

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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COMMITTEE STAFF PRESENT:

GREGORY RAFFENSPERGER

MAJORITY EXECUTIVE DIRECTOR

CHERYL BLOSSER

MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

STEVEN McMULLEN

DEMOCRATIC EXECUTIVE DIRECTOR

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SUBMITTED WRITTEN TESTIMONY

* * *

See submitted written testimony and handouts online under "Show:" at:

https://www.legis.State.pa.us/cfdocs/Legis/TR/Public/tr_finder_public_action.cfm?tr_doc_typ=T&billBody=&billTyp=&billNbr=&hearing_month=&hearing_day=&hearing_year=&NewCommittee=Game+percent26+Fisheries&subcommittee=&subject=&bill=&new_title=&new_salutation=&new_first_name=&new_middle_name=&new_last_name=&new_suffix=&hearing_loc=

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P R O C E E D I N G S

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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.

1 Ed Neilson, the 174th Legislative---

2 REPRESENTATIVE FEE: Eddie.

3 REPRESENTATIVE NEILSON: I didn't see him. The
4 water is hiding him.

5 REPRESENTATIVE WALSH: Justin Walsh---

6 REPRESENTATIVE NEILSON: Justin Walsh.

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

9 Now you can have the floor.

10 REPRESENTATIVE NEILSON: I don't want it no more,
11 Mr. Chairman.

12 Ed Neilson, Philadelphia County, the
13 174th Legislative District.

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

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

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

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

22 REPRESENTATIVE JOZWIAK: Barry Jozwiak, the
23 5th District, Berks County.

24 And thank you, Philadelphia, for being here, you
25 non-hunters.

1 REPRESENTATIVE MEHAFFIE: Tom Mehaffie, Dauphin
2 County, the 106th District.

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

5 MINORITY CHAIRMAN KORTZ: Good afternoon,
6 everyone.

7 My name is Bill Kortz, State Representative, the
8 38th District, Minority Chair.

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

11 I'm Keith Gillespie. I'm the Republican Chair
12 from the 47th District in York County.

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

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

22 We're pleased to have you here. I must remind
23 everyone, though, that while this is a public hearing, it
24 is not a public forum or a town hall meeting and does not
25 include or provide the opportunity for public comment.

1 Public hearings are meant to allow the primary statewide
2 and national organizations that have been most involved in
3 an issue the opportunity to address the Committee face to
4 face in a public setting.

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

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

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

18 With that, Chairman Kortz.

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

21 First, I want to thank you, Mr. Chairman, for
22 holding this hearing today. It's a very, very important
23 issue that we're about to address. It's something that
24 has been around for many, many decades. In fact, it has
25 been around for 337 years, folks. Since the days of

1 William Penn, there has been a ban on deer hunting in this
2 State, and I think it's time that we address this and vet
3 it.

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

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

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN GILLESPIE: Thank you,
15 Mr. Chairman.

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

19 We have four testifiers today, and they'll be
20 going in this order, unless they have arranged something
21 different. It will be Joe Neville, Executive Director of
22 the Keystone Trails Association; Darrin Youker, Director
23 of State Government Affairs, the Pennsylvania Farm Bureau;
24 Harold Daub, Executive Director of the Pennsylvania
25 Federation of Sportsmen & Conservationists; and

1 David Weber, State Director, the National Rifle
2 Association. I understand there also may be a
3 Jake McGuigan that is also going to be with Mr. Weber.

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

6 MR. NEVILLE: Thank you, Mr. Chairman.

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

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

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

19 Among the people we represent, most of their
20 activities during prime hunting seasons are focused on
21 Sundays, days that are largely free of gunfire in
22 Penn's Woods. Safety is a paramount concern of these
23 people, especially when on any Sunday, many thousands of
24 Pennsylvania hikers, backpackers, trail maintainers,
25 mountain bikers, equestrians, trail runners, birdwatchers,

1 geocachers, wildlife watchers, and their families are in
2 the woods. Add hunters to this mix, and it is just a
3 matter of time before tragic accidents could occur.

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

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

17 In fact, many hikers wary of the potential safety
18 concerns of hunting might be reluctant to share the woods
19 and instead decrease their recreation on hunting Sundays.
20 Given the size of the hiking population along with other
21 non-hunter user groups, this potential impact can't be
22 overlooked. Outdoor recreation surveys conducted for DCNR
23 indicate there are far more Pennsylvanians who engage in
24 the outdoors through hiking and other non-hunting pursuits
25 than hunting.

1 This is also evident in the trends outlined in
2 the Outdoor Industry Association's *2018 Outdoor*
3 *Participation Report* showing that youth hunters make up
4 only 6.2 percent of the population, while youth hikers
5 represent 15.9 percent of the population. Over the last
6 decade, you can see that youth hunting numbers have
7 remained relatively flat while hiking numbers continue to
8 increase, and that's outlined in Appendix 1.

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

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

22 Some proponents of hunting have made wildly
23 optimistic claims that it could inject 800 million into the
24 State economy and create 7,000 new jobs. However, any
25 realistic economic gain from Sunday hunting could likely be

1 offset from the economic loss of other user groups who
2 would choose to stay home.

