

# Testimony to the PA Game & Fisheries Committee on House Bill 460, June 11, 2009

by Jainene Scaff Long

Chairman Staback, Chairman Dally, Vice Chairmen Huluska and Keller, and Honorable Committee Members – Good Morning! Let me extend my thanks and appreciation for organizing this public hearing, and the opportunity to present testimony regarding House Bill 460 and its impact on Pennsylvania Hunters, Law Enforcement, Landowners and Businesses.

My name is Jainene Scaff Long and I am offering testimony on behalf of Scaff's Enterprises, founded in 1969 and celebrating its 40<sup>th</sup> anniversary in business this year.

Before I begin, let me state for the record that Scaff's Enterprises supports the concept of the new Pennsylvania Automated Licensing System (PALS). I had the pleasure of meeting with Director Carl Roe of the PA Game Commission a few years ago after he developed the RFP for the PALS system. Director Roe outlined the tremendous cost-savings an automated licensing system offered by eliminating the printing and postage expenses using the current paper system. Director Roe also detailed the improved financial reporting, data mining and many administrative efficiencies for the Game Commission. Scaff's Enterprises therefore supports, and has always supported, the Game Commission's plan for a point-of-sale licensing system with its cost-saving benefits.

The new PALS system is apparently identical to the one successfully used by the PA Fish & Boat Commission, which requires the display of a fishing license on an outer garment. Scaff's Enterprises desire the same consistent legislation to be maintained.

House Bill 460, introduced by Representative Goodman on February 13<sup>th</sup>, intends to amend Title 34 of the Pennsylvania Statute and remove the display requirement of a hunting license on an outer garment. The benefits listed by Representative Goodman are:

- (1) "Not having to poke holes in an expensive outer garment"
- (2) "Hunters will be able to carry wallet-sized licenses, as is done in 48 other states. Only New York requires the wearing of a hunting license."
- (3) "The display requirement is ... inconvenient."

Scaff's Enterprises addresses these three items as follows:

- (1) The back tags we have manufactured for the past 40 years offer hunters a choice of a rust-proof pin –OR- a vinyl tab that is sewn onto a coat. The vinyl tab allows hunters to easily remove their license at any time and does not require holes to be poked through any garment.
- (2) New York and Pennsylvania are not the only states to require display of hunting

licenses. New York, Pennsylvania, Delaware and Wisconsin all have similar statutes for hunting license display, and many additional US states require fishing license display, including Pennsylvania.

- (3) The third issue is the assertion that the license display requirement is inconvenient. The obvious question is inconvenient for whom? For the Game Commission? For businesses selling licenses? For Hunters? Given that Pennsylvania has the largest number of hunters in the field in the US – Pennsylvania is uniquely poised as a hunting Leader, not a Lemming, and we need to therefore carefully consider the impact of any change to hunting statutes. We believe that Pennsylvania should first evaluate the results that have occurred in other states that removed license display requirements. Given that Pennsylvania has more hunters, Pennsylvania is likely to reap an increased impact compared to other states.

Of greatest concern is that Pennsylvania will lose revenue by eliminating the license display requirement. Simply put, if people do not have to display the license and only have to carry it in their wallet - some people inevitably will stop buying the license altogether – taking the chance that Wildlife Conservation Officers will not enter their hunting area and ask for their license out of their wallet.

**This decrease in sales and revenue has been well documented in other states that have removed license display requirements.** I contacted Department of Natural Resource Directors in various states – and they indicated that removing the requirement to display the license is a considerable factor in the loss of revenue.

Let me give you some examples from other states so we can assess what is likely to happen in Pennsylvania:

According to the Pennsylvania Fish & Boat Commission, California which repealed the need to display licenses years ago, re-introduced the legal requirement to display licenses in 1994. Field and Stream Magazine had a lead editorial endorsing the California change; stating that people “*without a license bilk the state out of millions of dollars each year*”, and that “*All the major sportsmen organizations in California supported imposition of the license display requirement.*”

Now in 2009, California planned to launch the same automated licensing system project as Pennsylvania. Although there have been serious setbacks that have postponed the project until 2010, California continues to retain the license requirement for display on an outer garment. Plainly, California does not want to repeat the painful loss of revenue previously experienced.

