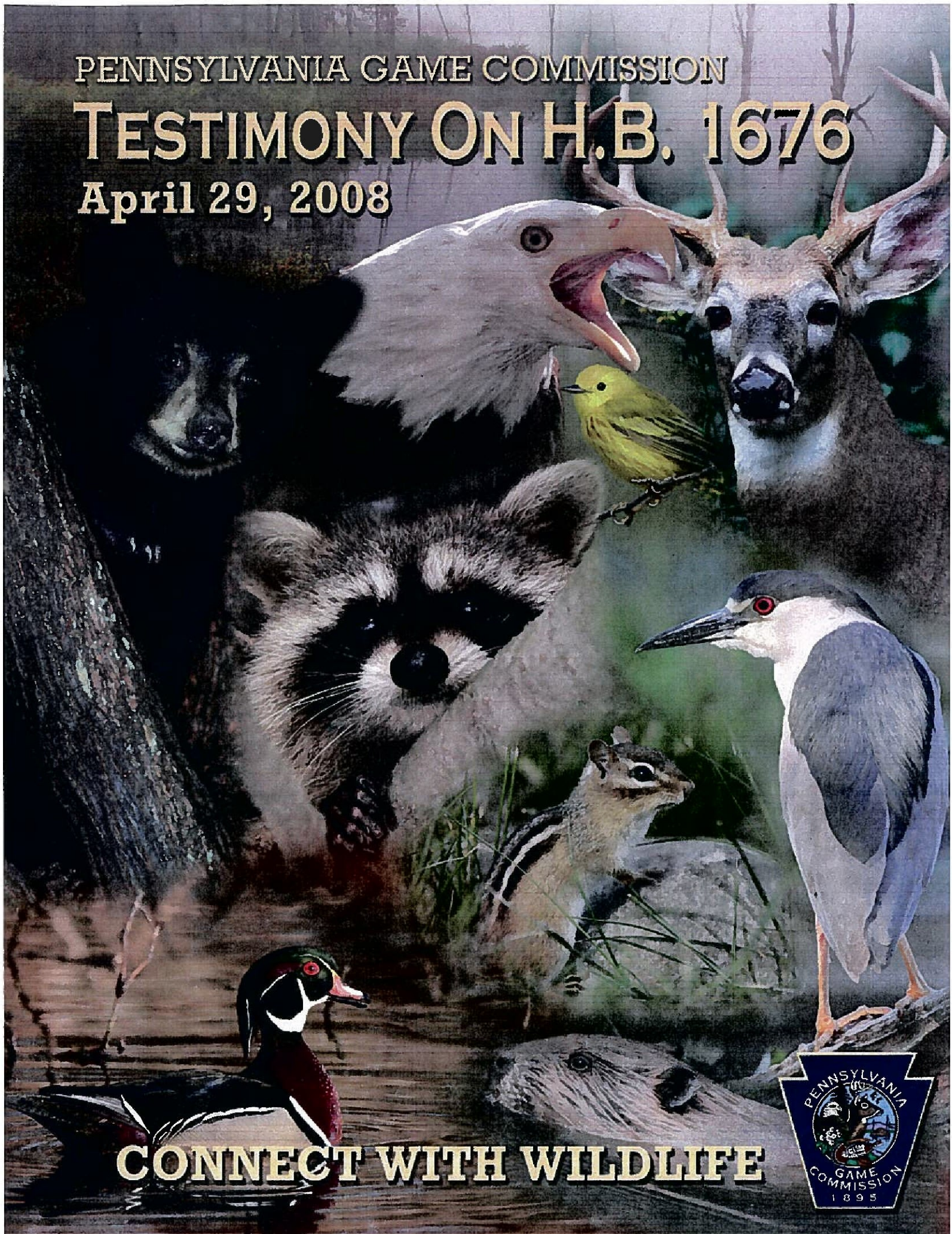


PENNSYLVANIA GAME COMMISSION

TESTIMONY ON H.B. 1676

April 29, 2008



CONNECT WITH WILDLIFE



Good Morning Chairman Levdansky, Chairman Nickol, and members of the House Finance Committee. My name is Mike Schmit and I am the Deputy Executive Director of the Pennsylvania Game Commission. With me is Dorothy Derr, Director of the Game Commission's Bureau of Administrative Services.

