

AMENDMENTS TO SENATE BILL NO. 1087

Sponsor: SENATOR ROTHMAN

Printer's No. 1379

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in Pennsylvania Game Commission, further providing for
3 organization of commission; in game or wildlife protection,
4 further providing for report to commission officer and for
5 surrender of carcass to commission officer;

6 Amend Bill, page 1, line 3, by inserting after "hunting"
7 ; and, in special licenses and permits, providing for
8 agriculture access permit list

9 Amend Bill, page 1, lines 6 and 7, by striking out all of
10 said lines and inserting

11 Section 1. Section 301(a) and (b) introductory paragraph of
12 Title 34 of the Pennsylvania Consolidated Statutes are amended
13 and the section is amended by adding a subsection to read:
14 § 301. Organization of commission.

15 (a) Composition.--The independent administrative commission
16 known as the Pennsylvania Game Commission shall consist of
17 [nine] 10 competent citizens of this Commonwealth who shall be
18 well informed on the subject of wildlife conservation and
19 restoration and who shall be appointed by the Governor, by and
20 with the advice and consent of a majority of the elected members
21 of the Senate.

22 (b) Qualifications.--[The] One member of the commission
23 shall be known as the Agricultural Commissioner At Large. The
24 Agricultural Commissioner At Large shall represent the interest
25 of agricultural commodities that pertain to normal agricultural
26 operations and wildlife. The remaining members of the commission
27 shall be appointed from the various geographical sections of
28 this Commonwealth so that one and only one shall be a resident
29 of each of the following districts:

30 * * *

31 (e) Definitions.--As used in this section, the following
32 words and phrases shall have the meanings given to them in this
33 subsection unless the context clearly indicates otherwise:

34 "Agricultural Commissioner At Large." An individual who
35 raises an agricultural commodity and who owns or leases a normal

1 agricultural operation.

2 "Agricultural commodity." As defined in section 2 of the act
3 of June 10, 1982 (P.L.454, No.133), entitled "An act protecting
4 agricultural operations from nuisance suits and ordinances under
5 certain circumstances."

6 "Normal agricultural operation." As defined in section 2 of
7 the act of June 10, 1982 (P.L.454, No.133), entitled "An act
8 protecting agricultural operations from nuisance suits and
9 ordinances under certain circumstances."

10 Section 2. Sections 2122, 2125 and 2314(a), (b) and (c) of
11 Title 34 are amended to read:

12 § 2122. Report to commission officer.

13 Any person who kills any game or wildlife, other than
14 raccoons, under the provisions of this subchapter shall, within
15 24 hours, report, orally or in writing, the killing to an
16 officer of the commission. The report shall set forth the date,
17 time and place of the killing, the number of species killed
18 [and], the sex of the species[,] and the location of each
19 carcass. The commission shall establish a self-reporting system
20 that allows a person assigned to remove deer for crop damage
21 purposes to report each harvest to an officer of the commission
22 via a toll-free telephone number, online application or publicly
23 accessible Internet website.

24 § 2125. Surrender of carcass [to commission officer].

25 Except as otherwise provided in this subchapter, the entire
26 carcass, including the head and hide[,] of all big game animals
27 and the entire carcass of any other game or wildlife, other than
28 raccoons, less entrails, shall be made available, unless
29 otherwise directed by an officer of the commission, intact[,
30 less entrails,] to any commission officer calling for them[.] or
31 delivered to a processor for final disposition. As used in this
32 section, the term "processor" means a location specified by the
33 commission that is willing to accept donations of animals taken
34 under this chapter.

35 Amend Bill, page 3, by inserting between lines 11 and 12

36 Section 3. Title 34 is amended by adding a section to read:
37 § 2931. Agriculture access permit list.

38 (a) Permit list.--The commission shall create the
39 agriculture access permit list to connect licensed hunters with
40 private agricultural landowners for the purpose of crop damage
41 mediation.

