

HB

184

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 4, 2005

SUBJECT: Consistent Municipal Ordinances Relating to Firearms
CSHB 184(JUD)

TO: Representative Lesil McGuire
Attn: Vanessa Tondini

FROM: Gerald P. Luckhaupt 
Legislative Counsel

Enclosed is the CS(JUD) you requested. I have one comment. By changing the word "inconsistent" to "in conflict" I believe we are now less certain as to how a court will interpret this provision. When the legislature has chosen to preempt the authority of home rule municipalities to adopt or enforce ordinances inconsistent with state law on a certain topic or in a particular area or field, the legislature has consistently used the term "inconsistent with".¹ in this regard.

An example of these efforts is AS 28.01.010(a) which provides:

The provisions of this title and the regulations adopted under this title are applicable within all municipalities of the state. **A municipality may not enact an ordinance that is inconsistent with the provisions of this title or the regulations adopted under this title.** A municipality may not incorporate into a publication of traffic ordinances a provision of this title or the regulations adopted under this title without specifically identifying the provision or regulation as a state statute or regulation.

Traffic laws, or rather violations of those laws, are the most common type of criminal or quasi-criminal proceeding. By Alaska standards a fairly large body of case law has developed to interpret what the legislature means when it says "inconsistent with" in relation to preempting municipal ordinances.²

¹ See, e.g., AS 04.21.010 relating alcohol importation, possession, and taxation; AS 28.01.010, relating to motor vehicle and traffic laws; and AS 29.35.020(b), relating to extraterritorial application of municipal ordinances.

² See, e.g., *Adkins v. Lester*, 530 P.2d 11(Alaska 1974); *Cremer v. Anchorage*, 575 P.2d 306(Alaska 1978); *Simpson v. Municipality of Anchorage*, 635 P.2d 1197(Alaska App. 1981); *McCormick v. Municipality of Anchorage*, 999 P.2d 155(Alaska App. 2000).

Representative Lesil McGuire
April 4, 2005
Page 2

If the legislature intends the same application and meaning in the context of municipal firearms ordinances, by continuing to use the term "inconsistent with" the legislature is able to gain a measure of precision and security. The legislature can assume that the term "inconsistent with" will continue to be interpreted by the courts in the same manner that the term has been interpreted in the past.

This is preferable to using a new term that has not previously been used by the legislature or interpreted by the courts in this context. The legislature has never used the term "in conflict with" in the context of preemption of municipal ordinances. There are 39 references to "in conflict with" in state law. None of those references relate to municipal ordinances or state preemption of municipal ordinances. The vast majority of those references relate to what is to be done when one provision of state law is in conflict with another provision of state law.³ Other provisions deal with state regulation conflicts with federal law,⁴ insurance companies policies and practices may not be in conflict with state law, teacher CBA's and tenure provisions may not conflict with state law, articles of incorporation or by laws may not conflict with state law, state employees may not enforce federal laws in Glacier Bay, among others. The legislature has never used the term "in conflict with" in relation to municipal ordinances or in relation to preempting municipal ordinances that might be in conflict with state law. The legislature has always used the term "inconsistent with" in this regard.

This issue may not be that big of a deal overall. It just comes down to (1) whether the legislature wants to use the term that the legislature has used in the past with regard to preemption of municipal ordinances and thereby avail itself of the interpretation of that term by the courts, or (2) use a new term that has not been used in this regard and has not been interpreted by the courts specifically in this regard.

GPL:med
05-234.med

Enclosure

³ For example, provision A applies if it is not in conflict with provision B. See, e.g., AS 38.05.069(d).

⁴ The state regulation falls by the wayside. See, e.g., AS 21.89.090(f) and AS 41.15.180.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 22, 2005

FURTHER REFERRALS:

Date of Committee Action: April 1, 2005

The JUDICIARY Committee considered:

HB 184

HOUSE BILL NO. 184

MUNICIPAL FIREARM ORDINANCES

"An Act relating to firearms."