Of all the issues the Commission faces in the years to come, no issue is more critical than securing adequate sources of funding. The Pennsylvania Game Commission wishes to recognize Chairman Levdansky for his leadership and vision in sponsoring House Bill 1676, and to thank him for allowing us this opportunity to testify.

As you may know, the Commission's current funding structure is largely dependent upon hunting and trapping license revenue. The Commission's duty, however, extends far beyond managing game and furbearers for sportsmen. In Pennsylvania, the preservation and protection of natural resources, including wildlife, is a constitutional mandate, and the Commission is the state agency tasked with fulfilling this mandate. It is the Game Commission's responsibility to manage all wildlife, and their habitats, for the benefit of current and future generations. The alternative source of revenue provided for in HB 1676 would provide the Game Commission with a new, reliable long-term source of revenue, something absolutely vital if the Commission is to fulfill this state constitutional mandate.

While the Commission is commonly associated with management of a dozen or so game species, it is actually responsible for managing all of the state's 467 (+/-) species of wild birds and mammals, for all citizens, not just those who hunt or trap; everyone. The Commission strives to manage for healthy, sustainable wildlife populations at levels socially acceptable to Pennsylvanians and their communities. We monitor wildlife populations, study the relationships between wildlife, habitat and people and their communities, and develop and implement species and habitat management plans. We apply the management tools of hunting, trapping, habitat management, enforcement, communications and education to achieve a balance between biological and social acceptability.

Among the 467 (+/-) species the Commission is charged to protect and manage, 22 are either threatened or endangered, including our national symbol, the bald eagle. From 1983 through 1989 the Game Commission implemented an aggressive bald eagle reintroduction program that greatly expanded the eagle's range throughout the Commonwealth. In 1980, we had three pairs nesting here. Today, we have more than 140. As a result of this magnificent recovery, the bald eagle's status has been changed from endangered to threatened, and its future within the State is brighter than ever. We need to do the same for our other threatened and endangered species and the nearly 80 'bird and mammal species of greatest conservation need' identified in Pennsylvania's Wildlife Action Plan.

In addition to managing wildlife, the Game Commission is also tasked with preserving habitat considered critical to wildlife's survival. We pursue this by acquiring, protecting, maintaining and enhancing an array of habitats on public and private lands.

Thanks to an aggressive land acquisition program that began in 1920, the Game Commission today owns a network of State Game Lands totaling approximately 1.4 million acres on more than 300 tracts of land. State Game Lands can be found in every county but two... Delaware and Philadelphia. On our Game Lands, Food and Cover employees and land managers plant warm season grasses, provide nesting and escape cover for wildlife, perform wetland restoration, make habitat improvement timber cuts, erect waterfowl nest structures and much more. To assist in this habitat management effort the Commission has for more than fifty years owned and operated the Howard Nursery in Centre County and has produced as many as 8 million seedlings per year for wildlife food and cover on Game Lands and on private properties.

It should also be noted that while State Game Lands are used primarily for hunting and trapping, they remain open to the general public for other uses. State Game Lands are home to 31 public shooting ranges as well designated trails for horseback riding, bicycling, snowmobiling, and hiking. All these activities are available to the non-hunting public at no cost, yet the Commission is mandated by law to pay counties, municipalities and school districts in which State Game Lands are located almost \$2 million annually as 'Payment In-lieu of Taxes'. Because the Commission does not currently receive any state tax revenue, the entire 'Payment In-Lieu of Taxes' payment comes directly from and only from hunters and trappers.

