

**HB**

**184**

# 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

## 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.

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04/14/05

To: Senator Gary Stevens, Chair  
Senator Bert Stedman, Member  
Senator Tom Wagoner, Member  
Senator Johnny Ellis, Member  
Senator Albert Kookesh, Member

From: Representative Mike Chenault 

Subject: Request for Senate Community & Regional Affairs  
Committee Hearing

This office respectfully requests a hearing of the Senate Community & Regional Affairs Committee on HB 184 "An act relating to firearms" at the committee's earliest convience.

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.



## Alaska Association of Chiefs of Police

Senator Gary Stevens  
Alaska Legislature  
State Capitol, Room 103  
Juneau, Alaska 99801-1182

Dear Senator Stevens

The Alaska Association of Chiefs of Police (AACOP) strongly opposes HB 184. This bill would bar cities and boroughs from restricting firearms beyond the level set by the state. In the opinion of AACOP, this is a prescription for tragedy.

Currently, many cities have policies/ordinances banning the possession of firearms in any facility where liquor is served. Under HB 184, cities would no longer be able to enforce such ordinances. We are all aware persons imbibing in alcohol are not known for good judgment. Although they may be in compliance with state law by entering the establishment with the gun unloaded, it isn't difficult to imagine they might have ammunition on their person. It is then a very easy step, in the heat of a moment, to load the gun and cause the injury or death of another.

Another area where concern has been expressed is local policies/ordinances prohibiting firearms in city government buildings. In Seward, for example, our city building houses the police department, the court, city council chambers, city manager's office, and other related city offices. As you know, there are times when emotions run high in these respective areas and tempers can get out of hand. Under HB 184, we will not be allowed to enforce a policy prohibiting firearms in this building. This increases the danger to many officials, as well as to the general public.

AACOP does support the constitutional right of citizens to bear arms. Law, however, has accepted common sense restraints such as denial of firearms to convicted felons and the mentally ill, and restricted possession and use of automatic weapons and explosives. It follows, therefore, that common sense restraints against guns in public buildings where emotions can overwhelm otherwise well-adjusted people, in businesses serving alcohol (which has the effect of reducing good judgment), and in or on school grounds should be enacted to assist communities in the pursuit of public safety. If state laws are not available to law enforcement authorities in these situations, then the ability of communities to enact such restraints must be preserved.

Contrary to the argument put forth by Rep. Chenault and Rep. Stoltze, firearms control is not a "one size fits all" issue. Every community and city in the State of Alaska is different. They have different needs and problems and, therefore, need different solutions. Those solutions are best provided by local ordinances enacted by local people duly elected to perform that duty, not by the state legislature. Additionally local communities should be in control of their issues and provide what ever polices are necessary to keep their community safe as long as it is legal to do so.

Rep. Chenault seems to feel the people of the state are not capable of recognizing that different cities should be able to exercise discretion in having and enforcing different laws in relation to firearm possession and use. If one followed that belief to its logical conclusion, we would have to allow the state legislature to enact one law in all matters so there would be "a single authority". That thought is as ridiculous as HB 184, and I want to emphasize again that communities have the right to have local control.

I sincerely ask you to speak out in opposition to this bill and urge your fellow senators to vote against it.

Sincerely,



Thomas Lee Clemons  
President, Alaska Association of Chiefs of Police  
Chief of Police, Seward AK

TO: Senate Community & Regional Affairs (CRA) Committee  
DATE: April 22, 2005  
TIME: 1:30 PM  
BILL: HB 184 Municipal Firearms Ordinances...

T/c

Written testimony by: DENNY KAY WEATHERS  
Residence Address: Lot 6, Deep Bay, Hawkins Island  
In Prince William Sound, District 5  
Mailing Address: Third Judicial District  
c/o P.O. Box 1791  
Cordova, Alaska  
Rural Radio Phone: 907-424-3745  
Email Address: [northerngirl@ctcak.net](mailto:northerngirl@ctcak.net)

Mr. Chair, Gary Stevens;

I am faxing in my testimony just in case I am unable to testify by telephone.

