

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1166 Session of 2015

INTRODUCED BY STEFANO, SCAVELLO, ALLOWAY, TEPLITZ, VULAKOVICH, FOLMER, BREWSTER, WAGNER, WARD AND WILEY, MARCH 18, 2016

AS AMENDED ON SECOND CONSIDERATION, JUNE 6, 2016

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in Pennsylvania Game Commission, further providing
3 for powers and duties of commission AND FOR ACCOUNTABILITY; <--
4 and, in hunting and furtaking licenses, further providing for <--
5 license costs and fees; AND MAKING AN EDITORIAL CHANGE. <--

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 322(c) of Title 34 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 322. Powers and duties of commission.

11 * * *

12 (c) Specific powers and duties.--In order to administrate
13 and enforce this title, the commission through proper action
14 shall:

15 * * *

16 ~~(14) Establish fees for hunting and furtaking licenses. <--~~
17 ~~This paragraph shall expire three years after the effective~~
18 ~~date of this paragraph. No later than one year before the~~
19 ~~expiration date of this paragraph, the Legislative Budget and~~

~~Finance Committee shall prepare a report that examines the provisions of this paragraph. The report shall include information pertaining to the amount of revenue received from the fees collected and the number of licenses issued since the effective date of this paragraph.~~

Section 2. Section 2709(a) of the act is amended to read:

~~§ 2709. License costs and fees.~~

~~{(a) License costs. Any person who qualifies under the~~

(14) FOLLOWING SUBMISSION OF THE ANALYSIS REQUIRED UNDER SECTION 328(F) (RELATING TO ACCOUNTABILITY), ESTABLISH FEES FOR LICENSES AS FOLLOWS:

(I) THE COMMISSION SHALL PUBLISH A NOTICE OF PROPOSED RULEMAKING CONTAINING THE PROPOSED FEE CHANGE IN ACCORDANCE WITH SECTION 201 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW. THE COMMISSION SHALL GIVE AT LEAST 30 DAYS FOR THE SUBMISSION OF WRITTEN COMMENTS AND SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE PROPOSED CHANGE.

(II) PRIOR TO ADOPTION OF A FINAL-FORM REGULATION CONTAINING A FEE CHANGE, THE COMMISSION SHALL REVIEW AND CONSIDER ANY PUBLIC COMMENTS AND MAY MODIFY THE TEXT OF THE FINAL-FORM REGULATION AS IT DEEMS NECESSARY UNDER SECTION 202 OF THE COMMONWEALTH DOCUMENTS LAW.

(III) AFTER ADOPTION OF A FINAL-FORM REGULATION CONTAINING A FEE CHANGE, THE COMMISSION SHALL SUBMIT THE FINAL-FORM REGULATION, COPIES OF ALL PUBLIC COMMENTS AND THE TRANSCRIPT OF THE PUBLIC HEARING TO THE GAME AND FISHERIES COMMITTEE OF THE SENATE AND THE GAME AND FISHERIES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(IV) EITHER COMMITTEE UNDER SUBPARAGRAPH (III) MAY

1 REPORT A CONCURRENT RESOLUTION RECOMMENDING DISAPPROVAL
2 OF THE FEE CHANGE WITHIN 30 DAYS OF THE SUBMISSION UNDER
3 SUBPARAGRAPH (III). IF NEITHER COMMITTEE REPORTS A
4 CONCURRENT RESOLUTION RECOMMENDING DISAPPROVAL WITHIN THE
5 TIME PRESCRIBED IN THIS SUBPARAGRAPH, THE FEE CHANGE
6 SHALL BE DEEMED APPROVED.

7 (V) IF EITHER COMMITTEE REPORTS A CONCURRENT
8 RESOLUTION UNDER SUBPARAGRAPH (IV) AND THE GENERAL
9 ASSEMBLY DOES NOT ADOPT IT WITHIN 30 DAYS OF THE DATE ON
10 WHICH THE CONCURRENT RESOLUTION IS REPORTED, THE FEE
11 CHANGE SHALL BE DEEMED APPROVED.

12 (VI) IF THE GENERAL ASSEMBLY ADOPTS A CONCURRENT
13 RESOLUTION UNDER SUBPARAGRAPH (IV) WITHIN 30 DAYS OF THE
14 DATE ON WHICH THE CONCURRENT RESOLUTION IS REPORTED, THE
15 FOLLOWING SHALL APPLY:

16 (A) THE CONCURRENT RESOLUTION SHALL BE PRESENTED
17 TO THE GOVERNOR IN ACCORDANCE WITH SECTION 9 OF
18 ARTICLE III OF THE CONSTITUTION OF PENNSYLVANIA.

19 (B) IF THE GOVERNOR DOES NOT VETO THE CONCURRENT
20 RESOLUTION OF THE GENERAL ASSEMBLY WITHIN 10 DAYS
21 AFTER IT IS PRESENTED, THE FEE CHANGE SHALL BE DEEMED
22 DISAPPROVED.

