

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 12, 2001

1:50 p.m.

MEMBERS PRESENT

Representative Drew Scalzi, Co-Chair
Representative Hugh Fate, Vice Chair
Representative Joe Green
Representative Mike Chenault
Representative Lesil McGuire
Representative Gary Stevens
Representative Mary Kapsner
Representative Beth Kerttula

MEMBERS ABSENT

Representative Beverly Masek, Co-Chair

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 72(FIN)

"An Act relating to 'take-a-child-hunting' seasons for big game."

- HEARD AND HELD

PREVIOUS ACTION

BILL: SB 72

SHORT TITLE: TAKE A CHILD HUNTING SEASON

SPONSOR(S): SENATOR(S) KELLY

| Jrn-Date | Jrn-Page | | Action |
|----------|----------|-----|-------------------------------------|
| 02/06/01 | 0288 | (S) | READ THE FIRST TIME - REFERRALS |
| 02/06/01 | 0288 | (S) | RES, FIN |
| 02/07/01 | 0301 | (S) | COSPONSOR(S): WILKEN, THERRIAULT |
| 02/12/01 | | (S) | RES AT 3:30 PM BUTROVICH 205 |
| 02/12/01 | | (S) | Moved CS(RES) Out of Committee |
| 02/12/01 | | (S) | MINUTE(RES) |
| 02/13/01 | 0354 | (S) | RES RPT CS 3DP 3NR SAME TITLE |
| 02/13/01 | 0354 | (S) | DP: TORGERSON, TAYLOR, KELLY; |

| | | | |
|----------|------|-----|---|
| 02/13/01 | 0354 | (S) | NR: PEARCE, LINCOLN, ELTON |
| 02/13/01 | 0354 | (S) | FN1: ZERO(DFG) |
| 02/23/01 | | (S) | FIN AT 9:00 AM SENATE FINANCE 532 |
| 02/23/01 | | (S) | -- Meeting Postponed to 2/26/01-- |
| 02/26/01 | | (S) | FIN AT 9:00 AM SENATE FINANCE 532 |
| 02/26/01 | | (S) | Moved CSSB 72(FIN) Out of Committee MINUTE(FIN) |
| 02/26/01 | 0500 | (S) | FIN RPT CS 7DP 2NR SAME TITLE |
| 02/26/01 | 0500 | (S) | DP: DONLEY, KELLY, GREEN, AUSTERMAN, |
| 02/26/01 | 0500 | (S) | WILKEN, WARD, LEMAN; NR: HOFFMAN, OLSON |
| 02/26/01 | 0500 | (S) | FN1: ZERO(DFG) |
| 02/28/01 | 0535 | (S) | RULES TO CALENDAR 2OR 2/28/01 |
| 02/28/01 | 0539 | (S) | READ THE SECOND TIME |
| 02/28/01 | 0539 | (S) | FIN CS ADOPTED UNAN CONSENT |
| 02/28/01 | 0539 | (S) | ADVANCED TO THIRD READING UNAN CONSENT |
| 02/28/01 | 0539 | (S) | READ THE THIRD TIME CSSB 72(FIN) |
| 02/28/01 | 0539 | (S) | PASSED Y16 N2 A1 E1 |
| 02/28/01 | 0539 | (S) | LINCOLN NOTICE OF RECONSIDERATION |
| 02/28/01 | | (S) | RLS AT 10:30 AM FAHRENKAMP 203 |
| 02/28/01 | | (S) | MINUTE(RLS) |
| 03/01/01 | 0560 | (S) | RECON TAKEN UP - IN THIRD READING |
| 03/01/01 | 0560 | (S) | RETURN TO SECOND FOR AM 1 UNAN CONSENT |
| 03/01/01 | 0561 | (S) | AM NO 1 FAILED Y5 N10 E4 A1 |
| 03/01/01 | 0561 | (S) | AUTOMATICALLY IN THIRD READING |
| 03/01/01 | 0561 | (S) | PASSED ON RECONSIDERATION Y14 N1 E4 A1 |
| 03/01/01 | 0562 | (S) | TRANSMITTED TO (H) |
| 03/01/01 | 0562 | (S) | VERSION: CSSB 72(FIN) |
| 03/07/01 | | (H) | RES AT 2:00 PM CAPITOL 124 |
| 03/07/01 | | (H) | <Bill Rescheduled to 3/12/01> |
| 03/09/01 | 0508 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/09/01 | 0508 | (H) | RES |
| 03/12/01 | | (H) | RES AT 1:00 PM CAPITOL 124 |

WITNESS REGISTER

KRIS KNAUSS, Staff
to Senator Pete Kelly
Alaska State Legislature
Capitol Building, Room 518
Juneau, Alaska 99801

POSITION STATEMENT: Spoke on behalf of the sponsor of SB 72.