The Commission also works to slow the deterioration of wildlife habitat on private lands by helping private landowners develop and maintain wetlands, riparian areas, old-field shrub/grasslands, and contiguous blocks of forest. The Game Commission works hard to develop these areas, mainly through the Conservation Reserve Enhancement Program ("CREP"), wherein the Commission is currently involved in the establishment of 265,000 acres of wildlife habitat in the Susquehanna and Ohio River Basins. The Commission has also recently hired six wildlife biologists to better focus on assisting private landowners in restoring and enhancing wildlife habitat on their properties.

Another important aspect of the Commission's mission is educating our youth about the importance of wildlife conservation. Game Commission Wildlife Education Specialists, Information and Education Supervisors and Wildlife Conservation Officers provide teacher training workshops and student programming throughout the state. These programs are designed to complement classroom activities while helping teachers meet Pennsylvania's Environmental and Ecology Standards. On any given day you may see a Game Commission employee in the classroom conducting activities on a variety of topics such as wildlife adaptations, species identification and predator/prey relationships to name but a few. In fact, recently during a youth program held in the House of Representatives, a wildlife conservation officer presented a program about wildlife to approximately 150 school children. The Commission arranged that each child would receive a seedling at the program's conclusion for them to take home to plant.

Not only does the Commission provide services intended to benefit all Pennsylvanians, but the revenue generated by wildlife-associated activity in Pennsylvania

is spread throughout the Commonwealth. Recently, the Association of Fish and Wildlife Agencies issued a report indicating hunting in Pennsylvania is more than a \$3 billion industry and generates more than \$214 million in state and local taxes. The 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation showed that wildlife associated recreation expenditures (including hunting) in 2006 totaled \$5.4 billion. Nearly 43 percent of Pennsylvanians 16 years old and older participated in wildlife-associated recreation activities including wildlife watching, photography and bird feeding. However, none of the millions in state and local taxes generated by hunting, trapping and wildlife recreation activities is reinvested back to the agency charged with protecting and ensuring a secure future for the wildlife resources that generate these revenues. Because wildlife recreation is an undeniably significant factor in Pennsylvania's travel and tourism economies, it stands to reason that some of the revenue generated by wildlife recreation should be reinvested in wildlife management and conservation. H.B. 1676 provides an important and historic opportunity to correct this long-standing funding gap.

The Game Commission's current financial situation underscores the importance of creating an alternative funding mechanism. By the end of June 2008, the Commission anticipates a Game Fund balance of approximately \$32 million dollars. We have continued to take a very conservative approach to spending, particularly on the personnel side, where we maintained approximately 110 vacancies through 2007. These vacancies represent 15% of our authorized workforce, including 32 Wildlife Conservation Officer vacancies as well as 30 food and cover vacancies.

Although the Commission has a strong track record of managing its fiscal resources very responsibly, expenses the Commission cannot control present an ongoing challenge. For example, the Game Commission annually pays various state agencies or departments, such as the Department of General Services, the Office of Administration and the Budget Office almost \$1.7 million dollars for support they provide. The new state labor contract that went into effect on July 1, 2007, will increase our personnel costs by an additional \$2 million in its first year and in year four, 2010, the annual increase in personnel costs will be around \$9.5 million. The total increase in personnel costs over the life of the four-year contract is over \$23 million.

While a Game Fund balance of \$32 million may on the surface sound like a lot, it falls short of covering anticipated expenses for the next three years. The Commission needs approximately \$22 million in the Game Fund to open its doors each July 1st, the first day of the new fiscal year. This balance is needed to carry the agency through the first few months of the fiscal year while awaiting the new hunting license year's license revenue's to reach the Game Fund. If you take the \$22 million from our anticipated fund balance of \$32 million, it leaves \$10 million to cover any additional expenses for the next three years. As you can see, the balance does not even cover the increased personnel costs, let alone the inflationary effect on day-to-day operations. When the Commission last received a funding increase, in 1998, gasoline cost approximately \$1 a gallon. Today it averages well over \$3 a gallon, with some reports forecasting \$4 a gallon by this summer.

