

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1897 Session of 2013

INTRODUCED BY GABLER, GERGELY, CAUSER, CALTAGIRONE, COHEN, DONATUCCI, GIBBONS, HANNA, HARHAI, KORTZ, KOTIK, LUCAS, MAJOR, MILLARD, READSHAW, SANKEY, DeLUCA AND GOODMAN, DECEMBER 9, 2013

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2013

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, reenacting and further providing for elk hunting
3 licenses; and abrogating a regulation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2706.2 of Title 34 of the Pennsylvania
7 Consolidated Statutes is reenacted and amended AND THE SECTION <--
8 IS AMENDED BY ADDING SUBSECTIONS to read:

9 § 2706.2. Elk hunting licenses.

10 (a) Application limitation.--Whenever the commission makes a
11 determination to authorize a hunting season for the taking of
12 elk, no person may submit more than one application for an elk
13 hunting license in any license year. The commission shall hold a
14 random drawing of applications for the issuance of elk licenses
15 under this subsection at the Elk Country Visitor Center in the
16 in the Township of Benezette.

17 (b) [License] Special conservation license auction.--The

1 commission is authorized to auction off a special license to
2 hunters interested in the opportunity to hunt one elk subject to
3 the following:

4 (1) One license shall be auctioned annually.

5 (2) The auction shall be open to residents and
6 nonresidents of this Commonwealth.

7 (3) The commission may, under 62 Pa.C.S. Pt. I (relating
8 to Commonwealth Procurement Code), contract with a wildlife
9 conservation organization to implement and conduct the
10 auction. The commission shall promulgate regulations for the
11 use of the license, remitting funds to the commission and
12 conduct of the auction.

13 (4) The contracted organization shall retain no more
14 than 20% of the proceeds from the auction. The contracted
15 organization shall report annually to the commission on the
16 use of the proceeds from the auction. The remaining proceeds
17 from the auction shall be used by the commission for the elk
18 program in this Commonwealth in addition to any other funds
19 available to the commission for that purpose. The commission
20 shall include in its annual report to the General Assembly
21 the use of all proceeds from the auction.

22 (5) All license fees shall be paid to the commission.

23 [(6) This subsection shall expire July 1, 2013.]

24 (c) Special-license fundraiser.--In addition to any other
25 elk license provided for under this section, the commission is
26 authorized to hold a special-license fundraiser for hunters
27 interested in the opportunity to hunt one elk, subject to the
28 following:

29 (1) One license shall be offered annually.

30 (2) The fundraiser shall be open to residents and

1 nonresidents of this Commonwealth.

2 (3) The commission shall contract with the Keystone Elk
3 Country Alliance to implement and conduct the special-license
4 fundraiser.

5 (4) The Keystone Elk Country Alliance shall retain the
6 proceeds from the special-license fundraiser. The funds must
7 be used for elk conservation and habitat and for the
8 betterment of elk in this Commonwealth. The Keystone Elk
9 Country Alliance shall report annually to the commission on
10 the use of the proceeds from the special-license fundraiser.
11 In its annual report to the General Assembly, the commission
12 shall include the use of the proceeds from the special-
13 license fundraiser.

14 (5) The license fees shall be paid to the commission.

15 (d) Background check.--A recipient selected to receive a
16 license under subsection (b) or (c) must be subjected to a
17 background check prior to being awarded the license. If one or
18 more serious game law violations are found from conducting the
19 background check, the license shall not be awarded to the
20 recipient and another recipient shall be chosen.

21 (E) ELK MANAGEMENT AREA RAFFLE.--IF THE COMMISSION AWARDS <--
22 THE OPPORTUNITY TO PURCHASE ELK HUNTING LICENSES IN THIS
23 COMMONWEALTH, OTHER THAN THE LICENSE AUCTION AUTHORIZED UNDER
24 SUBSECTION (B), THE COMMISSION SHALL CONDUCT AN ELK MANAGEMENT
25 AREA RAFFLE. THE RAFFLE SHALL BE SUBJECT TO THE FOLLOWING:

26 (1) THE OPPORTUNITY TO PURCHASE ONE LICENSE SHALL BE
27 AWARDED ANNUALLY THROUGH THE RAFFLE.

28 (2) ONLY RESIDENTS OF THE ELK MANAGEMENT AREA SHALL BE
29 ELIGIBLE TO PARTICIPATE IN THE RAFFLE.

30 (3) THE OPPORTUNITY TO PURCHASE AN ANTLERED ELK HUNTING

1 LICENSE SHALL BE AWARDED THROUGH THE RAFFLE IN EVEN-NUMBERED
2 YEARS AND THE OPPORTUNITY TO PURCHASE AN ANTLERLESS ELK
3 HUNTING LICENSE SHALL BE AWARDED THROUGH THE RAFFLE IN ODD-
4 NUMBERED YEARS.

5 (4) THE RAFFLE SHALL BE CONDUCTED PRIOR TO ANY OTHER
6 AWARDING OF THE OPPORTUNITY TO PURCHASE ELK HUNTING LICENSES,
7 WITH THE EXCEPTION OF THE LICENSE AUCTION HELD UNDER
8 SUBSECTION (B).

9 (5) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL APPLICANTS
10 IN THE ELK MANAGEMENT AREA RAFFLE, OTHER THAN THE PERSON
11 SELECTED IN THE ELK MANAGEMENT AREA RAFFLE, SHALL BE ELIGIBLE
12 FOR ANY OTHER AWARD OF AN OPPORTUNITY TO PURCHASE AN ELK
13 HUNTING LICENSE.

14 (F) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
15 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
16 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

17 "ELK MANAGEMENT AREA." THE TERM AS DEFINED IN 58 PA. CODE §
18 141.48 (RELATING TO ELK MANAGEMENT AREA AND ELK HUNT ZONES).

19 Section 2. The regulation of the Pennsylvania Game
20 Commission in 58 Pa. Code § 143.203(a) (relating to drawing) is
21 abrogated to the extent that it is inconsistent with 34 Pa.C.S.
22 § 2706.2(a).

23 Section 3. This act shall take effect immediately.