	Pump	Public Safety	87705	Excess	\$175.00	\$0.00
17	H & R Survival Rifle (12-1815)16 (2)	22	41043	under 15"	Single	Public Safety	8788E	Excess	\$95.00	\$0.00
18	Fle, Md TFX22 P 29 (15)	22	1X58782		Rev	Public Safety	5787	Unclaimed	\$85.00	Damaged \$0.00
19	Tikon Tiger 39 P 29 (15)	38	0081420		Auto	Public Safety	3719	Unclaimed	\$180.00	\$180.00
20	Ruger Blackhawk 41 P 24 (10)	41	47-20422		--Rev	Public Safety	3719	Forfeiture	\$210.00	\$200.00
21	Smith & Wesson 357, Md 27-23 (16)	357	N200580		Rev	Public Safety	3719	Forfeiture	\$295.00	\$280.00
22	Ruger 9 mil P 25 (15)	9 mm	301-51879		Auto	Public Safety	3719	Forfeiture	\$285.00	\$225.00
23	Smith & Wesson 22, Md 48-431 (11)	22	243K915		Rev	Public Safety	3719	Forfeiture	\$295.00	\$250.00
24	Ruger 357 P 23 (9)	357	57101257		Rev	Public Safety	3719	Forfeiture	\$270.00	\$250.00
25	Beretta 380 P 32 (18)	380	A24580Y		Auto	Public Safety	3719	Forfeiture	\$285.00	\$250.00
26	Llama 45 0.1 (7)	45	A85675		Auto	Public Safety	3719	Forfeiture	\$285.00	\$250.00
27	Lorch 25 Y 20 (6)	25	168197		Auto	Public Safety	3719	Forfeiture	\$130.00	\$100.00
28	Ruger 22 P 24 (10)	22	255751		Rev	Public Safety	3719	Unclaimed	\$185.00	\$180.00
29	Crosman Pellet P - 34 (25)	None			Air	Public Safety	3719	Unclaimed	\$35.00	\$25.00
30	Ruger 357 P 23 (9)	357	172-42390		Rev	Public Safety	3719	Forfeiture	\$270.00	\$250.00
31	Colt 357, Md Trooper MKV 33 (11)	357	02105V		Rev	Public Safety	3719	Forfeiture	\$280.00	\$250.00

WEAPONS DESTROYED
PROPERTY DESTRUCTION #23574
SEPTEMBER 13, 1995

32	Glock 10 mil	Ø 17 (3)	10 mm	UM108US		Auto	Public Safety	37191	Forfeiture	\$475.00	\$500.00
33	Smith & Wesson 38. Md W-S 4	(20)	38	103591		Rev	Public Safety	37191	Unknown	\$180.00	\$78.00
34	Colt 22, Md Huntsman P 15	(7)	22	051729S		Auto	Public Safety	37191	Forfeiture	\$285.00	\$500.00
35	Smith & Wesson 45 P 35	(2)	45	THA5091		Auto	Public Safety	37191	Forfeiture	\$434.00	\$400.00
36	AAIT 380	P 36 (50)	380	D04470		Auto	Public Safety	37191	Forfeiture	\$170.00	\$180.00
37	Interarms 38	P-27 (15)	38	0404674		Auto	Public Safety	37191	Unclaimed	\$246.00	\$200.00
38	Balkal KB Inc	P-29 (15)	380	A012758		Auto	Public Safety	37191	Forfeiture	\$120.00	\$100.00
39	Ruger 357 Blackhawk	P-24 (10)	357	135999		Rev	Public Safety	37191	Forfeiture	\$210.00	\$190.00
40	Smith & Wesson 38, Md 38P-37	(23)	38	33821		Rev	Corrections	68917	Excess	\$225.00	\$150.00
41	Smith & Wesson 357		357	ADC8483		Rev	Corrections	68917	Excess	\$265.00	\$210.00
42	Smith & Wesson 357		357	AWP4747		Rev	Corrections	68917	Excess	\$265.00	\$210.00
43	Smith & Wesson 357		357	ADE2317		Rev	Corrections	68917	Excess	\$265.00	\$210.00
44	Smith & Wesson 357		357	ABC4368		Rev	Corrections	68917	Excess	\$265.00	\$210.00
45	Smith & Wesson 357	36 (24)	357	AAH8261		Rev	Corrections	68917	Excess	\$265.00	\$210.00
46	Smith & Wesson 357		357	ABC3839		Rev	Corrections	68917	Excess	\$265.00	\$210.00
47	Smith & Wesson 357		357	ACL562		Rev	Corrections	68917	Excess	\$265.00	\$210.00
48	Smith & Wesson 357		357	ACL507		Rev	Corrections	68917	Excess	\$265.00	\$210.00
49	Smith & Wesson 357		357	ABC3084		Rev	Corrections	68917	Excess	\$265.00	\$210.00
50	Smith & Wesson 357		357	AD88800		Rev	Corrections	68917	Excess	\$265.00	\$210.00
										\$13,925.00	\$8,265.00

