



New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM OF SUPPORT WITH CONCERNS

Bill # **A 1758** Hawley Same as **S 873A** Ortt

Title: Provides free hunting, fishing and trapping licenses to members of the active military and to veterans.

These proposals would afford free sporting licenses for active military stationed within the state. While no-cost licenses are currently available for some active armed forces members, state militia members and reserve components, there is no comprehensive policy or any accounting for the revenue lost to the state, specifically to dedicated wildlife funds.

Justification:

The NYS Conservation Council supports the military's dedication and service to our country, wherever in the world they may serve. It is thus entirely appropriate for the legislature to recognize, at least in part, their sacrifice through the waiver of recreational license and access fees. The state is obligated, however, to recognize the cost of these waivers and ensure that they are shared equitably across the general population.

The Council is reluctant to support completely these bills in their current form. The use of a tax credit assures that the cost is clearly identified, that it is shared across the full tax base and that it is not borne entirely by the entity providing the service. Nevertheless, we are concerned that this could be reversed if the revenue loss is later recouped through a charge back to the Conservation Fund.

A statutory guarantee must be included that will ensure that this does not occur. The Conservation Fund, which is dedicated to fish and wildlife conservation, receives its income from the sale of sporting licenses. These sales are also one of the factors that determine the state's share of federal excise tax funds under the Wildlife and Sport Fish Restoration Program.

While federal law clearly prohibits diversion of income from sporting license sales which are used as the basis for matching Wildlife and Sport Fish Restoration Programs funds, reducing the basis by, in effect, refunding license fees could potentially pass muster. Hence, this alternative must be precluded before we can fully support these bills.

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