COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

GAME AND FISHERIES COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
ROOM 60 EAST WING

TUESDAY, SEPTEMBER 10, 2019
1:00 P.M.

PRESENTATION ON
SUNDAY HUNTING

BEFORE:
HONORABLE KEITH GILLESPIE, MAJORITY CHAIRMAN
HONORABLE DONALD “BUD” COOK
HONORABLE TORREN C. ECKER
HONORABLE GARTH D. EVERETT
HONORABLE MINDY FEE
HONORABLE BARBARA GLEIM
HONORABLE BARRY J. JOZWIAK
HONORABLE DAVID M. MALONEY, SR.
HONORABLE THOMAS L. MEHAFFIE III
HONORABLE CLINT OWLETT
HONORABLE MIKE TOBASH
HONORABLE JUSTIN M. WALSH
HONORABLE WILLIAM C. KORTZ II, DEMOCRATIC CHAIRMAN
HONORABLE DAVID M. DELLOSO
HONORABLE BRIDGET M. KOSIEROWSKI
HONORABLE ROBERT E. MERSKI
HONORABLE GERALD J. MULLERY
HONORABLE KYLE J. MULLINS
HONORABLE ED NEILSON

* * * * *

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   MAJORITY EXECUTIVE DIRECTOR
CHERYL BLOSSER
   MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

STEVEN McMULLEN
   DEMOCRATIC EXECUTIVE DIRECTOR
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SUBMITTED WRITTEN TESTIMONY

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See submitted written testimony and handouts online under “Show:” at:

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PROCEEDINGS

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MAJORITY CHAIRMAN GILLESPIE: Good afternoon, everybody. I would like to call this hearing of the House Game and Fisheries Committee to order.

If we can start with Representative Maloney, and if you could identify your name and the district that you represent.

REPRESENTATIVE MALONEY: Thank you. You just did. I appreciate it.

Dave Maloney, Berks County, the 130th.

REPRESENTATIVE COOK: The 49th, parts of Washington, Fayette, the Mon Valley. Bud Cook.

REPRESENTATIVE OWLETT: Clint Owlett, the 68th District, Bradford, Tioga, and part of Potter County.

REPRESENTATIVE EVERETT: Garth Everett, the 84th District, Lycoming and Union Counties.

REPRESENTATIVE ECKER: Torren Ecker, the 193rd District, parts of Adams and Cumberland County.

REPRESENTATIVE GLEIM: Barb Gleim, Cumberland County, the 199th District.

REPRESENTATIVE FEE: Good afternoon.

Mindy Fee, northern Lancaster County, the 37th District.

REPRESENTATIVE NEILSON: Good afternoon.
Ed Neilson, the 174th Legislative---

REPRESENTATIVE FEE: Eddie.

REPRESENTATIVE NEILSON: I didn’t see him. The water is hiding him.

REPRESENTATIVE WALSH: Justin Walsh---

REPRESENTATIVE NEILSON: Justin Walsh.

REPRESENTATIVE WALSH: ---Westmoreland County, the 58th Legislative District.

Now you can have the floor.

REPRESENTATIVE NEILSON: I don’t want it no more, Mr. Chairman.

Ed Neilson, Philadelphia County, the 174th Legislative District.

REPRESENTATIVE MERSKI: Bob Merski, Erie County, the 2nd Legislative District.

REPRESENTATIVE MULLERY: Gerry Mullery, Luzerne County, the 119th.

REPRESENTATIVE MULLINS: Kyle Mullins, Lackawanna County, the 112th District.

REPRESENTATIVE KOSIEROWSKI: Bridget Kosierowski, the 114th, Lackawanna County.

REPRESENTATIVE JOZWIAK: Barry Jozwiak, the 5th District, Berks County.

And thank you, Philadelphia, for being here, you non-hunters.
REPRESENTATIVE MEHAFFIE: Tom Mehaffie, Dauphin County, the 106th District.

REPRESENTATIVE DELLOSO: Dave Delloso, Delaware County, the 162nd District.

MINORITY CHAIRMAN KORTZ: Good afternoon, everyone.

My name is Bill Kortz, State Representative, the 38th District, Minority Chair.

MAJORITY CHAIRMAN GILLESPIE: And good afternoon as well, everyone.

I’m Keith Gillespie. I’m the Republican Chair from the 47th District in York County.

Before I turn it over to Chairman Kortz for opening comments, I just want to make a statement regarding today’s meeting.

First of all, I want to thank everybody for coming. I know some of you have come from a very long distance to get here, a non-session week. Obviously this is a very passionate issue on both sides, and I really appreciate the Members and the panel traveling as far as you did to get here today and provide this testimony.

We’re pleased to have you here. I must remind everyone, though, that while this is a public hearing, it is not a public forum or a town hall meeting and does not include or provide the opportunity for public comment.
Public hearings are meant to allow the primary statewide
and national organizations that have been most involved in
an issue the opportunity to address the Committee face to
face in a public setting.

Testimony will be given by the organizations, and
Committee Members will have the opportunity to ask
questions of those organizations related to the Sunday
hunting issue after all testimony is given.

Additional organizations have provided written
testimony that has been shared in the Members’ packets, and
we’ll continue to provide any more written testimony that
follows to the Committee Members.

Any one individual constituent who wishes to
share their thoughts is encouraged to share them with their
State Representative. We’ll be happy to speak with anyone
here following adjournment of the hearing as well, as time
permits.

With that, Chairman Kortz.

MINORITY CHAIRMAN KORTZ: Thank you,
Mr. Chairman, and welcome, everyone, to this hearing today.

First, I want to thank you, Mr. Chairman, for
holding this hearing today. It’s a very, very important
issue that we’re about to address. It’s something that
has been around for many, many decades. In fact, it has
been around for 337 years, folks. Since the days of
William Penn, there has been a ban on deer hunting in this State, and I think it's time that we address this and vet it.

And I want to give some thanks to Senator Laughlin and Senator Brewster in the historic moment of getting this through the Senate, and now we have it before the House. Three hundred thirty-seven years is a long time.

But I look forward to the testimony, and I want to thank the Members for being here today. I want to thank the speakers for bringing forth the information, and I look forward to the testimony.

Thank you, Mr. Chairman.

MAJORITY CHAIRMAN GILLESPIE: Thank you, Mr. Chairman.

And contrary to the clock in the back of the room, it is 1 o’clock in the afternoon, which is the agreed-upon time for the meeting.

We have four testifiers today, and they’ll be going in this order, unless they have arranged something different. It will be Joe Neville, Executive Director of the Keystone Trails Association; Darrin Youker, Director of State Government Affairs, the Pennsylvania Farm Bureau; Harold Daub, Executive Director of the Pennsylvania Federation of Sportsmen & Conservationists; and
David Weber, State Director, the National Rifle Association. I understand there also may be a Jake McGuigan that is also going to be with Mr. Weber.

So, Mr. Neville, are you ready to go? The floor is yours, sir.

MR. NEVILLE: Thank you, Mr. Chairman.

Good afternoon, Chairman Gillespie, Chairman Kortz, and Members of the Committee. I’m Joe Neville, Executive Director of the Keystone Trails Association.

Formed in 1956, the Keystone Trails Association represents and advocates for the interests and concerns of the Pennsylvania hiking community. We currently represent over 44 hiking clubs and conservation organizations, as well as thousands of individual Pennsylvanians who hike and enjoy the Commonwealth’s outdoor resources.

We are not an anti-hunting organization; in fact, many of our members are hunters, but we do oppose any expansion of Sunday hunting.

Among the people we represent, most of their activities during prime hunting seasons are focused on Sundays, days that are largely free of gunfire in Penn’s Woods. Safety is a paramount concern of these people, especially when on any Sunday, many thousands of Pennsylvania hikers, backpackers, trail maintainers, mountain bikers, equestrians, trail runners, birdwatchers,
geocachers, wildlife watchers, and their families are in the woods. Add hunters to this mix, and it is just a matter of time before tragic accidents could occur.

The Game Commission has made great strides in reducing shooting accidents from hunting, but Pennsylvania still averages about 25 to 30 shooting accidents per year. Since 2008, 48 of these accidents were described by the Game Commission as mistaking victims for game, including several where the victims were wearing fluorescent orange.

In two separate incidents in 2002 and 2003, hikers were shot and seriously injured on the Appalachian Trail, but not in Pennsylvania, when they were mistaken for deer. This is hardly reassuring to hikers and others who are being asked to share the woods with hunters the one day when there currently is little concern of being a shooting victim.

In fact, many hikers wary of the potential safety concerns of hunting might be reluctant to share the woods and instead decrease their recreation on hunting Sundays. Given the size of the hiking population along with other non-hunter user groups, this potential impact can’t be overlooked. Outdoor recreation surveys conducted for DCNR indicate there are far more Pennsylvanians who engage in the outdoors through hiking and other non-hunting pursuits than hunting.
This is also evident in the trends outlined in the Outdoor Industry Association’s 2018 Outdoor Participation Report showing that youth hunters make up only 6.2 percent of the population, while youth hikers represent 15.9 percent of the population. Over the last decade, you can see that youth hunting numbers have remained relatively flat while hiking numbers continue to increase, and that’s outlined in Appendix 1.

Sunday hunting advocates claim Sunday hunting is a panacea that will reverse declining numbers and will be an economic boom. Pennsylvania’s hunting population peaked in 1983 and has since been in slow decline. This mirrors hunting participation in the rest of the country, including States that have long allowed Sunday hunting.

Michigan, for example, has 100,000 fewer hunters today than 10 years ago. In reality, changing demographics, changing attitudes, and loss of habitat are largely responsible for hunting’s decline, not the Sunday hunting ban. This decline in hunting is unfortunate, and true remedies should be explored, but lifting the ban is not one of them.

Some proponents of hunting have made wildly optimistic claims that it could inject 800 million into the State economy and create 7,000 new jobs. However, any realistic economic gain from Sunday hunting could likely be
offset from the economic loss of other user groups who
would choose to stay home.

The Power of Outdoor Recreation Spending in
Pennsylvania: How hunting, fishing, and outdoor activities
help support a healthy state economy of November 2018, by
Southwick Associates and the Theodore Roosevelt
Conservation Partnership, showed that trail users
outnumbered hunters three to one, and their average
economic impact was higher than hunters by two and a half
to one.

Trail users spent $2,574 per participant
according to the analysis compared to $1,048 for hunters,
and that’s outlined in Appendix 2. Our membership believes
that clearly the non-hunting public needs to have
significant input into the issue of Sunday hunting since
their economic impact is so substantial.

Any expansion of Sunday hunting could have a very
detrimental economic impact on our economy if trail users
discontinue their activities to avoid hunters. We suspect
the potential economic loss through reduced participation
of nonconsumptive outdoor recreation users could be
substantial, but we still await a scientific study on that
topic. It would be irresponsible to move ahead without
such data for consideration.