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

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

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

25 Hunters themselves are not united on Sunday

1 hunting. In fact, a recent Pennsylvania Game Commission
2 study shows that only 53 percent of hunters support
3 legalizing Sunday hunting in Pennsylvania, and that's in
4 Appendix 3.

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

12 Some people have called the hiking community
13 hypocrites and other less desirable terms for scheduling
14 hiking events and trail care during hunting seasons:
15 "How can you be so afraid but still go out on Saturdays?"
16 they ask. First, I'd like to point out that we represent
17 many hunters as well as other recreationists who are
18 non-hunters. In fact, our Board of Directors is made up of
19 20 percent hunters, more than triple the State's percentage
20 of hunters in the population.

21 Next, consider what trail care entails. Most of
22 our crews use chainsaws to cut down blowdowns;
23 brushcutters, which is like a weed eater on steroids, to
24 cut brush along the trail; or a DR walk-behind mower. It
25 is incredibly unlikely that anyone would confuse these

1 machines or the sounds they make with a huntable species.

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

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

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

20 Hunting has a long and honored tradition in our
21 State. Hunters, hikers, and other outdoors people all
22 share a deep appreciation for Penn's Woods and all have the
23 right to pursue their passion. With the continued ban on
24 Sunday hunting, hunters are still free to hunt 6 days a
25 week, as they have for over 144 years, and everyone will

1 continue to have one day a week where they can enjoy the
2 woods free from hunting pressure.

3 Let's keep the ban on Sunday hunting, and thank
4 you, Mr. Chairman.

5 MAJORITY CHAIRMAN GILLESPIE: Thank you,
6 Mr. Neville.

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

10 MR. YOUKER: Thank you all very much.

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

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

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

24 It is member driven every step of the way by the
25 men and women of Pennsylvania agriculture. Our stances on

1 Sunday hunting or anything else is not developed by staff.
2 It is not developed by our Board of Directors. It is
3 member led and reflects the majority wishes of our
4 membership, and I can't stress that enough.

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

- 11
- 12 • Stronger hunting-related trespassing;
- 13 • Limiting Sunday hunting to 3 days with the
- 14 focus on deer hunting; and
- 15 • Hunting on private property for those
- 16 particular Sundays with written permission
- 17 only.

18

19 That's a fairly substantial departure from an
20 organization that historically has been opposed to Sunday
21 hunting in any way, shape, or form. So it was pretty
22 quickly that we were starting to get calls and emails from
23 Members of the General Assembly asking about our shift in
24 policy and the criteria at which we could be neutral. And
25 it was under that guise that we were invited to sit down

1 with Members, or the Chairs of the Senate Game and
2 Fisheries Committee, and also some that are in this room,
3 to talk about the Pennsylvania Farm Bureau's thoughts on
4 Sunday hunting and where we could be neutral.

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

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

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

24 And for the hunter and for the landowner, the
25 written permission piece I think is a very small component

1 to ask. Frankly, for the hunter, it is a peace of mind
2 that they can carry with them into the field, that if they
3 are ever questioned by a law enforcement officer, they have
4 written proof that they have permission to be on that
5 landowner's property. It's beneficial for the landowner,
6 to be sure, but it's also beneficial to the hunter as well.

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

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

24 We have frequently heard throughout this debate
25 that farmers can simply "post their land" if they don't

1 want hunting and as if that one act is magically going to
2 make trespassing go away. Without strong and vigorous
3 enforcement, some might view that posted warning sign as a
4 suggestion, not an actual threat of law. I mean, how many
5 of us can admit that we, every time we are driving on the
6 roads, are obeying the speed limit, but if we see a cop in
7 the median, we are probably changing our behavior just a
8 little bit.

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

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

23 Several other States allow for landowners to post
24 their property through so-called purple paint stripes that
25 has the same legal enforcement that our traditional

1 "No Trespassing" does. It is easier for a landowner to
2 post their property that way, and it's also nearly
3 impossible for somebody to deface that kind of posting as
4 opposed to just simply ripping down a sign. As long as
5 that landowner is judicious in posting their property in
6 that way and making sure the paint is kept up, it's pretty
7 tough to argue for a hunter or anybody else that they
8 didn't see that posting.

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

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

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

24 And as Mr. Neville pointed out and it bears
25 repeating, that none of those other States can show that

1 hunting license sales has increased. The trend nationally,
2 regardless of Sunday hunting, is hunter numbers continue to
3 decline. There is a hunter recruitment and retention issue
4 that is going on nationally that is not being solved by
5 Sunday hunting.

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

10 I look forward to answering any questions you may
11 have.

12 MAJORITY CHAIRMAN GILLESPIE: Thank you,
13 Mr. Youker.

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

17 MR. DAUB: Thank you, Chairman.

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

20 Thank you for the opportunity to present
21 testimony on this very important subject, Senate Bill 147.
22 This is important legislation that was originally intended
23 to move wildlife management in the right direction,
24 ensuring Pennsylvania's decisions are led by science and
25 made by our subject matter experts.

1 It is known as the "Sunday Hunting Bill,"
2 providing more hunting opportunity for Pennsylvania
3 outdoorsmen and women. But it is more than a Sunday
4 hunting bill; it also intends to strengthen our trespass
5 laws.