The fiscal situation just described is not unique to Pennsylvania, as changing demographics and interests, and the resulting nationwide downward-trend in hunting license sales, have resulted in decreasing revenues for wildlife agencies across the nation. Unfortunately, the issue of alternative funding for wildlife agencies is an area in which Pennsylvania has lagged noticeably behind many others. States such as Missouri and Arkansas have been at the forefront by adopting constitutional provisions guaranteeing state funding for wildlife conservation through an allocation of state sales and use taxes. And very recently the Iowa legislature approved an amendment to its constitution allowing for the same.

Other states have adopted legislation creating alternative sources of funding for their wildlife agencies. At the Federal level the Pittman-Robertson Act has provided since 1935 for all state wildlife agencies to receive a percentage of excise taxes collected on the sale of sporting arms and ammunition as well as certain archery equipment. State programs similar to the Federal Pittman-Robertson Act exist in Texas, North Carolina and Tennessee, and a proposal is currently under consideration in Vermont. Meanwhile, in Pennsylvania, sportsmen and women continue to shoulder the cost for the benefits and amenities all enjoy. A 1999 "State-by-State Fish and Wildlife Funding Report Card" issued by the Izaak Walton League ranked Pennsylvania 47th in the nation in terms of providing funding to the state's wildlife agencies.

HB 1676 would not radically alter Pennsylvania's current fish and wildlife funding structure, as sportsmen will continue to pay the lion's share; however HB 1676 addresses the fact that it is inequitable and unrealistic to expect sportsmen to remain the only source of funding for wildlife conservation and protection in Pennsylvania. And more importantly, HB 1676 provides much needed assistance to our wildlife and their habitats. HB 1676 will allow the Commission to work harder to preserve the things we value, as well as to better fulfill our constitutionally mandated responsibility to manage all wildlife on behalf of all citizens.

Mr. Chairman, thank you again for your leadership in sponsoring House Bill 1676.

newspaper by journalist Judy Thompson (2004) suggested that the conservation sales tax was directly linked to the Design for Conservation, and now that the goals of “Design” have been met, the need for the tax has passed.

Whatever the interpretation or rationale behind these challenges, the playing field has clearly changed over the past 29 years. The leaders that made the conservation sales tax happen are long gone from their professional ranks. The generation of employees that were hired and worked hard to implement the vision of “Design” is retired or retiring. Many of the voters that supported the tax at the polls are aging, aged, or gone completely. And society as a whole has changed dramatically. Collectively, these changes might suggest that, in the absence of a new or re-stated public mandate, the relevance of fish, forest, and wildlife conservation (and its funding) may be in question. Clearly, sustaining the Missouri conservation sales tax into the future will be more difficult than in the past and will require a clear understanding and commitment to the following.

Connecting the Public with Their Money

Without a solid public connection between Department funding and what the funding provides by way of public service, the conservation tax is vulnerable. Specifically, the tax is vulnerable to 1) a public reaction due to a deep, persistent distrust of government and government spending, and 2) political winds and whims. It is one thing to debate the merits of funding programs and budget categories; it is entirely another matter to debate the merits of whether the source of funding should even exist!

Fish, forest, and wildlife conservation is, at some level, important to most Missourians; recent surveys demonstrate this overwhelming fact (Rikoon et al. 2004, Responsive Management 2005). However, the exact benefits of conservation to the general population of Missouri are likely obscure. In other words, once you subtract direct users (i.e., hunters, anglers, and enthusiasts) and attempt to dig deeper into the reasons why a society (i.e., Missourians) should support fish and wildlife, especially as compared to other societal needs (e.g., education), it becomes increasingly difficult to state clear and compelling arguments. If citizens need to feel connected to their taxes in order to continue supporting them, then we must spend more time trying to understand what citizens expect of us, and the discussion must move beyond ideology. We need to know the public expectation level for conservation in Missouri. How much conservation do they want? And in the end, it must be clear to the public exactly what they are paying for and why. For those Missourians that may not fully understand the purposes of conservation, we must work hard to frame the messages and discussions before others do it for us.