Hunters themselves are not united on Sunday
hunting. In fact, a recent Pennsylvania Game Commission study shows that only 53 percent of hunters support legalizing Sunday hunting in Pennsylvania, and that’s in Appendix 3.

Many hunters fear Sunday hunting may prompt the closure of private lands, where 80 percent of hunting occurs in the State. Other hunters are concerned about the added pressure on wildlife. There is also concern that Sunday hunting is a divisive issue that will result in a loss of support for hunting. People currently neutral to hunting might well become anti-hunting as a consequence.

Some people have called the hiking community hypocrites and other less desirable terms for scheduling hiking events and trail care during hunting seasons: “How can you be so afraid but still go out on Saturdays?” they ask. First, I’d like to point out that we represent many hunters as well as other recreationists who are non-hunters. In fact, our Board of Directors is made up of 20 percent hunters, more than triple the State’s percentage of hunters in the population.

Next, consider what trail care entails. Most of our crews use chainsaws to cut down blowdowns; brushcutters, which is like a weed eater on steroids, to cut brush along the trail; or a DR walk-behind mower. It is incredibly unlikely that anyone would confuse these
machines or the sounds they make with a huntable species.

Finally, our weekend events are composed of large numbers of hunters. Last Saturday, we had 450 people in an event hiking through the woods with guides. Guides talk. They call to those at the end of the line. Participants laugh and carry on, hold conversations, et cetera. A large hiking group going through the woods is not a quiet group. A herd of elephants would be more appropriate. And again, they can feel safe in the assumption that they would in no way be mistaken for game.

However, outside of large events, many solitary or small groups of hikers do not feel as secure. Pennsylvania families and residents specifically plan their trips on Sundays to avoid conflict with hunters and to enjoy wild places with peace of mind.

Hunting may be safer than ever, but accidents are still inevitable. Putting greater numbers of hunters out on the landscape when others are enjoying the outdoors may lead to unintended and tragic consequences.

Hunting has a long and honored tradition in our State. Hunters, hikers, and other outdoors people all share a deep appreciation for Penn’s Woods and all have the right to pursue their passion. With the continued ban on Sunday hunting, hunters are still free to hunt 6 days a week, as they have for over 144 years, and everyone will
continue to have one day a week where they can enjoy the
woods free from hunting pressure.

    Let’s keep the ban on Sunday hunting, and thank
you, Mr. Chairman.

MAJORITY CHAIRMAN GILLESPIE: Thank you,
Mr. Neville.

    With that, we’ll go to Darrin Youker, Director of
State Government Affairs, the Pennsylvania Farm Bureau.
Whenever you’re ready, Mr. Youker.

MR. YOUKER: Thank you all very much.

    Members of the Committee, you have my written
testimony. I just want to briefly touch base on a couple
of highlights about Sunday hunting and specifically
Senate Bill 147.

    The Pennsylvania Farm Bureau is opposed to
Senate Bill 147 in its current form, and our opposition is
based on a set of policy criteria that was developed by our
members with the idea of Sunday hunting in mind and how we
might be able to be neutral on such a bill.

    I know a number of you are familiar with our
organization, but I think it bears repeating how our
organization determines policy stances on Sunday hunting or
any other particular issue.

    It is member driven every step of the way by the
men and women of Pennsylvania agriculture. Our stances on
Sunday hunting or anything else is not developed by staff. It is not developed by our Board of Directors. It is member led and reflects the majority wishes of our membership, and I can’t stress that enough.

Last year at our annual meeting, our members spent a considerable amount of time discussing Sunday hunting and were able to develop a set of policy criteria that would allow us to be neutral on the issue of Sunday hunting provided that certain criteria were met, and those criteria are:

- Stronger hunting-related trespassing;
- Limiting Sunday hunting to 3 days with the focus on deer hunting; and
- Hunting on private property for those particular Sundays with written permission only.

That’s a fairly substantial departure from an organization that historically has been opposed to Sunday hunting in any way, shape, or form. So it was pretty quickly that we were starting to get calls and emails from Members of the General Assembly asking about our shift in policy and the criteria at which we could be neutral. And it was under that guise that we were invited to sit down
with Members, or the Chairs of the Senate Game and Fisheries Committee, and also some that are in this room, to talk about the Pennsylvania Farm Bureau’s thoughts on Sunday hunting and where we could be neutral.

When Senate Bill 147 was introduced, it did not hit on all of those policy positions, so it should not come as any surprise to people that we were opposed to the bill when it was introduced, continued to oppose it as it went through the Senate, and articulated, one, the reason for our opposition, and two, what policy criteria could allow us to remain neutral.

Now, full credit to the Senate. They substantially changed Senate Bill 147 and brought it down to only being 3 days and also stronger hunting-related trespassing laws, which we greatly appreciate. But it did not have a written component piece to it, and therefore, we again continue to oppose it and oppose it as it sits before this Committee.

I think for the responsible hunter, the stronger hunting-related trespassing charges are going to be of no consequence. For the hunters that obey private property wishes, they’re never going to come into conflict with those stronger trespassing laws.

And for the hunter and for the landowner, the written permission piece I think is a very small component
to ask. Frankly, for the hunter, it is a peace of mind
that they can carry with them into the field, that if they
are ever questioned by a law enforcement officer, they have
written proof that they have permission to be on that
landowner’s property. It’s beneficial for the landowner,
to be sure, but it’s also beneficial to the hunter as well.

I’ll say, you know, farmers by and large support
hunting and really appreciate the role that hunters play in
controlling wildlife populations. But repeated trespassing
problems sometimes sour that good will, whether it’s people
just assuming because the land isn’t posted that it means
that it’s open ground. But we continue to hear stories of
frustration from our members who are finding game cameras
and hunting blinds put on their property without
permission, and that’s the kind of situation that just
continues to sour landowners on trespassing and our
State’s, so far, inability to properly address it.

We have long supported calls for stronger
hunting-related trespassing charges, and should
Senate Bill 147 fail, we will continue to advocate for
stronger hunting-related trespassing like the bill that
Representative Brett Miller was successfully able to get
through this Committee earlier this year.

We have frequently heard throughout this debate
that farmers can simply “post their land” if they don’t
want hunting and as if that one act is magically going to make trespassing go away. Without strong and vigorous enforcement, some might view that posted warning sign as a suggestion, not an actual threat of law. I mean, how many of us can admit that we, every time we are driving on the roads, are obeying the speed limit, but if we see a cop in the median, we are probably changing our behavior just a little bit.

So when Pennsylvania finally pushes and enacts stronger hunting-related trespassing laws, we hope they are vigorously enforced so that the message gets out that it is a serious violation that hunters need to abide by, that if they see that land is posted or they don’t know if they’ve got permission to be on that ground, that they better seek at first; otherwise, they face significant consequences. That kind of enforcement is going to help change behavior.

We also believe it should be easier for landowners to post their property if they so wish. That’s why we’re supportive of a bill introduced by Representative Dawn Keefer, House Bill 1772, that allows for purple paint to be used in the posting of property boundaries.

Several other States allow for landowners to post their property through so-called purple paint stripes that has the same legal enforcement that our traditional
“No Trespassing” does. It is easier for a landowner to post their property that way, and it’s also nearly impossible for somebody to deface that kind of posting as opposed to just simply ripping down a sign. As long as that landowner is judicious in posting their property in that way and making sure the paint is kept up, it’s pretty tough to argue for a hunter or anybody else that they didn’t see that posting.

I think one other point I just want to make about written permission is this is not a new concept nationally within the hunting community. The State of Ohio already requires written permission on private property throughout the hunting season and regardless of species. So it is not a new concept for anybody in the national hunting community.

And lastly, I just want to touch base on two things.

Every State surrounding Pennsylvania as it has enacted Sunday hunting has done so in a slow, deliberate, and measured approach. They did it either by region, by county-by-county referendum, by season, or by species. It was not a complete “rip the Band-Aid off and let it go.” It was slow, and it was measured.

And as Mr. Neville pointed out and it bears repeating, that none of those other States can show that
hunting license sales has increased. The trend nationally, regardless of Sunday hunting, is hunter numbers continue to decline. There is a hunter recruitment and retention issue that is going on nationally that is not being solved by Sunday hunting.

So with that, just to conclude, we are opposed to Senate Bill 147 in its current form. If the bill is amended to include a written permission piece, we can shift our opposition to neutral.

I look forward to answering any questions you may have.

MAJORITY CHAIRMAN GILLESPIE: Thank you,

Mr. Youker.

Next up is Harold Daub, Executive Director of the Pennsylvania Federation of Sportsmen & Conservationists. Mr. Daub, whenever you’re ready.

MR. DAUB: Thank you, Chairman.

Good afternoon, Chairmen Gillespie and Kortz, Members of the Committee, staff, and guests.

Thank you for the opportunity to present testimony on this very important subject, Senate Bill 147. This is important legislation that was originally intended to move wildlife management in the right direction, ensuring Pennsylvania’s decisions are led by science and made by our subject matter experts.
It is known as the “Sunday Hunting Bill,” providing more hunting opportunity for Pennsylvania outdoorsmen and women. But it is more than a Sunday hunting bill; it also intends to strengthen our trespass laws.

My name is Harold Daub. I am the Executive Director of the Pennsylvania Federation of Sportsmen & Conservationists. I am here today representing not only my organization with over 57,000 members, but also over 20 consolidated hunting and conservation organizations representing 1.4 million sportsmen and women of Pennsylvania.

All 20 organizations have endorsed Senate Bill 147 and remain consolidated and committed in our support for bringing science-led wildlife management to this State. Several of these organizations have provided written testimony that is included for you to read.

The hunting on three Sundays each calendar year currently in the amended Senate Bill 147 is a start. Unfortunately, the bill anchors and dictates by law two of the three proposed Sundays. This does not adhere to the science-based North American Model of Wildlife Management Plan. Wildlife management needs to be placed in the hands of the subject matter experts.

Here in Pennsylvania, that is the Pennsylvania
Game Commission. Every conservation organization involved in this effort understands the importance of wildlife management and recognizes the agency best to do that is the Pennsylvania Game Commission, not Legislators. That being said, we thank you for your efforts in helping to repeal this 337-year-old blue law and help Pennsylvania catch up with modern-day wildlife management.

Many surveys have been done over the past year on the subject of Sunday hunting. Many of you have placed the question before your constituents. News outlets, hunting organizations, and many others have conducted polls in all demographics throughout the State. The results that we have been able to tabulate indicate an average of 80 percent approval for allowing hunting on Sunday.

The folders that I have here in front of me contain over 1500 pages of signatures gathered by Hunters United for Sunday Hunting. There is a concerted effort underway to consolidate petitions from all of the conservation organizations as well. Once done, it is estimated to be over 100,000 signatures obtained in support of Senate Bill 147 and full regulatory authority be given to the Pennsylvania Game Commission.