6 My name is Harold Daub. I am the Executive
7 Director of the Pennsylvania Federation of Sportsmen &
8 Conservationists. I am here today representing not only
9 my organization with over 57,000 members, but also over
10 20 consolidated hunting and conservation organizations
11 representing 1.4 million sportsmen and women of
12 Pennsylvania.

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

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

25 Here in Pennsylvania, that is the Pennsylvania

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

8 Many surveys have been done over the past year
9 on the subject of Sunday hunting. Many of you have placed
10 the question before your constituents. News outlets,
11 hunting organizations, and many others have conducted polls
12 in all demographics throughout the State. The results that
13 we have been able to tabulate indicate an average of
14 80 percent approval for allowing hunting on Sunday.

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

23 As I mentioned in my opening, Senate Bill 147
24 also contains stronger hunting trespass laws that benefit
25 both farmers and landowners. Trespass while hunting would

1 be a primary offense enforceable by both law enforcement
2 and game wardens. This is something the Pennsylvania
3 Farm Bureau has been wanting for many years.

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

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

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

22 Our hunting heritage has no physical limits.
23 Greg Traynor is an avid hunter and is a quadriplegic from a
24 diving accident. He wrote and told me, "After my injury,
25 it took me 10 years to get strong enough to be able to go

1 hunting again. In 2010 I started Accessible Hunter to
2 provide information on hunting and shooting for people with
3 significant disabilities. Over the past 20 years, it's
4 been my goal to encourage and support anyone who wants to
5 participate in the outdoors. I believe legalizing Sunday
6 hunting in Pennsylvania would be very beneficial to hunters
7 with disabilities. Adding Sunday hunting would add
8 opportunity for people to volunteer their time assisting
9 individuals with disabilities or people who require
10 assistance in the outdoors."

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

23 The opposition over the past decades regarding
24 removing the prohibition primarily has come from the
25 Pennsylvania Farm Bureau. They say we have fewer hunters

1 hunting across the entire U.S. and Sunday hunting has not
2 helped stop the reduction in participation in other
3 States. They contend Sunday opportunity would not help
4 stop the decline here in Pennsylvania. But I ask, is this
5 a self-fulfilling philosophy because Pennsylvania's
6 Legislature chooses to not add time for people to
7 participate in hunting?

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

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

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

25 The Pennsylvania Farm Bureau represents less than

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

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

14 So what is going on? Is the Pennsylvania
15 Farm Bureau bullying you as Legislators into playing their
16 game of running out the clock? Did Farm Bureau leadership
17 ignore their members and their published position from the
18 start by intentionally withholding the requirement for
19 "written permission" that we now see the Farm Bureau
20 touting as the issue causing them to oppose Senate Bill
21 147?

22 Why would they do this? Why didn't the
23 Farm Bureau insist "written permission" be entered into
24 Senate Bill 147 during the June 27, 2019, negotiations with
25 Senator Corman prior to agreeing to the compromise of just

1 3 days?

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

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

19 While many of us agree that people should be at
20 church, few of us want lawmakers infringing on our
21 religious freedom. As Rev. Dr. Nathan Minnich wrote, "I
22 fear they..." meaning Legislators, "neither understand the
23 history, meaning, nor the significance of Sabbath, and have
24 completely failed to recognize that it is not within the
25 boundaries granted them by their public office to define

1 such a term. If this is the primary reason for restricting
2 hunting activities, then those holding legislative office
3 must seek to protect the Sabbath of all Pennsylvanians per
4 their various definitions; a futile task at best."

5 The Keystone Trails Association also is an often
6 quoted opponent of Senate Bill 147. Their main reason for
7 opposition to Senate Bill 147 is "hikers fearing for their
8 safety."

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

22 The proof is in the Keystone Trails Association's
23 current published hiking schedule. Hikes are scheduled
24 every day of the week, Sunday through Saturday, during
25 hunting season, negating any argument that hikers, quote,

1 "fear for their safety."

2 It is important to note that the Keystone Trails
3 Association belongs to the Appalachian Trail Conservancy,
4 the Mid-Atlantic Region. They do not oppose Sunday
5 hunting. The Appalachian Trail Conservancy provides
6 published guidance to be used by its member clubs regarding
7 hunting and hiker safety.

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

10

- 11 1. If Keystone Trails Association hikers are
12 afraid of hunters, then why are hikes
13 scheduled 7 days of the week, even during
14 popular hunting seasons, and utilizing State
15 Game Lands?
- 16 2. Hasn't the non-hunting public shown in their
17 economic interest a willingness to participate
18 and recreate 7 days a week regardless of
19 hunting activity?
- 20 3. Think of the additional economic contribution
21 hunters can and will make when authorized to
22 hunt on Sundays.

23

24 When it comes to the Keystone Trails Association
25 and Senate Bill 147, ask yourself this: Is it right for

1 one group of outdoor enthusiasts to recreate freely and not
2 another? Is there any solid evidence to perpetuate the
3 restriction of hunters' liberties? Are you willing to
4 write a law that places the same restrictions on hikers as
5 there are on hunters?

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

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

22 When it comes to the Pennsylvania Farm Bureau and
23 Senate Bill 147, my request to you as lawmakers is to stop
24 the Farm Bureau's decades-old strategy of running out the
25 clock each legislative session. Pass Senate Bill 147 in

1 its current form. It is a start to allow the Game
2 Commission to use the best science available to manage our
3 wildlife and to bring Sunday hunting opportunity to
4 Pennsylvania.

