

**HB**

**400**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 APR 22 2006  
 SENATE FINANCE COMMITTEE

DATE: 4/7/06

FURTHER:

DATE TURNED IN TO OFFICE: 22 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 400(FIN)

HB 400 CONFISCATION OF FIREARMS

"An Act relating to confiscation of firearms during disaster emergencies."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous S CS HB 400 (JUD)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
DM&VA	2/13/06			✓	27

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
	✓			
	✓			
	✓			
	✓			
COCHAIR:	✓			
COCHAIR:	✓			

# FISCAL NOTE

REPORTED OUT  
**APR 22 2006**  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 400(JUD)  
 (H) Publish Date: 2/21/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military and Veterans' Affairs  
 Title Confiscation of Firearms RDU Military and Veterans Affairs  
 Component Homeland Security &  
 Sponsor Military & Veterans Affairs Emergency Management  
 Requester \_\_\_\_\_ Component No. 2657

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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
<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>	<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>CHANGE IN REVENUES ( )</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>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<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 (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer  
 Division: Administrative Services Division  
 Approved by: Craig E. Campbell, Commissioner  
 Agency: Department of Military & Veterans' Affairs

Phone: (907) 465-4602  
 Date/Time: 2/13/06 9:15 AM  
 Date: 2/13/2006

# ALASKA STATE HOUSE OF REPRESENTATIVES



**Contact:**

Interim Address:

3340 Badger Road  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4271

**Session**

(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

*HB 400*

*"An Act relating to confiscation of firearms during disaster emergencies"*

### *SPONSOR STATEMENT*

*"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." (Second Amendment to the United States Constitution - ratified December, 1791)*

The wisdom of this Amendment comes not from seeing what future threats to a free State might be, but knowing that the right of the people to keep and bear arms will insure the security of that free State.

In the chaos following Hurricane Katrina, various government agencies, made systematic attempts to sweep New Orleans of guns, even if it meant entering the homes of law abiding gun owners. National Guard, federal, state, or local law enforcement personnel should not be allowed to confiscate lawfully owned and lawfully carried firearms.

This bill will insure that law-abiding citizens are not disarmed by the government during a time when they may need their firearms the most.

(24-LS1543-C)

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## REPRESENTATIVE JOHN COGHILL

Senate CS for CS House Bill 400(JUD)

"An Act relating to confiscation of firearms in disaster emergencies."

### SECTIONAL

#### Section 1

Sec. 26.23.200 places limitation on the authority, and responsibility set out in AS 26.23.010 – 26.23.220 Disasters. This bill adds a new section that states there is no authority granted or implied under the Alaska Disaster Act that:

(5) authorizes the confiscation of a firearm lawfully owned, possessed, or carried by law-abiding citizens.

In this section, "confiscation" has the meaning given in Black's Law Dictionary "*seizure of property for the public treasury.*"

#### Section 2

**Confiscation of firearms.** Sec. 26.23.205 describes the penalty for: (a) a person convicted of official misconduct under AS 11.56.850, or interference with constitutional rights under AS 11.76.110 could

(1) forfeit their appointed government position, and if they fall under the jurisdiction of the Alaska Police Standards Council, have their police certification revoked;

CS to House Bill 400(JUD) changed the penalty imposed on individuals that violate the provisions of this bill. The amendments approved by House Finance clarified that before an elected official or individual in a governmental position forfeits their office or position they must be convicted of official misconduct under AS 11.56.850 or interfere with constitutional rights under AS 11.76.110.

Senate CS for CS to House Bill(JUD) – state specifically the statutes that authorize:

(1) an elected office to be declared vacant - AS 29.20.170 or 29.20.280;  
and the Constitutional authority to remove an elected official by impeachment:  
(2) art. II, sec. 20, of the Alaska Constitution.

(24-151543C)

# SENATE COMMITTEE REPORT

DATE: 3/27/06

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4/6/06

Judiciary Committee considered CS FOR HOUSE BILL NO. 400(FIN)

## HB 400 CONFISCATION OF FIREARMS

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and recommends:

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- Same Title
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**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
MVA	2/13/06			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>Gutcher</i>			X	
<i>Therriault</i>	X			
<i>Huggins</i>	X			
<i>[Signature]</i>				
<b>CHAIR:</b> <i>Ralph Perkins</i>	✓			

French  
Gues  
Therriault  
Huggins  
Perkins