42 (b) Applications.--An individual may submit an application
43 for placement on the list and a permit under this section in a
44 form and manner determined by the commission. The commission
45 shall provide an applicant with the option of applying for
46 placement on the list and a permit under this section when the
47 applicant is purchasing the applicant's hunting license. The
48 following shall apply:

49 (1) By selecting the option specified under this

1 subsection, the applicant shall give the commission the right
2 to share the information authorized under subsection (d) upon
3 approval of the application.

4 (2) The applicant may reapply for placement on the list
5 and a permit under this section based on the criteria under
6 subsection (c).

7 (c) Criteria.--In order to be eligible for placement on the
8 list and a permit under this section, an applicant shall meet
9 all of the following criteria at the time of submission of the
10 application under subsection (b):

11 (1) Has not committed an offense under this title in the
12 prior seven years.

13 (2) Be 18 years of age or older.

14 (3) Furnish proof of a valid hunting license and tags
15 for the game or wildlife that the applicant will be hunting
16 on the eligible hunting grounds.

17 (d) Retention of records.--The commission shall retain all
18 of the following:

19 (1) The name of each applicant and corresponding records
20 containing each applicant's name, telephone number and
21 municipality.

22 (2) Each application approved under subsection (e).

23 (3) Each application disapproved under subsection (e)
24 and reasons for the disapproval. Notwithstanding the act of
25 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
26 Law, or any other provision of law, the commission may not
27 publicly disclose the reasons for the disapproval of an
28 application.

29 (e) Notice.--The commission shall, via telephone, first
30 class mail or email, notify an applicant who has been approved
31 or disapproved for placement on the list and a permit under this
32 section.

33 (f) Duration.--The commission shall issue a permit under
34 this section in accordance with the duration of the license
35 period under section 2707 (relating to license periods). Upon
36 the expiration of the license period, the commission shall
37 remove each permittee from the list.

38 (g) Landowners.--A private agricultural landowner may
39 request the list from the commission, including each permittee's
40 name, telephone number, municipality and county preference.

41 (h) Guidelines.--A permittee shall adhere to guidelines
42 specified by a private agricultural landowner when conducting
43 hunting activities on the landowner's property if the guidelines
44 are in accordance with the commission's regulations, including
45 all of the following:

46 (1) Specific days access is allowed to the property.

47 (2) Specific game species or sex of game species that
48 are available for harvest.

49 (i) Boundaries.--The boundaries of the premises covered by a
50 permit under this section as eligible hunting grounds shall be
51 grounds which are owned by a private agricultural landowner who

1 entered into an agreement with a permittee to conduct hunting
2 activities on the landowner's land.

3 (j) Termination of access.--A private agricultural landowner
4 may terminate an agreement specified under subsection (i) for
5 any reason at any time if the landowner provides 24 hours'
6 notice of the termination to a permittee. Upon the private
7 agricultural landowner providing notice under this subsection,
8 the permittee shall cease hunting activities on the landowner's
9 land.

10 (k) Removal from list.--A permittee shall relinquish the
11 permittee's placement on the list and permit under this section
12 if the permittee:

13 (1) commits an offense under this title;

14 (2) fails to comply with guidelines under subsection
15 (h); or

16 (3) submits a request to the commission to be removed
17 from the list.

18 (l) Limitations.--The commission shall limit the list for
19 the purposes specified under this section, including connecting
20 licensed hunters with private agricultural landowners. The
21 commission may not share the list in a manner not specified
22 under this section.

23 (m) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Applicant." An individual who submits an application under
27 subsection (b) for placement on the list and a permit under this
28 section.

29 "Eligible hunting grounds." Hunting grounds that are located
30 on any of the following:

31 (1) Privately owned land.

32 (2) Land and water combined where the ground is wholly,
33 or in part, regularly and continuously engaged in cultivating
34 the soil for general farm crop purposes, commercial truck
35 growing, commercial orchards or commercial nurseries.

36 "List." The agriculture access permit list created under
37 subsection (a).

38 "Permittee." An individual who has been placed on the list
39 and holds a permit under this section.

40 Amend Bill, page 3, line 12, by striking out "2" and
41 inserting