GORDON WILLIAMS, Legislative Liason
Office of the Commissioner
Alaska Department of Fish & Game (ADF&G)
PO Box 25526
Juneau, Alaska 99802-5526

POSITION STATEMENT: Answered questions on SB 72.

ACTION NARRATIVE

TAPE 01-19, SIDE A
Number 0001

VICE CHAIR FATE called the House Resources Standing Committee meeting to order at 1:50 p.m. Representatives Fate, McGuire, Green, Chenault, Stevens, Kapsner, Kerttula, and Scalzi were present at the call to order. Vice Chair Fate made note that Representative Masek had an excused absence.

SB 72-TAKE A CHILD HUNTING SEASON

VICE CHAIR FATE announced that the first order of business was CS FOR SENATE BILL NO. 72(FIN), "An Act relating to 'take-a-child-hunting' seasons for big game."

Number 0116

KRIS KNAUSS, Staff to Senator Pete Kelly, Alaska State Legislature, spoke on behalf of the sponsor of the bill. Mr. Knauss stated that SB 72 establishes an extended hunting season for big game, excluding musk ox and bison, so that parents can take their children hunting before the start of school, and before the regular hunting season begins. He explained that [CSSB 72(FIN)] establishes that the age of the adult should be 21 years or older, and that the age of the child should be between the ages of 8 and 17. Furthermore, the bill would give the Board of Game the authority to establish regulations on the legislation. For example, the sponsor of the bill has

recommended that the Board of Game establish the hunting season, and close the extended season for a few days, before starting the regular season. The sponsor also recommended that there be a one-tag limit during the extended season, which would limit the take of big game.

Number 0233

CO-CHAIR SCALZI pointed out that, currently, there are a lot of seasons that are open before the start of school. He asked Mr. Knauss what the necessity for the bill was.

MR. KNAUSS answered that in recent years, many schools, mainly in the Interior, are starting their year earlier than in the past, which creates a situation whereby adults have to take their children out of school in order to take them hunting. In response to further questions by Co-Chair Scalzi, Mr. Knauss said that the season proposed in SB 72 would actually precede the regular hunting season. The bill would also give the Board of Game the authority to "implement it in each game management unit." Mr. Knauss explained that although many parents take their children out of school to go hunting, one intent of the bill is to give equal opportunity to the children whose parents don't want to take them out of school, but still want to the experience of hunting with them. He added that another intent of the bill is to provide an "educational opportunity" for parents to teach their children self-sufficiency.

Number 0408

REPRESENTATIVE STEVENS asked if the language of the bill clearly stated that "only" the child - not the parent, stepparent, or legal guardian - can kill the game.

MR. KNAUSS replied that [CSSB 72(FIN)] was formed to "tighten up a loophole" in the legislation, to prevent the adults from being able to shoot game themselves. The youngest age a child could be to qualify was increased to eight [so that the child would be able to shoot the game on his or her own].

Number 0512

REPRESENTATIVE GREEN asked if the establishment of a special season for adults to take children hunting would create a problem with the bow-hunting season. He also mentioned the phrase, "the early bird gets the worm," and inquired whether allowing children to hunt prior to the regular season would

result in scaring off game for those hunters who depend on it for their livelihood.

MR. KNAUSS answered that he would have to defer that question to the department.

Number 0580

MR. KNAUSS, in response to questions from Representatives McGuire and Kerttula, clarified that the minimum age of the adult who would accompany the child should be 21, and the bill version in which that was specified was CSSB 72(FIN).

Number 0726

REPRESENTATIVE KERTTULA asked Mr. Knauss if there presently are any other groups that have special hunting seasons established for them, and whether it would be constitutional to create a special season for any particular group.

MR. KNAUSS replied that he was uncertain of the answer to both questions.

Number 0773

REPRESENTATIVE KAPSNER stated that the Board of Game has authority to "do this now," and asked why they haven't done so.