At a most basic level, people must see a connection between the conservation sales tax and “real” public services received. It’s not enough to keep repeating the old success stories of the past (e.g., deer and turkey restored). We must clearly outline and connect need, revenues, and expenditures with today’s accomplishments. If the public knows where the money goes and why, they may still debate the appropriateness of certain types of spending, but hopefully, will not question the fundamental need for the earmarked tax. We need to and should openly embrace public debate about all conservation priorities. If our relevance is questioned, we’re in trouble. Success lies in demonstrating a connection between funding and need (McKinney et al. 2005).

A New Design for Conservation

In the minds of many older Missourians, Design for Conservation is synonymous with the conservation sales tax. However, “Design” was really a long-range plan for extending and expanding Department programs if additional funding was made available. The strength of “Design” was that it was a simply stated strategic plan, containing enough information that the reader could glean priorities and projected costs. Betts (1970) recognized that what is “perfectly clear” to professional conservationists, is not so easily grasped by the “average voter”, hence the need for something that is simple and direct. Witter et al. (1993) identified the Department strategic plan as the best starting point for communicating with the public. Arkansas, during its decade long struggle to secure dedicated funding, also understood the importance (and risks) in clearly stating how this special funding would be used (Griffiee 1999); a good plan draws supporters but also becomes a measuring stick in future years. In more absolute terms, if you want to better connect people with their taxes, it’s important to articulate specifically what it is you intend to do with their money. If you want people to continue supporting taxation, they must believe what they receive has value (i.e., that they’re getting their money’s worth). A well developed plan with cost projections helps to achieve connectivity through a demonstration of priorities and value. A plan of this type requires a careful assessment of need and statements of realistic and specific actions or objectives. The goal is to keep people focused on needs and priorities, and if implemented through an annual budget process that is also open to public input and scrutiny, you move the public closer to Department decision-making, and, therefore, foster a public understanding of agency expenditures and public benefits.

Accountability – Promises Made, Promises Kept

Accountability means being responsible and answerable to the public, including members of the state legislature. For the MDC, accountability means 1) fulfilling the constitutional mandate, as intended, 2) spending public money in an appropriate manner, and 3) addressing the most important needs. Critical is the need to demonstrate to the public that the conservation sales tax is being used only for the purpose intended. This is partially achieved through an open budget process and serves to protect the integrity of the tax by casting a bright light on MCC decisions regarding expenditures. This same bright light also illuminates any attempts to divert funds away from the primary purpose or to false priorities. Again, articulation of priorities (i.e., a plan) and an open budget process create emphasis and debate at the program level rather than on the relative merits of the tax.

A Matter of Trust

Earmarked funding in government is often linked to issues of trust (i.e., the public doesn't trust appropriators to adequately and appropriately fund desired programs). Political influences can undermine important processes, whereby false priorities supplant real, public supported programs and services. The creation of the MCC in 1936 by constitutional amendment was all about trust. Indeed, the number one objective for the amendment as stated by the first MCC (1939) was "to protect, as far as legally possible, the administration of the state's wildlife resources from the influence of partisan politics." Politics, however, is not only of the partisan kind involving elected officials. Commissioners, too, are and must be political. This is not a crime but a necessity, even for a so-called apolitical conservation commission. It only becomes a problem if the commission breaches the trust it has been awarded. If a commission breaches the trust and is viewed as political, it will then carry all the same suspicions and skepticisms usually reserved for institutions run by elected governmental officials. Sustaining the tax equals sustaining public trust.