23 (C) IF THE GOVERNOR VETOES THE CONCURRENT
24 RESOLUTION WITHIN 10 DAYS AFTER IT IS PRESENTED, THE
25 GENERAL ASSEMBLY MAY, WITHIN 30 DAYS OF THE VETO,
26 OVERRIDE THE VETO BY A TWO-THIRDS VOTE IN EACH HOUSE.
27 IF THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE VETO IN
28 THE TIME PRESCRIBED IN THIS CLAUSE, THE FEE CHANGE
29 SHALL BE DEEMED APPROVED. IF THE GENERAL ASSEMBLY
30 OVERRIDES THE VETO IN THE TIME PRESCRIBED IN THIS

1 CLAUSE, THE FEE CHANGE SHALL BE DEEMED DISAPPROVED.

2 (VII) IF THE FEE CHANGE IS DEEMED APPROVED UNDER
3 SUBPARAGRAPH (IV), (V) OR (VI) (C), THE COMMISSION SHALL:

4 (A) SUBMIT THE FINAL-FORM REGULATION CONTAINING
5 THE FEE CHANGE TO THE OFFICE OF ATTORNEY GENERAL FOR
6 APPROVAL AS TO LEGALITY; AND

7 (B) PUBLISH AN ORDER ADOPTING THE FINAL-FORM
8 REGULATION CONTAINING THE FEE CHANGE AND DEPOSIT THE
9 TEXT OF THE ORDER WITH THE LEGISLATIVE REFERENCE
10 BUREAU IN ACCORDANCE WITH SECTION 207 OF THE
11 COMMONWEALTH DOCUMENTS LAW.

12 (VIII) EXCEPT FOR THIS SUBPARAGRAPH, THIS PARAGRAPH
13 SHALL EXPIRE JULY 15, 2019. UPON EXPIRATION, FINAL-FORM
14 REGULATIONS PROMULGATED UNDER SUBPARAGRAPH (VII) (B) SHALL
15 REMAIN IN EFFECT.

16 SECTION 2. SECTION 328 OF TITLE 34 IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 328. ACCOUNTABILITY.

19 * * *

20 (F) FINANCIAL ANALYSIS.--PRIOR TO THE ESTABLISHMENT OF FEES
21 UNDER SECTION 322 (C) (14) (RELATING TO POWERS AND DUTIES OF
22 COMMISSION), THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
23 PREPARE A FINANCIAL ANALYSIS OF FEES, FINES, PENALTIES,
24 ROYALTIES, FEDERAL AND STATE APPROPRIATIONS AND OTHER SOURCES OF
25 REVENUE RECEIVED BY THE COMMISSION AND OF EXPENDITURES,
26 INCLUDING ANNUAL OPERATING COSTS, INVESTMENTS, LAND PURCHASES
27 AND CAPITAL PROJECTS. TO CARRY OUT THE FINANCIAL ANALYSIS UNDER
28 THIS SECTION:

29 (1) THE COMMISSION SHALL PROVIDE RECORDS, FINANCIAL
30 STATEMENTS AND OTHER DOCUMENTS REFLECTING THE REVENUE AND

1 EXPENDITURES SUBJECT TO THE ANALYSIS.

2 (2) THE COMMISSION SHALL RESPOND TO INQUIRIES AND
3 REQUESTS FOR INFORMATION FROM THE COMMITTEE IN A TIMELY
4 MANNER.

5 (3) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
6 INCLUDE ITS MOST RECENT PERFORMANCE AUDIT UNDER SECTION
7 522(B) (RELATING TO APPROPRIATION AND AUDIT OF MONEYS).

8 (4) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL
9 COMPLETE THE REPORT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF
10 THIS SUBSECTION. THE REPORT SHALL BE SUBMITTED TO THE
11 PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE
12 HOUSE OF REPRESENTATIVES. THE REPORT SHALL BE PUBLIC
13 INFORMATION.

14 SECTION 3. SECTION 2709 HEADING AND (A) INTRODUCTORY
15 PARAGRAPH OF TITLE 34 ARE AMENDED, SUBSECTION (A) IS AMENDED BY
16 ADDING PARAGRAPHS AND THE SECTION IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 2709. LICENSE [COSTS AND] FEES.

19 (A) LICENSE [COSTS.--ANY] FEES.--SUBJECT TO SUBSECTIONS
20 (A.1) AND (C), ANY PERSON WHO QUALIFIES UNDER THE provisions of
21 this chapter shall be issued the applicable license upon payment
22 of the following [costs and the issuing agent's fee] FEES: <--