State's guns spared

Buyers limited
to peace officers

By SHEILA TOOMEY
Daily News reporter

The Knowles administration has backed off its decision to destroy state surplus guns rather than sell them at auction, as has been the practice.

Citing "lots of input from the public," Public Safety Commissioner Ron Otte said legal guns the state can't use will now be sold to a licensed dealer who promises to resell them only to police officers and law enforcement agencies.

The retrenchment is "a good first step" toward settling a lawsuit filed in September by the Alaska Gun Collectors Association, said attorney Wayne Anthony Ross.

But it's not enough, said Ross, who represents the gun collectors.

"To restrict sales to police officers doesn't make sense," Ross said. "The idea of banning citizens from purchasing them is philosophically repugnant."

Reflecting a position he first adopted when he was mayor of Anchorage, Knowles decreed in September that the 300 or so seized, found and surplus handguns in the state's possession should not be returned to the street by auctioning them to the general public, as had been done for at least 10 years.

In a last run, 50 guns were cut up by welders on Sept. 14, after a Superior Court judge refused to issue an injunction to stop their destruction. Ross argued that inadequate efforts had been made to find the owners of the lost and unclaimed weapons, that many of the guns were collector's items or other-

GUNS: State scraps plan to destroy surplus stock

Continued from Page B-1

wise valuable, and that it was illegal to destroy state property that could be profitably sold.

The subtext of the dispute is the old good guns vs. bad guns debate. The administration and a local victims' group think reducing the number of handguns in circulation will reduce the number used in crimes. Ross and his colleagues say guns aren't bad, but that people who misuse them are.

Knowles still does not want to sell handguns to the public, Otte said. "He simply does not think that is good policy."

But the reaction to destroying the guns — described by Otte as "fairly mixed" — was apparently critical enough to convince the administration to abandon the new policy.

Now only illegal or mechanically unsafe weapons will be destroyed, Otte said. Long guns will be sold, as previously planned. Antiques, curios

and collectibles will be kept and perhaps given to museums. Some of the guns will be loaned to gun safety programs around the state for use in firearms education.

Additionally, a better inventory system will be designed and better efforts made to find owners before anything is sold. Inventories will be made available to police agencies around the state who might be able to use some of the weapons.

Sales of what's left will be restricted to police officers and law enforcement agencies.

"This meets all of the tests of all the people the governor has heard from," Otte said Wednesday.

It doesn't meet Ross's test. And he doubts the board of the Alaska Gun Collectors Association will agree to dismiss the lawsuit. "I'm pleased with this first step," Ross said. "Probably the next step is to work with the Legislature to fine tune how they will be required to dispose of them."

Please see Page B-3, GUNS

ADN
18 JAN 96

6.

TONY KNOWLES
GOVERNOR



P O Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1996

JAN 30 1996

FIELD(Title) FIELD(Fname) FIELD(lname)
FIELD(Address)
FIELD(City), FIELD(State) FIELD(Zip)

Dear FIELD(Sal):

Thanks for your comments about the state's disposal of surplus and confiscated handguns. My office heard from people on both sides of the issue. We listened, but my position is still the same: The state will not auction handguns to the general public.

This is not an anti-gun policy; it's an anti-crime policy. I don't believe the state should be in the arms business. Instead, we should be doing all we can to make our streets safer for Alaska's children and families. This isn't an unusual policy. Many jurisdictions around the country refuse to sell confiscated or surplus handguns to the public.

