

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2081

Session of
1979

INTRODUCED BY MESSRS. LETTERMAN, W. W. FOSTER, BENNETT, PUNT, MANDERINO, FRYER, FEE, YAHNER, KNIGHT, DeMEDIO, SEVENTY, GRABOWSKI, GIAMMARCO, PIEVSKY, WACHOB, D. R. WRIGHT, GAMBLE, THOMAS, SHUPNIK, MUSTO, DOMBROWSKI, GRAY, CESSAR, CIMINI, MILLER, D. M. FISHER, TRELLO, TAYLOR, NOVAK AND A. K. HUTCHINSON, DECEMBER 5, 1979

AS RE-REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 19, 1980

AN ACT

1 ~~Providing for the preservation, conservation and management of~~ <—
2 ~~wild resources not presently subject to regulation or~~
3 ~~control.~~
4 PROVIDING FOR A VOLUNTARY CONTRIBUTION SYSTEM TO AID IN THE <—
5 CONSERVATION OF CERTAIN WILD FLORA AND FAUNA, ESTABLISHING A
6 SPECIAL FUND AND PROVIDING FOR ITS ADMINISTRATION.

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- 17 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the "Wild
4 Resource Conservation Act."

5 Section 2. Legislative finding; declaration of policy.

6 It is hereby determined and declared as a matter of
7 legislative finding that there are numerous flora and fauna,
8 including those rare or endangered, which are not commonly
9 pursued, killed or consumed either for sport or profit, that
10 such species are in need of more active management and that it
11 is in the public interest to preserve and enhance such species
12 for the benefit of all. Therefore, it is the purpose of this act
13 to:

14 (1) Further provide for such species so as to enhance
15 the constitutional rights guaranteed in section 27, Article 1
16 of the Constitution of the Commonwealth of Pennsylvania.

17 (2) Provide a means for the citizens of the Commonwealth
18 to support the management of our wild resource by
19 establishing a voluntary contribution system on State income
20 tax return forms.

21 (3) Promote the cooperation of the Department of
22 Environmental Resources, Pennsylvania Fish Commission and
23 Pennsylvania Game Commission in the management of our wild
24 resource.

25 (4) Establish an interagency Wild Resource Conservation
26 Board to channel that cooperation, promote the voluntary
27 contribution system and administer the program.

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Board." The Wild Resource Conservation Board.

3 "Fund." The Wild Resource Conservation Fund.

4 "Management." The entire range of activities that constitute
5 a modern scientific resource program including, but not limited
6 to, the collection and application of biological data through
7 research, census, habitat acquisition, habitat improvement and
8 education.

9 "Wild resource." All fauna not commonly pursued, killed or
10 consumed either for sport or profit, BUT NOT INCLUDING ANY <—
11 DOMESTIC FAUNA OR ANY DOMESTIC FAUNA THAT HAS REVERTED TO A
12 FERAL EXISTENCE, and all flora not commonly managed or
13 cultivated for harvest.

14 Section 4. Voluntary contribution system.

15 (a) The Department of Revenue shall provide a space on the
16 face of the Pennsylvania individual income tax return form
17 whereby an individual may voluntarily designate a \$1, \$3 or \$5
18 contribution, or any other amount desired, to the Wild Resource
19 Conservation Fund established in section 5.

20 (b) The amount so designated by an individual on the income
21 tax return form shall be deducted from the tax refund to which
22 such individual is entitled ~~or, in the event that no tax refund~~ <—
23 ~~is due, shall be added to the remittance tendered to the~~
24 ~~Department of Revenue by such individual to satisfy a State~~
25 ~~income tax liability.~~

26 ~~(c) A voluntary designation shall either decrease the amount~~
27 ~~of refund due or increase the amount of remittance paid by an~~
28 ~~individual but shall not constitute a charge against the income~~
29 ~~tax revenues due the Commonwealth.~~ AND SHALL NOT CONSTITUTE A <—
30 CHARGE AGAINST THE INCOME TAX REVENUES DUE THE COMMONWEALTH.

1 ~~(d)~~ (C) The Department of Revenue shall determine annually <—
2 the total amount designated pursuant to this section, ~~less the~~ <—
3 ~~administrative costs incurred by said department,~~ and shall
4 report such amount to the State Treasurer, who shall transfer
5 such amount from the General Fund to the Wild Resource
6 Conservation Fund. THE DEPARTMENT OF REVENUE SHALL BE REIMBURSED <—
7 FROM THE FUND FOR ANY ADMINISTRATIVE COSTS INCURRED ABOVE AND
8 BEYOND THE COST SAVINGS IT REALIZES AS A RESULT OF INDIVIDUAL
9 TOTAL REFUND DESIGNATIONS.

10 (D) THE DEPARTMENT OF REVENUE SHALL PROVIDE ADEQUATE
11 INFORMATION CONCERNING THE WILD RESOURCE CONSERVATION FUND IN
12 ITS INSTRUCTIONS WHICH ACCOMPANY STATE INCOME TAX RETURN FORMS,
13 WHICH SHALL INCLUDE THE LISTING OF AN ADDRESS, FURNISHED TO IT
14 BY THE BOARD, TO WHICH CONTRIBUTIONS MAY BE SENT BY THOSE
15 TAXPAYERS WISHING TO CONTRIBUTE TO SAID FUND BUT WHO DO NOT
16 RECEIVE REFUNDS.