23 ~~(1) (i) Junior resident hunting \$5.~~ <--

24 ~~(ii) Junior resident combination hunting and~~
25 ~~furtaker \$8.~~

26 ~~(2) (i) Adult resident hunting \$19.~~

27 ~~(ii) Resident military personnel hunting \$1.~~

28 ~~(iii) Former prisoner of war hunting \$1.~~

29 ~~(iv) Pennsylvania National Guard hunting \$1.~~

30 ~~(v) Reserve component of the armed forces hunting~~

- 1 ~~\$1.~~
- 2 ~~(3) (i) Senior resident hunting \$12.~~
- 3 ~~(ii) Senior lifetime resident hunting \$50.~~
- 4 ~~(iii) Senior lifetime resident combination hunting~~
5 ~~and furtaker \$100.~~
- 6 ~~(4) Bear hunting:~~
- 7 ~~(i) Resident \$15.~~
- 8 ~~(ii) Nonresident \$35.~~
- 9 ~~(5) Antlerless deer:~~
- 10 ~~(i) Resident, including resident military, resident~~
11 ~~disabled veteran and landowner \$5.~~
- 12 ~~(ii) Nonresident \$25.~~
- 13 ~~(6) Archery deer:~~
- 14 ~~(i) Resident \$15.~~
- 15 ~~(ii) Nonresident \$25.~~
- 16 ~~(7) Muzzleloader deer:~~
- 17 ~~(i) Resident \$10.~~
- 18 ~~(ii) Nonresident \$20.~~
- 19 ~~(8) (Reserved).~~
- 20 ~~(9) Adult nonresident hunting \$100.~~
- 21 ~~(10) (i) Junior nonresident hunting \$40.~~
- 22 ~~(ii) Junior nonresident combination hunting and~~
23 ~~furtaker \$50.~~
- 24 ~~(11) Seven day nonresident small game \$30.~~
- 25 ~~(12) Junior resident furtakers \$5.~~
- 26 ~~(13) Adult resident furtakers \$19.~~
- 27 ~~(14) (i) Senior resident furtakers \$12.~~
- 28 ~~(ii) Senior lifetime resident furtaker \$50.~~
- 29 ~~(15) Adult nonresident furtaker \$80.~~
- 30 ~~(16) Junior nonresident furtaker \$40.~~

1 ~~(17) Resident disabled veteran hunting or furtaker under~~
2 ~~section 2706(b) (relating to disabled veterans) no cost.~~

3 ~~(18) Replacement license \$5. Antlerless deer and bear~~
4 ~~licenses shall be replaced by the original issuing agent~~
5 ~~only.~~

6 ~~(19) Owners or possessors of land open to public hunting~~
7 ~~under section 2706(d) (relating to owners or possessors of~~
8 ~~land open to public hunting) \$3.~~

9 ~~(20) Migratory game bird hunting license:~~

10 ~~(i) Resident \$2.~~

11 ~~(ii) Nonresident \$5.~~

12 ~~(21) Elk hunting license:~~

13 ~~(i) Resident \$25.~~

14 ~~(ii) Nonresident \$250.~~

15 ~~(22) Special wild turkey license:~~

16 ~~(i) Resident \$20.~~

17 ~~(ii) Nonresident \$40.]~~

18 ~~* * *~~

19 ~~Section 3. This act shall take effect in 60 days.~~

20 ~~* * *~~

<--

21 (23) HUNTING AND FURTAKING:

22 (I) SENIOR NONRESIDENT HUNTING - TO BE SET BY
23 COMMISSION.

24 (II) SENIOR NONRESIDENT FURTAKER - TO BE SET BY
25 COMMISSION.

26 (III) SENIOR NONRESIDENT COMBINATION HUNTING AND
27 FURTAKER - TO BE SET BY COMMISSION.

28 (24) ULTIMATE OUTDOORSMAN COMBINATION LICENSE, INCLUDING
29 BEAR, ARCHERY, MUZZLELOADER, FURTAKER, MIGRATORY GAME BIRD
30 AND SPECIAL WILD TURKEY:

1 (I) RESIDENT - TO BE SET BY COMMISSION.

2 (II) NONRESIDENT - TO BE SET BY COMMISSION.

3 (A.1) FEE SETTING.--

4 (1) A FEE SET UNDER SUBSECTION (A) (23) OR (24) MUST BE
5 MADE UNDER SECTION 322(C) (14) (RELATING TO POWERS AND DUTIES
6 OF COMMISSION).

7 (2) A CHANGE IN A FEE UNDER SUBSECTION (A) MUST BE MADE
8 UNDER SECTION 322(C) (14).

9 * * *

10 SECTION 4. SECTION 2712(B) OF TITLE 34 IS AMENDED TO READ:
11 § 2712. VOUCHERS FOR LICENSES AND PERMITS.

12 * * *

13 (B) FEES.--A PERSON PURCHASING A VOUCHER SHALL PAY THE COSTS
14 FOR THE TYPE OF LICENSE OR PERMIT BEING PURCHASED AND THE
15 ISSUING AGENT FEE AS PROVIDED IN SECTIONS 2709 (RELATING TO
16 LICENSE [COSTS AND] FEES) AND 2904 (RELATING TO PERMIT FEES).

17 * * *

18 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

19 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
20 IMMEDIATELY:

21 (I) THE ADDITION OF 34 PA.C.S. § 328(F).

22 (II) THIS SECTION.

23 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90
24 DAYS.