As I mentioned in my opening, Senate Bill 147 also contains stronger hunting trespass laws that benefit both farmers and landowners. Trespass while hunting would
be a primary offense enforceable by both law enforcement
and game wardens. This is something the Pennsylvania
Farm Bureau has been wanting for many years.

As part of this testimony, I have included
comments for you to read on what Sunday hunting opportunity
and Senate Bill 147 means to Pennsylvania hunters.

Throughout the hunting community, it is common
for us to hear “we need to get the youth involved.” I
agree with that, but many leaders in the conservation
community prefer to take a wider look and say “we need to
provide mentorship and hunting opportunity for all as often
as possible.”

Our hunting heritage has no age limit. Whether
you are 8 or 80, you can still enjoy wildlife and the
outdoors. The perfect example of this is from a
presentation I did last fall to the Schuylkill County
Sportsmen’s Association. When I finished, an 84-year-old
man approached me. He extended his hand for me to shake
and said, “Good luck with this.... I need Sunday hunting.
I want to hunt, but no one has time during the week to take
me, and I can’t hunt alone. We need more time.”

Our hunting heritage has no physical limits.
Greg Traynor is an avid hunter and is a quadriplegic from a
diving accident. He wrote and told me, “After my injury,
it took me 10 years to get strong enough to be able to go
hunting again. In 2010 I started Accessible Hunter to provide information on hunting and shooting for people with significant disabilities. Over the past 20 years, it’s been my goal to encourage and support anyone who wants to participate in the outdoors. I believe legalizing Sunday hunting in Pennsylvania would be very beneficial to hunters with disabilities. Adding Sunday hunting would add opportunity for people to volunteer their time assisting individuals with disabilities or people who require assistance in the outdoors.”

Our hunting heritage has no religious limits. Daniel Bowers wrote to me, “As a Seventh Day Adventist Christian, my family observes Saturday as our day of worship. This means we do not hunt Saturday and are left with only Monday through Friday. The outdoor lifestyle is a large part of our recreation. For us to hunt together, we maximize our time afield with short evenings or arranging work and school schedules to take the day off because we cannot hunt on Sunday. Having Sunday hunting would be a game-changer for us. We could hunt together without worrying about work or school schedules. I can see NO downside to allowing Sunday hunting.”

The opposition over the past decades regarding removing the prohibition primarily has come from the Pennsylvania Farm Bureau. They say we have fewer hunters
hunting across the entire U.S. and Sunday hunting has not
helped stop the reduction in participation in other
States. They contend Sunday opportunity would not help
stop the decline here in Pennsylvania. But I ask, is this
a self-fulfilling philosophy because Pennsylvania’s
Legislature chooses to not add time for people to
participate in hunting?

When surveyed, the majority of lapsed hunters
indicate “time” as the number-one barrier to participation.
Do we not want to optimize the number of participants by
removing that largest barrier to recruitment, retention,
and reactivation of Pennsylvania hunters?

In 1937, the ban on fishing on Sundays was
repealed. Does anyone doubt that we would sell less
fishing licenses today if we were not permitted to fish on
Sunday? We must strive for optimization of opportunity if
we want to optimize participation rates.

Turning back to the issue of science-based
wildlife management, it is interesting to me that on
page 23 of the 2019 Pennsylvania Farm Bureau Policy Book
it states, “We recommend sound science be used to manage
wildlife populations.” But yet, the Farm Bureau promotes
certain days for this species or that without the benefit
of any scientific supporting data. Why the contradiction?

The Pennsylvania Farm Bureau represents less than
half of the total farming operations in Pennsylvania.
There are only 22,648 Pennsylvania Farm Bureau farmer
members out of the total 53,000 Pennsylvania farms. Why is
this important? Refer to the signatures here before me.
There are more signatures here in front of me than there
are farmers in the Pennsylvania Farm Bureau. Why should we
allow Pennsylvania Farm Bureau farmers to dictate landowner
rights for everyone in Pennsylvania?

The Farm Bureau leadership has requested stronger
trespass laws in Pennsylvania for decades, but now that
they have a path to get it, they are urging their members
to oppose this legislation, which makes absolutely no
sense.

So what is going on? Is the Pennsylvania
Farm Bureau bullying you as Legislators into playing their
game of running out the clock? Did Farm Bureau leadership
ignore their members and their published position from the
start by intentionally withholding the requirement for
“written permission” that we now see the Farm Bureau
touting as the issue causing them to oppose Senate Bill
147?

Why would they do this? Why didn’t the
Farm Bureau insist “written permission” be entered into
Senate Bill 147 during the June 27, 2019, negotiations with
Senator Corman prior to agreeing to the compromise of just
3 days?

Why is it portrayed by the Farm Bureau that hunters, especially on Sunday, are the only stakeholders that trespass? What about ATV riders, bikers, hikers, horseback riders, and others? What you must understand about the Pennsylvania Farm Bureau is that their opposition is not based on trespass or any of the other reasons that they posture with.

Doug Lapp, Chester-Delaware County Farm Bureau Board of Directors, said at the January 27, 2019, Pennsylvania Game Commission public meeting, “The Farm Bureau wants people to believe the main opposition to hunting on Sunday is trespassing and the Pennsylvania trespass laws. The truth is, at the Farm Bureau November 2018 policy meeting, trespassing was only mentioned once in the entire two hours of debate. The main argument against Sunday hunting...”: people should be at church.

While many of us agree that people should be at church, few of us want lawmakers infringing on our religious freedom. As Rev. Dr. Nathan Minnich wrote, “I fear they...” meaning Legislators, “neither understand the history, meaning, nor the significance of Sabbath, and have completely failed to recognize that it is not within the boundaries granted them by their public office to define
such a term. If this is the primary reason for restricting hunting activities, then those holding legislative office must seek to protect the Sabbath of all Pennsylvanians per their various definitions; a futile task at best.”

The Keystone Trails Association also is an often quoted opponent of Senate Bill 147. Their main reason for opposition to Senate Bill 147 is “hikers fearing for their safety.”

I can’t say it any better than Bryan Burhans, Executive Director of the Pennsylvania Game Commission, what he said during his 2016 testimony to this Committee. He stated, “These groups advocate for just one day per week that they can recreate as they choose without the fear of a hunting-related incident or accident. The truth of the matter is that these groups recreate 365 days per year, including Saturdays and Sundays during hunting seasons. They recreate on State Game Lands, State Forests, at State Parks, and in the Allegheny National Forest; all lands where hunting is permitted. It is important to note that despite the inaccurate portrayal of these groups, hunting is an inherently safe sport.”

The proof is in the Keystone Trails Association’s current published hiking schedule. Hikes are scheduled every day of the week, Sunday through Saturday, during hunting season, negating any argument that hikers, quote,
It is important to note that the Keystone Trails Association belongs to the Appalachian Trail Conservancy, the Mid-Atlantic Region. They do not oppose Sunday hunting. The Appalachian Trail Conservancy provides published guidance to be used by its member clubs regarding hunting and hiker safety.

I will leave you with these thoughts as it pertains to hikers and hunters:

1. If Keystone Trails Association hikers are afraid of hunters, then why are hikes scheduled 7 days of the week, even during popular hunting seasons, and utilizing State Game Lands?

2. Hasn’t the non-hunting public shown in their economic interest a willingness to participate and recreate 7 days a week regardless of hunting activity?

3. Think of the additional economic contribution hunters can and will make when authorized to hunt on Sundays.

When it comes to the Keystone Trails Association and Senate Bill 147, ask yourself this: Is it right for
one group of outdoor enthusiasts to recreate freely and not another? Is there any solid evidence to perpetuate the restriction of hunters’ liberties? Are you willing to write a law that places the same restrictions on hikers as there are on hunters?

You as Legislators are at a critical decision point: Do you continue to make history by passing Senate Bill 147 as currently written without further hesitation, allowing for Sunday hunting opportunity as quickly as possible? Do you fall victim to the bullying tactics of the Pennsylvania Farm Bureau? Do you cower with the emotional, quote, “we don’t want it; we fear for our safety” crowd?

Whichever way you vote, whatever message resonates with you, please remember, you are participating in history. Ask yourself, how do you want to be remembered, as the Legislator that helped bring Pennsylvania wildlife management into the 21st century standards or the Legislator that perpetuated a 337-year-old law from 1682 designed to intrude on religious freedom and liberty? The decision is yours.

When it comes to the Pennsylvania Farm Bureau and Senate Bill 147, my request to you as lawmakers is to stop the Farm Bureau’s decades-old strategy of running out the clock each legislative session. Pass Senate Bill 147 in
its current form. It is a start to allow the Game
Commission to use the best science available to manage our
wildlife and to bring Sunday hunting opportunity to
Pennsylvania.

Disregard the Pennsylvania Farm Bureau
opposition. Do not continue to reward their obstructionist
tactics. Unfortunately, our Farm Bureau seems to be out
of touch with all the Farm Bureaus in States that border
Pennsylvania except one. The Pennsylvania Farm Bureau
has already cost Pennsylvania $500 million in tax revenue
over the past 10 years by opposing the repeal of this
blue law.

Take this first step and set the stage for real
discussions and solutions to end this archaic law that
restricts the liberties of citizens, hinders wildlife
conservation in the Commonwealth, causes farmers more
impact from crop damage, and denies a positive economic
benefit to Pennsylvania.

Look to the future. Be leaders and the conduit
that brings sportsmen and conservation organizations,
Legislators, the Pennsylvania Game Commission, the
Pennsylvania Farm Bureau, the Keystone Trails Association,
and others together for real discussions and solutions
regarding wildlife management, outdoor recreation, and
landowner rights.
I have full faith that as Game and Fisheries Committee Members, you will make the right decision. I hope that your colleagues in the House will follow your lead as Senate Bill 147 makes its way through the legislative process and onto the Governor’s desk for signature.

Thank you again for this opportunity. I am honored to have had this opportunity to speak on behalf of the Pennsylvania Federation of Sportsmen & Conservationists and the conservation community united behind a commitment to provide science-based and led wildlife management for the benefit of all Pennsylvania citizens and visitors.

Thank you all.

MAJORITY CHAIRMAN GILLESPIE: Thank you, Mr. Daub.

Next up is David Weber, State Director, the National Rifle Association of America.

I remind the Members that when Mr. Weber and his associate are finished, we’ll be taking questions. So if you want to get on the list, signal Greg or Cheryl.

With that, Mr. Weber, if you’re ready to go?

MR. WEBER: I am. Thank you.

Honorable Members of the House Game and Fisheries Committee, I would like to start off this afternoon with a reference to an article that ran in the Pittsburgh
Post-Gazette on February 18, 2001, and I quote, “The first of the blue laws in Pennsylvania was enacted in 1682, back when it was a colony of the British Empire. The general prohibition was against working or having fun on Sundays,” unquote.