Recommends it be replaced with [] HCS or [] CS for HB 184 JUD
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [] New Title

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
<u>(JUD)</u>				
<u>LAW</u>	<u>2</u>			<input checked="" type="checkbox"/>

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<u>Pete Best</u>	KOTT	<input checked="" type="checkbox"/>			
<u>Maxx Remberg, Jr</u>	<u>Remberg</u>	<input checked="" type="checkbox"/>			
<u>Tom Anderson</u>	ANDERSON	<input checked="" type="checkbox"/>			
<u>J. August Ahlstrom</u>	DAHLSTROM	<input checked="" type="checkbox"/>			
<u>John Coghill</u>	COGHILL	<input checked="" type="checkbox"/>			
<u>John GARA</u>	GARA				<input checked="" type="checkbox"/>
Chair: <u>Paul McGuire</u>	McGUIRE	<input checked="" type="checkbox"/>			
Chair: _____					

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: April 1, 2005
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-LS0632\A, HB 184, incorporating the attached amendment. The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

Amendment #1 - PASSED

to HB 184

by Rep. Gruenberg

Page 1, line 5:

Delete "inconsistent"
INSERT "in conflict"



Alaska State Legislature

Please enter into the record my testimony to the HJUD committee name
 Committee on HR 184, dated 4-1-05
 bill # / subject public hearing date

SEE 1 PAGE ATTACHED

Signed: CARY GRAVES
 Testifier
CITY OF KENAI
 Representing (optional)
210 FIDALGO KENAI, AK 99611
 Address
283-8224
 Phone number

Chapter 13.15

OFFENSES AGAINST PEACE

Sections:

13.15.010 Discharge of firearms.

13.15.010 Discharge of firearms.

It shall be unlawful for any person to:

- (a) Discharge a firearm within the City limits not specifically designated by Council as being a proper place for the discharge of firearms. It shall be unlawful for any person to discharge a firearm in any place within the City Limits other than in an area specifically designated in the map marked APPENDIX II and provided in this section.

(KMC 13-16; Ords. 262, 419, 1857-2000, 2015-2003)

Sarah Hook

From: Boness, Fred H. [BonessFH@ci.anchorage.ak.us]
Sent: Thursday, March 31, 2005 3:40 PM
To: Sarah Hook
Subject: RE: Questions from Rep. Max Gruenberg

Ms. Hooks:

Below are the specific criminal law provisions that have been identified by the Municipal Prosecutor:

We could not enforce the following provisions to the extent they are more restrictive than under state law. AMC 8.25.020, Carrying Concealed Weapons; AMC 8.25.030, discharge of firearms, to the extent inconsistent (especially the part about shooting within the Municipality except for lawful hunting areas or at shooting ranges); AMC 8.25.060 Firearms on School Grounds to the extent inconsistent with state law. The CCW provisions are very different, and we could not enforce a general prohibition against shooting. The provisions on school grounds are the same, but there's an exception under state law for unloaded guns in the trunk of the car.

In addition to these specific criminal law provisions, I am concerned that a blanket provision may further enhance the misunderstanding that municipal employees and those doing business with the municipality can bring guns into the municipal work environment. As a result of the change the state made to the concealed weapons law, many municipal employees and citizens doing business with the municipality believe that they have a "right" to bring a gun into the municipal work place. This is not correct and the Municipality has recently revised and redistributed its policy on this matter to inform its employees.

If such legislation moves forward, I would much appreciate either express language, or at a minimum clear legislative history, that makes clear that the State is not attempting to force municipalities to permit its employees, or citizens doing business with the municipal government, to bring guns into the workplace. We take the safety of our employees very seriously and would find such an approach unwise and unacceptable.

-----Original Message-----

From: Sarah Hook [mailto:Sarah_Hook@legis.state.ak.us]
Sent: Wednesday, March 30, 2005 4:45 PM
To: Boness, Fred H.
Subject: Questions from Rep. Max Gruenberg

Fred,

I work with Rep. Max Gruenberg in his Juneau office.

On Friday in House Judiciary we are scheduled to hear HB 184, "An act relating to firearms" The bill prohibits a municipality from enacting or enforcing an ordinance regulating the possession, sale, transfer, use or transportation of firearms that is inconsistent with state law.

Our office would like to know what ordinances in Anchorage would be impacted by this bill. Can you provide us with that information? Or do you have a suggestion as to who to talk to?

Thanks,
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Thanks,
Sarah Hook

Chapter 8.25 WEAPON CRIMES

8.25.010 Possession of weapon with intent to assault.

8.25.020 Concealed weapons.

8.25.030 Discharge of firearms.

8.25.040 Drive-by shooting.

8.25.050 Firearms on premises licensed for sale of alcoholic beverages.

8.25.060 Firearms on school grounds.

8.25.070 Provision of firearm to violent minor by parent or guardian.

8.25.080 Duty of parent or guardian who knows that a minor is in possession of a dangerous weapon.

8.25.090 Sale or furnishing of firearms to minors.

8.25.010 Possession of weapon with intent to assault.

A. It is unlawful for any person to knowingly have upon or about his or her person any dangerous weapon with intent to assault another.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.25.020 Concealed weapons.

