

**HB**

**127**



ALASKA STATE LEGISLATURE  
REPRESENTATIVE JOHN HARRIS  
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

MEMORANDUM

February 14, 2001

To: Representative Vic Kohring, chairman  
House Transportation Committee

From: Representative John Harris *J.H.*

Subject: Request for hearing – HB 127

Please schedule a Transportation Committee hearing on HB 127 – “An Act relating to emergency equipment to be carried on aircraft” as soon as your calendar will allow it.

This bill simply allows an exemption for aircraft operators, who are flying into Canada, from the State’s requirement to carry a firearm as part of the necessary safety equipment on board. It is in response to a recent Canadian federal law requiring registration and licensing of firearms brought into Canada.

I appreciate your scheduling of the bill at your earliest convenience. If you have questions regarding the bill or any of the backup material attached, please contact John Manly of my staff at 465-4859. Thank you.



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Sponsor Statement

HB 127 – “An Act relating to emergency equipment to be carried on aircraft.”

House Bill 127 seeks to amend AS 02.35, the Alaska Uniform Air Licensing Act, to provide an exemption for aircraft operators flying into Canada from a requirement that they must carry a firearm as part of required emergency equipment.

AS 02.35 has been in the statutes since 1949 and, in pertinent part, requires that a variety of emergency equipment be carried in a private aircraft. This includes safety items such as food, an axe, knife, first aid kit, mosquito headnets, and a firearm and ammunition, among other things. Although the subsection is not strictly enforced, technically speaking it is unlawful to take off in Alaska without having this emergency equipment on board.

Canada recently implemented a new federal law that requires the licensing and registration of firearms brought into Canada and expands the list of firearms, such as handguns, that are prohibited. This license is good for five years, but requires the prospective licensee to take a two-day training course in Canada before being issued the license. An alternative is a 60-day temporary permit that can be obtained for \$50 (Canadian).

The essence of HB 127 is to simply provide an exemption to the firearm requirement for flights originating in Alaska and flying into Canada, provided the aircraft operator is flying under an activated flight plan. The bill also deletes a requirement to carry a gillnet among the emergency equipment.

# Alaska State Legislature

## House of Representatives



### Transportation Committee

Rep. Kohring, Chair  
Rep. Masck, Vice-Chair  
Rep. Kapsner  
Rep. Kookesh  
Rep. Ogan  
Rep. Scalzi  
Rep. Wilson

## AGENDA

Thursday, February 22, 2001

1:00 – 3:00 p.m.

### House Transportation Committee Room #17

House Bill 127: "An Act relating to emergency equipment to be carried on aircraft.

House Bill 4: "An Act relating to offenses involving operating a motor vehicle, aircraft, or watercraft while under the influence of an alcohol beverage or controlled substance; relating to implied consent to take a chemical test; relating to registration of motor vehicles; relating to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date."

House Bill 39: "An Act relating to registration of motor vehicles, to operating a motor vehicle, aircraft or watercraft while intoxicated, and to driving with a cancelled, suspended, or revoked driver's license; relating to duties of the division of alcoholism and drug abuse regarding driving-while-intoxicated offenses; and providing for an effective date."

HOUSE BILL 127



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The essence of HB 127 is to simply provide an exemption to the firearm requirement for flights originating in Alaska and flying into Canada, provided the aircraft operator is flying under an activated flight plan. The bill also deletes a requirement to carry a gillnet among the emergency equipment.

HOUSE BILL NO. 127

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HARRIS, Foster

Introduced: 2/14/01

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to emergency equipment to be carried on aircraft."

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

3 \* Section 1. AS 02.35.110(a) is amended to read:

4 (a) An airman may not make a flight inside the state with an aircraft unless  
5 emergency equipment is carried as follows:

6 (1) the following minimum equipment must be carried during the  
7 summer months:

8 (A) food for each occupant sufficient to sustain life for two  
9 weeks;

10 (B) one axe or hatchet;

11 (C) one first aid kit;

12 (D) one pistol, revolver, shotgun, or rifle, and ammunition for

13 the pistol, revolver, shotgun, or rifle: this subparagraph does not apply to

14 a flight between an airport in the state and an airport in Canada, without

15 regard to intermediate stops en route, if a flight plan for the flight was

1 filed and activated under applicable federal regulations [SAME];

2 (E) [ONE SMALL GILL NET, AND] an assortment of tackle  
3 such as hooks, flies, lines, and sinkers [, ETC.];

4 (F) one knife;

5 *AMEND #2* (G) ~~two small boxes of matches;~~ *firestarter*

6 (H) one mosquito headnet for each occupant;

7 (I) two small signaling devices such as colored smoke bombs,  
8 railroad fuses, or Very pistol shells, in sealed metal containers;

9 (2) in addition to the equipment required under (1) of this subsection  
10 [SECTION], the following must be carried as minimum equipment from October 15 to  
11 April 1 of each year:

12 (A) one pair of snowshoes;

13 (B) one sleeping bag;

14 (C) one wool blanket for each occupant over four.

