

By: Mayor Verne E. Rupright

Adopted: January 28, 2013

Vote: Buswell, Harris, Sullivan-Leonard, Lovell, Wall in favor and Woodruff opposed.

**CITY OF WASILLA
RESOLUTION SERIAL NO. 13-05**

A Resolution of the Wasilla City Council supporting the adoption of the State of Alaska House Bill No. 69, which is an Act exempting certain firearms and firearm accessories in this state from federal regulation; providing criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state.

WHEREAS, the right of the people to keep and bear arms is granted under the Second Amendment in the United States Constitution and the Constitution of the State of Alaska; and

WHEREAS, the right of the people keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right; and

WHEREAS, the enjoyment of all safe forms of firearms for recreation, hunting and shooting is greatly valued by the people of the City of Wasilla; and

WHEREAS, states are not subject to federal law or federal regulation, including registration, of intrastate commerce of firearms, firearm accessories, and ammunition; and

WHEREAS, several Alaska State Representatives have drafted House Bill No. 69 to exempt the State of Alaska from these federal regulations and protect the residents of Alaska's constitutional rights to keep and bear arms; and

WHEREAS, House Bill No. 69 states that any federal statute, regulation, rule, or order enacted or effective on or after the effective date of this Act is unenforceable in this state if the federal statute, regulation, rule, or order attempts to ban or restrict ownership of certain gun types or require registration of any firearms, firearm accessories, and/or ammunition.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Council supports the adoption of the State of Alaska House Bill No. 69.

ADOPTED by the Wasilla City Council on January 28, 2013.


VERNE E. RUPRIGHT, Mayor

ATTEST:


KRISTIE SMITHERS, MMC, City Clerk

[SEAL]




CITY COUNCIL LEGISLATION STAFF REPORT


Resolution Serial No. 13-05: Supporting the adoption of the State of Alaska House Bill No. 69, which is an Act exempting certain firearms and firearm accessories in this state from federal regulation; providing criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state.

Originator: Mayor Verne E. Rupright

Date: 1/18/2013

Agenda of: 1/28/2013

Route to:	Department Head	Signature	Date
	Chief of Police		
	Public Works Director		
	Recreation & Cultural Services Director		
X	Finance Director		1-21-13
X	Deputy Administrator		1-18-13
X	City Clerk		1/18/13

Reviewed by Mayor Verne E. Rupright: 

Fiscal Impact: yes or no

Funds Available: yes or no

Account name/number:

Attachments: State of Alaska House Bill No. 69 (3 pages).

Summary Statement: This resolution is proposed to support the adoption of House Bill No. 69, which protects the rights of Alaska residents to keep and bear arms as granted by the United States Constitution and the Constitution of the State of Alaska. This bill was recently introduced by several Alaska State Representatives and would exempt certain firearms and firearm accessories in this state from federal regulation and provide criminal penalties for federal officials who enforce or attempt to enforce a federal law, regulation, rule, or order regulating certain firearms and firearm accessories in this state.

Recommended Action: Adopt Resolution Serial No. 13-05.

HOUSE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES CHENAULT, Millett, Johnson, Tammie Wilson, Hawker, Olson, Feige,
Peggy Wilson, Thompson, Keller, Gattis, Lynn, Saddler, Hughes**

**Introduced: 1/16/13
Referred: Judiciary**

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting certain firearms and firearm accessories in this state from federal**
2 **regulation; providing criminal penalties for federal officials who enforce or attempt to**
3 **enforce a federal law, regulation, rule, or order regulating certain firearms and firearm**
4 **accessories in this state; and providing for an effective date."**

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

6 * **Section 1.** AS 44.99.500(a) is amended to read:

7 (a) A personal firearm, a firearm accessory, or ammunition that is **possessed**
8 **in this state or** manufactured commercially or privately in this state and that remains
9 in the state is not subject to federal law or federal regulation, including registration,
10 under the authority of the United States Congress to regulate interstate commerce as
11 those items have not traveled in interstate commerce.

12 * **Sec. 2.** AS 44.99.500(b) is amended to read:

13 (b) This section applies to a firearm, a firearm accessory, or ammunition that
14 is **possessed in this state or** manufactured in this state from basic materials and that

1 can be manufactured without the inclusion of any significant parts imported from
2 another state. Generic and insignificant parts that have other manufacturing or
3 consumer product applications are not firearms, firearm accessories, or ammunition,
4 and their importation into this state and incorporation into a firearm, a firearm
5 accessory, or ammunition manufactured in this state does not subject the firearm,
6 firearm accessory, or ammunition to federal regulation. Basic materials, such as
7 unmachined steel and unshaped wood, are not firearms, firearm accessories, or
8 ammunition and are not subject to congressional authority to regulate firearms, firearm
9 accessories, and ammunition under interstate commerce as if they were actually
10 firearms, firearm accessories, or ammunition. The authority of the United States
11 Congress to regulate interstate commerce in basic materials does not include authority
12 to regulate firearms, firearm accessories, and ammunition **possessed in this state or**
13 **made in this state** from those materials. Firearm accessories that are imported into this
14 state from another state and that are subject to federal regulation as being in interstate
15 commerce do not subject a firearm to federal regulation under interstate commerce
16 because they are attached to or used in conjunction with a firearm in this state.

17 * **Sec. 3.** AS 44.99.500(d) is amended to read:

18 (d) The attorney general may defend a citizen of this state who is prosecuted
19 by the government of the United States under the congressional power to regulate
20 interstate commerce for violation of a federal law concerning the manufacture, sale,
21 transfer, or possession of a firearm, a firearm accessory, or ammunition **possessed in**
22 **this state or** manufactured and retained within this state.

23 * **Sec. 4.** AS 44.99.500 is amended by adding new subsections to read:

24 (f) A federal statute, regulation, rule, or order enacted or effective on or after
25 the effective date of this Act is unenforceable in this state if the federal statute,
26 regulation, rule, or order attempts to

27 (1) ban or restrict ownership of a semiautomatic firearm or a magazine
28 of a firearm; or

29 (2) require a firearm, magazine, or other firearm accessory to be
30 registered.

31 (g) An official, agent, or employee of the federal government who enforces or

1 attempts to enforce a federal statute, regulation, rule, or order that is unenforceable
2 under (f) of this section is guilty of a class B misdemeanor and may be punished as
3 provided in AS 12.55.

4 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).