A. It is unlawful for any person other than a peace officer to knowingly carry concealed about his or her person in any manner:

1. A revolver, pistol or other firearm;

2. A switchblade knife, gravity knife or any knife other than an ordinary folded pocket knife (one which has the blade stored in the handle and requires the bearer to physically pull the blade from the handle before it can be used), or a dirk or dagger;

3. A slingshot, metal knuckles, club, billy, blackjack or any other instrument or thing the principal purpose or use of which is as a weapon;

4. Any other instrument or thing which, because of the manner in which it is concealed and the accompanying circumstances, could reasonably be construed as being kept as a weapon or in order to achieve some violent purpose, and by which injury could be inflicted upon the person of another.

B. Nothing in this section shall be construed to prohibit the following:

1. Carrying a weapon concealed in a vehicle so long as the weapon is not also concealed on the person of an occupant of the vehicle; or

2. Carrying a concealed handgun in accordance with AS 18.65.700 through 18.65.790 by a person issued and carrying a valid permit under such state statutes.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. In addition, the weapon shall be forfeited to the Municipality of Anchorage.

(AO No. 89-52; AO No. 94-72(S-1), § 1, 4-26-94; AO No. 94-171, § 1, 10-1-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law references: Misconduct involving weapons in the third degree, AS 11.61.220.

8.25.030 Discharge of firearms.

- A. It is unlawful for any person to knowingly:
1. Shoot, discharge or flourish any firearm, air rifle or air pistol within the Municipality of Anchorage except in those areas open to the public for lawful hunting or upon established shooting ranges.
 2. Have in his possession or under his control, or use or discharge, a firearm while such person is under the influence of intoxicating liquor or a controlled substance listed under AS 11.71.140 through 11.71.190.
- B. This section shall not apply to any officer of the United States, the state or the municipality who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement.
- C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment. In addition, the firearm shall be forfeited to the Municipality of Anchorage. If the conviction under subsection A. of this section is for the discharge of a firearm from a vehicle, the court may order forfeiture of the defendant's interest in the vehicle to the municipality in addition to any other penalties.

(GAAB 18.05.010.D; AO No. 98-59(S), § 1, 5-19 98; AO No. 2003-73, § 3, 4-22-03)

State law references: Misconduct involving weapons in the second degree, AS 11.61.210.

8.25.040 Drive-by shooting.

- A. A person commits the offense of a drive-by shooting if the person:
1. Intentionally, knowingly, or recklessly discharges a firearm into or at an occupiable dwelling from a motor vehicle;
 2. Intentionally, knowingly, or recklessly discharges a firearm into an occupied or unoccupied motor vehicle from another motor vehicle; or
 3. Drives or operates a motor vehicle from which a firearm is discharged into an occupiable dwelling or an occupied or unoccupied motor vehicle with the intent to aid the discharge, or with knowledge or reckless disregard that such action will occur.
- B. It is prima facie evidence that a person drove or operated a motor vehicle with the requisite mental state if, after the firearm is discharged, the person does not immediately stop the person's motor vehicle and:
1. Immediately by the quickest means of communication, give notice of such discharge to the police department along with the person's name and address;
 2. Ascertain whether any person has been injured as a result of the discharge; and
 3. Render reasonable assistance to any person injured due to the discharge, including carrying or making arrangements for the carrying of any injured person for medical treatment if it is apparent medical treatment is necessary; or
 4. In the case where only property damage has occurred the driver shall locate the property owner or attach securely in a prominent place in or on the damaged property a legible written notice which includes the person's name and address.
- C. It is a defense to the charge under subsection A.3. of this section and any charge of

- b. A description of precautions taken to prevent unauthorized access to the weapon.
- c. A statement that the juvenile in possession of the weapon did not have permission to have access to the weapon.
- d. A description of the steps the owner intends to take to prevent future incidents of unauthorized access.

3. The chief of police or designee may deny return of the weapon and order it forfeited if the chief, after considering information provided by the purported owner, police reports regarding the incident, information regarding prior incidents involving the weapon or the individuals, and such other relevant information as is presented, determines based upon a preponderance of the evidence that either:

- a. The person claiming the weapon is not the rightful owner;
- b. The owner failed to store the weapon in a manner which would reasonably be expected to prevent unauthorized access to the weapon; or
- c. The owner authorized the minor to access the weapon during school hours.

4. If the legal owner is unknown, or fails to request return of the weapon under subsection D.2 of this section within 30 days of mailing of the notice under subsection D.1 of this section, the weapon may be disposed of pursuant to Chapter 7.25, pertaining to abandoned property.