MR. KNAUSS mentioned that, in the past, there have been similar resolutions, but could not answer why the concept was not already established in statute.

REPRESENTATIVE KAPSNER asked if the bill would apply to all game units, or only to urban ones.

MR. KNAUSS replied that he could not answer that question, but said that would be one of the recommendations that the department could make to the Board [of Game].

VICE CHAIR FATE referred to a previous comment by Mr. Knauss about the "regulations limiting the take," and asked if that language had been tested at [Legislative Legal Counsel] for its constitutionality. He asked:

If there's only one tag for either one of you, and you don't know which ... one is going to get that game animal, then, ... because you have taken, we'll say,

one week off ... out of the two weeks that you have off for hunting, and you choose to take your son or daughter, as it may be, in that early season. You get a moose. Now, can you go back on your second part of your vacation, during regular season, and get another game?

REPRESENTATIVE CHENAULT clarified that according to the bill, only the resident child can hunt. He surmised a child who did not take game during the special season would qualify to try again during the regular season.

MR. KNAUSS responded that any recommendations made by the department to the Board of Game would be "within the boundaries of what they can and can't do."

Number 1033

GORDON WILLIAMS, Legislative Liason, Office of the Commissioner, Alaska Department of Fish & Game (ADF&G), appologized for the lack of Board of Game representatives at the House Resources Standing Committee meeting, explaining that most of them were either out sick or in Anchorage at a Board of Game meeting. He stated that the implementation of provisions in SB 72 would lie with the Board of Game. He said:

So SB 72 gives the Board of Game total discretion on establishing special youth hunts, by the words "inappropriate areas". So it would be up to the Board [of Game] to decide what are appropriate areas and to set other parameters for the hunt. So they could consider a wide variety of factors in ... establishing ... hunts, and then deciding whether a particular area would be a good idea.

The department's view of such hunts would not be appropriate where there is already a season prior to the start of school. The bill speaks to ... having seasons available before the start of school, ... where there are seasons. So, this is the case with virtually all caribou, sheep, goat, deer, and black bear hunts. Currently, almost all open before the normal school year. So we view this as primarily aimed at moose, and it would likely be the focus of the discussion if the bill was adopted.

We also do not believe it would be appropriate to authorize separate youth hunts where resources do not meet demand, and restrictions, such as lotteries, are in place, or Tier II hunts. We don't believe the Board [of Game] would ... view the need for extra pressure in those areas.

Number 1136

REPRESENTATIVE KERTTULA commented:

It's still up to the Board [of Game], isn't it, to make that decision, finally? So we have no absolute, 100 percent assurance that that couldn't be done; am I right?

MR. WILLIAMS concurred. He continued:

It's the department's belief [that] it wouldn't be a good idea, in those instances, to allow people to avoid the lottery or Tier II provisions, and provide an extra opportunity. ... As Representative Kerttula pointed out, we can't say with certainty how the Board [of Game] would develop regulations under the bill, but there's several things we ... would probably ask them to do. And the sponsor mentioned some of those things in his testimony.

We [would] probably advise that they separate the special season from the regular season, by at least three days. So there wouldn't be the situation where someone might go out and get established for ... the regular hunt, just to be able to go out early and scout out moose, and get his camp all established, and perhaps take a moose down. ... Or if he didn't take one, then [he would] be all ready and get a jump on other people.

We'd also probably recommend that these hunts be registration hunts. That would allow the department to track participation ... [in] a much timelier manner, and to get harvest data in a much more timely manner, to be able to apply that to the general season as we track -- take them -- of game in a hunt.

We would also probably recommend that we establish this as a two-person registration hunt, with a bag

limit of one moose. There was already some discussion there. But, in order to avoid abuses, we think that it would be, probably, good to look at if a moose was taken during that hunt, it would fill the tag for both participants. And then someone would not be able to then go back during the regular season and take an additional animal.

We think there would be a lot of concern from the hunting public, at large, that ... if you didn't have a resident [or nonresident] dependent child, ... you would not be given the same opportunity that others might be to take an extra ... moose. ... So that would prevent concerns we've heard about a jump in harvest ...

Number 1284

CO-CHAIR SCALZI asked Mr. Williams if he would suggest putting some of his recommendations into the language of the bill, or would prefer to just let the regulations be worked out in the future, as needed.