Trust must also be sustained between the commission and those elected to represent the public. The MCC and the earmarked tax are, in actuality, a re-distribution of political authority typically reserved for the legislature. This re-distribution of authority will forever be a point of contention; however, it can result in a healthy tension if it brings about openness, accountability, and the informed consent needed to sustain authority and earmarked funding.

A Forum for Advocacy

In 1936 and again in 1976, the electorate of Missouri was moved to support conservation at the ballot box. Conservation leaders and impassioned citizens organized and coordinated their thinking and action in a way that ordinary voters could see, understand, and support the need for the authority and funding that now exists in support of Missouri's fish, forests, and wildlife. The issues were clear and the message was on target. Through the work of the Conservation Federation of Missouri and other groups, a cause - a social and political movement - was brought to life. While everyone, no matter the group or the individual, had a different reason for supporting these initiatives, for a brief moment in time, conservation, however one defined it, came first. Most certainly promises were made and deals were cut, but in the final analysis, people stood ready to advocate for the cause.

Today, the forum for conservation advocacy still exists; albeit a bit more complicated. The huge number of specialty and quasi-conservation groups all vying for attention and resources make it extremely difficult to bring everyone under one umbrella. The result is that the agency sometimes tries to be all things to all people, thereby diluting its overall effectiveness and obvious strengths. While it's impossible to not compartmentalize much of our conservation work in order to gauge appeal and success with the various publics, many of the threats to the future and quality of fish, forest, and wildlife are universal to all groups (e.g., habitat loss, water quality, invasive species, and global climate change). Therefore, we must find a way to populate the forum with discussions about these and other topics while folding in the specific interests of each group and what they stand to lose (or gain through their support). As we ponder the potential to be unleashed through the newly developed state Comprehensive Wildlife Conservation Strategies (now called Wildlife Action Plans) and other conservation programs, we must find a way to frame our discussions and messages so that everyone may find a reason to be at the table and once again join the cause-conservation of all fish and wildlife.

Why Not Vote on the Tax? Why Not Sunset the Tax?

Over the years, there have been several attempts to call the conservation sales tax to a vote of the people or to place a sunset clause on the tax. Recently, these efforts have increased. An enduring question in these discussions is "Why should the MDC continue to receive such a benefit?"

Earlier it was postulated that if citizens need to feel connected to their taxes in order to continue supporting them, then we must spend more time trying to understand what citizens expect of us, and the discussion must move beyond ideology. However, fish, forest, and wildlife conservation is, to a large degree, about ideology. Once we move beyond

individual needs (e.g., places to hunt and fish, boat ramps, direct services), we venture into what is obscure and abstract for most people. Biodiversity, ecosystems, landscape management, watersheds, and associated quality of life compared to schools, health care, jobs, public safety, and (again) associated quality of life; commensurable incommensurables. How do we weigh the value of a species against the value of empty hospital beds at a state mental health center? We shouldn't have to, but we try, because the same source of funding pays for both – taxes.

It is the right of the citizenry to challenge the relevance of the MDC and question whether the agency is deserving of further earmarked funding or not. The agency is not in a position to reject a citizen call for a vote; such is the nature of being a public servant. However, the agency leadership can argue that any attempt to put the sales tax on the ballot should come directly from the people in the same manner it was created, by initiative petition. Certainly, legislators have the job of representing the citizens and subsequently passing laws and funding programs in accordance with political beliefs and perceptions of constituent needs. However, putting an issue on the ballot through the initiative petition process is difficult and speaks to the commitment of the citizenry to see conservation funded in a way that no legislature in any other state, except one (Arkansas), has found the willingness or courage to do. Moreover, passage of the initiative by the electorate establishes a clear, unquestionable public mandate, above anything that can be offered by a legislature.