17 (e) This section shall apply to taxable years beginning on
18 or after January 1, 1980.

19 Section 5. Wild Resource Conservation Fund.

20 (a) In order to carry out the purposes of this act, there is
21 hereby created a special fund, which shall be known as the "Wild
22 Resource Conservation Fund," of the treasury of the
23 Commonwealth.

24 (b) All moneys received from the voluntary contribution
25 system established in section 4 and from the sale of any item
26 authorized by section 6 shall be deposited in said fund.

27 (c) The Legislature may, from time to time, appropriate
28 funds into the special fund for the purposes of this act.

29 (d) The moneys contained in said fund are continuously
30 appropriated to the Wild Resource Conservation Board for the

1 exclusive use of carrying out the purposes of this act.

2 Section 6. Wild Resource Conservation Board.

3 (a) There is hereby created a Wild Resource Conservation
4 Board, the members of which shall consist of the Secretary of
5 the Department of Environmental Resources, the Executive
6 Director of the Pennsylvania Fish Commission, ~~and~~ the Executive <—
7 Director of the Pennsylvania Game Commission, THE MAJORITY AND <—
8 MINORITY CHAIRMEN OF THE HOUSE CONSERVATION COMMITTEE AND THE
9 MAJORITY AND MINORITY CHAIRMEN OF THE SENATE ENVIRONMENTAL
10 RESOURCES COMMITTEE. THE CHAIRMANSHIP OF SAID BOARD SHALL ROTATE
11 ON AN ANNUAL BASIS AMONG THE MEMBERS THEREOF.

12 (b) The board shall have the power and its duty shall be to:

13 (1) Meet annually to determine and prioritize the
14 management objectives deemed necessary to preserve and
15 enhance the wild resource.

16 (2) Conduct a public hearing not less than 60 days prior
17 to each annual meeting of the board, providing 30 days
18 advance notice thereof by publication in the Pennsylvania
19 Bulletin to which all interested persons shall be invited to
20 make recommendations to the board.

21 (3) Establish, after reviewing the recommendations made
22 at the public hearing and consulting with the professional
23 staffs of those agencies represented on the board, management
24 projects or programs deemed necessary to preserve and enhance
25 the wild resource and to allocate moneys from the Wild
26 Resource Conservation Fund to the agency or agencies selected
27 by the board to implement said programs or projects.

28 (4) Administer the Wild Resource Conservation Fund.

29 ~~(5) Promote the voluntary contribution system.~~ <—

30 (5) ESTABLISH PROJECTS OR PROGRAMS TO PROMOTE THE <—

VOLUNTARY CONTRIBUTION SYSTEM AND TO ALLOCATE MONEYS FROM THE
FUND TO IMPLEMENT SAME.

(6) ISSUE AN ANNUAL REPORT, TO BE PUBLISHED IN THE
PENNSYLVANIA BULLETIN CONCURRENTLY WITH THE NOTICE REQUIRED
IN PARAGRAPH (2), WHICH SHALL INCLUDE A FINANCIAL ANALYSIS
AND SYNOPSIS OF PROGRAM ACTIVITIES.

(c) The board shall have the right to issue for sale to the
public stamps, decals or other items of personal property
intended to signify the interest of the purchaser in
contributing to programs established by the board, the net
proceeds of which shall be deposited in the Wild Resource
Conservation Fund.

(d) The authority granted pursuant to subsection (c) shall
not effect or interfere with similar authority vested by law in
any agency represented on the board to sell items of personal
property which promote the independent programs of those
respective agencies. Said agencies shall likewise have the right
to issue for sale items of personal property intended to signify
the interest of the purchaser in contributing to programs
established by the board, the net proceeds of which shall be
deposited in the Wild Resource Conservation Fund.

(E) THE BOARD MAY ESTABLISH AN ADVISORY COMMITTEE, THE
MEMBERS OF WHICH SHALL BE CHOSEN FROM THE PUBLIC AND SHALL SERVE
AT THE PLEASURE OF THE BOARD, WHICH SHALL MEET TO ADVISE THE
BOARD AND MAKE RECOMMENDATIONS REGARDING GENERAL MANAGEMENT
OBJECTIVES OR SPECIFIC MANAGEMENT PROJECTS.

(F) WITHIN TWO YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
ACT, THE BOARD SHALL DEVELOP A COMPREHENSIVE MANAGEMENT PLAN
WHICH SHALL ESTABLISH THE MANAGEMENT OBJECTIVES AND POLICIES OF
THE BOARD. THE BOARD SHALL REVIEW SAID PLAN PERIODICALLY AND

1 MAKE REVISIONS THERETO WHEN NECESSARY. THE BOARD SHALL MAKE THE
2 PLAN AND ANY REVISIONS THERETO AVAILABLE FOR PUBLIC REVIEW AND
3 COMMENT BY PUBLICATION IN THE PENNSYLVANIA BULLETIN.

4 Section 7. Repeal.

5 All acts or parts of acts inconsistent with the provisions of
6 this act are hereby repealed to the extent of such
7 inconsistency.

8 Section 8. Effective date.

9 This act shall take effect in 60 days.