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1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

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SENATE CS FOR CS FOR HOUSE BILL NO. 118

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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NINTH LEGISLATURE SECOND SESSION

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A BILL

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For an Act entitled: "An Act providing for the licensing of transporters."

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

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\* Section 1. PURPOSE. It is the purpose of this Act to protect the

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safety of the citizens of the state and better manage and protect its re-

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sources by licensing persons who transport hunters for hire so that reason-

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able standards and guildelines will be met and activities affecting the

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state's game resources will be more accurately monitored and assessed.

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\* Sec. 2. AS 08.54 is amended by adding new sections to read:

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Sec. 08.54.142. QUALIFICATION FOR TRANSPORTER LICENSE. (a) No

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person may engage in the activity of transporting unless he is licensed

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as a transporter under this chapter. A person may be licensed as a

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transporter if he

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(1) is a resident of the state;

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(2) is familiar with the terrain and transportation problems

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in the district or districts for which the license is requested;

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(3) obtains a business license to do business as a trans-

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porter under AS 43.70.030.

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(b) No person may engage in the activity of transporting by air

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without an air commerce certificate as required by AS 02.05.040.

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Sec. 08.54.144. RESTRICTION TO TRANSPORTATION. (a) A licensed

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transporter may transport persons whose primary purpose is the taking

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of game or the associated removing of game meat and parts of game, with

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the intent of receiving monetary or material remuneration for the

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transportation. However, no person licensed as a transporter may engage

1 in any manner in guiding, as defined in sec. 240 of this chapter, or  
2 act as an air carrier as defined in AS 02.05 for purposes other than  
3 specified in this section.

4 (b) Air carriers who transport persons between airports, landing  
5 strips or other landing areas officially listed in the United States  
6 government Flight Information Publication, Alaska Supplement, as revised  
7 or the United States government Sectional Aeronautical Charts, as  
8 revised, are exempted from the license requirements for transporters  
9 under this chapter but shall comply with the reporting provisions as  
10 prescribed in AS 02.05.170(f).

11 Sec. 08.54.146. TRANSPORTER REPORT. A transporter shall maintain  
12 a record of (1) the names and addresses of all persons he transports;  
13 (2) the type of game transported; (3) an estimate of the quantity of  
14 meat transported; (4) the date of transporting; and (5) if known, the  
15 locality where the game was taken. The report shall be submitted to the  
16 Department of Fish and Game within 30 days after transporting the game.  
17 After receiving a report required under this section, the Department of  
18 Fish and Game shall send a copy of it to the Department of Public  
19 Safety.

20 \* Sec. 3. AS 08.54.170 is amended by adding a new subsection to read:

21 (c) The license fee for a transporter is \$10.

22 \* Sec. 4. AS 08.54.190(a) is amended to read:

23 (a) A master guide, registered guide, class-A assistant guide,  
24 [OR] assistant guide or transporter license expires on December 31,  
25 following issuance.

26 \* Sec. 5. AS 08.54.200(d) is amended to read:

27 (d) No person who is disciplined under this section may engage  
28 in any guiding or transporting activity during the period of license  
29 revocation or disciplinary action. No person licensed under this

1 chapter may hire or work for a guide whose license is suspended or  
2 revoked under this section.

3 \* Sec. 6. AS 08.54.210 is amended to read:

4 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

5 (1) a master guide, registered guide, class-A assistant  
6 guide, [OR] assistant guide or transporter to fail to timely report to  
7 the Department of Public Safety, division of fish and wildlife protection  
8 [FISH AND GAME], and in no event later than 30 days, violations by a  
9 client of a state fish, game or guiding statute or regulation;

10 (2) a master guide, registered guide, class-A assistant  
11 guide, [OR] assistant guide or transporter to aid the commission of a  
12 violation of this chapter or of AS 16.05 [CH. 5 OF THIS TITLE] or a  
13 regulation promulgated under either chapter, or permit the commission of  
14 a violation in his sight without attempting to prevent it, short of  
15 using force, and without reporting it;

16 (3) a person to guide or transport as defined in this chapter  
17 without being licensed under this chapter and without having the  
18 license in his actual possession; however, for purposes of transporting  
19 by air, in the case of a corporation, company, partnership or other  
20 business entity, the license may remain at the principal place of  
21 business of the business entity;

22 (4) a person to advertise as or represent himself to be a  
23 licensed master guide, registered guide, class-A assistant guide,  
24 [OR] assistant guide or transporter without being currently licensed,  
25 or to falsely advertise services;

26 (5) a person to guide as defined in this chapter without  
27 having a current valid hunting and fishing license in his possession.

28 (b) A person who violates this section is guilty of a misdemeanor  
29 and upon conviction is punishable by a fine of not more than \$1,000 or

1 by imprisonment for not more than one year, or by both, and may have  
2 his license revoked for a period up to five years. However, a person  
3 who engages in guiding or transporting activity during the period his  
4 license is suspended or revoked under this chapter is guilty of a felony  
5 punishable, upon conviction, by a fine of not more than \$5,000 and by  
6 imprisonment for not less than one year nor more than three years. In  
7 addition to punishment for a felony, all guns, fishing tackle, boats,  
8 aircraft, automobiles or other vehicles, camping gear and other equip-  
9 ment and paraphernalia used in, or in aid of, guiding or transporting  
10 activity engaged in during the period of suspension or revocation shall  
11 be confiscated by persons authorized to enforce this chapter.

12 \* Sec. 7. AS 08.54.240 is amended by adding a new paragraph to read:

13 (5) "transporting" or the "activity of transporting" means  
14 conveying a person by any lawful means to an area for remuneration or  
15 material benefit in excess of normal operating costs, when the primary  
16 purpose of the person being conveyed is the taking of game and the  
17 associated removing of game meat and parts of game after game has been  
18 taken.

19 \* Sec. 8. AS 08.54.240(2) is amended to read:

20 (2) "guide", "guides" or "guiding" means [ACCOMPANYING,  
21 GUIDING, OR] assisting another person to take game with the intent of  
22 receiving monetary or material remuneration for the services, by accom-  
23 panying and directing that person personally or through a licensed  
24 assistant guide for the duration of a hunt, and not solely for the  
25 purpose of providing transportation services;

26 \* Sec. 9. AS 02.05.170 is amended by adding a new subsection to read:

27 (f) The commission shall require air carriers who act as trans-  
28 porters under AS 08.54.240 who transport persons between airports,  
29 landing strips or other landing areas officially listed in the United

1 States government Flight Information Publication, Alaska Supplement, as  
2 revised, or the United States government Sectional Aeronautical Charts,  
3 as revised, to comply with the provisions of AS 08.54.146 relating to  
4 the filing of game transporter reports with the Department of Fish and  
5 Game. Air carriers maintaining regularly scheduled service between  
6 designated points are exempt from the reporting requirement of this  
7 subsection when engaged in regularly scheduled service.

8 \* Sec. 10. Nothing in this Act gives a person licensed as a transporter  
9 a right as an air carrier which he does not otherwise hold under law.

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