E. Violation of this section shall, upon conviction, be punished by a fine of not more than \$10,000.00 or imprisonment for not more than one year, or both such fine and imprisonment.

(AO No. 90-122; AO No. 93-56(S); AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law references: Misconduct involving weapons in the third degree, AS 11.61.220.

8.25.070 Provision of firearm to violent minor by parent or guardian.

A. A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence in this or any other jurisdiction or any minor who has been adjudicated in a children's proceeding for an offense which would constitute a crime of violence if the minor were an adult. The term "minor" as used in this section means a person under the age of 18.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(AO No. 94-22, § 2, 2-15-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.25.080 Duty of parent or guardian who knows that a minor is in possession of a dangerous weapon.

A. It is unlawful for any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon or a firearm in violation of this Code to fail to make reasonable efforts to remove the weapon or firearm from the minor's possession.

B. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and

imprisonment.

(AO No. 94-22, § 3, 2-15-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

8.25.090 Sale or furnishing of firearms to minors.

A. A person may not knowingly give, barter, sell, lease or otherwise make available any firearm to a minor under 18 years of age unless the minor is accompanied by a parent or guardian.

B. A person, including a parent or guardian, may not knowingly provide a handgun to a minor when the minor is prohibited from possessing a handgun.

C. Violation of this section shall, upon conviction, be punished by a fine of not more than \$2,000.00 or imprisonment for not more than six months, or both such fine and imprisonment.

(GAAB 18.05.060; AO No. 94-22, § 1, 2-15-94; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-73, § 3, 4-22-03)

State law references: Misconduct involving weapons in the third degree, AS 11.61.220.

Alaska State Legislature



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Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-1679
1-800-505-2678
Fax: (907) 465-4822

Interim Address:
600 E. Railroad Avenue
Wasilla, AK 99654
Phone: (907) 376-2679
Fax: (907) 376-4745

Representative Mark A. Neuman *District 15*

Dear Members of the House Judiciary Committee,

I am writing to you in support of House Bill 184, an act relating to firearms. As you have read, the intent of this legislation is to provide some consistency with regard to the way firearms are carried, sold or transported in Alaska. Although it is important for certain matters to remain under local control, I do not believe it is the responsibility of a municipal government to protect our right to keep and bear arms.

I understand one of the concerns regarding this HB 184 is that the discharge of firearms in certain areas of a municipality is not safe, however, people intent on breaking the law will do so, regardless of what the law is. This legislation protects those who use guns in an appropriate manner. The Alaska State Constitution says "The individual right to keep and bear arms shall not be infringed by the State or a political subdivision of the State."

I urge your support of HB 184.

Thank you,

A handwritten signature in cursive script, appearing to read "Mark Neuman".

Representative Mark Neuman



"Village with a Past, City with a Future"

210 Fidalgo Avenue, Kenai, Alaska 99611-7794

Telephone: 907-283-7535 / FAX: 907-283-3014

www.ci.kenai.ak.us

TO: House Judiciary Committee
FROM: *CRG* Cary R. Graves, City Attorney
DATE: March 24, 2005
RE: **HB 184 Comments**

My name is Cary R. Graves. I am the City Attorney for the City of Kenai. The Kenai City Council wanted me to express the City's concerns regarding part of HB 184. The bill would prohibit a municipality from enacting or enforcing an ordinance that regulates the possession, sale, transfer, use or transportation of firearms in a manner that is inconsistent with state law. Our concern is with the part of the bill prohibiting the city from regulating the use of firearms in a manner inconsistent with state law.

For public safety reasons, the City of Kenai prohibits the discharge of firearms in certain areas of the city and allows it in other areas. KMC 13.15.010. Shooting firearms is prohibited in areas around subdivisions and businesses and allowed in the sparsely populated areas.

Our concern is that HB 184 could be interpreted to overrule the city's ban on discharge (i.e., use) of firearms in certain areas of the city. The City Council feels that the city's ordinance is both reasonable and important for public safety in Kenai. The ordinance determining the appropriate areas for discharging firearms was adopted after both citizen and police input as to what was appropriate and safe within the City. The legislature should not overrule a local decision on where firearms can be safely discharged within the city limits of Kenai.

The City requests that you consider changing the language in HB 184, making it clear that it is not intended to keep municipalities from regulating discharge of firearms within their boundaries, by deleting the word "use" from HB184.

Thank you in advance for your time in considering our concerns with part of HB 184. Please feel free to contact me regarding this issue. My email address is cgraves@ci.kenai.ak.us.



