



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

MEMORANDUM IN OPPOSITION

Provides free hunting, fishing and trapping licenses and admission to state parks to members of the active military and to veterans.

The NYS Conservation Council supports our 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 cannot support these proposals as currently constituted. We are seriously concerned about a negative impact on the Conservation Fund. This account, which is dedicated to fish and wildlife conservation, receives its principle funding from license sales. 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. Free licenses are excluded from the distribution formulas.

In the 2015-2016 license sale year, free licenses and tags cost the Conservation Fund \$1,174,936 in revenue. This was compounded by a resulting loss of \$309,306 in New York's federal aid apportionment. This results in total loss of almost \$1.5 million to fish and wildlife restoration funding.

Our preference is for the use of a state income tax credit to ensure that the cost is clearly identified, is shared across the full tax base and is not borne solely by the entity providing the service. We are concerned, however, that this could be reversed if the cost of the tax credits is later recouped through a charge back to the Conservation Fund.

We would like to see a statutory guarantee that this will not occur. While federal law clearly prohibits diversion of income from sporting licenses that is to be 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.

Accordingly, the provision of no-cost licenses must be implemented in a manner that reflects fully funded sales as regards the Conservation Fund.

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