

HOUSE BILL REPORT

HB 1199

As Reported by House Committee On:
Agriculture & Natural Resources
Appropriations Subcommittee on General Government

Title: An act relating to ensuring hunter safety.

Brief Description: Ensuring hunter safety.

Sponsors: Representatives Blake, Chandler, Takko, Buys, Kirby, Orcutt, Lytton, Van De Wege, Nealey, Hudgins, Stanford, Wilcox, Warnick, Ryu, Morrell and Tharinger; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/30/13, 2/6/13 [DPS];
Appropriations Subcommittee on General Government: 2/20/13, 2/23/13 [DPS(AGNR)].

Brief Summary of Substitute Bill

- Provides the Department of Fish and Wildlife with the authority to issue two new fees related to hunter education training programs.
- Establishes the age of 8 as the minimum age to purchase hunting licenses and enroll in a hunter education training program.
- Establishes the age of 14 as the minimum age to hunt unaccompanied on most lands.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Pettigrew, Schmick, Stanford and Warnick.

Minority Report: Do not pass. Signed by 1 member: Representative MacEwen, Assistant Ranking Minority Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Callahan (786-7117).

Background:

Hunter Education Program.

The Washington Department of Fish and Wildlife (WDFW) is responsible for the operation of a statewide hunter education program. This program, or an equivalent program in another state, must be completed by applicants for a state hunting license that are age 41 or younger. The only exemption available is for prospective hunters over the age of 18. These individuals may receive a one-year deferral once in their lifetime to hunt without completing the training course, as long as they are doing so in the company of a licensed hunter.

The hunter education program consists of at least 10 hours of instruction in safety, conservation, sportsmanship, and firearm handling. Average classes involve four to six sessions and require the student to pass a written test and, other than students who are in the military, demonstrate firearms handling skills. The WDFW offers both a live course option and a home study option. Live courses are scheduled throughout the state.

Hunter education courses are taught by volunteers, either individually or as a team, that are trained and certified by the WDFW. All instructors must be at least 21 years of age, and must undergo a background investigation by the WDFW.

Program Income.

Under federal law, "program income" is gross income received and earned by a state fish and wildlife agency as a result of a federal grant. State fish and wildlife agencies may earn income from activities incidental to a grant as long as the primary purpose of the agency activity is not producing income. Any agency earning program income must account for income received from these activities in the project records and dispose of it according to the terms of the grant.

Minimum Hunting Ages.

Prior to 1994, all hunters under the age of 14 were required to be accompanied by a parent, guardian, safety instructor, or other approved adult when they were in possession of a firearm for the purposes of hunting or target practice. Today, there is no minimum age requirement for a hunting license or for enrollment in a hunter's education course.

It is unlawful for a person under the age of 18 to be in possession or control of a firearm. However, there are exceptions that create situations where the possession of a firearm by a juvenile is lawful. These exceptions include attendance at a hunter's education course and hunting with a valid license issued by the WDFW.

Summary of Substitute Bill:

New Fees.

The WDFW is authorized, but not mandated, to issue two new fees related to their hunter education program. The first fee is on all class registrations. This fee may not exceed \$20.

The second fee is for duplicate copies of the hunter education completion certificates. This fee may not exceed \$10. The WDFW is required to adopt rules regarding the use of collected fee revenue; however, it must be considered "program income" under federal law for the purposes of federal grant receipt conditions.

Hunting Ages.

Two minimum age limits are established for hunting. The minimum age of 8 is set for a person to be eligible to both enroll in a hunter education course and purchase a hunting license. The minimum age of 14 is set for a person to lawfully hunt while unaccompanied except when hunting on private land owned or leased by an immediate family member. Persons found hunting unaccompanied under the age of 14 may be assessed a civil natural resources infraction.

Individuals older than 7, yet younger than 14, may lawfully hunt as long as they are accompanied by a currently licensed and non-deferred Washington hunter who is at least 18 years old.

Other Changes.

Other changes to the hunter education program include:

- adding "safety," and changing "sportsmanship" to "ethical hunting behavior" in the scope of the hunter education program's course of work;
- specifying that military members must be residents of Washington or stationed in Washington in order to be exempt from the firearms portion of internet-based hunter education courses; and
- removing the requirement that a person be licensed to hunt in Washington for the three years prior to accompanying a person on his or her once in a lifetime year of hunting under a deferral of the education requirement.

Substitute Bill Compared to Original Bill:

The substitute bill makes a violation of the prohibition on hunting unaccompanied under the age of 14 a civil infraction instead of a criminal misdemeanor and makes structural changes.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is currently no minimum age to take a hunter education class. This results in some students enrolling and taking up seats who are too young to comprehend the course material and take the class. In one instance, there was a 6-month old who enrolled in a class.

The current system for course fees has poor accounting and is inconsistent. Internet classes have a fee collected by a third party vendor. Some class instructors charge a small fee, while other instructors rely on a donation jar. This system should be standardized and subject to state accounting procedures.

The age of 14 was the minimum unaccompanied hunting age prior to 1994 and that seemed to be a good place to draw that line to ensure safety.

(With concerns) All barriers to hunting should be discouraged and the state should actively encourage the activity. Age restrictions and hunter education class registration fees are both potential barriers to a new person getting involved in hunting.

(Opposed) None.

Persons Testifying: (In support) Representative Blake, prime sponsor; and Bruce Bjork and Carl Klein, Washington Department of Fish and Wildlife.

(With concerns) Tom Echols, Hunters Heritage Council.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

Majority Report: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hudgins, Chair; Parker, Ranking Minority Member; Buys, Chandler, Dunshee, Hunt, Pedersen and Springer.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor.

Staff: Michael Bennion (786-7118).

Summary of Recommendation of Committee On Appropriations Subcommittee on General Government Compared to Recommendation of Committee On Agriculture & Natural Resources:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The hunter education program within our state and all 50 states is supported through a federal grant, which are tax dollars generated from the sale of firearms and ammunition. The new fee revenue generated will be program income, in addition to federal dollars, and can only be used for the hunter education program and program administration. Funds will be used for setup, instructor reimbursements, and fiscal staff, and will bring the hunter education accounting practices into state and federal fiscal and auditing standards.

(Opposed) None.

Persons Testifying: Bruce Bjork, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.