New Jersey, in 2006, launched the same (ALS) automated licensing system, by the same company as selected by Pennsylvania’s Game Commission. New Jersey retained the requirement to display licenses on an outer garment. Jeff Smith of the NJ Division of Fish and Wildlife stated that their project managers were careful when specifying the

project to ensure that the new license documents would display properly in a back tag. Mr. Smith wrote; *"In order to not inconvenience our customers, we are being very careful to design the new licenses and backtags so that they fit perfectly in the existing license holders on the market, and that all the appropriate information is visible."*

Missouri's Department of Conservation also used the same company (ALS) to implement an automated licensing system. In their 2007 Annual Hunting & Fishing Permit Distribution and Sales reports, they list the results of the Point-of-Sale Distribution System, which experienced the following loss of revenue:

- Resident Small Game Hunting -5.78%
- Fall Resident Firearm Turkey Hunting -13.61%
- Resident Firearm Deer Hunting -1.47%
- Resident Firearm Antlerless Deer -3.48%
- Resident Archer Deer & Turkey -1.98%
- Resident Archery Antlerless Deer -0.37%

Just five months ago, FoxNews.com, reported that Pennsylvania, New York and Wisconsin are among the few U.S. states that have reported a rise in hunting license applications from the previous year. Sales of hunting rifles are also up in many states, and FoxNews alleged that the hard economic times many families currently face might account for the increased sales of hunting rifles. Interestingly – though so many more people in the U.S. are buying hunting rifles to help put food on their table – only Pennsylvania, New York and Wisconsin reported increased hunting applications (sales of licenses). **These are three states where license display is required.** It seems very likely there is a link between removal of license display requirements and loss of revenue from license sales.

Beyond the loss of license sales for the state, Pennsylvania businesses face loss of revenue as well. By removing the need to display the license, you remove the need to purchase a back tag. Obviously, Scaff's Enterprises will be affected. Without Pennsylvania hunting license holders, the largest amount in the nation, we will be forced to lay off our loyal employees – some who have been with us for 30 years. Additionally, the loss of our business will economically hurt other local businesses that produce the raw goods and materials we utilize. Printing companies, cleaning companies, advertising companies, engineering companies, die-makers, plastic and vinyl suppliers.....like dominoes...more and more businesses and people will suffer.

Hundreds of other Pennsylvania businesses will also face negative financial impact. We recently conducted a poll of our 300 retail customers and major distributors. 99% of them support hunting license display. We have received more than 200 petitions from Pennsylvania businesses that all support license display and they respectfully request the defeat of House Bill 460.

I believe that the 200+ petitions from Pennsylvania retail stores are significant. These are not individual hunters; these are business owners of stores that sell hunting licenses. These

business owners – from all across the state of Pennsylvania –took the time and energy to fill out a petition and fax or mail it because of the impact HB460 could have on their business. And the strength of their opinion has not waned. Last year, hundreds of postcards from PA businesses were sent to this committee expressing their desire to retain license display.

According to the PA Game Commission, there are more than 900 stores across the state that sell licenses. If the same response rate to defeat HB460 holds true across these stores as well – that’s more than 800 businesses that would be negatively affected by the removal of the license display requirement.

On March 18, 2009, The Daily Item newspaper published an article; Sporting Goods Stores Critical of Bill. The article states; *“Owners say sales will be hurt if back tags dropped for hunters.”* Sam Schoeppner, owner of Hilsher’s General Store in Port Treverton clearly outlined the issue. Although sales from licenses and back tags are a small percentage of his total revenue, they are the draw that brings people into his store. In addition to the tag, people will buy shoes, clothing and other items for their hunting trips. *“It will hurt our business,”* Schoeppner said.

Based on our calls to our customers and distributors, most stores were unaware of HB460 and if this bill passes, it will be too late for them. In the current, unprecedented, economic challenge in our state and our nation –it is unthinkable to electively put more people out of work and cause more layoffs while at the same time reducing state revenue. **Where is the measurable benefit to our state?**

With that said, I present these petitions from businesses we contacted who oppose House Bill 460. I did not make additional copies of all these petitions as the House Game & Fisheries Committee has already received them last month.

I draw your attention to the petition from Mark Wasser of Wallenpaupack Sports in Hawley, PA, who took the time to write: *“I employ four people and passage of this law will cost thousands of dollars in lost revenue.”*

Loss of revenue, putting people out of work, and adding to our overburdened unemployment compensation system during an economic crisis are not the only reasons I ask you to retain hunting license display in Pennsylvania. I believe that license display supports hunters, themselves.

Various people have stated that hunters find it more convenient to carry licenses in their wallet rather than in a back tag, but we believe that is misleading. In 2007, we conducted a public poll of hunters on this very issue and hundreds of signatures on petitions were sent to this committee – all expressing the desire to retain license display.