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

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

19 Look to the future. Be leaders and the conduit
20 that brings sportsmen and conservation organizations,
21 Legislators, the Pennsylvania Game Commission, the
22 Pennsylvania Farm Bureau, the Keystone Trails Association,
23 and others together for real discussions and solutions
24 regarding wildlife management, outdoor recreation, and
25 landowner rights.

1 I have full faith that as Game and Fisheries
2 Committee Members, you will make the right decision. I
3 hope that your colleagues in the House will follow your
4 lead as Senate Bill 147 makes its way through the
5 legislative process and onto the Governor's desk for
6 signature.

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

13 Thank you all.

14 MAJORITY CHAIRMAN GILLESPIE: Thank you,
15 Mr. Daub.

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

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

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

22 MR. WEBER: I am. Thank you.

23 Honorable Members of the House Game and Fisheries
24 Committee, I would like to start off this afternoon with a
25 reference to an article that ran in the Pittsburgh

1 Post-Gazette on February 18, 2001, and I quote, "The first
2 of the blue laws in Pennsylvania was enacted in 1682, back
3 when it was a colony of the British Empire. The general
4 prohibition was against working or having fun on Sundays,"
5 unquote.

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

12 As I testify, I ask myself why, why in 2019 do we
13 have legislation that was on the books that was created by
14 British rule? Why roughly 337 years later is this
15 prohibition blue law still in effect? Let me repeat that:
16 337 years later, the British told us we cannot hunt on a
17 Sunday. This is unfathomable that we still follow this
18 law.

19 Gun ownership and participation in hunting and
20 the shooting sports are among the strongest of American
21 traditions. For decades, more than a million hunters in
22 the Keystone State have taken to the field to enjoy the
23 great outdoors. However, Pennsylvania has seen a decline
24 in the number in recent years. This decline is in part due
25 to a transition in family lifestyle, which is filled with

1 commitments throughout the week. Between family, work,
2 school, and other obligations, Pennsylvania's Sunday
3 hunting restrictions only add to that challenge of getting
4 into the field.

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

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

18 Amazingly, the three States that still ban
19 hunting on Sundays are Maine, Massachusetts, and
20 Pennsylvania. Other outdoor activities are allowed on
21 Sundays, including those that take place on public and
22 private properties, such as fishing, hiking, and golf.
23 Restrictions on Sunday hunting effectively treat hunters as
24 second-class citizens. Such a view ignores the fact that
25 hunting is part of Pennsylvania's heritage. And please

1 remember, hunting season is short. It doesn't last all
2 year, and it doesn't guarantee a harvest.

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

9 Further, numerous working-class adults work
10 6 days a week and only have Sunday off of work. Countless
11 hunters stop hunting because of the lack of opportunity and
12 time restrictions. The addition of any extra day in the
13 field, especially on the weekend, increases the opportunity
14 for those individuals to experience hunting.

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

23 Further, there have been little to no efforts to
24 reinstate the bans where the bans have been lifted.
25 Hunting has taken place on Sundays with little to no

1 problems. This is mostly due to the well-trained safe
2 hunters and strict hunting safety courses that are required
3 before purchasing a hunting license.

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

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

1 those same freedoms.

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

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

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

23 The National Rifle Association clearly states
24 that one of our purposes is "to promote hunter safety, and
25 to promote and defend hunting as a shooting sport and as a

1 viable and necessary method of fostering the propagation,
2 growth, conservation and wise use of our renewable wildlife
3 resources." As we as an organization will never stop
4 defending our freedoms, I hope you as a legislative body
5 will never waver in protecting ours.

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

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

12 MR. McGUIGAN: Thank you, David.

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

21 I'm here to speak obviously in support of SB 147.
22 Both Harold and David did a very good job of laying out
23 some of the support and the reasons why we support it. I
24 won't go into those and I won't actually go into my written
25 testimony. You guys can, you know, look at that on your

1 own.

2 What I didn't think I was going to be doing today
3 is coming here and basically pointing out to you that there
4 are two things that I support with the Farm Bureau and the
5 Keystone Trails Association.

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

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

22 The second thing that I agree with both the
23 organizations is that there has been a slow and deliberate
24 approach to Sunday hunting in many States where we have
25 sought passage, and that's exactly what SB 147 is here in

1 Pennsylvania. It is a slow, deliberate approach.
2 Actually, it's one of the most restrictive bills we have
3 come across looking to remove the prohibition on Sunday
4 hunting in any State.

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

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

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

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

24 And as the gentleman from the Farm Bureau did
25 mention, West Virginia, your neighbor to the south, started

1 with a voter initiative. We spent a lot of time and effort
2 on the voter initiative in West Virginia. In one election
3 in 2016, we went 11 for 11 in the counties. The following
4 legislative session, the Legislature in West Virginia did a
5 full repeal of Sunday hunting on private lands only. The
6 following year, they came back and removed the restriction
7 on all public lands because of the, basically, the hunters
8 and sportsmen wanted that. They wanted the access, and
9 1 year on the private lands basically pushed through public
10 lands.

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

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

24 We continue to go down this road while other
25 States around this country are moving forward, removing

1 full prohibition, and we are still at the same point here
2 in Pennsylvania. And I think SB 147 is, quote, unquote,
3 "a slow, deliberate approach" and the right way to go for
4 the sportsmen of Pennsylvania.