Here's how my policy works:

1. Weapons which, according to state law, are deemed **unsafe**, unlawful, or potentially harmful to the public will be destroyed.
2. Every effort will be made to return stolen or unclaimed firearms to their rightful owners.
3. Long-barreled rifles and shotguns will be sold to licensed firearms dealers for sale to the public. Such guns have always been made available to the public.
4. Antiques, curios, and collectibles, as defined by federal firearms regulations, will be held for display purposes.
5. The Department of Public Safety and local law enforcement agencies in Alaska will be allowed to obtain any needed weapons.

January 29, 1996

Page 2

6. Other state agencies, like Fish and Game, Natural Resources, and Corrections, will be allowed to obtain any needed weapons.
7. Certified gun safety programs will be allowed to obtain firearms useful for their purposes.
8. All remaining firearms will be offered by bid to licensed firearm dealers, provided they are sold only to certified law enforcement officers or law enforcement organizations.

The details of this policy were worked out by the departments of Public Safety, Administration, and Revenue. I am proud of their efforts. While making useful weapons available to law enforcement organizations and other agencies, this policy also fulfills my main objective: To do whatever I can to make the streets of Alaska safer.

I firmly believe that keeping the state out of the arms business is one way to do this, and I'm confident most Alaskans agree.

Thanks again for your comments.

Sincerely,



Tony Knowles
Governor

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

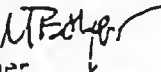
TONY KNOWLES, GOVERNOR


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To: Distribution

Date: January 19, 1996

Phone: 465-2200

From: Mark Boyer 
Commissioner
Department of Administration

Ron Otte 
Commissioner
Department of Public Safety

Subject: Firearms Disposition Policy

The State of Alaska shall no longer sell firearms directly to the general public. Firearm sales are not a core service of state government and are best conducted by qualified licensed firearms dealers. Long-barreled rifles and shotguns will be sold only to qualified licensed firearms dealers who devote time and attention to the sale of firearms in the regular course of their business and possess expertise and knowledge to serve those interested in purchasing firearms.

Unsafe, unlawful firearms, or those deemed potentially harmful to the public safety by the Department of Public Safety, shall continue to be destroyed. Firearms useful to local law enforcement agencies, certified gun safety programs, and state agencies will be re-utilized to maximize benefit and reduce costs for those programs.

Handguns shall be disposed of or reissued in a manner designed to avoid the potential of future mishap, accident, or improper or illegal use. Handguns may only be sold to qualified licensed firearms dealers who devote time and attention to the sale of firearms in the regular course of their business, possess expertise and knowledge to serve those purchasing the handgun, and agree only to resell the handgun for the sole use in law enforcement activities.

On rare occasions, a state agency may come into the possession of firearms that are antiques, collectibles, or curios. Firearms meeting the definition of antique, collectible, or curio set out in Federal Firearms Regulation, Part 178, Title 27, will be retained for future use or display or made available to publicly owned museums.

January 4, 1996

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destroyed".

Fifty surplus firearms were destroyed by a cutting torch on 14 September 1995. Most of these firearms were not "Saturday Night Specials, sawed-off shotguns, and assault weapons". Many of these firearms were, in fact, collectors items. By the State's own estimate, the fifty firearms that were destroyed had a market value of \$13,925.00.

On or about the 26th of September 1995, the AGCA filed an amended complaint again seeking an injunction and seeking, among other things, damages against the Governor, his COS (Mr. Ayers), the Commissioner of Administration (Mr. Boyer), and the Commissioner of Public Safety (Mr. Otte), "personally, in favor of... the State of Alaska, for the total value of each and every firearm they have destroyed or will destroy in the future...".

The defendants filed an answer, on or about 25 October 1995, admitting that "before September of 1995 surplus firearms were disposed of by sale" but stating that "the policy of the defendant State of Alaska is to refrain from selling surplus and forfeited handguns directly to the public". Defendants admitted "that on September 14, 1995 approximately 50 deadly weapons were destroyed" but denied any conspiracy, denied that public notice was required before destruction, and denied that the "weapons belonged to anyone other than the defendant Department of Administration". For affirmative defenses, the defendants claimed, among other things, that the plaintiffs lack standing to bring the suit, that the defendants are immune from suit, and that the defendants "were authorized by law to destroy deadly weapons transferred to the Department of Administration as surplus state property".

