

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 552 Session of 2019

INTRODUCED BY STEFANO, K. WARD, BREWSTER, COSTA AND SCAVELLO, APRIL 16, 2019

SENATOR LAUGHLIN, GAME AND FISHERIES, AS AMENDED, MAY 7, 2019

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) Following submission of the analysis required under
17 section 328(f) (relating to accountability), establish fees
18 for licenses as follows:

19 (i) The commission shall publish a notice of

1 proposed rulemaking containing the proposed fee change in  
2 accordance with section 201 of the act of July 31, 1968  
3 (P.L.769, No.240), referred to as the Commonwealth  
4 Documents Law. The commission shall give at least 30 days  
5 for the submission of written comments and shall hold at  
6 least one public hearing on the proposed change.

7 (ii) Prior to adoption of a final-form regulation  
8 containing a fee change, the commission shall review and  
9 consider any public comments and may modify the text of  
10 the final-form regulation as it deems necessary under  
11 section 202 of the Commonwealth Documents Law.

12 (iii) After adoption of a final-form regulation  
13 containing a fee change, the commission shall submit the  
14 final-form regulation, copies of all public comments and  
15 the transcript of the public hearing to the Game and  
16 Fisheries Committee of the Senate and the Game and  
17 Fisheries Committee of the House of Representatives.

18 (iv) Either committee under subparagraph (iii) may  
19 report a concurrent resolution recommending disapproval  
20 of the fee change within 30 days of the submission under  
21 subparagraph (iii) or within 10 legislative days of the  
22 submission, whichever is later. If neither committee  
23 reports a concurrent resolution recommending disapproval  
24 within the time prescribed in this subparagraph, the fee  
25 change shall be deemed approved.

26 (v) If either committee reports a concurrent  
27 resolution under subparagraph (iv) and the General  
28 Assembly does not adopt it within 30 days of the date on  
29 which the concurrent resolution is reported or within 10  
30 legislative days of the report, whichever is later, the

1 fee change shall be deemed approved.

2 (vi) If the General Assembly adopts a concurrent  
3 resolution under subparagraph (iv) within 30 days of the  
4 date on which the concurrent resolution is reported or  
5 within 10 legislative days, whichever is later, the  
6 following shall apply:

7 (A) The concurrent resolution shall be presented  
8 to the Governor in accordance with section 9 of  
9 Article III of the Constitution of Pennsylvania.

10 (B) If the Governor does not veto the concurrent  
11 resolution of the General Assembly within 10 days  
12 after it is presented, the fee change shall be deemed  
13 disapproved.

14 (C) If the Governor vetoes the concurrent  
15 resolution within 10 days after it is presented, the  
16 General Assembly may, within 30 days of the veto or  
17 within 10 legislative days of the veto, whichever is  
18 later, override the veto by a two-thirds vote in each  
19 house. If the General Assembly does not override the  
20 veto in the time prescribed in this clause, the fee  
21 change shall be deemed approved. If the General  
22 Assembly overrides the veto in the time prescribed in  
23 this clause, the fee change shall be deemed  
24 disapproved.

25 (vii) If the fee change is deemed approved under  
26 subparagraph (iv), (v) or (vi)(C), the commission shall:

27 (A) submit the final-form regulation containing  
28 the fee change to the Office of Attorney General for  
29 approval as to legality; and

30 (B) publish an order adopting the final-form

1 regulation containing the fee change and deposit the  
2 text of the order with the Legislative Reference  
3 Bureau in accordance with section 207 of the  
4 Commonwealth Documents Law.

5 Except for subparagraph (vii)(B), this paragraph shall expire  
6 July 15, 2020 2022. <--

7 Section 2. Section 328 of Title 34 is amended by adding a  
8 subsection to read:

9 § 328. Accountability.

10 \* \* \*

11 (f) Financial analysis.--Prior to the establishment of fees  
12 under section 322(c)(14) (relating to powers and duties of  
13 commission), the Legislative Budget and Finance Committee shall  
14 prepare a financial analysis of fees, fines, penalties,  
15 royalties, Federal and State appropriations and other sources of  
16 revenue received by the commission and of expenditures,  
17 including annual operating costs, investments, land purchases  
18 and capital projects. To carry out the financial analysis under  
19 this section:

20 (1) The commission shall provide records, financial  
21 statements and other documents reflecting the revenue and  
22 expenditures subject to the analysis.

23 (2) The commission shall respond to inquiries and  
24 requests for information from the committee in a timely  
25 manner.

26 (3) The Legislative Budget and Finance Committee shall  
27 include its most recent performance audit under section  
28 522(b) (relating to appropriation and audit of moneys).

29 (4) The Legislative Budget and Finance Committee shall  
30 complete the report within ~~90~~ 180 days of the effective date <--

1 of this subsection. The report shall be submitted to the  
2 President pro tempore of the Senate and the Speaker of the  
3 House of Representatives. The report shall be public  
4 information.

5 Section 3. Section 2709 heading and (a) introductory  
6 paragraph of Title 34 are amended, subsection (a) is amended by  
7 adding paragraphs and the section is amended by adding a  
8 subsection to read:

9 § 2709. License [costs and] fees.

10 (a) License [costs.--Any] fees.--Subject to subsections  
11 (a.1) and (c), any person who qualifies under the provisions of  
12 this chapter shall be issued the applicable license upon payment  
13 of the following [costs and the issuing agent's fee] fees:

14 \* \* \*

15 (23) Hunting and furtaking:

16 (i) Senior nonresident hunting - to be set by  
17 commission.

18 (ii) Senior nonresident furtaker - to be set by  
19 commission.

20 (iii) Senior nonresident combination hunting and  
21 furtaker - to be set by commission.

22 (24) Ultimate outdoorsman combination license, including  
23 bear, archery, muzzleloader, furtaker, migratory game bird  
24 and special wild turkey:

25 (i) Resident - to be set by commission.

26 (ii) Nonresident - to be set by commission.

27 (a.1) Fee setting.--

28 (1) A fee set under subsection (a) (23) or (24) must be  
29 made under section 322(c) (14) (relating to powers and duties  
30 of commission).

1           (2) A change in a fee under subsection (a) must be made  
2           under section 322(c)(14).

3           \* \* \*

4           Section 4. Section 2712(b) of Title 34 is amended to read:

5   § 2712. Vouchers for licenses and permits.

6           \* \* \*

7           (b) Fees.--A person purchasing a voucher shall pay the costs  
8           for the type of license or permit being purchased and the  
9           issuing agent fee as provided in sections 2709 (relating to  
10          license [costs and] fees) and 2904 (relating to permit fees).

11          \* \* \*

12          Section 5. This act shall take effect as follows:

13           (1) The following provisions shall take effect  
14          immediately:

15                   (i) The addition of 34 Pa.C.S. § 328(f).

16                   (ii) This section.

17           (2) The remainder of this act shall take effect in 90  
18          days.