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

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

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

1 hunting.

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

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

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

22 Thank you, sir.

23 MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.

24 And I want to thank all the testifiers. We asked
25 you to stay within 15 minutes of your time block, and you

1 guys exceeded that by a couple of minutes, so. You came
2 under that by a couple of minutes. I didn't mean to exceed
3 it. But thank you so much.

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

7 And with that, Representative Maloney, you're up
8 first.

9 REPRESENTATIVE MALONEY: Thank you, Mr. Chairman.
10 Gentlemen, thank you for being here.

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

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

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

24 I'm surprised by every one of you today that you
25 never mentioned House Bill 102, which I have come here as a

1 freshman. With my mind as to being a father, a former
2 school director, a track and field official, a grandfather,
3 it starts young. And the legislation to try to get kids to
4 understand where sportsmen come from, what we provide to
5 this economy, and what we do, I believe has to be generated
6 through feeding programs and part of the mentoring program
7 here for not only kids but for adults; the Heritage plate
8 to put moneys in there for hunter safety courses. Not a
9 one of you referenced the bill that we would get hunter
10 safety courses in schools, which was just passed, by the
11 way, and signed into law in the State of Illinois, not
12 exactly a conservative State. Not one of you referenced
13 it. It's bothersome to me. I brought it up many times.

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

23 But to hear some of the testimony today attacking
24 other people--- On our House Floor, the Speaker often
25 challenges us as to not impugn the reputation or the

1 character or the intent of another Member. For me to hear
2 the Farm Bureau be bashed and accused today is problematic.

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

13 I'll go toe to toe with anybody here on the
14 subject of the outdoors, but for you to accuse them of
15 bullying and for me to play political games is outrageous.
16 And I will remind you that we have a job here as
17 Legislators, although you sort of insulted us here with
18 your own testimony. It was the ethics violation that came
19 down on the Game Commission that was the most of ever. It
20 was the checks that I stopped that they wrote out at will
21 for hundreds of thousands of dollars at a time. It was
22 certain policy that they changed due to the pressure put on
23 them. Never once do they come out in support of getting
24 kids in front of hunter safety courses in schools, nor did
25 you.

1 And some of the false and fake news with the
2 numbers bothers me also. Over 80 percent, as you know, of
3 the hunters said, do not change the opening day of rifle
4 season. Not only was it ignored, it is now in complete
5 turmoil statewide. Pheasant, grouse, and deer habitat have
6 been something that I have been probably pretty passionate
7 about changing for a long time. It has been pretty much
8 ignored.

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

16 So having said that, Mr. Chairman, I could hunt
17 8 days out of the week as a person and as a sportsman. I'm
18 not here today for myself. I think it's commendable that
19 you have had this. I think it's commendable that he has
20 brought many of these groups together, whom I support and
21 am members of.

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

1 better facts.

2 Thank you, Mr. Chairman.

3 MAJORITY CHAIRMAN GILLESPIE: Thank you,
4 Representative Maloney.

5 Next up is Representative Neilson.

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

8 Thank you, gentlemen, for your testimony here.
9 And this is more of a statement than questions, because I
10 appreciate you having a hearing on the issue allowing us to
11 hear from all the stakeholders.

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

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

22 I won't be bullied by his association nor
23 anybody. When we do this and we have these hearings, we
24 attempt to have these hearings to listen to everybody and
25 let everybody show their voice.

1 And see, I won't even point him out, because it's
2 not me, Chairman. But in some of the testimony, it's like,
3 we don't deserve a voice in this? We don't deserve
4 -- we should just let every hunter just do their own thing
5 and just let it go. That's not why I was sent here by my
6 neighbors.

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

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

18 We all have the freedom of speech and we all have
19 our Second Amendment. I respect that. I'm a gun owner.
20 This year, in fact, as most of you know, I got my first
21 hunting license this year, okay? And it was my goal to go
22 out, because, you know, in the city, we don't -- you know
23 what happens in the city. We talk about hunting accidents?
24 We have those accidents once -- you know, 30, 40 hunting
25 accidents a year? I have them a month in my newspapers at

1 home, okay? So I want to see, I want to try and experience
2 to make certain I make the right decisions here as a
3 Committee Member.

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

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

18 Thank you, Chairman.

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

21 Representative Mullins.

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

24 I appreciate the very sage wisdom of both
25 Representative Maloney and my friend and colleague from

1 Philadelphia just now. I think it's important to
2 understand that we all must represent the constituents and
3 the membership who sent us here and be respectful of the
4 opposing, of the opposing view.

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

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

17 You know, I'm supportive conceptually of the idea
18 of Sunday hunting. That's no surprise. A lot of my
19 constituents have asked me my opinion, and I have been
20 forthright with them, and I'll probably come around to a
21 "yes" vote on Senate Bill 147. But we all know a concept
22 is different from the ultimate words on the page, what
23 we're going to be voting on, what the Governor would
24 ultimately put his signature to, and that's what I'm very
25 anxious to see.