Today I sit here not only as a representative of the National Rifle Association of America and its proud members, but I speak to you as a native of Pennsylvania, a native hunter of Pennsylvania, and a father who is currently bringing his two children into the woods at a young age.

As I testify, I ask myself why, why in 2019 do we have legislation that was on the books that was created by British rule? Why roughly 337 years later is this prohibition blue law still in effect? Let me repeat that: 337 years later, the British told us we cannot hunt on a Sunday. This is unfathomable that we still follow this law.

Gun ownership and participation in hunting and the shooting sports are among the strongest of American traditions. For decades, more than a million hunters in the Keystone State have taken to the field to enjoy the great outdoors. However, Pennsylvania has seen a decline in the number in recent years. This decline is in part due to a transition in family lifestyle, which is filled with
commitments throughout the week. Between family, work, school, and other obligations, Pennsylvania’s Sunday hunting restrictions only add to that challenge of getting into the field.

There is currently legislation before the Pennsylvania General Assembly which is focused on giving discretion to the Pennsylvania Game Commission to expand Sunday hunting relative to season. This expansion would simply allow for three Sundays -- let me repeat, three Sundays -- three Sundays of hunting in the Commonwealth and giving families the flexibility they deserve and need.

Senate Bill 147, introduced by Dan Laughlin and passing with bipartisan support from the Senate in June, would undoubtedly invigorate essential hunter recruitment, retention, and flexibility efforts, key factors in preserving Pennsylvania’s hunting heritage for future generations to come.

Amazingly, the three States that still ban hunting on Sundays are Maine, Massachusetts, and Pennsylvania. Other outdoor activities are allowed on Sundays, including those that take place on public and private properties, such as fishing, hiking, and golf. Restrictions on Sunday hunting effectively treat hunters as second-class citizens. Such a view ignores the fact that hunting is part of Pennsylvania’s heritage. And please
remember, hunting season is short. It doesn’t last all year, and it doesn’t guarantee a harvest.

As a result, many hunters are unable to introduce their children or friends to hunting because Saturday is their only opportunity to hunt outside of the work week, and Saturday is often busy with family activities, organized sports, and various other commitments. As a father of young children, I can attest to this.

Further, numerous working-class adults work 6 days a week and only have Sunday off of work. Countless hunters stop hunting because of the lack of opportunity and time restrictions. The addition of any extra day in the field, especially on the weekend, increases the opportunity for those individuals to experience hunting.

The NRA has worked hard to end the ban on Sunday hunting in numerous other States throughout the Mid-Atlantic. The naysayers made claims that ending the ban would result in conflict between hunters and private landowners. This has not been the case. In fact, the Commonwealth of Virginia, where the ban on Sunday hunting ended in 2014, there are fewer calls to the Game and Fish agency on Sunday than there are on Saturdays.

Further, there have been little to no efforts to reinstate the bans where the bans have been lifted. Hunting has taken place on Sundays with little to no
problems. This is mostly due to the well-trained safe
hunters and strict hunting safety courses that are required
before purchasing a hunting license.

Currently, Pennsylvania allows some private
landowner hunting and some varmint hunting on Sundays, yet
for no logical reason, deer hunting, for example, is
prohibited on Sundays. The same hunters that are
prohibited from hunting on Sunday have contributed billions
of dollars to wildlife conservation programs through the
purchase of firearms, ammunition, and archery equipment.
This Pennsylvania restriction not only impedes hunter
recruitment and retention, but it also rejects the economic
benefits hunters provide through the purchase of fuel,
food, lodging, and a dozen other incidentals that go along
with a day’s hunt.

Furthermore, current law gives a select group of
private landowners whose property is enrolled as a
noncommercial regulated hunting ground the privilege to
hunt on Sundays. This law amounts to tens of thousands of
acres being hunted on Sunday by landowners who can afford
to own and enroll their own 100-plus plots of noncommercial
regulated hunting ground. This exemption, which became law
more than a decade ago, only allows those who own large
tracts of land the pleasure of hunting on Sundays while
continuing to deny the majority of Pennsylvania hunters
those same freedoms.

Affording citizens the flexibility and opportunity to hunt on Sunday does not mandate anyone to participate. This legislation simply would expand Sunday hunting opportunities and give wildlife experts at the Pennsylvania Game Commission the authority to regulate seasons and times, as they do for the other 6 days of the week.

Pennsylvania has a long and storied history of outdoorsmen dating back to William Penn himself. To protect and maintain the Keystone State’s proud hunting heritage, we must strive to provide increased opportunity and encourage the next generation of hunters. We feel SB 147 is an excellent compromise, and a compromise it has been, to allow Pennsylvanians the hunting rights they deserve.

Today, I would like to leave you with this: Yes, our primary mission at the National Rifle Association is protecting and defending the Second Amendment, and while the core of the Second Amendment has nothing to do with hunting, hunting has everything to do with the Second Amendment.

The National Rifle Association clearly states that one of our purposes is “to promote hunter safety, and to promote and defend hunting as a shooting sport and as a
viable and necessary method of fostering the propagation, growth, conservation and wise use of our renewable wildlife resources.” As we as an organization will never stop defending our freedoms, I hope you as a legislative body will never waver in protecting ours.

On behalf of the National Rifle Association of America, I thank you for your support and to testify on this important matter and would ask for your support.

At this time, I would like to yield the rest of my time to Jake McGuigan, the Managing Director of the National Shooting Foundation.

MR. MCGUIGAN: Thank you, David.

My name is Jake McGuigan. I’m Managing Director of State Affairs for the National Shooting Sports Foundation. We are the trade association for the firearms industry. We represent 10,000 manufacturers, retailers, distributors, and ranges across the country. Our members make the firearms used by law-abiding Pennsylvania sportsmen, the U.S. military, and law enforcement agencies throughout the Commonwealth here in Pennsylvania.

I’m here to speak obviously in support of SB 147. Both Harold and David did a very good job of laying out some of the support and the reasons why we support it. I won’t go into those and I won’t actually go into my written testimony. You guys can, you know, look at that on your
What I didn’t think I was going to be doing today is coming here and basically pointing out to you that there are two things that I support with the Farm Bureau and the Keystone Trails Association.

The first of that is, the future of hunting in Pennsylvania is in question, and it’s in question nationwide, and both of the organizations did point that out. So does that mean we give up on it? Does that mean we don’t give people any more opportunities to try to bring future generations into hunting? I don’t think that’s the answer.

Hunting is under attack across this country and in Pennsylvania by many animal rights groups. The People for the Ethical Treatment of Animals -- PETA better known as -- spokesman has said in the past the decline of hunting in Pennsylvania is a “step in the right direction.” Think about that for a second. We have a Pennsylvania Farm Bureau that is standing in support with PETA, one of their greatest enemies for many of their members’ businesses, and that’s simply astounding to me.

The second thing that I agree with both the organizations is that there has been a slow and deliberate approach to Sunday hunting in many States where we have sought passage, and that’s exactly what SB 147 is here in
Pennsylvania. It is a slow, deliberate approach. Actually, it’s one of the most restrictive bills we have come across looking to remove the prohibition on Sunday hunting in any State.

About 12 years ago, I was tasked with developing a Sunday hunting coalition with many organizations and groups across this country to focus on removing the prohibition on Sunday hunting, and we have had great success across this country, basically in your neighboring States.

We started first in Virginia. Virginia, we ended up getting Sunday hunting passed, and the first year of passage, the department came back and said without Sundays available to hunters, we would not have basically got our limits on deer harvesting that year. That was a great victory for us in Virginia. Again, another blue law that was over 250 years old.

After that, North Carolina. We had success in North Carolina, once again in opening the door and removing the prohibition on Sunday hunting.

Delaware, very similar. Deer hunting in Delaware, it was a private land and then became a public land, allowable for all residents of Delaware.

And as the gentleman from the Farm Bureau did mention, West Virginia, your neighbor to the south, started
with a voter initiative. We spent a lot of time and effort
on the voter initiative in West Virginia. In one election
in 2016, we went 11 for 11 in the counties. The following
legislative session, the Legislature in West Virginia did a
full repeal of Sunday hunting on private lands only. The
following year, they came back and removed the restriction
on all public lands because of the, basically, the hunters
and sportsmen wanted that. They wanted the access, and
1 year on the private lands basically pushed through public
lands.

So I don’t know if that’s a slow, deliberate
approach. Basically, that was about a 3-year window to go
from complete restriction to complete allowance.

So what I want to do is basically point out what
has happened on the national scene in those 12 years. I
have sat in committee hearings here in the Commonwealth of
Pennsylvania over those 12 years on Sunday hunting numerous
times. I have sat in meetings with the Farm Bureau dating
back to 2010 where we as an industry offered to provide
“No Trespassing” signs to post private land. It’s that
important to the industry and it’s that important to the
future of hunting, and basically at that time we were
laughed at and told, no, we’re just going to kill the bill.

We continue to go down this road while other
States around this country are moving forward, removing
full prohibition, and we are still at the same point here in Pennsylvania. And I think SB 147 is, quote, unquote, “a slow, deliberate approach” and the right way to go for the sportsmen of Pennsylvania.

And just think for a second, our users, meaning our hunters, our sportsmen in Pennsylvania, pay an excise tax and our manufacturers pay that excise tax back to the States. In fiscal year 2019, it was $24 million that came back to the State, the Commonwealth of Pennsylvania, to be used for conservation efforts, wildlife efforts, hunter education, and hunter safety -- $24 million.

So do we ignore the declining numbers in hunting and allow that number to decrease if we have less hunters, less firearm sales, less ammunition sales? That’s going to impact everyone in this State, not just hunters. Less public lands, less conservation dollars.

So in closing, you have many of my economic impact numbers in there. Opposing groups will obviously question those numbers. But what you have to think about is the flow of hunters, both out of Pennsylvania, resident hunters going to now neighboring States. If they look at the weather forecast and it looks like it’s going to rain on Saturday, well, they basically have zero days in Pennsylvania, so they may head down to, head to Ohio, head to West Virginia, so they can get a full weekend of
hunting.

So you have a flow of those dollars going out, and then at the same time you have nonresidents who aren’t going to come into the State. They don’t want to come into the State because they only have 1 day on a weekend to hunt.

And lastly, you have to think about the timeframe of hunting, the hunting season. It’s almost what we call a gap season. You have the people that come into Pennsylvania for leaf peeping, looking at the foliage, and then obviously they come back in for skiing and winter sports. But that timeframe in the middle, the November timeframe, the December timeframe, is essentially an area where you want to increase economic opportunities, and by allowing Sunday hunting, you will be bringing more people into the Commonwealth to hunt in Pennsylvania.

So I appreciate your time today, and I appreciate David giving me the opportunity just to give you a high-level overview as well as Chair Gillespie and Chair Kortz. Thank you for your time, and I appreciate any questions.

Thank you, sir.

MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.

