

# HOUSE BILL REPORT

## HB 2459

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### As Reported by House Committee On:

Agriculture & Natural Resources

Appropriations Subcommittee on General Government & Information Technology

**Title:** An act relating to ensuring hunter safety.

**Brief Description:** Ensuring hunter safety.

**Sponsors:** Representatives Blake, Buys, Lytton, Chandler, Takko, Wilcox, Nealey, Warnick and Tharinger; by request of Department of Fish and Wildlife.

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 1/23/14, 1/30/14 [DPS];

Appropriations Subcommittee on General Government & Information Technology:  
2/6/14 [DPS(AGNR)].

#### Brief Summary of Substitute Bill

- Provides the Washington 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, and the age of 14 as the minimum age to hunt unaccompanied.
- Makes minor changes to the hunter education authorizing statutes.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dunshee, Haigh, Hurst, Orcutt, Van De Wege and Warnick.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives MacEwen, Assistant Ranking Minority Member; Schmick.

**Staff:** Jason Callahan (786-7117).

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*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.*

## **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 42 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, with the exception of 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, who 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.

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## **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 hunter education 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. All revenue collected by these fees, and all revenue collected under pre-existing fees related to the hunter education program, must be considered "program income" under federal law for the purposes of federal grant receipt conditions.

The WDFW may use program funds to provide reimbursement to hunter education training instructors. However, the total payments to instructors may not exceed the amount of fees collected.

### 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 under the age of 14 who are found hunting unaccompanied may be assessed a civil natural resources infraction.

Individuals older than age 7, yet younger than age 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, is a person who has completed the hunter education training class, or who was born before 1972 and is therefore not required to take the hunter education class.

### Other Changes.

Other changes to the hunter education program include:

- adding "outdoor 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 a hunter education course, and may be active members or honorably discharged members of the Armed Services to qualify for the exemption; 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 exempts honorably discharged members of the Armed Services who are Washington residents from the firearms portion of hunter education and includes people born on or before January 1, 1972, to the list of individuals who can lawfully accompany an underage hunter.

**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 goals of the bill are to increase safety, conservation, and the stability of the hunter education program. These changes will allow the hunter education program to be taken to the next level. This will increase hunting participation and enjoyment of the sport.

The hunter education program currently has no age minimum for participation. This results in very young students who are not able to grasp the concepts and safely handle firearms. Having young children in the class requires the instructors to teach down to the youngest student and, thereby, delivers a lesser product to the adults in the class. The firearms that children need to use in the range portion of the hunter education class are not designed to adsorb recoil, and that can be damaging to a young body.

Fees for the hunter education classes have two benefits. First, they allow for accounting transparency where there currently is none. Second, they will discourage people from signing up for multiple classes and then being a repeat no-show for the class. A 50 percent no-show rate is common for classes, which means that others on the waitlist for a class have to wait even longer for the chance to participate. All fees will go back into the hunter education program.

There is currently no age minimum for hunting alone. This can create a safety issue. The firing range cannot simulate the realities of a day out hunting and younger children can suffer from a lack of focus and muscle control when hunting. Kids learn to drive with a parent next to them; hunting should be no different.

(Opposed) None.

**Persons Testifying:** David Whipple and Bill Montgomery, Washington Department of Fish and Wildlife; Catherine Weed; and Martin Kotzke.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY**

**Majority Report:** The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hudgins, Chair; Buys, Dunshee, S. Hunt, Jinkins and Springer.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Parker, Ranking Minority Member; Christian and Taylor.

**Staff:** Dan Jones (786-7118).

**Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Information Technology 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) This is agency request legislation. The goals of the bill are to increase safety and increase the transparency and stability of the program funding.

There would be a \$10 fee for duplicate licenses, which is a \$2 increase from the current fee of \$8. The \$20 registration fee will help address the no-show issues at hunter safety courses. Currently, people can register for a class and not show up.

The revenues would be used to equip hunter safety instructors. Currently, some hunter safety instructors are collecting donations and paying out of pocket for instruction materials. It is important to provide the equipment and materials for the course participants.

(Opposed) None.

**Persons Testifying:** David Whipple, Washington Department of Fish and Wildlife and Hunter Education.

**Persons Signed In To Testify But Not Testifying:** None.