*Amend #1 or <sup>^</sup>equivalent* *AMEND PASSES UNAN*



## ALASKA STATE LEGISLATURE

REPRESENTATIVE JOHN HARRIS

STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

### Sectional Analysis

HB 127 – “An Act relating to emergency equipment to be carried on aircraft.”

House Bill 127 has only one section that makes three changes.

First, it amends AS 02.35.110(a) to provide an exemption from the requirement that a pistol, revolver, shotgun or rifle be carried on board an aircraft, if the flight is between an airport in Alaska and one in Canada. A flight plan filed and activated under applicable federal regulations is required.

Second, the bill deletes the requirement that a small gill net be carried in the emergency equipment (other fishing tackle is still required).

The final change is a technical change of the word “section” to “subsection.”

As there is no effective date, under Article II, section 18 of the state constitution, the bill would become law 90 days after the Governor signs it.

## Alaska Statutes – Pertinent part

HB 127 – “An Act relating to emergency equipment to be carried on aircraft.”

### Sec. 02.35.110. Emergency rations and equipment.

(a) An airman may not make a flight inside the state with an aircraft unless emergency equipment is carried as follows:

(1) the following minimum equipment must be carried during the summer months:

- (A) food for each occupant sufficient to sustain life for two weeks;
- (B) one axe or hatchet;
- (C) one first aid kit;
- (D) one pistol, revolver, shotgun or rifle, and ammunition for same;
- (E) one small gill net, and an assortment of tackle such as hooks, flies, lines, sinkers, etc.;
- (F) one knife;
- (G) two small boxes of matches;
- (H) one mosquito headnet for each occupant;
- (I) two small signaling devices such as colored smoke bombs, railroad fuses, or Very pistol shells, in sealed metal containers;

(2) in addition to the equipment required under (1) of this section, the following must be carried as minimum equipment from October 15 to April 1 of each year:

- (A) one pair of snowshoes;
- (B) one sleeping bag;
- (C) one wool blanket for each occupant over four.

January 19, 2001

Dear Representative Harris,

AS 02.35.110 requires, in relevant part, that an airman/operator of a private aircraft on a flight in Alaska carry certain emergency equipment. Included in that list of emergency equipment, at AS 02.35.110 (1)(D), is "one pistol, revolver, shotgun, or rifle, and ammunition for same."

Canadian Federal law imposes an analogous, but somewhat more extensive, requirement on private pilots flying in "sparsely settled areas." The latter phrase includes all those parts of British Columbia and the Yukon Territory contiguous to Alaska. However, the Canadian required equipment list does not include a firearm.

While many private pilots have opted to meet the Alaska requirement by carrying a handgun in the aircraft, that practice cannot be extended to transborder flights, since there has been a longstanding ban of privately owned handguns in Canada. Although I am not in a position to cite other pilots' practices, I have personally dealt with the matter by carrying a 16-gauge shotgun; I have never encountered difficulties with Canadian authorities.

Canada has recently implemented a Federal law which not only expanded the list of prohibited firearms but also requires the licensing of permitted weapons. It is possible for a U. S. pilot to obtain a five-year Canadian license for a permitted weapon, at a financial cost which I do not know at this time. Whatever that cost may be can presumably be rationalized as a one-time event which will be amortized over five years. That rationalization is significantly eroded by the related requirement that a license applicant attend an approved two-day training course in Canada. That requirement (which obviously must be met prior to any "first flight" into Canada with a licensed weapon) seems onerous for someone who may make only one round trip a year from Alaska to/through Canada.

The only alternative apparently available is a temporary (60 days, extendible through 12 months) license at a cost of C\$50. That may not be any greater burden than is any other new fee, but for someone who makes one round trip a year from Alaska to/through Canada it will be C\$250 over five years. (Admittedly, that is still less than the cost of a special trip to Canada for a two-day training session!)