And I want to thank all the testifiers. We asked you to stay within 15 minutes of your time block, and you
guys exceeded that by a couple of minutes, so. You came
under that by a couple of minutes. I didn’t mean to exceed
it. But thank you so much.

With that, we’re going to start with questions,
and the first up is -- oh. We have been joined by
Representative Tobash. Thank you, Representative Tobash.

And with that, Representative Maloney, you’re up
first.

REPRESENTATIVE MALONEY: Thank you, Mr. Chairman.

Gentlemen, thank you for being here.

I think it’s probably very important for me to
first start out with the fact that, full disclosure, I have
been an avid sportsman the majority of my life. Probably I
outdate many here.

I have been very blessed. I believe in this
State. I wouldn’t have ran for office if I didn’t. And
many of the things that you gentlemen said today I
certainly wholeheartedly agree with and know to be true.

I will not hold back with my sharp talk today for
where I believe it belongs. Jake and I have had
conversations numerous times, David and I have had
conversations numerous times over sportsmen’s issues,
challenges.

I’m surprised by every one of you today that you
never mentioned House Bill 102, which I have come here as a
freshman. With my mind as to being a father, a former school director, a track and field official, a grandfather, it starts young. And the legislation to try to get kids to understand where sportsmen come from, what we provide to this economy, and what we do, I believe has to be generated through feeding programs and part of the mentoring program here for not only kids but for adults; the Heritage plate to put moneys in there for hunter safety courses. Not a one of you referenced the bill that we would get hunter safety courses in schools, which was just passed, by the way, and signed into law in the State of Illinois, not exactly a conservative State. Not one of you referenced it. It’s bothersome to me. I brought it up many times.

I have only ever had the intentions of, as I used to say in many other meetings, what we can do, we can probably do better. Where there’s room for improvement, there should be. But what bothers me is some of the things that we have uncovered and some of the things that we have known to be a problem in the State. There’s no secret that I have challenged the Game Commission, whom I am still licensed by and feel very strong about what I do and what I have done for many years.

But to hear some of the testimony today attacking other people— On our House Floor, the Speaker often challenges us as to not impugn the reputation or the
character or the intent of another Member. For me to hear
the Farm Bureau be bashed and accused today is problematic.

And I have here, that I can share with anybody,
the letter that was sent out by that man sitting in the
middle there, Harold, bashing me, impugning my integrity
and another duly elected official here statewide, the
Auditor General. What he doesn’t seem to understand is
that the leadership of both sides of the aisle requested
that audit. The Auditor General did not do that, nor did I
request it for some political gain. And to impugn my
character, I take offense to it. To impugn my history, I
take offense to it.

I’ll go toe to toe with anybody here on the
subject of the outdoors, but for you to accuse them of
bullying and for me to play political games is outrageous.
And I will remind you that we have a job here as
Legislators, although you sort of insulted us here with
your own testimony. It was the ethics violation that came
down on the Game Commission that was the most of ever. It
was the checks that I stopped that they wrote out at will
for hundreds of thousands of dollars at a time. It was
certain policy that they changed due to the pressure put on
them. Never once do they come out in support of getting
kids in front of hunter safety courses in schools, nor did
you.
And some of the false and fake news with the numbers bothers me also. Over 80 percent, as you know, of the hunters said, do not change the opening day of rifle season. Not only was it ignored, it is now in complete turmoil statewide. Pheasant, grouse, and deer habitat have been something that I have been probably pretty passionate about changing for a long time. It has been pretty much ignored.

We now have a media person, a PR person, and now we have the Game Commission spending $10 million on disease. I didn’t see you get a million dollars in the State Budget for CWD. That’s part of our job as Legislators. So every time you, your rhetoric, against this body, that you come to, just remember, an eighth grade civics class will give you a refresher on what we do.

So having said that, Mr. Chairman, I could hunt 8 days out of the week as a person and as a sportsman. I’m not here today for myself. I think it’s commendable that you have had this. I think it’s commendable that he has brought many of these groups together, whom I support and am members of.

Teddy Roosevelt, as far as I’m concerned, is one of the best Presidents we ever had. I’m actually a Member for a long time. He was referenced in this today. I think the focus here needs to be with sincerity and a little bit
better facts.

Thank you, Mr. Chairman.

MAJORITY CHAIRMAN GILLESPIE: Thank you, Representative Maloney.

Next up is Representative Neilson.

REPRESENTATIVE NEILSON: Representative Maloney took a lot of my thunder, Mr. Chairman.

Thank you, gentlemen, for your testimony here.

And this is more of a statement than questions, because I appreciate you having a hearing on the issue allowing us to hear from all the stakeholders.

Since being elected, the hundreds of hearings I have attended, this is the first that we had people attacking each other here. It’s disgraceful, and that’s not how this body works.

I’m not a farmer from Philadelphia. I think everybody knows that. I’m not a hunter. This morning, I came in as a “yes” vote here. You know that, Chairman. I was a “yes” vote last session. It’s going to be hard for me to cast that “yes” this year just for the fact that someone says I’m getting bullied.

I won’t be bullied by his association nor anybody. When we do this and we have these hearings, we attempt to have these hearings to listen to everybody and let everybody show their voice.
And see, I won’t even point him out, because it’s not me, Chairman. But in some of the testimony, it’s like, we don’t deserve a voice in this? We don’t deserve -- we should just let every hunter just do their own thing and just let it go. That’s not why I was sent here by my neighbors.

My voting record is clear since I’ve been elected. Hunting, I know for a fact, is not the number-one industry. I know ag is. So, yes, I want to listen to that number-one industry in Pennsylvania. And I’m not a farmer, but I want to hear their input, and I thank you for bringing all these groups together, Chairman.

And today was a tough day to sit through. It really was. And I want to apologize, and I’m sure I speak for all of us, to let that even happen to another group. You know, it’s not our say to do, but I think it’s important, I mean just to come up here.

We all have the freedom of speech and we all have our Second Amendment. I respect that. I’m a gun owner. This year, in fact, as most of you know, I got my first hunting license this year, okay? And it was my goal to go out, because, you know, in the city, we don’t -- you know what happens in the city. We talk about hunting accidents? We have those accidents once -- you know, 30, 40 hunting accidents a year? I have them a month in my newspapers at
home, okay? So I want to see, I want to try and experience
to make certain I make the right decisions here as a
Committee Member.

My voting record is clear. I have always done
the right thing, whether I liked it or not. That’s what
we’re here to do as Legislators. And I have always
responded to everybody’s email. Whether they’re in my
district or not in my district, I didn’t care. I work for
the State. I vote my district and work for the State. But
I will not, as of now, it’s going to take a lot to lift me,
Chairman, because this has been a sad day.

I appreciate the two of you walking this slow,
because it is an important issue. It is an important
issue, and we have to look at all the stakeholders, and
every Pennsylvanian is a stakeholder, not just a member of
this group or that group or that. And that’s all I have to
say.

Thank you, Chairman.

MAJORITY CHAIRMAN GILLESPIE: Thank you very
much, Representative Neilson.

Representative Mullins.

REPRESENTATIVE MULLINS: Thank you very much,
Chairman Gillespie, Chairman Kortz, and testifiers today.

I appreciate the very sage wisdom of both
Representative Maloney and my friend and colleague from
Philadelphia just now. I think it’s important to understand that we all must represent the constituents and the membership who sent us here and be respectful of the opposing, of the opposing view.

As a freshman Legislator, it’s actually somewhat refreshing and a nice break that this is not -- that this doesn’t necessarily fall on partisan lines for a change.

I wasn’t raised in a hunting household. I don’t hike or bike nearly enough, though I represent a lot of people who do. I represent part of the city of Scranton and six boroughs in the River Valley heading north. And I don’t represent any large farms, but go 5 miles in either direction, up into her district, and you have got plenty of farms. So there are interests here and concerns that are very, very near and dear to me in the people I represent and the people in Lackawanna County.

You know, I’m supportive conceptually of the idea of Sunday hunting. That’s no surprise. A lot of my constituents have asked me my opinion, and I have been forthright with them, and I’ll probably come around to a “yes” vote on Senate Bill 147. But we all know a concept is different from the ultimate words on the page, what we’re going to be voting on, what the Governor would ultimately put his signature to, and that’s what I’m very anxious to see.
So I guess it’s more of a rhetorical question
I’ll end up with, but the Farm Bureau references the
deliberative manner in which other States approached
putting Sunday hunting into statute, right? Proponents of
Sunday hunting say that we’re losing hundreds of millions
of dollars a year in tourists and hunters and outdoorsmen
and women to those States referenced by the Farm Bureau.
So I’m trying to peer through those two concepts, reconcile
them, and try to understand what that compromise would and
could ultimately look like to mimic those States that two
opposing views are tangentially referencing. Do you see
what I’m saying?

So I’m not asking you to write legislation before
us. I’m just saying, let’s keep that in mind, that we’re
both in some regard speaking in a similar direction. We’re
referencing, we’re both using States, all these other
States on the map. We’re all using them to the benefit of
our own charge of what we came here today to testify about
and ultimately vote in favor of or in opposition to.

So more observation. Something to bear in mind
as we go forward, hopefully with a more civil tone.

Thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you,
Representative Mullins.

Representative Owlett.
REPRESENTATIVE OWLETT: Thank you so much for this opportunity to be here and talk about such an important issue.

Just, I mean, as a hiker and a biker and someone who hunts and farms and supports the Second Amendment, this is a challenging day for me. We have differing opinions upon everybody that was here.

Just to reference where we’re at, I think this paper that was given to us right at the beginning of this hearing, it says only three States ban Sunday hunting. So it’s important to reference that Pennsylvania does not ban Sunday hunting in general -- all right? -- and completely. Like, there are species, and I think, Jake, you mentioned that. So I think that would be -- it’s good for us to know the facts, that it’s not a complete ban. There are species that are able. So we’re looking at a regulation bill, really, and management.

I would like to know where the NRA would stand on a written permission piece of the bill as referenced by the Farm Bureau. I was looking at your website, the nrafamily.org, and I actually have printed off an example of a written permission form that you would suggest someone getting prior to going to hunt on private property.

Would you support an amendment that would allow or put that into the bill?
MR. WEBER: If the Pennsylvania Farm Bureau would put something in writing. I wouldn’t just come out and support something without seeing it in writing.

I have had talks with some folks regarding that we would certainly entertain a separate bill that had possible written permission, and we do support the purple paint.

REPRESENTATIVE OWLETT: I guess in my opinion, a separate bill is a long shot given where we’re at right now. If there’s ever a time to do it, this would be the time to get that done.

As far as, I have to reference the bullying piece. I really was disappointed with the testimony today. I’m not bullied, and I think that’s an easy word to throw around. And in today’s society and culture, like, it’s terrible, so to even throw that around, Harold, is tough to hear.

MR. DAUB: May I respond?

REPRESENTATIVE OWLETT: In just a minute.