Plaintiff has been furnished with a list of the firearms that were destroyed, as well as a list of firearms that are proposed for future destruction.

Defendants have recently filed a Motion to Dismiss plaintiff's Complaint, alleging, among other things, immunity and that plaintiff lacks standing to bring the suit in question. The plaintiff has not yet responded to that Motion.

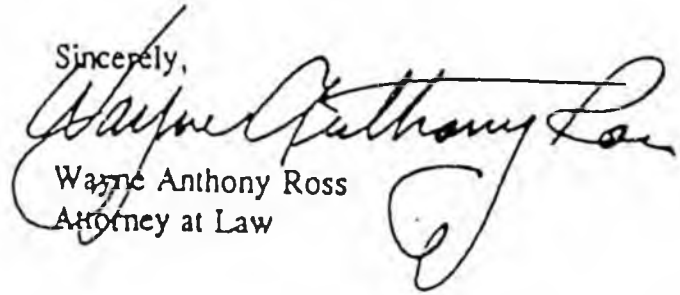
While the AGCA, and its more than 300 members, believes it has standing to bring such a suit, the Legislature is really the body who has the responsibility to protect the property of the State, and thus the people of Alaska, against an Administration bent on destroying valuable, revenue producing, state assets to further its own political agenda. This is particularly true in view of the current revenue shortfall that the State is experiencing.

It is respectfully requested that the Legislature intervene in this suit, against the Administration, on behalf of the people of the State. It is also requested that the Legislature adopt legislation this session that will prevent such destruction of State assets in the future.

Should you have any questions, please feel free to contact me.

January 4, 1996
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Sincerely,

A handwritten signature in cursive script, reading "Wayne Anthony Ross". The signature is written in black ink and is positioned above the typed name and title.

Wayne Anthony Ross
Attorney at Law

cc
AGCA

Wayne
Anthony
Ross

Law Offices of

ROSS & MINER

A Professional Corporation
327 East Fireweed Lane, Suite 201
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Wayne Anthony Ross
Edward L. Miner

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January 4, 1996
QUICK SUMMARY

To the members of the Alaska Legislature:

Re: Wilful destruction of valuable State property by State officials;
Lawsuit filed by AK Gun Collectors Association to attempt to end
such practice

June 20, 1995 - Boyer writes memo to Ayers regarding the disposal of the State's "surplus firearms" proposing destruction of handguns. Excerpts: "Receipts received from the disposal of these firearms contribute to the funding of the Property Management Program". The "Property Management section has sold excess service revolvers and confiscated firearms for the past decade". "There is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime". Proposes that "only hunting rifles and shotguns (should) be sold at public auction" and that "(h)andguns would be destroyed".

Ayer's approves saying "This is clearly in the public interest and better government".

The Administration sets about implementing the destruction of these firearms.

September 13, 1995 - Alaska Gun Collectors Association (AGCA) files complaint in Superior Court seeking an injunction. Baldwin tells court that the State was only going to destroy "Saturday Night Specials, sawed-off shotguns, and assault weapons". TRO denied.

September 14, 1995 - Fifty surplus firearms, including desirable collectors items, destroyed by cutting torch. State estimates the firearms destroyed had a market value of \$13,925.00.

September 26, 1995 - AGCA files amended complaint again seeking an injunction and personal damages against the Governor, his COS, the Commissioner of Administration, and the Commissioner of Public Safety.

October 25, 1995 - Defendants file answer admitting destruction and stating new State policy of destruction. transferred to the Department of Administration as surplus state property".

December, 1995 - Defendants file Motion to Dismiss plaintiff's Complaint, alleging, among other things, immunity and plaintiff lack of standing to bring the suit.

The Legislature has responsibility to protect the property of the State against an Administration bent on destroying valuable, revenue producing, state assets to further its own political agenda especially in view of the current revenue shortfall.

MEMORANDUM

RECEIVED State of Alaska

Department of Administration

JUN 21 1995

TO: **Jim Ayers**
Chief of Staff
Office of the Governor

ADMINISTRATIVE: **June 20, 1995**
S OFFICE

FROM: **Mark Boyer**
Commissioner
Department of Administration

SUBJECT: Surplus Firearms Disposal Decision Briefing

*Mark -
This is clearly
in the public's interest
and better government.
Thank you
J. A.*
CCB ES

OBJECTIVE:

Prudent disposal of state-owned and confiscated firearms.