1 So I guess it's more of a rhetorical question
2 I'll end up with, but the Farm Bureau references the
3 deliberative manner in which other States approached
4 putting Sunday hunting into statute, right? Proponents of
5 Sunday hunting say that we're losing hundreds of millions
6 of dollars a year in tourists and hunters and outdoorsmen
7 and women to those States referenced by the Farm Bureau.
8 So I'm trying to peer through those two concepts, reconcile
9 them, and try to understand what that compromise would and
10 could ultimately look like to mimic those States that two
11 opposing views are tangentially referencing. Do you see
12 what I'm saying?

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

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

22 Thank you.

23 MAJORITY CHAIRMAN GILLESPIE: Thank you,
24 Representative Mullins.

25 Representative Owlett.

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

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

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

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

24 Would you support an amendment that would allow
25 or put that into the bill?

1 MR. WEBER: If the Pennsylvania Farm Bureau would
2 put something in writing. I wouldn't just come out and
3 support something without seeing it in writing.

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

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

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

18 MR. DAUB: May I respond?

19 REPRESENTATIVE OWLETT: In just a minute.

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

25 So I represent the 68th District, the farmers, the

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

9 So that's just a couple of points. So thank you.

10 MAJORITY CHAIRMAN GILLESPIE: Thank you,
11 Representative Owlett.

12 Representative Jozwiak.

13 REPRESENTATIVE JOZWIAK: Thank you, Mr. Chairman.

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

24 So one of the questions I have for you, Mr. Daub,
25 is, what's the ratio between hunters for and against the

1 Sunday hunting?

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

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

23 So I hope I answered the question.

24 REPRESENTATIVE JOZWIAK: Yeah; you did. But what
25 about the guys like me with no hair? We have time, too.

1 MR. DAUB: Historically, you would not be one of
2 my friends.

3 REPRESENTATIVE JOZWIAK: (Laughing.)

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

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

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

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

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

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

24 REPRESENTATIVE JOZWIAK: Okay.

25 Also, I'm a little on the fence here with this

1 written permission stuff, because I hunt, and sometimes
2 you're out in the field and you're in the woods or
3 wherever, and you could get on the next property line and
4 not know it. It's like my dogs; they don't know property
5 lines, and hunters in the middle of nowhere, they don't
6 know property lines either. So you could actually get into
7 trouble.

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

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

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

21 You know, the State Game Lands, when we're out
22 there hunting, we see people on horseback; we see people
23 hiking. The State Game Lands are owned by sportsmen.
24 They're not owned by the hikers and the bikers and the
25 horseback riders. So I don't have a problem with them not

1 being on State Game Lands during hunting seasons. I mean,
2 the sportsmen buy their license. They paid for the land;
3 they bought the land.

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

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

13 Thank you.

14 MAJORITY CHAIRMAN GILLESPIE: Thank you,
15 Representative Jozwiak.

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

18 Greg reminded me that the original Senate Bill
19 147 was 14 Sundays.

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

24 MAJORITY CHAIRMAN GILLESPIE: My apologies for---
25 And in addition to coyotes and crows, foxes, and

1 noncommercial, as we heard earlier, hunting grounds are
2 also legal to hunt on Sundays.

3 And with that, we go to Representative Gleim.

4 REPRESENTATIVE GLEIM: Thank you. I'll be brief.

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

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

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

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

1 going to throw that out there.

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

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

19 So that's just a little bit of clarification. So
20 thank you.

21 MAJORITY CHAIRMAN GILLESPIE: Thank you,
22 Representative Gleim.

23 Representative Delloso.

24 REPRESENTATIVE DELLOSO: Thank you, Mr. Chairman.

25 I'll be brief.

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

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

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

24 Thank you, Mr. Chair.

25 MAJORITY CHAIRMAN GILLESPIE: Who wants to take

1 it on?

2 MR. YOUKER: So, just on the written permission
3 piece, I think it probably is just part of the hunter
4 ethic. And I hunt myself, both State Game Lands near my
5 house in Adams County but also some private farm ground in
6 Berks County.

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

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

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

24 MAJORITY CHAIRMAN GILLESPIE: Thank you.

25 Mr. Daub?

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

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

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

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

25 And if I may, if I may address the issue of

1 bullying? May I?

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

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

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

15 Thank you.

16 MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.

17 Does anybody else on the panel wish to respond to
18 Representative Delloso's question?

19 MR. WEBER: If I can.

20 As a landowner, there is nothing today preventing
21 me from acquiring written permission on my own land. As a
22 gentleman who agrees in limited government, today I could
23 require any one of you to require written permission from
24 me. So I don't understand why we need a new law or how one
25 would feel that trespassing would increase more on a Sunday

1 as opposed to any other day of the week.

2 MAJORITY CHAIRMAN GILLESPIE: Okay. Mr. Youker.

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

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

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

18 So I just wanted that clarified for the record.

19 MAJORITY CHAIRMAN GILLESPIE: Okay.

20 Anyone else on the panel?

21 Representative Delloso, any other questions?

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

24 MAJORITY CHAIRMAN GILLESPIE: Very good.

25 With that, we have Representative Mehaffie.

1 REPRESENTATIVE MEHAFFIE: Thank you,
2 Mr. Chairman.

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

5 So you're asking for written permission only on
6 Sundays. Is that correct?

7 MR. YOUKER: Yes.

8 REPRESENTATIVE MEHAFFIE: Why not 7 days a week?

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

14 REPRESENTATIVE MEHAFFIE: Okay.

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

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

24 But, I mean, it's their individual members of the
25 Ohio or the New York Farm Bureau that tell the leaders, you

1 know, that submit policy the same way that we do. So while
2 we are similar organizations, a thing that might be an
3 issue in Pennsylvania just isn't in the State of Ohio or
4 New York or Texas.