But I think I would say, I have been, I have been approached by organizations that have said they are grading our vote on this, you know, and it wasn’t the Farm Bureau. So when you talk about bullying, I think there is, you know, there’s enough blame to go around, I think.

So I represent the 68th District, the farmers, the
hikers, the bikers, and the hunters and everybody, and
this is a tough bill for me, but I’m not going to be
bullied by anybody. I’m here to represent them and their
values, and I go home and I talk with them. And we’re
having a Game Commission night next week or 2 weeks from
now, and I’m going to talk to them about this. And I want
to be able to vote my district, and I would encourage
everybody to vote their district on this.

So that’s just a couple of points. So thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you,
Representative Owlett.

Representative Jozwiak.

REPRESENTATIVE JOzwIAK: Thank you, Mr. Chairman.

Well, as the Chairman started out this meeting,
he said that this issue is a very, very passionate issue
for everyone. And while I heard a lot of testimony today,
this is the place where you got to say what you feel and
it’s the place where you got to do it respectfully, and I
think it was done respectfully. Although people here
disagree, I think everyone had to say their peace. I
personally did not hear bashing anyone, but I did hear
criticism on organizations’ stances on issues, which I
think we need to hear.

So one of the questions I have for you, Mr. Daub,
is, what’s the ratio between hunters for and against the
Sunday hunting?

MR. DAUB: The best data that we can pull are through the polls that we have access to. I didn’t see any polling that was done that said, only answer if you are a hunter or if you are not a hunter. So in my package, you can refer to a link that has accumulated all of the various polling that has been done through, if it was released by Legislators, we captured it; if it was released by television stations, radio stations, hunting organizations, non-hunting organizations, and it accumulates at 80 percent approval for Sunday hunting.

I would have to defer to Executive Director Burhans to see if there’s any more recent data that has been done on polling hunters. But really what you’re going to find is it’s a generational thing. As guys get gray hair like I have, we have more time to hunt. So having the second day of the weekend may not be as important to me as to someone who is 20 or 30 years old, just starting a career, doesn’t have vacation time, has young children that are involved in various sports. So you’re going to see a very wide split depending on the person’s age that you’re asking, to be quite honest.

So I hope I answered the question.

REPRESENTATIVE JOZWIAK: Yeah; you did. But what about the guys like me with no hair? We have time, too.
MR. DAUB: Historically, you would not be one of my friends.

REPRESENTATIVE JOZWIAK: (Laughing.)

What else. I wanted to ask Darrin this from the Farm Bureau.

They said it was a compromise of going to 3 days out of 52 Sundays, only 3 days. How many days were there originally on this bill?

MR. YOUKER: You’re making a lobbyist do math, which is tough. But I don’t believe there was any specific number of Sundays identified in 147 as it originally was put out there.

We have to think that, what, dove season is open now. You start going through muzzleloader season into spring gobbler. I think the number I have heard is the potential of 14 Sundays if you look at the totality of the hunting calendar. But it did not, Senate Bill 147 in its original form did not specify 14 Sundays or anything along those lines.

REPRESENTATIVE JOZWIAK: Did the Game Commission have any input in the number of days? Did anybody talk to them about it?

MR. YOUKER: I’m not sure if that did occur.

REPRESENTATIVE JOZWIAK: Okay.

Also, I’m a little on the fence here with this
written permission stuff, because I hunt, and sometimes
you’re out in the field and you’re in the woods or
wherever, and you could get on the next property line and
not know it. It’s like my dogs; they don’t know property
lines, and hunters in the middle of nowhere, they don’t
know property lines either. So you could actually get into
trouble.

I know there is trespassing laws on the books
now, that if somebody says, hey, you’re on my property, you
need to leave, if the hunter says, okay, I’m leaving, but
if he resists, then it’s called defiant trespass. That’s
already on the books. So the written permission part, I’m
having a little bit of a problem with that part.

And I thought with the Farm Bureau, having
stronger trespass laws and limiting it to a few days, I’m
surprised that you are actually opposed to it because of
the written permission part.

And also for -- are you from the Trails, sir? I
forget your name. Oh; Joe Neville. Yeah. Sorry. I had
to look at the thing.

You know, the State Game Lands, when we’re out
there hunting, we see people on horseback; we see people
hiking. The State Game Lands are owned by sportsmen.
They’re not owned by the hikers and the bikers and the
horseback riders. So I don’t have a problem with them not
being on State Game Lands during hunting seasons. I mean, the sportsmen buy their license. They paid for the land; they bought the land.

And as far as Sunday hunting goes, Clint, I think the only thing you can hunt on Sundays today is coyotes and crows. You can’t even shoot a groundhog on a Sunday.

So that was just my couple of comments, Mr. Chairman. And I really want to thank you for bringing out the point in the beginning that this is a very passionate subject for everyone here, and everyone, I think, is being respectful, but they’re still saying their peace, which we need to hear.

Thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you, Representative Jozwiak.

Before we move on to the next Member, just a couple of things.

Greg reminded me that the original Senate Bill 147 was 14 Sundays.

EXECUTIVE DIRECTOR RAFFENSPERGER: Well, it was not -- there was no specific set day of Sundays. It just would have given the Game Commission authority to set the days as they saw fit.

MAJORITY CHAIRMAN GILLESPIE: My apologies for---

And in addition to coyotes and crows, foxes, and
noncommercial, as we heard earlier, hunting grounds are
also legal to hunt on Sundays.

And with that, we go to Representative Gleim.

REPRESENTATIVE GLEIM: Thank you. I’ll be brief.

I just wanted to reiterate what Rep. Owlett said, that as a freshman, my job is to vote my district. I will be voting my district. I am still listening to my constituents at this point. However, I do feel like the majority in the 199th do not want Sunday hunting.

And I also want to say that I am a farmer, and I am a landowner, and I am a hunter, and I am a member of the Pennsylvania Farm Bureau, and I just want to attest to the fact that the Farm Bureau listens to their members and reiterate what Darrin had said, that the votes are through the local bureaus, so it’s from the bottom up. So we get it. We vote when we go to those meetings on these issues, and then it gets passed on up to the top, not top down.

So I took a little bit of offense to the suggestion that their position is intentional, because it is not, and that I am being bullied, because I’m not.

As a landowner and a farmer, I can also attest to the fact that hunters do trespass. And I do have a little bit of concern about the number of wardens that we have when these infractions do occur, as if we’re going to be able to contact them and get them out to us. I’m just
going to throw that out there.

I also want to say that agriculture is the
number-one business in Pennsylvania, and that’s why we do
listen to the farmers, and that I just don’t want to throw
the Farm Bureau under the bus like I felt that it was.

And then just to respond to something that
Rep. Jozwiak said about the trespassing. I’m just
reminding everybody that a lot, or some of these farms are
rented, and also, there’s absent owners. So that’s one of
the things that we discussed at our Farm Bureau, about the
paperwork there and getting that written agreement there,
because you could be managing four or five different farms
and allowing hunters to farm on those farms that could not
be necessarily adjacent to you. So if actually two hunters
come across each other, there’s a little bit of a rub there
saying, hey, you’re in my territory, and you light up,
(nnnt), I have permission to be here from the guy that’s,
you know, maybe a couple miles away.

So that’s just a little bit of clarification. So
thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you,
Representative Gleim.

Representative Delloso.

REPRESENTATIVE DELLOSO: Thank you, Mr. Chairman.

I’ll be brief.
I won’t echo the sentiments of many of my colleagues. I won’t be bullied. One of the refreshing things about being part of the Pennsylvania Legislature is that we do practice not impugning each other, not attacking motive but attacking the issue. In my day job, it took me a long time to learn, you know, hard on the issue, easy on the people. It’s something I’m proud that I have gotten better at over time.

But my question for the panel is about the written permission. I spent most of my big woods hunting on State Game Lands in the county, but I did do some private land hunting. Mrs. Chapman was gracious enough to give me written permission. As her mobility waned as she got older, she would give us written permission so that we could challenge other hunters on her property. There was no secret to it; if you didn’t have a slip, you couldn’t be hunting there, and she expected us to challenge each other in the woods for her permission.

Amongst the stakeholders, I guess my question is, is there a generalized, is there a general agreement that written permission is the way to go, and if it’s not the way to go, what would the stakeholders’ position be against it?

Thank you, Mr. Chair.

MAJORITY CHAIRMAN GILLESPIE: Who wants to take
MR. YOUKER: So, just on the written permission piece, I think it probably is just part of the hunter ethic. And I hunt myself, both State Game Lands near my house in Adams County but also some private farm ground in Berks County.

And I know it has been a number of years since the Game Commission has printed this, but attached to my testimony is a copy of what the Game Commission puts on its website, which is a hunter/landowner written agreement. It’s part of, I think, just that hunter ethic. It’s respecting the landowner that you have done your due diligence ahead of time to ask for that permission, and it creates a level of good will.

But also to your point, Representative, it is a great permission slip if you as a hunter are ever questioned by somebody of whether or not you have permission to be there. So, you know, the Game Commission kind of has that mechanism in place. They talk about it in the Hunter and Trapper Digest as good landowner/hunter relations.

And again, other States require it, so, you know, we’re not inventing the wheel here in Pennsylvania.

MAJORITY CHAIRMAN GILLESPIE: Thank you.

Mr. Daub?
MR. DAUB: Yeah. I’m a 20-year volunteer with
the Game Commission on teaching hunter education, and I can
vouch for the fact that at every class, it’s suggested
strongly that hunters get written permission.

So I personally am not opposed to having written
permission. I would expect that the Federation would not
be opposed to that. What we are opposed to is the fact
that we had a negotiation in June that stripped this bill
down to 3 days, and part of the promise to the conservation
organizations was, this would pass quickly because the
Farm Bureau would be neutral.

So my concern -- and I’m not trying to be
disrespectful. My concern is, when those types of
negotiations happen and agreements are made, why bring it
up now? Why not, as Jake mentioned or Dave had mentioned,
get another bill and we’ll get written permission. Or even
better yet, let’s all come together and work on the purple
paint law and passing full regulatory authority over to the
Pennsylvania Game Commission for hunting regulations 7 days
of the week.

I would love to extend my cooperation to the
Farm Bureau to get that passed, as long as it’s done
correctly and the conservation organizations get what
they’re asking for.

And if I may, if I may address the issue of
bullying? May I?

I did not intend that to insult anyone. That was a reference to phone calls that I received from writers whose editors received phone calls asking to have their, not only their articles pulled but their columns, and also a personal attack that happened to me when the President of the Pennsylvania Federation was called to the Farm Bureau’s headquarters and asked to have me resign.

I was not insinuating that you guys would be bullied. I was insinuating that they do bully, and I have experienced it myself and I have experience from others.

So my apologies to any Member that thinks that I was insulting you. It was not my intent. I’m just sharing my experience.

Thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.

Does anybody else on the panel wish to respond to Representative Delloso’s question?