APPLICABLE STATUTES: AS 22.20.120, AS 12.36.060, AS 34.45.060, AS 44.68.110, AS 36.30.070

PROBLEM STATEMENT:

The Property Management section accumulated approximately 600 firearms since the last disposal of firearms in August. The statutes (AS 12.36.60) governing confiscated deadly firearms require the Commissioner of Public Safety to dispose of the firearms. The Commissioner may ~~dispose~~ **dispose** the firearms surplus and transfer them to the Surplus Property Program for sale to the public. Excess State Trooper firearms are also transferred to the Surplus Property Program and sold to the public. ~~Legal firearms, such as sawed-off shotguns, are destroyed by Public Safety and are not included in sales. Receipts received from the disposal of these firearms contribute to the funding of the Property Management Program.~~

With the rise of violent crimes and shootings in Anchorage, a local group has objected to public auctions of firearms without background checks. Large-volume, low-cost State disposal of handguns make it very easy and inexpensive for anyone to buy a handgun. Critics argue our disposal sales could put firearms in the hands of criminals or be used in a violent crime. Some cities and organizations in other states offer rewards and trade-ins to remove handguns from general circulation and destroy them to protect the public safety. To date, our disposal process recirculates legal firearms.

With the enactment of the federal Brady Bill, some have argued the State should conduct a background check prior to selling handguns. Federal law considers the State a private owner. We do not hold a federal firearms license nor can we obtain one. Since federal law considers the State a private owner, we are not required to conduct background checks. The State of Alaska has the means to conduct background checks, however, it has been suggested that to do so could be construed as a violation of individual rights.

BACKGROUND:

Property Management Section has sold excess service revolvers and confiscated firearms for the past decade. In years past, these firearms have been included in auctions where a variety of items are sold. Because of changes in the federal law (Brady Bill) and not knowing how these changes would effect the sale of State property, we opted not to include these items in the normal auction setting.

In Anchorage, on August 9, 1994, Property Management section conducted its first exclusive firearms auction. There were 341 line items and proceeds were \$59,977.00—approximately 25% of our annual state budget. However, this sale also generated a substantial amount of negative press coverage reaching as high as the Governor's Chief of Staff. A local television station covered the sales as a news item with the spin that we were remiss by not obtaining background checks. A group known as Victims of Violent Crimes criticized the sale of firearms as inappropriate because the firearms could be used in violent crimes. Handgun sales have the potential of generating quick press-worthy controversy. Mid-level officials in the Departments of Public Safety and Administration were interviewed the morning of the last auction—by early afternoon the Commissioners of Public Safety and of Administration and the Chief of Staff were involved in the issue. This issue generated instant controversy and has the potential of eliciting emotional responses from various groups on either side of the issue.

Currently, Property Management has over 600 firearms in its control. Most of the firearms are rifles or shotguns and the remainder are handguns. We continue to receive large quantities of lost, abandoned, and confiscated firearms. The Department of Public Safety advises they will excess more shortly. The change-out of Public Safety service revolvers has increased our inventory. Our facilities to store large volume of firearms for extended periods of time is limited. The most efficient means of disposal is a separate firearms auction this summer. In the interim, we will request Public Safety to retain confiscated and excess firearms in their facilities due to our limited secure storage capacity.

OPTIONS:

1. Status Quo—Sell firearms as a part of our normal auction activities (keeping a low profile), or/and continue to conduct exclusive firearms sales. Neither type of sale would include background checks.

- UNIT 13 TO 13-23 RUSS & MILLER F.4.6
2. Require our auctioneer to conduct background checks on handgun sales as part of our contract requirements. All of our auctioneers in the past ten years have had federal firearms licenses as a part of their business.
 3. Discontinue the disposal of firearms through sales.
 4. Sell only rifles, which are typically used by hunters, and destroy handguns.
 5. Sell only to licensed gun dealers by permitting only licensed dealers to participate in firearms auctions.