Alaska Outdoor Council

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Fairbanks, AK 99707-3902
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Executive Director

Jennifer Yuhas
Fairbanks

AOC Testimony 1 April, 2005

To House Judiciary Committee, Representative Lesil McGuire Chair
SUPPORT - HB 184: MUNICIPAL FIREARM

Thank you Madame Chairman and members of the House Judiciary Committee for the opportunity to testify in support of HB 184: MUNICIPAL FIREARM ORDINANCES today.

On behalf of the Board of Directors of the Alaska Outdoor Council, representing over 54 member clubs and nearly 4,000 associate members for a collective membership of nearly 12,000 individuals, which is also the recognized state association for the National Rifle Association I would like to thank Representative Chenault for his sponsorship of HB 184 and offer our enthusiastic support of this legislation.

HB184 more fully recognizes the constitutionally guaranteed right of private individuals to lawfully exercise their right to keep and bear arms, and reduces current confusion faced by law abiding citizens as they attempt to do so.

The proposed legislation before you only addresses municipal ordinances with regards to current Alaska Firearm Statutes. While many decisions should be left to local control, in passing this legislation today, this committee will be validating the constitutionally guaranteed right to keep and bear arms of all law abiding Alaskans, and supporting the fact that any right guaranteed by our founding document should not be infringed.

Three years ago this body passed legislation eliminating the requirement for Alaska's law abiding citizens to obtain a special permit to exercise their right to carry concealed firearms as well as open ones. Currently six municipalities throughout our state have not recognized this change through their own ordinances. These municipal ordinances are not well publicized. This current discrepancy is confusing to well intended law abiding Alaska citizens, and creates an unnecessary dictum for enforcement authorities.

By passing this legislation today, you will be recognizing the constitutionality of the 2nd Amendment of our U.S. Constitution, rewarding Alaska's law abiding citizens by eliminating confusion, and removing an unnecessary burden from the already lengthy duties of our valuable enforcement staff.

The Alaska Outdoor Council strongly advocates the passage of this legislation, and thanks you for your support.

Sincerely,

Jennifer Yuhas Executive Director,
Alaska Outdoor Council

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT



Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075

HOUSE OF REPRESENTATIVES

Official Business

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

03/21/05

To: Representative McGuire, Chair
Representative Anderson, Member
Representative Coghill, Member
Representative Dahlstrom, Member
Representative Kott, Member
Representative Gara, Member
Representative Gruenberg, Member

From: Representative Mike Chenault *Mike Chenault*

Subject: Request for House Judiciary Committee Hearing

This office respectfully requests a hearing of the House Judiciary Committee on HB 184 "An act relating to firearms" during the week after the Easter Holiday.

If you have further questions on the scheduling of this committee hearing, please contact Sue Wright in Room 505 (907) 465-3779.

Thank you for your time and cooperation.

STATE OF ALASKA

**REPRESENTATIVE
MIKE CHENAULT**

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075



HOUSE OF REPRESENTATIVES

Official Business

Session:
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Juneau, Alaska 99801-1182
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Toll Free: (800) 469-3779
Fax: (907) 465-2833

Sponsor Statement

HB 184 "An act relating to firearms"

This bill was introduced to ensure that citizens be able to look to one law as the single final authority regarding firearm regulation. This bill will guarantee consistency in firearm law within the State of Alaska.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB184
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title: Municipal Firearm Ordinance RDU: Comm Assist & Ec Dev (405)
 Component: Community Advocacy
 Sponsor: Chenault, Stoltze, Neuman, Dahlstrom,
Harris
 Requester: House Community & Regional Affairs Component No.: 2703

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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 (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation requires that municipalities may not enact or enforce an ordinance regulating the possession, sale, transfer, use, or transportation of firearms that is inconsistent with state law.

It would not create a fiscal impact on the operations of the department.

Prepared by: Michael Black, Director Phone 269-4578
 Division: Community Advocacy Date/Time 3/21/05 2:23 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/21/2005
 Agency: Commerce, Community and Economic Development

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB184-LAW-CDCO-3-18
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to firearms." RDU CRIMINAL
 Component Criminal Justice Litigation
 Sponsor Representative Chenault
 Requester House Community and Regional Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 29.35.145 (Municipal Powers and Duties. Regulation of firearms.) by amending it prohibiting a municipality from enacting or enforcing ordinances regulating possession, sale, transfer, use, or transportation of firearms that are inconsistent with state law. The unamended language allows such ordinances if ratified by the voters.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division: Administrative Services Division Date/Time 3/18/05 4:24 PM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 3/18/2005
 Agency: Department of Law