

SJR

3

Alaska State Legislature

SENATOR
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Senate

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Sponsor Statement

Senate Joint Resolution 3

It is the intent of SJR 3 to show appreciation for the change in National Park policy that now allows park users to carry the firearms they need for personal protection in National Parks.

Alaskans, who have in their state over 75% of the National Park system, understand how important it is to have personal protection when in the wilderness. This bill affirms that progress that has been made in allowing the carrying of firearms under the previous administration and encourages the new Obama administration to continue with the policy and add improvements by allowing open carry in addition as concealed carry.

Whether it is for bear protection, obtaining food in a survival situation, or signaling for assistance when needed, firearms have been on the hips and in the arms of Alaskans since the frontier was first explored. Now the unbroken wilderness and inherent dangers have been exacerbated with the conditioning of animals to lose their natural tendency of avoiding humans. With the Parks Service's steady line of visitors who have no real experience in the true wilderness, the need for protection is more prudent now than ever before.

U.S. Department of the Interior



OFFICE OF THE SECRETARY
**U.S. Department
of the Interior**

www.doi.gov

News Release

Date: December 5, 2008

Contact: Chris Paolino

202-208-6416

Interior Announces Final Firearms Policy Update

WASHINGTON, D.C. – Assistant Secretary of the Interior for Fish and Wildlife and Parks Lyle Lavery today announced that the Department of the Interior has finalized updated regulations governing the possession of firearms in national parks and wildlife refuges. The final rule, which updates existing regulations, would allow an individual to carry a concealed weapon in national parks and wildlife refuges if, and only if, the individual is authorized to carry a concealed weapon under state law in the state in which the national park or refuge is located. The update has been submitted to the Federal Register for publication and is available to the public on www.doi.gov.

Existing regulations regarding the carrying of firearms remain otherwise unchanged, particularly limitations on poaching and target practice and prohibitions on carrying firearms in federal buildings.

"America was founded on the idea that the federal and state governments work together to serve the public and preserve our natural resources," Lavery said. "The Department's final regulation respects this tradition by allowing individuals to carry concealed firearms in federal park units and refuges to the extent that they could lawfully do so under state law. This is the same basic approach adopted by the Bureau of Land Management (BLM) and the United States Forest Service (USFS), both of which allow visitors to carry weapons consistent with applicable federal and state laws."

On February 22, 2008, Interior Secretary Kempthorne responded to letters from 51 Senators, both Democrats and Republicans, as well as from the Chairman and Ranking Member of the House Natural Resources Committee, urging him to update existing regulations that prohibit the carrying of firearms in national parks and wildlife refuges. In his response, the Secretary directed Assistant Secretary for Fish and Wildlife and Parks Lyle Lavery "to develop and propose for public comment by April 30 Federal regulations that will update firearms policies on these lands to reflect existing Federal laws (such as those prohibiting weapons in Federal buildings) and the laws by which the host states govern transporting and carrying of firearms on their analogous public lands."

Changes in the final regulations from those originally proposed in April were developed as the result of public comments. In particular, comments expressed concern about the feasibility of implementing regulations which directly linked the carrying of concealed firearms in national parks and wildlife refuges to the ability of an individual to carry a concealed firearm on analogous state lands. The final regulations remove that potential logistical hurdle.

The existing regulations, as currently in effect, were adopted in 1981 for national wildlife refuges and in 1983 for national parks. Since that time many states have enacted new firearms policies. Currently, 48 states have passed legislation allowing for the lawful possession of concealed weapons.

"The Department believes that in managing parks and refuges we should, as appropriate, make every effort to give the greatest respect to the democratic judgments of State legislatures with respect to concealed firearms," said Lavery. "Federal agencies have a responsibility to recognize the expertise of the States in this area, and federal regulations should be developed and implemented in a manner that respects state prerogatives and authority."

— DOI —

FAQ – Interior Firearms Policy Update

Q: Why is the Department of the Interior adopting this rule?

A: Our current firearm policies have been in place for some time, but they are now out-of-step with State law and thus need to be updated. Starting in the 1980's, a significant number of State Legislatures passed laws which allow law-abiding citizens to carry concealed firearms. Today, the overwhelming majority of States have enacted these laws. But the current National Park Service (NPS) and Fish and Wildlife Service (FWS) regulations don't recognize these developments.

America was founded on the idea that the federal and state governments work together to serve the public and preserve our natural resources. The Department's final regulation respects this tradition by allowing individuals to carry concealed firearms in federal park units and refuges to the extent that they could lawfully do so under non-conflicting state law. This is the same basic approach adopted by the Bureau of Land Management (BLM) and the United States Forest Service (USFS), both of which allow visitors to carry weapons consistent with applicable federal and state laws.

Q: Why did the Department decide to reject the original "similar state lands" approach and instead adopt a more general reference to state law?

A: This change helped clarify the rule and make it easier to implement. During the public comment process, a number of entities and individuals, including the National Park Conservation Association, the State of Alaska, and employees of the FWS, suggested that the Department's reference to "similar state lands" in the proposed regulation was ambiguous and confusing since: (1) individual States often provide for various management regimes for their parks and refuges; and (2) these differences make it difficult to determine what areas are actually "similar". The Department agrees with this concern and has deleted this language in the final rule. The modified final language adopts the suggestion of commenters and incorporates state law in a similar manner to regulations adopted by other federal agencies regarding firearms on public lands.

Q: What if a State doesn't want individuals to carry a concealed firearm in a park or refuge within its borders? Can it take any action?

A: Yes. States with concealed carry laws routinely impose statutory prohibitions on the lawful possession of concealed handguns in certain locations. It is possible that a state may wish to prohibit an individual from possessing a concealed weapon on federal lands within state boundaries. In the event a state enacts such a law, the Department's final rule would respect the legislative judgment of the people of that State.

Q: Won't visitors and wildlife be endangered by allowing concealed firearms in parks and refuges?

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SENATE DISTRICT F

Memorandum

To: Senator Hollis French / Chairman Senate Judiciary

From: Senator Gene Therriault 

Date: January 29, 2007

Re: Senate Joint Resolution 3

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I respectfully request a hearing on SJR 3 to encourage continuation and improvement on the policy allowing persons to carry firearms in National Parks.

Thank you for honoring this request.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/26/09

FURTHER:

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: _____

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 3

SJR 3 FIREARMS IN NATIONAL PARK

Relating to carrying firearms in national parks.

and recommends:

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

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#
	2/11/09			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
		✓			
				✓	
CHAIR:	French	✓			