MR. WEBER: If I can.

As a landowner, there is nothing today preventing me from acquiring written permission on my own land. As a gentleman who agrees in limited government, today I could require any one of you to require written permission from me. So I don’t understand why we need a new law or how one would feel that trespassing would increase more on a Sunday
as opposed to any other day of the week.

MAJORITY CHAIRMAN GILLESPIE: Okay. Mr. Youker.

MR. YOUKER: Yeah. I just want to make a point about the written permission piece.

Two things. That has always been part of our conversation about Sunday hunting dating back to December of 2018 where we sat down -- Mr. Daub was in the room -- with both Chairs of the Senate Game and Fisheries Committee and made it known, here is our list of criteria.

Secondly, all of you get, as part of our job at the Farm Bureau, you get a copy of our policy book, and if you keep it in your office, you can flip to it and you can see spelled out in black and white how the Pennsylvania Farm Bureau can be neutral on the issue of Sunday hunting. So this isn’t a new tactic that we’re trying to do at the eleventh hour. This has been part of our statement from the beginning.

So I just wanted that clarified for the record.

MAJORITY CHAIRMAN GILLESPIE: Okay.

Anyone else on the panel?

Representative Delloso, any other questions?

REPRESENTATIVE DELLOSO: No. Thank you, Mr. Chair.

MAJORITY CHAIRMAN GILLESPIE: Very good.

With that, we have Representative Mehaffie.
REPRESENTATIVE MEHAFFIE: Thank you, Mr. Chairman.

Darrin, just a quick question. I want to follow up on the written permission.

So you’re asking for written permission only on Sundays. Is that correct?

MR. YOUKER: Yes.

REPRESENTATIVE MEHAFFIE: Why not 7 days a week?

MR. YOUKER: We would certainly support written permission 7 days a week. However, being how we view Sunday hunting moving forward, our membership is comfortable with those Sundays requiring written permission only.

REPRESENTATIVE MEHAFFIE: Okay.

And in other States, because we were talking about this earlier, due to a slow, deliberate process and going through that, have other Farm Bureaus in other States, how did they handle the situation of Sunday hunting?

MR. YOUKER: Um, not certain. To be honest with you, I do know, I think the Ohio Farm Bureau was made comfortable on the issue of Sunday hunting when the written permission aspect was included.

But, I mean, it’s their individual members of the Ohio or the New York Farm Bureau that tell the leaders, you
know, that submit policy the same way that we do. So while we are similar organizations, a thing that might be an issue in Pennsylvania just isn’t in the State of Ohio or New York or Texas.

So, you know, that’s up to the individual, you know, farmers and members in those particular States of how they feel about an issue of Sunday hunting or anything else.

REPRESENTATIVE MEHAFIE: Okay. Let’s get into liability.

So a lot of people are stopping people from coming on their land because they have been either sued or someone was hunting there or just basically walking through, fell, broke their leg, whatever it may be, and they were sued. An agreement like this, is this a liability agreement or only a permission-to-hunt agreement?

MR. YOUKER: As I understand, it’s only a permission-to-hunt agreement. And, you know, hunting on private property is already protected by the Recreational Use of Land and Water Act.

REPRESENTATIVE MEHAFIE: Okay. Very good.

Joe, I’m going to go on this: In other States, how did hikers and bikers and other recreational people handle the situation when Sunday hunting came into play in these other States?
MR. NEVILLE: Well, I know that a number of our clubs, particularly the Potomac Appalachian Trail Club and Mountain Club of Maryland, actually scheduled many of their activities here in Pennsylvania on Sundays because there is limited hunting. So in a reverse way that the hunters are going to other States to hunt, we’re also pulling in hikers from nearby States that come here specifically to avoid hunting.

So at least that piece of it I can comment on, that we are gaining people, especially in the southeast and south-central PA, from those folks.

REPRESENTATIVE MEHAFFIE: Do you have any information as far as, in your testimony you stated that there were accidents that happened in hunting. Do you have any information or can you get information for us that maybe West Virginia or other neighboring States that have passed Sunday hunting, if there was more accidents or potential accidents happening?

MR. NEVILLE: I can certainly request that information.

REPRESENTATIVE MEHAFFIE: That would be nice to know, if that’s where it went.

MR. NEVILLE: Yep.

REPRESENTATIVE MEHAFFIE: Dave, I don’t disagree with you when you talk about the permission slip. If we’re
going to do permission slip, it ought to be 7 days a week. If we're not going to do a permission slip -- because people are going to trespass either away, you know what I mean, whether it's Monday through Sunday or Monday through Saturday. I mean, that, to me, caught me, and I'm glad that you elaborated on that.

Because Darrin, I got to be honest, you know, you're having the same problem Monday through Saturday with trespassing with hunters than you are not just Sundays.

Now, you may have hunters that will, or farm owners, sorry, that will say, hey, look, you can hunt Monday through Saturday. Maybe that's on their permission slip or whatever it is. But whenever I was hunting, and when I lived in Schuylkill County, it was always worded -- we never had permission slips. We went to the farmer. We asked the farmer, may we hunt on your land, he said "yes" or "no," and that's what we abided by. I mean, this was a gentleman's handshake at that point in time.

So thank you, Mr. Chairman. Thank you for having this hearing. Very great.

MAJORITY CHAIRMAN GILLESPIE: Thank you so much, Representative Mehaffie.

Executive Director Raffensperger had a comment.

EXECUTIVE DIRECTOR RAFFENSPERGER: Yeah.

Tom, just to further address the liability issue,
several sessions ago, we specifically added in Title 34 liability protection for the landowner if you allow someone to hunt on your property free of charge.

REPRESENTATIVE MEHAFFIE: Free of charge?

EXECUTIVE DIRECTOR RAFFENSPERGER: Yes, if you’re leasing their land.

If they’re leasing your land or they’re paying you to hunt on that land, then that protection is not offered. But if you’re allowing someone to hunt on your land free of charge, you have liability protection under Title 34, as well as under RULA.

REPRESENTATIVE MEHAFFIE: And you know what, Greg? I agree with you totally, and you may let people on your land free of charge, but the lawsuits happen all the time. And I think that’s where we have come, unfortunately, you know, with some of our friends in the attorney business that have found ways to get around our legislation.

But overall, that’s great. It’s great that the liability was taken care of, and I can appreciate that from this General Assembly.

MAJORITY CHAIRMAN GILLESPIE: Thank you again, Representative Mehaffie.

Before we get to Chairman Kortz, Representative Owlett.
REPRESENTATIVE OWLETT: Yeah. I just wanted to make mention, in the bill itself, it says, “...enters or remains on any land of another without authorization...” So it’s already mentioning some sort of authorization.

I guess the reference is, a document like the NRA supports on their website would be great because it has a lot of legal language in it that would really protect the hunter and the landowner and be able to offer a conservation plan for the property. If they are approached by a warden, they can say, I do have it, and then they can be on their way. It’s not a “he said, she said” lawyer’s dream.

So thank you.

MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.

Chairman Kortz.

MINORITY CHAIRMAN KORTZ: Thank you, Mr. Chairman.

Joe, just to be clear, there have been no hikers shot in Pennsylvania during hunting season. Is that correct?

MR. NEVILLE: That is incorrect. There was someone shot in the northeast a number of years ago.

MINORITY CHAIRMAN KORTZ: Okay. You don’t have that in your testimony.

MR. NEVILLE: No, but I do have a copy here if
you would like it. After the hearing, I can give it to you.

MINORITY CHAIRMAN KORTZ: What date?

MR. NEVILLE: I believe 2016, in the fall.

MINORITY CHAIRMAN KORTZ: 2016.

MR. NEVILLE: Yeah.

MINORITY CHAIRMAN KORTZ: Can you provide that to the Committee?

MR. NEVILLE: Absolutely. Sure.

MINORITY CHAIRMAN KORTZ: Okay. I appreciate it.

Just so you know, the comment, the Game Commission over the last 2 years said that there have been a total of 30 incidents. Seventeen of those were self-inflicted where the hunter shot himself. Just a comment for the group.

Darrin, stronger trespassing laws; limiting Sunday hunting to 3 from 14. You could’ve had 14 days, but there were negotiations -- and I talked to Senator Brewster and Senator Laughlin; I know what was going on behind the scenes -- and they did come down. I mean, 3 days: one of them archery, one of them rifle season for deer, and the other one is to be picked by the Game Commission. Maybe that will be bear or deer, I don’t know. But you got two of the three things you wanted. You got two of the three big things. Sometimes, you know, you got to compromise.
Is this absolutely, I mean, is it a line drawn in the sand with this written permission? Is it all three or nothing?

MR. YOUKER: That’s our policy statement, and I will definitely acknowledge that the Senate moved this bill considerably closer to where the Pennsylvania Farm Bureau could be neutral.

MINORITY CHAIRMAN KORTZ: Okay.

Well, it was brought up by several Representatives, Mehaffie and others, about, you know, the Sunday permission slip, but Monday to Saturday is different. I mean, that’s blatant that’s out there. That’s a fault, don’t you agree?

MR. YOUKER: I would say two things.

One, our membership would certainly support written permission for every day of the week. However, when they were discussing what I guess you would call a compromise on Sunday hunting, they felt certain aspects needed to be addressed, and number one was stronger hunting-related trespassing, which thankfully 147 has done from the get-go.

But also, if we’re going to allow for Sunday hunting, that farmers and other landowners would like to have that written permission piece for those particular Sundays.
MINORITY CHAIRMAN KORTZ: You’re setting up two separate systems, though. You’re setting up a separate system, the way the language is now, and I’ve seen your language, you have a permission slip for Sunday that has to be written, but Monday to Saturday is different, in the language that you have proposed.

MR. YOUKER: If a bill was introduced or an amendment was introduced that called for hunting on private property with written permission for every day and every species, that is something we would support and would cause us to move to neutral on the bill.

MINORITY CHAIRMAN KORTZ: Okay.

Written permission, what do you do to protect against forgeries?

MR. YOUKER: I think you make it a penalty if somebody is caught forging.

MINORITY CHAIRMAN KORTZ: Okay.

Well, if a hunter has it in his pocket and a WCO walks up and here it is, the WCO isn’t going to go arrest the guy right there. He’s not going to know if it’s a forgery or not. I mean, there’s potential pitfalls here. That’s just one of them.

Do you need written permission every year?

MR. YOUKER: Yeah, because landowners---

MINORITY CHAIRMAN KORTZ: Do you need permission
every day?

MR. YOUKER: Landowners should, well, if you look at what the Game---

MINORITY CHAIRMAN KORTZ: Do you---

MR. YOUKER: If you look at what the Game Commission has right now attached to our appendix in my written testimony, it clearly states dates, so if a landowner is comfortable to say, yeah, you know what, you can be here during the 2 weeks of rifle deer season dates X to Y. If they’re comfortable, you know, you could say, all dates during hunting season. Or if it is just, you know what, I would only feel comfortable with you being here for the opening day of Saturday deer season, then that date is written down.