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

9 REPRESENTATIVE MEHAFFIE: Okay. Let's get into
10 liability.

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

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

21 REPRESENTATIVE MEHAFFIE: Okay. Very good.

22 Joe, I'm going to go on this: In other States,
23 how did hikers and bikers and other recreational people
24 handle the situation when Sunday hunting came into play in
25 these other States?

1 MR. NEVILLE: Well, I know that a number of our
2 clubs, particularly the Potomac Appalachian Trail Club and
3 Mountain Club of Maryland, actually scheduled many of their
4 activities here in Pennsylvania on Sundays because there is
5 limited hunting. So in a reverse way that the hunters are
6 going to other States to hunt, we're also pulling in hikers
7 from nearby States that come here specifically to avoid
8 hunting.

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

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

19 MR. NEVILLE: I can certainly request that
20 information.

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

23 MR. NEVILLE: Yep.

24 REPRESENTATIVE MEHAFFIE: Dave, I don't disagree
25 with you when you talk about the permission slip. If we're

1 going to do permission slip, it ought to be 7 days a week.
2 If we're not going to do a permission slip -- because
3 people are going to trespass either way, you know what I
4 mean, whether it's Monday through Sunday or Monday through
5 Saturday. I mean, that, to me, caught me, and I'm glad
6 that you elaborated on that.

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

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

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

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

23 Executive Director Raffensperger had a comment.

24 EXECUTIVE DIRECTOR RAFFENSPERGER: Yeah.

25 Tom, just to further address the liability issue,

1 several sessions ago, we specifically added in Title 34
2 liability protection for the landowner if you allow someone
3 to hunt on your property free of charge.

4 REPRESENTATIVE MEHAFFIE: Free of charge?

5 EXECUTIVE DIRECTOR RAFFENSPERGER: Yes, if you're
6 leasing their land.

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

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

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

22 MAJORITY CHAIRMAN GILLESPIE: Thank you again,
23 Representative Mehaffie.

24 Before we get to Chairman Kortz, Representative
25 Owlett.

1 REPRESENTATIVE OWLETT: Yeah. I just wanted to
2 make mention, in the bill itself, it says, "...enters or
3 remains on any land of another without authorization...."
4 So it's already mentioning some sort of authorization.

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

13 So thank you.

14 MAJORITY CHAIRMAN GILLESPIE: Thank you, sir.
15 Chairman Kortz.

16 MINORITY CHAIRMAN KORTZ: Thank you,
17 Mr. Chairman.

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

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

23 MINORITY CHAIRMAN KORTZ: Okay. You don't have
24 that in your testimony.

25 MR. NEVILLE: No, but I do have a copy here if

1 you would like it. After the hearing, I can give it to
2 you.

3 MINORITY CHAIRMAN KORTZ: What date?

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

5 MINORITY CHAIRMAN KORTZ: 2016.

6 MR. NEVILLE: Yeah.

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

9 MR. NEVILLE: Absolutely. Sure.

10 MINORITY CHAIRMAN KORTZ: Okay. I appreciate it.

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

16 Darrin, stronger trespassing laws; limiting
17 Sunday hunting to 3 from 14. You could've had 14 days, but
18 there were negotiations -- and I talked to Senator Brewster
19 and Senator Laughlin; I know what was going on behind the
20 scenes -- and they did come down. I mean, 3 days: one of
21 them archery, one of them rifle season for deer, and the
22 other one is to be picked by the Game Commission. Maybe
23 that will be bear or deer, I don't know. But you got two
24 of the three things you wanted. You got two of the three
25 big things. Sometimes, you know, you got to compromise.

1 Is this absolutely, I mean, is it a line drawn in
2 the sand with this written permission? Is it all three or
3 nothing?

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

8 MINORITY CHAIRMAN KORTZ: Okay.

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

14 MR. YOUKER: I would say two things.

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

22 But also, if we're going to allow for Sunday
23 hunting, that farmers and other landowners would like to
24 have that written permission piece for those particular
25 Sundays.

1 MINORITY CHAIRMAN KORTZ: You're setting up two
2 separate systems, though. You're setting up a separate
3 system, the way the language is now, and I've seen your
4 language, you have a permission slip for Sunday that has to
5 be written, but Monday to Saturday is different, in the
6 language that you have proposed.

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

12 MINORITY CHAIRMAN KORTZ: Okay.

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

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

17 MINORITY CHAIRMAN KORTZ: Okay.

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

23 Do you need written permission every year?

24 MR. YOUKER: Yeah, because landowners---

25 MINORITY CHAIRMAN KORTZ: Do you need permission

1 every day?

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

4 MINORITY CHAIRMAN KORTZ: Do you---

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

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

20 I think it's just a good practice. It's good
21 hunter/landowner relationships.

22 MINORITY CHAIRMAN KORTZ: Okay.

23 If the hunter does not have that written
24 permission slip on them, what happens if a WCO approaches
25 him in those woods?