DISCUSSION:

Option 1 allows the sale of firearms to continue in the same manner as in past years. This option is well within the law because the Brady Bill does not apply to the State. One of the complaints we have heard is the State does not prevent placing firearms in the hands of criminals. ~~There is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime.~~ While there is no way to ensure the firearms would not be used improperly, Brady Bill background checks should, at a minimum, be performed for handguns if full disposals are to continue. This alternative redistributes handguns to the public without background checks. Continuation of this disposal method is not recommended.

Option 2 continues public auctions of all firearms and requires handgun sales background checks utilizing the auctioneer as a licensed firearms dealer. However, it has been argued that this is a breach of an individual's civil rights. Further, firearms purchasers might challenge our right to conduct background checks and could file suit on the matter. Since federal law sets the minimum requirements, we believe the State could adopt the federal requirement or stronger policies.

This is the method utilized by the Municipality of Anchorage to sell their firearms. According to Fred Kattenback, Deputy Chief of Procurement, to date they have had no complaints. ~~If they receive a complaint, he believes the Municipality would discontinue the sales and destroy all excess firearms.~~ This option ensures a background check but is not recommended since it recirculates all types of handguns to the general public.

Option 3 discontinues the sale of firearms: ~~Adopting this policy also would severely impact the Property Management budget as approximately 25% of our state budget is derived from this source and would require a contract with cost to the State for certified destruction of firearms. Criticism from firearms buyers, including sportsman hunters, could be expected.~~ This option is not recommended as it prevents sales of hunting rifles and significantly impairs our program receipt capabilities.

Option 4 sells only hunting rifles and shotguns at public auction. ~~Handguns would be destroyed. We estimate that 90% or more of the firearms received for disposal are handguns.~~

Hunting rifles and shotguns make up a small number of the confiscated or abandoned firearms. This policy would result in a loss of revenue, but would contribute to anti-crime efforts. There are benefits to public safety by removal of handguns from property disposal. Many of these weapons, known as "Saturday Night Specials," are easy to conceal and could readily be involved in a violent crime.

It would prevent the likelihood of handguns falling into the hands of someone who would use it to commit a crime. It would be appropriate for Public Safety to supervise the destruction of handguns and certify what firearms are appropriate to transfer for public disposal sales. Hunting rifles and shotguns disposed of by Public Safety or excess to State needs would be sold at public auction. While subject to criticism from firearms buyers, it could be part of the administration's anti-crime initiatives and reduce the odds of a State-disposed handgun ever being involved in a violent crime or injury.

~~Option 5 permits only licensed gun dealers to submit bids on firearms for disposal. The Brady Bill requires all licensed gun dealers to conduct background checks prior to selling handguns. The issue of the Brady Bill background checks would be resolved with this alternative. Under this option, invitations to the firearms disposal auctions would be sent to licensed gun dealers. An auction would be conducted, but only licensed dealers would be allowed to participate. On the negative side, the firearms would be sold at lower prices to gun dealers and resold to the public at higher prices. Aside from the loss of revenue, the eventual outcome of this option is the same as option 1.~~

RECOMMENDATIONS

Option 4 is recommended as the best disposal policy. Handguns would no longer be recirculated to the general public, but destroyed by the Department of Public Safety. Hunting rifles and shotguns would be sold to the public.

Security and storage will no longer be a problem since handguns make up the 90% of the firearms and would be destroyed by Public Safety. General Services will receive a certificate of destruction listing the destroyed handguns and continue to receive receipts for hunting rifles and shotguns sold to the public.

The benefits of this alternative include:

- an estimated 550 handguns this fiscal year and approximately 300 handguns in future fiscal years will be taken out of circulation;
- x
- the potential for use of these handguns in the commission of a violent crime or accidental injury is eliminated;
- x

- organized citizen groups, such as Victims of Violent Crimes, critical of firearms disposals in the past should be satisfied with the limited disposal and background checks;
- x
- firearms used for hunting will still be available to the general public, sportsmen, and hunters, and will bring in the highest per firearm disposal sales prices for the program;
- x
- the opportunity for critical press during disposal actions is reduced; and
- removal of handguns designed for use as concealed weapons ("Saturday Night Specials") is in the best interest of Public Safety.

This alternative should be pursued as the most responsible and prudent approach to firearms disposal for excess State-owned and confiscated firearms.

James H. [Signature]
 Approved / _____
 Date

_____ Disapproved _____ Date