Quite often, polls have asked leading questions that result in dubious results. If you ask a hunter; “Would you rather display a back tag holder on your jacket or do you want to just put the license in your wallet”, clearly most people will answer “their wallet”. But the real question is; “Would you rather display your license on your garment where your compliance

can be clearly seen from afar? Or would you rather risk having an officer enter your hunting area to request proof that you are licensed? Honest, legal hunters do not want their hunting area disrupted to show they have a valid license.

Our opinion, and the hunter petitions we submitted previously to this committee, is supported by the following example:

Michigan's Department of Natural Resources Wildlife Division held a number of meetings to plan the implementation of their new licensing system. Although a majority within the DNR favored eliminating the back tag, strong support from sportsmen and farmers was received for retaining it. A survey of deer hunters was then conducted in which three simple questions were asked; #1) Which do you do, throw away or save your hunting license and back tag at the close of the season? #2) Do you think the back tag serves any useful purpose? #3) Would you rather have hunting licenses with or without back tags? The results are compelling. The report states; *"It's clear that a large majority (about 70 percent) of the hunters feel the back tag is useful and should be continued."*

The truth of the matter is that open display of hunting licenses is realistically more convenient for the hunter, makes enforcement less intrusive, eliminates the need for unnecessary license stops and checks for legal hunters, and encourages compliance with hunting regulations. Further, most hunters do not want to carry their wallet into the woods to prevent the possible loss and identify theft of valuable information, ID, credit cards and money.

Again, Pennsylvania should consider the impact experienced in other states before repeating the same mistake. I draw your attention to Iowa's Department of Natural Resources who also launched the same (ALS) automated licensing system by the same company as selected by Pennsylvania's Game Commission. Iowa's description of their "point-of-sale licenses of weatherized material" is identical to our own PA Game Commission description. Last November 2008, the Iowa DNR updated the deer hunting information on their website to note: *"A worn or unreadable tag and how to deal with it is a fairly common question from hunters and also one that is fairly easy to correct."* The website goes on to recommend; *"They can be kept in good condition if they are kept in a license holder ... or some other place where they are not regularly exposed to moisture or sweat. Tags that have resided in your wallet ... can easily become worn."*

Iowa's experience with the same system spotlights another problem with the ALS wallet license. They may require holders after all. Iowa eliminated license display in a back tag, promoted licenses carried in wallets, and now they have back-peddled to recommend that the "wallet license" be placed in a license holder.

Removing license display requirements would not be more convenient for Pennsylvania landowners either. Hunting season in Pennsylvania means almost a million hunters with long-range weapons in the field. Currently, back tags are the most important way landowners can identify hunters and keep trespass violations in check. Landowners certainly do not want to venture into their woods to approach a man with a gun and ask him to remove his ID and

license from his wallet. The new system will likely result in ever increasing trespass and illegal game violations without the back tag license display.

Let us recall the terrible tragedy in 2004 in Birchwood, Wisconsin when a deer hunter intruded on private property and killed five men, and wounded three more. Before dying, one of the wounded men scratched the murdering hunter's back tag number in the dirt. The man was soon found and arrested by DNR officers due to the back tag number. Without the back tag display, there would have been no positive way to so quickly identify and apprehend the murderer.

Following this tragedy, Minnesota began reviewing the need to require hunters to display their license. In the article; Should Minnesota Hunters Be Required To Wear Back Tags? Jim Braaten states; *"Primarily the historic reason for the tags is not for identification, but to curb the problem of hunters simply hunting without buying a license. But as a landowner who has encountered trespassers over the years, it has always been my frustration how to properly identify the law violators. Because I am not a law enforcement official, do I really have the authority to require identification in the form of a driver's license?" "a person has no obligation or duty to hand over a license to me. Furthermore, it gets into a very grey area if I can even take action to detain this person on my property waiting for law enforcement to arrive. Certainly, any attempt to detain someone could quickly escalate the situation."*

We certainly agree with Mr. Braaten, and we pray that this amendment will be defeated, rather than risk tragic encounters between hunters and landowners in our own state.

Finally we must consider if removing the license display requirement is more convenient for the Game Commission's Wildlife Conservation Officers. We believe that HB460 will significantly hinder these officers. Back tag license display assists law enforcement – it is easy to see who is in compliance or not. If hunters begin carrying licenses concealed in their wallets, it is impossible to know without an intrusive check of each individual if they have purchased a valid PA license or not. The passage of this bill would be certain to greatly hinder the efficiency of our officers, and add to the risk of their jobs.