1 MR. YOUKER: Well, depending on how the
2 legislation would be written, then you would be considered
3 a trespasser.

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

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

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

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

18 And I understand where you're going with this.
19 Look, I have a thousand acres, too, with 14 other guys.
20 And, you know, with all due respect, I love to hunt and I'm
21 there. I've been hunting for 44 years, so I've been at it
22 a long time. We don't have a farm down there, but we have
23 people come on, too, and we ask them to get permission.
24 And we address them and ask them to leave our land; it's
25 all posted, so I'm not opposed to the purple laws either.

1 I'll take a look at that. But where I'm going with this
2 is, there can be some pitfalls.

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

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

13 MR. YOUKER: So---

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

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

23 So I guess I would ask for you to consider, if we
24 could, a separate bill, and I would help draft that, if we
25 could, to go after that in a separate piece of legislation,

1 as was mentioned by several of my colleagues. So I only
2 throw that out for consideration.

3 Okay. Dave, a question for you.

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

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

12 MR. McGUIGAN: Thank you, David.

13 Chair, I appreciate the question.

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

20 Now, respectfully to your question on the
21 Farm Bureau, we have worked with the Farm Bureau in many
22 States and have gotten to a point where they have been
23 neutral or supportive of bills. Unfortunately, in
24 Pennsylvania, once again, a passionate, contentious issue
25 here, we haven't gotten to that point.

1 And as mentioned, my only concern with SB 147 is
2 that the thought process was to give the Game Commission
3 the authority to implement or remove the prohibition. So
4 the Game Commission simply could have come forth and said,
5 you know what, we only think it would be appropriate to do
6 a spring turkey season. We weren't trying to get
7 14 Sundays, unlimited Sundays, 3 Sundays, 2 Sundays. That
8 was not the case. We didn't want to put a number on that.

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

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

24 MR. WEBER: And if I may add, the National Rifle
25 Association in the spirit of compromise would be willing to

1 work with the Farm Bureau in coming up in a separate bill,
2 if they're willing, to come up with that language, trespass
3 language, for written permission.

4 MINORITY CHAIRMAN KORTZ: Okay.

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

8 MINORITY CHAIRMAN KORTZ: And thank you for
9 that.

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

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

23 So yes, we do; we have seen it. You know,
24 unfortunately, if you look at the economic impact numbers,
25 we put them out over a decade ago, and if you look at the

1 economic impact numbers now, they are in fact less, and you
2 had basically a full decade of decreasing hunters,
3 decreasing hunting license sales.

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

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

14 MINORITY CHAIRMAN KORTZ: Well, thank you.

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

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

23 MR. YOUKER: I mean, I hate to speak for the
24 Game Commission, but I think just in practical terms,
25 probably most trespassing complaints or most complaints

1 over a lack of written permission are going to be landowner
2 driven. So I think that problem is certainly and probably
3 going to be taking care of itself. It's going to be
4 complaint driven as opposed to monitoring, for lack of a
5 better word.

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

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

21 So that's why we do appreciate, you know, what
22 Senate Bill 147 is trying to do by making it a primary
23 offense, and also what we have repeatedly appreciated
24 that Representative Brett Miller has tried to do in passing
25 a House bill that specifically deals with just

1 hunting-related trespassing. That bill's forward progress
2 has always been stymied by attempts to then amend Sunday
3 hunting into it.

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

8 And also, you know, just on the purple paint real
9 quick, that's a judiciary bill, that it doesn't just deal
10 with hunting-related trespassing. It is trespassing in
11 general. So I am no legal scholar, but I don't think
12 purple paint could be amended into a 147 or other type of
13 34 bill.

14 MINORITY CHAIRMAN KORTZ: Okay. Thank you.

15 And thank you, Mr. Chairman. I appreciate the
16 time and holding the hearing today.

17 Thank you, sir.

18 MAJORITY CHAIRMAN GILLESPIE: Thank you.

19 Before I make final comments, did any other
20 Members have any follow-up questions?

21 Representative Maloney.

22 REPRESENTATIVE MALONEY: Yeah. Thank you,
23 Mr. Chairman.

24 Just a couple quick comments that I think we need
25 to remember here.

1 We continuously hear the decline, and we do know
2 it's nationwide. Again, we know that there is ancillary
3 issues for that. But there is not one other more important
4 issue than game, and game having to do with good habitat
5 and good numbers has always been for the last 15 years the
6 number-one reason that I get and know and have experienced
7 and have heard from, and we all know that in Pennsylvania,
8 92 to 93 percent of license sales are due to the pursuit of
9 the white-tailed deer.

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

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

1 afield as to what they need to do.

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

11 So thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN GILLESPIE: Thank you,
13 Representative Maloney.

14 Any other Members?

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

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

21 I am particularly thankful to the freshmen and
22 the new Members, or even those Members that have been on
23 the Committee for a couple of cycles that never had the
24 opportunity to hear a public hearing on Sunday hunting. So
25 I'm glad we were able to do that.

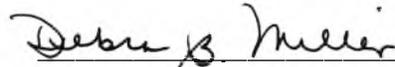
1 And with that, unless I see anything else, we're
2 going to go and adjourn this meeting of the House Game and
3 Fish Committee.

4 Thank you.

5

6 (At 2:59 p.m., the public hearing adjourned.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5
6
7 

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