MR. WILLIAMS answered that ADF&G has testified on these issues in prior committee meetings, and its recommendation to the Board of Game would be to meet and discuss the issues together. He said it would be a decision of the House Resources Standing Committee, if it thought the issues should be incorporated into the bill before it was passed out of committee.

CO-CHAIR SCALZI asked Mr. Williams to clarify that he was not recommending that the issues just discussed should be put into the bill.

MR. WILLIAMS indicated that Co-Chair Scalzi was correct.

Number 1324

REPRESENTATIVE GREEN revisited his earlier statement about the possibility of a conflict regarding the bow-hunting season. He suggested that bow hunting could result in another opportunity for "cheating." A person could be bow hunting with his or her child, but also have a gun available for use.

MR. WILLIAMS replied that if there was a conflict with a bow hunt, then there would be opportunity for the public to testify, and the issue would be reviewed by the Board [of Game].

REPRESENTATIVE GREEN inquired how many areas presently have early-season bow hunting that is sanctioned by [the Board of Game]. He asked if it was really common, or very rare.

MR. WILLIAMS answered that he had a copy of the regulations with him, but did not know the answer without reading them. He offered to research the answer for Representative Green.

Number 1397

REPRESENTATIVE MCGUIRE stressed the importance of the legislative body clearly stating its intent, and suggested that Mr. Knauss take some of the specific recommendations to the sponsor [Senator Kelly] for inclusion in the bill. She listed some of the issues: the separation between the special season and the regular season; the registration of two people for a one-bag limit; and the exclusion of lottery and Tier II areas.

REPRESENTATIVE KERTTULA asked if Mr. Williams was aware of any other hunting group that has been given a special hunting season.

MR. WILLIAMS said he did not know. He stated that it was an open question whether the Board [of Game] "had the authority."

REPRESENTATIVE KERTTULA indicated that there may be a potential for conflict with the [Alaska State] Constitution, because the idea behind the bill was unprecedented. She suggested that the bill may be creating a preference for someone who has a child to hunt with. She asked if the Department of Law had looked at that issue.

MR. WILLIAMS said he would look into that.

REPRESENTATIVE KAPSNER asked Mr. Williams if ADF&G thought that the bill promotes sport hunting over hunting for food.

MR. WILLIAMS replied that ADF&G is supportive of getting children involved in hunting. He stated that one of the department's concerns with the bill is that it will probably be primarily targeted at moose. He added that the seasons for moose have been late because of thick foliage, which decreases a child's chances for a successful hunt. He explained that one of the things that would keep children interested in hunting is a good success rate. The ADF&G wants children to have a good hunting experience. He also mentioned that the temperatures

have been higher, with the result that it is more problematic for hunters to take proper care of meat.

Number 1640

REPRESENTATIVE FATE asked Mr. Knauss if the department had considered making a trial program out of [the "take a child hunting season"], in order to gauge what the participation level of the program would be.

MR. KNAUSS replied that, to date, there had been no discussion about any such program.

REPRESENTATIVE KAPSNER mentioned an article she had read last summer, regarding a theory that the number of school shootings goes up when the number of young boys taken hunting by their parents decreases. She said, "Young men have a natural tendency toward aggression, and hunting is a real healthy way to let go of some of that aggression." Representative Kapsner added that she is in favor of taking young people hunting; however, she is concerned that the bill is aimed at "micromanaging the Board of Game."

Number 1795

REPRESENTATIVE GREEN concurred with Representative Kapsner. He said that he supports teaching children to hunt, stating that he has hunted since he was six; however, he is concerned with adding a special season for children to hunt.

Number 1825

CO-CHAIR SCALZI referred to a previous statement by the department that the primary target in the proposed bill would be moose. He said there are "ample opportunities to hunt other species during this early August period." He stated that in order for him to support the bill, he would first like to see the other recommendations of the department incorporated into the bill. He added that he believes in taking his child out of school for activities such as commercial fishing.

Number 1905

REPRESENTATIVE KERTTULA concurred "with the co-chairs." She said she wanted to avoid "running against a possible ... constitutional issue in even allowing it to happen."

Number 1935

VICE CHAIR FATE concluded that it was the consensus of the House Resources Standing Committee to hold the bill and hand it back to the sponsor for further work. He summarized that the committee agreed that the bill supported a healthy concept, but needed the testimony of this meeting incorporated into its language. He announced that SB 72 would be held over.

ADJOURNMENT

Number 2032

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:20 p.m.