If this appears to be a potentially meaningful problem for large numbers of resident Alaska private pilots, it might be feasible to consider an amendment to AS 02.35.110(1) which says something along the lines of:

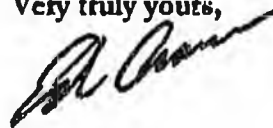
"An airman conducting a flight under a flight plan filed and activated under Federal Aviation Regulations, to or from an Alaska airport and to or from an airport in Canada, with or without intermediate stops, is exempt from the requirements of AS 02.35.110(1)(D)."

Representative Harris  
January 19, 2001  
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This would permit both the pilot whose aircraft has the capacity to fly non-stop from Juneau to Prince Rupert, for example, and the pilot who must re-fuel at Northway on a flight from Anchorage to Whitehorse, to leave his/her weapon at home from the outset without fear of violating the law. Other flights wholly within Alaska would not be affected.

Thanks for giving some thought to this!

Very truly yours,

A handwritten signature in black ink, appearing to read "Ed Crane", written in a cursive style.

Ed Crane

# Canada puts new limits on guns

■ **FIREARMS:** Alaskans should know the new rules before crossing the border.

The Associated Press

JUNEAU — Alaskans taking firearms across Canada could face delays or even confiscation of their weapons if they don't follow new Canadian laws that went into effect Jan. 1. They'll pay a \$33 fee just to cross into Canada with a firearm.

Visitors hunting in Canada or just passing must complete a nonresident declaration form and pay a \$50 (Canadian) confirmation fee, which amounts to about \$33. The temporary license is valid for 60 days and can be renewed at any time during a 12-month period without paying an additional fee. Canadian firearms licenses, good for five years, also are available, but they're tougher to get.

"We're kind of concerned about Americans who might come away a little angry because they're surprised by the fee or, worse, they have a weapon confiscated," said Ken Koelsch, U.S. Customs port director for Juneau. "An American wanting to get such a weapon back wouldn't have much recourse except maybe

getting in touch with the congressional delegation."

Formerly, U.S. citizens arriving at a border crossing with a weapon prohibited by the Canadians had the option of not crossing the border and keeping the weapon.

But now, "our instructions are to have the gun abandoned to the Crown," said Gary Burgess, superintendent of Canadian Customs Operations in Whitehorse.

Canada's long list of prohibited weapons includes short-barreled rifles and handguns, small-caliber handguns, replicas and assault rifles.

"The short answer to what a prohibited weapon is is any weapon that's designed to kill people rather than animals," Burgess said.

Visitors to Canada who don't know whether the weapons they plan to take into the country are prohibited can find out by calling Canadian Customs at Whitehorse, 867-867-3943.

A complete list of prohibited weapons is available at the Canadian Firearms Centre Web site: [www.cfc-ccf.gc.ca](http://www.cfc-ccf.gc.ca), as are the border declaration forms, which Burgess recommended be filled out — except for the signature — ahead of time in order to avoid border-crossing delays.

*"We're kind of concerned about Americans who might come away a little angry because they're surprised by the fee or, worse, they have a weapon confiscated."*

— Ken Koelsch, U.S. Customs port director for Juneau

U.S. Customs' Koelsch also expressed concern that U.S. guides or outfitters flying into Canada and carrying firearms in their survival kits might run afoul of Canadian law.

"There aren't any special circumstances allowing firearms into Canada without registration," Burgess said. "Fliers coming across the border are required to report to a manned port — such as Whitehorse — to complete registration forms and register weapons," he said.

"But we are encouraging frequent U.S. fliers to acquire a Canadian license, which is valid for five years," he said. Applicants for a Canadian license must take an approved two-day training course in Canada.

Asked about Alaska hunters and fishermen who in their travels might

cross into Canadian territory — as is often the case with Juneau residents flying or boating up the Taku River — Burgess said: "That's a difficult question. The book answer is that they have to have the temporary license or report to a manned crossing point to register."

Canadian wildlife officials would likely inquire of the visitor about the proper registration certificate, he said.

Burgess said a "fair number" of visitors had filled in the forms and paid the fee at the Beaver Creek port of entry, at Mile 1,202 of the Alaska Highway. With 6,000 to 7,000 gun importations a year, Beaver Creek is the second busiest such port in Canada.

So far, Burgess said, "we've only had a couple of complaints."



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