And, I mean, let’s not forget that land ownerships change, that a farm can transition from father to son, from grandparent to grandchild, and that transfer might cause people to think a little bit differently on who they allow on their property.

I think it’s just a good practice. It’s good hunter/landowner relationships.

MINORITY CHAIRMAN KORTZ: Okay.

If the hunter does not have that written permission slip on them, what happens if a WCO approaches him in those woods?
MR. YOUKER: Well, depending on how the legislation would be written, then you would be considered a trespasser.

MINORITY CHAIRMAN KORTZ: Okay. Would he arrest him on the spot?

MR. YOUKER: I can’t speak for how the Game Commission is going to handle---

MINORITY CHAIRMAN KORTZ: Because, you know, like your driver’s license, you don’t necessarily have to have your driver’s license on you. If you’re pulled over by a police officer, you’re allowed to go get the license and bring it back to the station.

What I’m trying to point out, and I’m not trying to be disrespectful, there can be some pitfalls here and we could have the WCO really attacking hunters and start to get into a contentious situation with what you’re trying to propose here.

And I understand where you’re going with this. Look, I have a thousand acres, too, with 14 other guys. And, you know, with all due respect, I love to hunt and I’m there. I’ve been hunting for 44 years, so I’ve been at it a long time. We don’t have a farm down there, but we have people come on, too, and we ask them to get permission. And we address them and ask them to leave our land; it’s all posted, so I’m not opposed to the purple laws either.
I’ll take a look at that. But where I’m going with this is, there can be some pitfalls.

And I would like to see Sunday hunting go in. My fear, Mr. Chairman, is, if we don’t pass it this year, if the clock, so to speak, has run out again, then we got to start all over again. But if we do pass the bill as is, the potential is, we could have 1, maybe 2 days of Sunday hunting this year.

So my question, and I know I rambled on a little bit, would you be opposed to do a separate bill and have a hearing on it, drafted for written permission for hunting overall?

MR. YOUKER: So---

MINORITY CHAIRMAN KORTZ: So that we could put this in and get this moving, because, sir, with all due respect, there’s only three States that don’t have Sunday hunting. I mean, even California, far left, liberal California, really?

I mean, I would love to see this pass this year and try to get this moving, but address your concerns, because as a landowner that we have, I have the same concerns.

So I guess I would ask for you to consider, if we could, a separate bill, and I would help draft that, if we could, to go after that in a separate piece of legislation,
as was mentioned by several of my colleagues. So I only throw that out for consideration.

Okay. Dave, a question for you.

Can you tell us what has happened in some of the other States as far as, was there an increase in land being posted in some of the other States where Sunday hunting has gone in recently, and have you seen license sales increase?

MR. WEBER: So, Representative, I’m going to respectfully let Jake answer that, as this is his area of expertise.

MR. McGUIGAN: Thank you, David.

Chair, I appreciate the question.

What we have seen is, as been mentioned, a decline in hunting license sales nationwide. So what we have seen is, if it’s not necessarily an increase, it is a slowdown and a decrease of hunting license sales, because of the opportunities, once again, of being able to get out into the field.

Now, respectfully to your question on the Farm Bureau, we have worked with the Farm Bureau in many States and have gotten to a point where they have been neutral or supportive of bills. Unfortunately, in Pennsylvania, once again, a passionate, contentious issue here, we haven’t gotten to that point.
And as mentioned, my only concern with SB 147 is that the thought process was to give the Game Commission the authority to implement or remove the prohibition. So the Game Commission simply could have come forth and said, you know what, we only think it would be appropriate to do a spring turkey season. We weren’t trying to get 14 Sundays, unlimited Sundays, 3 Sundays, 2 Sundays. That was not the case. We didn’t want to put a number on that.

So getting from basically giving the Commission the authority increasing trespassing charges to going to a position where we have three Sundays, I feel it’s, you know, the goalposts keep moving, unfortunately. And that’s my only fear, as you mentioned, that, is it an opportunity to try to run out the clock so that we are dealing with this for another 3 or 4 years, or can we get something done in Pennsylvania? That’s my concern.

And we have seen that in other States. The Farm Bureau has, you know, Virginia specifically, they were -- Virginia was the biggest obstacle. But when we did add in the trespassing charges, you know, we worked very closely with them and were able to get a bill that everyone accepted and moved forward in the process, and that’s all I would be looking for here in Pennsylvania.

MR. WEBER: And if I may add, the National Rifle Association in the spirit of compromise would be willing to
work with the Farm Bureau in coming up in a separate bill, if they’re willing, to come up with that language, trespass language, for written permission.

MINORITY CHAIRMAN KORTZ: Okay.

MR. WEBER: The way we see it currently, this bill does change it to a primary offense, which is a pretty stiffer penalty than what has been there.

MINORITY CHAIRMAN KORTZ: And thank you for that.

Can you also address the economic opportunity with the Sunday hunting? Now, I recognize we’re not going to go with 14 Sundays, but the 3 Sundays that’s in the bill, have you seen an economic increase, direct and indirect, in other States?

MR. McGUIGAN: Well, we don’t have a situation in any other State where it is limited to this, to basically three Sundays. We have seen economic impact increases in the States, more people going into the State, West Virginia namely, because they were surrounded by places where they could go. Many of the hunters in West Virginia are always jumping across the border to Ohio because they had Saturday and Sunday to hunt.

So yes, we do; we have seen it. You know, unfortunately, if you look at the economic impact numbers, we put them out over a decade ago, and if you look at the
economic impact numbers now, they are in fact less, and you
had basically a full decade of decreasing hunters,
decreasing hunting license sales.

You know, I don’t think this is something we want
to keep pushing down the road because of the impact to
Pennsylvania. You’re going to have the Departments
continuing to come back and ask for, you know, your finance
and the budget situation, asking for more money if they
continue to see decreases in the excise tax dollars. That
stuff goes to, you know, goes to the Departments.

And we’re fearful, if we could have done this a
decade ago, we might be in a little bit better position,
but unfortunately, we have not.

MINORITY CHAIRMAN KORTZ: Well, thank you.

And, Mr. Chairman, one more question, if I may.
And I forgot, Darrin; I want to come back to the Farm
Bureau.

What do you think about a landowner-initiated
complaint where the farmer or the landowner gets the game
warden involved because he has told somebody, you’re not
allowed to be on there, and he’s on there. How about a
landowner-initiated complaint?

MR. YOUKER: I mean, I hate to speak for the
Game Commission, but I think just in practical terms,
probably most trespassing complaints or most complaints
over a lack of written permission are going to be landowner

driven. So I think that problem is certainly and probably
going to be taking care of itself. It’s going to be
complaint driven as opposed to monitoring, for lack of a
better word.

MINORITY CHAIRMAN KORTZ: But see, with the
trespassing, the increased trespassing and the defiant
trespass, if that farmer calls and puts in a complaint and
he goes over there, I mean, he’s nailed right now.
Wouldn’t that do the same thing? If you got, so if you’re
trespassing in there now.

MR. YOUKER: Yeah. I mean, certainly there is a
defiant trespass, but let’s think that maybe somebody
doesn’t feel comfortable approaching somebody and asking
them to be removed from their property, would rather let a
trained law enforcement officer handle the situation. So
if it’s a game warden that is responding to that complaint
right now, it is not a primary offense. That person has to
be doing something else against the Game Code in order for
them to then be cited for trespassing.

So that’s why we do appreciate, you know, what
Senate Bill 147 is trying to do by making it a primary
offense, and also what we have repeatedly appreciated
that Representative Brett Miller has tried to do in passing
a House bill that specifically deals with just
hunting-related trespassing. That bill’s forward progress
has always been stymied by attempts to then amend Sunday
hunting into it.

So I appreciate where you’re trying to go with
the thought of another bill, but it’s sort of like an
omnibus might be the better way to go than to try to pass
two separate pieces of legislation.

And also, you know, just on the purple paint real
quick, that’s a judiciary bill, that it doesn’t just deal
with hunting-related trespassing. It is trespassing in
general. So I am no legal scholar, but I don’t think
purple paint could be amended into a 147 or other type of
34 bill.

MINORITY CHAIRMAN KORTZ: Okay. Thank you.
And thank you, Mr. Chairman. I appreciate the
time and holding the hearing today.
Thank you, sir.

MAJORITY CHAIRMAN GILLESPIE: Thank you.
Before I make final comments, did any other
Members have any follow-up questions?
Representative Maloney.

REPRESENTATIVE MALONEY: Yeah. Thank you,
Mr. Chairman.
Just a couple quick comments that I think we need
to remember here.
We continuously hear the decline, and we do know it’s nationwide. Again, we know that there is ancillary issues for that. But there is not one other more important issue than game, and game having to do with good habitat and good numbers has always been for the last 15 years the number-one reason that I get and know and have experienced and have heard from, and we all know that in Pennsylvania, 92 to 93 percent of license sales are due to the pursuit of the white-tailed deer.

Let’s not kid ourselves, when you go to take a child fishing, if he doesn’t get a bite, he’s not going to stay there. If we don’t have the product in the field -- looks what’s happening to grouse. It’s our State bird. We can blame all day long different reasons for it, but let’s just remember, we have a product problem here that is the number-one driver to people going afield. So that’s something I wanted to leave you with.

The other part of it is, this trespass business with respect to game wardens given that authority or responsibility, it has never really been something that the Game Commission really wanted because of the overuse, if you will, of the time to our WCOs, game wardens, what have you, in their responsibilities. It has been a problem. It has been a major concern, and that’s just something that I think we need to remember that can really stymie their time
afield as to what they need to do.

And so I realize that we’re hoping to spread that authority. But I will also remind you that one of the reasons that the Game Commission historically was against Sunday hunting, they didn’t feel that they could put the amount of workforce out there. I talked to them for decades over this issue. And so I just want you to understand that sometimes we can have some unintended consequences, with some challenges, with the people who would bear that burden.

So thank you, Mr. Chairman.

MAJORITY CHAIRMAN GILLESPIE: Thank you, Representative Maloney.

Any other Members?

Okay. Seeing none, there will be more written testimony on the way, so look for that either in your email or in packets that will be coming to you.

I want to thank everybody for their attendance, including the panel. Many of you traveled many hours to get here.

I am particularly thankful to the freshmen and the new Members, or even those Members that have been on the Committee for a couple of cycles that never had the opportunity to hear a public hearing on Sunday hunting. So I’m glad we were able to do that.
And with that, unless I see anything else, we’re going to go and adjourn this meeting of the House Game and Fish Committee.

Thank you.

(At 2:59 p.m., the public hearing adjourned.)
I hereby certify that the foregoing proceedings are a true and accurate transcription produced from audio on the said proceedings and that this is a correct transcript of the same.

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