The people have placed a huge amount of faith and trust in the MCC and department to fulfill the intended purpose of the earmarked tax. A collapse of that trust would surely cause the public, including past supporters, to champion the cause of a re-vote or sunset. The late Charlie Callison (1953:18), member of the original independent study group that helped set the “Design” wheels spinning said it best: “In a democracy, a government agency or program may, through the non-progressiveness of its leaders or because of a rigid legal framework, fall only so far behind public opinion. Eventually the people, by one means or another, will insist on progress. The agency will be brought sharply up to date.”

To date, no such collapse has occurred and no serious grassroots movement to reject the tax has materialized. Perhaps the agency has been fortunate, or maybe the public trust is intact. Regardless, it is the citizens of Missouri that will make the final judgment. Therefore, it is the citizens who must be fully engaged in our choices, decisions, successes, and failures.

A vote on the tax or a sunset clause might seem like a reasonable test of the agency's relevance and sense of public priority; however, the risks and potential ramifications to the state (and agency) are huge and not to be taken lightly. A grassroots effort (i.e., initiative petition) would offer a somewhat better guarantee that a crisis is in the making and that a public debate is needed. A push to vote on the tax from any other corner of government would not offer the same guarantee, and would likely carry with it motives not in the best interest of fish, forest, and wildlife conservation, or the people of Missouri.

Summary

Adequate funding for fish and wildlife conservation continues to be a major issue for state conservation agencies, despite new sources of federal money (e.g., State Wildlife Grants, Landowner Incentive Program). Hunting and fishing permits and federal assistance still constitute a major portion of the revenue stream for these agencies, a revenue stream that is tenuous because of declining hunting and fishing participation rates.

Earmarking state funds for fish and wildlife conservation is not without criticism; however, a strong case can be made for the legitimate use of dedicated funding techniques if supported by the public, and the need and purpose of the funds are clearly articulated. To a large degree, messages conveyed in the Kansas City Star news articles in September, 2004 were that the goals for establishing Missouri's dedicated funding were met and that its current purpose was questionable, the MDC is over-funded, and therefore, engages in wasteful spending of dollars that could be used elsewhere in government, and that true program and fiscal oversight is lacking within the Department. While not likely deliberate, The Kansas City Star successfully linked the conservation sales tax to all four of the classic arguments against earmarked funding.

To secure and sustain dedicated funding for fish and wildlife conservation, clear arguments and messages must be developed that resonate with the tax payers. People must see a connection between themselves, the taxes they pay, and real public benefits. Agencies must also help the public to understand and experience those values and benefits that extend beyond the pecuniary. The four axioms presented in this discussion provide a foundation for developing needed justification and support for perpetual funding; however, more specific detail is needed to firmly link earmarked funds with potential accomplishments. A strategic plan that lays out the particulars of what will be accomplished with secured funds is the best way to establish a public dialogue and create support, or at least informed consent. Once developed, the plan will become a contract of sorts between the agency and the public, and therefore, a measuring stick for judging success or failure. An open process for setting future direction, determining priorities, and assigning budget will keep the agency relevant by directing energy to discussion about program needs and priorities, rather than questions about the need for funding.

In the minds of some conservation supporters and MDC staff, spending needs easily and always outstrips available revenue. The earmarked tax imposes an element of fiscal frugality, achieving a degree of balance between those who want more funding for conservation and those who would want reduced spending, and thereby putting further emphasis on the need to carefully select priorities. Furthermore, where Department services are heavy with long-term costs (e.g., personnel, infrastructure and other investments like real estate), as they are in Missouri, the earmarked conservation sales tax provides enough stability in funding to allow for planned, long-term management of these costs. Experts seem to agree that earmarked funds rarely keep up with actual costs overtime; however, this tendency can also be viewed as an important control.

Finally, it's important to embrace the idea that sustaining the tax is deeply connected to matters of public trust and accountability. Only through open processes that invite and engage the public can we begin to stop looking over our institutional shoulder and work with all our partners to implement priority conservation programs without fear and uncertainty.

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