Scaff's Enterprises has been approached by many Wildlife Conservation Officers and Hunter Safety Instructors who have offered their support to help defeat this bill. I cannot stress enough the passion of their support in volunteering to assist with petitions and mailings – whatever it takes to retain hunting license display. Wildlife Conservation Officers view the potential elimination of license display as a nightmare. License display encourages compliance. It allows positive identification with even the most casual of contact. It reduces escalated situations that can endanger an officer.

And our company is not alone in hearing their support. Just 10 days ago, The Morning Call newspaper reported in their article; PA Inching Toward No Display of Hunting License that *"several Wildlife Conservation Officers (WCO) who didn't want to go on record with their names about policy have said it will be much harder to identify unlicensed hunters if the license display language is changed. It will also lead to unnecessary stops and checks for legal hunters."*

Although PA Conservation Officers fear employment repercussions by going on record, New York Officers cannot be hurt in Pennsylvania for voicing their opinion. On February 13, 2009 both Lieutenant O'Hara and Lieutenant Bider of the New York State Department of Environmental Conservation (NYSDEC) voiced the crucial need for back tag display in New York as a way to simplify and aide law enforcement.

And what about job performance? With so many hunters in Pennsylvania, taking the time to approach hunters, and have them remove a license from a wallet is simply not practical. It is far more time-consuming than a cursory glance at legal hunters displaying a back tag license. It is simply unrealistic to expect officers to maintain the same level of license compliance check as we currently have. If the license display requirement is removed, the only options are to either hire additional Wildlife Conservation Officers – which would require more money and expanded budgets – OR- we can no longer expect the same level of job performance from existing officers. Most likely, this will be the outcome. So when officers can no longer check licenses efficiently, what will happen? We can only expect that more hunters will stop buying licenses. This brings us back to my starting point; license revenues will decrease at a time of unprecedented financial distress.

In summary, I respectfully request that you consider the information I have presented today. We have seen in other states that removal of license display requirements causes license sales to fall, which does not benefit Pennsylvania. It will also not benefit hunters, it will not benefit landowners, and it will not benefit Wildlife Conservation Officers. It certainly will not benefit Pennsylvania businesses. And given that the PA Fish & Boating Commission utilizes the exact same automated licensing system while retaining the need for license display, the passage of House Bill 460 would not even be consistent legislation for our state. **Who benefits from the passage of HB460?**

Such a serious matter with the potential to hurt so many businesses and people across the state of Pennsylvania and hinder law enforcement – **should REQUIRE a measurable benefit** beyond Representative Goodman's assertion that license display is inconvenient.

In summary, let me thank you again for your time and the opportunity to present this testimony for Scaff's Enterprises. I am grateful for the legislative process we have in Pennsylvania. As our elected representatives, I am grateful to all of you for your willingness to weigh testimony and information on both sides of an issue before determining what best represents the will of your constituents.

Thank You Again, May God Bless You All!

Jainene Scaff Long  
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**Goodman, Neal**

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**Subject:** FW: PGC License Info: Replacement License Sales 2003 - 2008  
**Attachments:** img-604141945-0001.pdf

-----Original Message-----

From: Kazakavage, Valerie [mailto:vkazakavag@state.pa.us]  
Sent: Friday, June 05, 2009 11:45 AM  
To: Goodman, Neal  
Cc: Derr, Dorothy  
Subject: RE: PGC License Info: Replacement License Sales 2003 - 2008

Dear Representative Goodman,

2003-04 License Year:	9,606 Replacement Licenses Issued	Revenues: \$57,636
2004-05 License Year:	9,305 Replacement Licenses Issued	Revenues: \$55,830
2005-06 License Year:	8,409 Replacement Licenses Issued	Revenues: \$50,454
2006-07 License Year:	8,225 Replacement Licenses Issued	Revenues: \$49,350
2007-08 License Year:	7,854 Replacement Licenses Issued	Revenues: \$47,124
2008-09 License Year:	7,915 Replacement Licenses Issued	Revenues: \$47,490
	<u>51,314</u>	<u>\$ 307,884.<sup>00</sup></u>

*NOTE: In the last 6 years PA hunters have lost 51,314 licenses at a cost of \$ 307,884.<sup>00</sup>*

If you have any questions, please let me know. Thank you.

Val Kazakavage  
Chief, License Division  
Pennsylvania Game Commission