I strongly support HB 184 as it supports the second amendment rights of We the People.

In Cordova, Alaska a rural community, the City Council has been making ordinances against gun owners that go directly against both the State and US constitutions.

A few years back one such ordinance in Cordova was made that said a person could not have bullets in their gun while traveling through the city... but a city councilman told us it would not be enforced. About a month or two after it was passed my youngest son then in his twenties was going from his fishing boat to a friends car with his rifle slung over his shoulder and he was accosted by a city police officer wanting to take his bullets, possible his gun and fine him. These kinds of laws are unconstitutional and need to be stopped and HB 184 is a good start. Please pass HB 184. Thank you for your time.

Denny Kay Weathers

4-22-05  
Sen. Res. 330

WORK DRAFT

WORK DRAFT

WORK DRAFT

24-LS0491VY  
Bullock  
4/20/05

**CS FOR SENATE BILL NO. 102(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE RESOURCES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS GARY STEVENS, Olson**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to an extension for review and approval of revisions to the Alaska**  
2 **coastal management program; providing for an effective date by amending the effective**  
3 **date of sec. 45, ch. 24, SLA 2003; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1. The uncodified law of the State of Alaska enacted in sec. 46(c), ch. 24, SLA**  
6 **2003, is amended to read:**

7 (c) Notwithstanding any contrary provision of ch. 24, SLA 2003 [THIS ACT],  
8 the repeal of the Alaska Coastal Policy Council enacted by sec. 44, ch. 24, SLA 2003  
9 [OF THIS ACT], and the repeal of the Alaska Coastal Policy Council's duties in  
10 AS 46.40.040, as amended by sec. 10, ch. 24, SLA 2003 [OF THIS ACT], a district  
11 coastal management program, including its enforceable policies, approved by the  
12 former Alaska Coastal Policy Council remains in effect for purposes of AS 46.39 and  
13 AS 46.40 until the revised district coastal management plan is approved by [JULY  
14 1, 2006, UNLESS] the Department of Natural Resources [DISAPPROVES OR

1 MODIFIES ALL OR PART OF THE PROGRAM BEFORE JULY 1, 2006].

2 \* Sec. 2. The uncodified law of the State of Alaska enacted in sec. 47(a), ch. 24, SLA 2003,  
3 is amended to read:

4 (a) Within six months [ONE YEAR] after review and approval of the  
5 state's revised coastal management program by the National Oceanic and  
6 Atmospheric Administration, Office of Ocean and Coastal Resource  
7 Management, United States Department of Commerce, under 16 U.S.C. 1455 and  
8 1457 (Coastal Zone Management Act of 1972) [THE EFFECTIVE DATE OF  
9 REGULATIONS ADOPTED BY THE DEPARTMENT OF NATURAL  
10 RESOURCES IMPLEMENTING CHANGES TO AS 46.40.010 - 46.40.090,  
11 ENACTED BY SECS. 8 - 15 AND 44 OF THIS ACT, OR BY JULY 1, 2005,  
12 WHICHEVER IS LATER], coastal resource districts shall review their existing  
13 district coastal management program and submit to the Department of Natural  
14 Resources for review and approval a revised district coastal management plan meeting  
15 the requirements of AS 46.40 [, AS AMENDED BY THIS ACT,] and the  
16 implementing regulations.

17 \* Sec. 3. The uncodified law of the State of Alaska enacted in sec. 49, ch. 24, SLA 2003, is  
18 repealed and reenacted to read:

19 Sec. 49. Section 45, ch. 24, SLA 2003, takes effect on the date that the  
20 commissioner of natural resources certifies to the lieutenant governor that the National  
21 Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource  
22 Management, United States Department of Commerce, under 16 U.S.C. 1455(e), has  
23 approved the revised coastal management program.

24 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# 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,  
 Requester Harris Component No. 2703  
House Community & Regional Affairs

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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