
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of
1989

INTRODUCED BY HELFRICK, HESS, WENGER, STAPLETON, REGOLI,
SALVATORE, SHAFFER, MADIGAN AND RHOADES, MARCH 6, 1989

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 13, 1990

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, providing for the use of a portion of the
3 antlerless deer fee; FURTHER PROVIDING FOR THE CONSTRUCTION <—
4 OF DETERRENT FENCING; INCREASING THE MONETARY CAP ON
5 DETERRENT FENCING; PROVIDING for licenses, for license and
6 agent fees; and further providing for CONTROL AND UTILIZATION <—
7 OF COMMISSION LAND AND RESOURCES AND FOR THE authorized
8 license-issuing agents.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Sections 521(b), 543, 546, 721 and 2705 of Title <—
12 34 of the Pennsylvania Consolidated Statutes are amended to
13 read:

14 § 521. Establishment and use of Game Fund.

15 * * *

16 (b) Specific allocation of certain revenues.--The following
17 sums of money are specifically allocated for the following
18 purposes:

19 (1) A minimum of \$1.25 from each resident license for

which the full fee has been paid shall be used solely for habitat improvement and restoration conducive to increasing natural propagation of game or wildlife on all lands under the control or operation of the commission or on lands open to public hunting.

(2) A minimum of \$2.00 of the fee collected for the issuance of antlerless deer licenses shall be used solely for cutting or otherwise removing overshadowing tree growth to produce underbrush, sprouts and saplings for deer food and cover on [state game lands] lands under the control or operation of the commission, including lands enrolled in commission public-access programs.

§ 543. PURCHASE OF MATERIALS AND CONSTRUCTION.

[(A) GENERAL RULE.--THE COMMISSION MAY PURCHASE AND DELIVER TO THE APPLICANT OR APPLICANTS THE REQUIRED AMOUNT OF WIRE FENCING, STAPLES, INSULATORS, POSTS OR OTHER MATERIALS NECESSARY TO CONSTRUCT A DEER, ELK OR BEAR DETERRENT FENCE APPROVED BY THE COMMISSION PROVIDED THE APPLICANT OR APPLICANTS HAVE AGREED, IN WRITING, TO CONSTRUCT THE FENCE WITHOUT COST TO THE COMMISSION WITHIN SIX MONTHS FROM THE DAY THE FENCING AND OTHER MATERIALS ARE DELIVERED, IN THE CASE OF A DEER OR ELK DETERRENT FENCE, OR WITHIN SEVEN DAYS FROM THE DAY THE FENCING AND OTHER MATERIALS ARE DELIVERED, IN THE CASE OF A BEAR DETERRENT FENCE. IN CASE THE FENCE IS NOT COMPLETED WITHIN THE STIPULATED TIME, THE COMMISSION MAY RECOVER THE MATERIALS IT FURNISHED AT SUCH TIME AND IN SUCH MANNER AS DESIRED OR FOUND PRACTICAL. ALL FENCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH PLANS AND INSTRUCTIONS SUPPLIED AND APPROVED BY THE COMMISSION.

(B) REIMBURSEMENT OF APPLICANT FOR MATERIALS.--THE COMMISSION MAY, THROUGH PRIOR WRITTEN AGREEMENT WITH THE

1 APPLICANT, PAY THE APPLICANT FOR ANY OR ALL MATERIALS NECESSARY
2 TO CONSTRUCT A DETERRENT FENCE WITHIN THE TIME LIMITATIONS SET
3 FORTH IN SUBSECTION (A).]

4 (A) PURCHASE AND DELIVERY OF MATERIALS.--THE COMMISSION MAY
5 PURCHASE AND DELIVER TO THE APPROPRIATE SITES THE REQUIRED
6 AMOUNT OF WIRE FENCING, STAPLES, INSULATORS, POSTS OR OTHER
7 MATERIAL NECESSARY TO CONSTRUCT A DEER, ELK OR BEAR DETERRENT
8 FENCE APPROVED BY THE COMMISSION.

9 (B) CONSTRUCTION OF DEER OR ELK DETERRENT FENCES.--THE
10 COMMISSION MAY CONSTRUCT, OR MAY ENTER INTO CONTRACTS FOR THE
11 CONSTRUCTION OF, DEER OR ELK DETERRENT FENCES ON SITES APPROVED
12 BY THE COMMISSION. AFTER THE DETERRENT FENCE IS ERECTED AND
13 APPROVED BY THE COMMISSION, THE COMMISSION SHALL PAY THE COST OF
14 INSTALLATION WITH 50% OF THE COST TO BE REIMBURSED TO THE
15 COMMISSION BY THE LANDOWNER OR LESSEE.

16 (C) CONSTRUCTION OF BEAR DETERRENT FENCES.--PRIOR TO
17 DELIVERY UNDER SUBSECTION (A), AN APPLICANT FOR A BEAR DETERRENT
18 FENCE SHALL HAVE AGREED, IN WRITING, WITH THE COMMISSION TO
19 CONSTRUCT THE BEAR DETERRENT FENCE WITHOUT COST TO THE
20 COMMISSION AND TO COMPLETE CONSTRUCTION OF THE BEAR DETERRENT
21 FENCE WITHIN SEVEN DAYS FROM THE DATE THE MATERIAL IS DELIVERED
22 TO THE SITE. IN CASE THE BEAR DETERRENT FENCE IS NOT COMPLETED
23 WITHIN THE STIPULATED TIME, THE COMMISSION MAY RECOVER THE
24 MATERIALS IT FURNISHED AT SUCH TIME AND IN SUCH MANNER AS
25 DESIRED OR FOUND PRACTICAL.

26 (D) SPECIFICATIONS.--ALL DETERRENT FENCES SHALL BE
27 CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH PLANS AND
28 INSTRUCTIONS SUPPLIED AND APPROVED BY THE COMMISSION.

29 (E) REIMBURSEMENT OF APPLICANT FOR MATERIALS.--THE
30 COMMISSION MAY, THROUGH PRIOR WRITTEN AGREEMENT WITH THE

1 APPLICANT, PAY THE APPLICANT FOR ANY OR ALL MATERIALS NECESSARY
2 TO CONSTRUCT A DETERRENT FENCE WITHIN THE TIME LIMITATIONS SET
3 FORTH IN THIS SECTION.

4 § 546. LIMITATION ON EXPENDITURES FOR DETERRENT FENCING.

5 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE
6 DIRECTOR SHALL NOT SPEND IN EXCESS OF [\$100,000] \$300,000
7 ANNUALLY FROM THE GAME FUND FOR THE PURCHASE OF FENCING AND
8 OTHER MATERIALS NECESSARY FOR THE ERECTION OF DEER, ELK OR BEAR
9 DETERRENT FENCES IN ACCORDANCE WITH THE PROVISIONS OF THIS
10 SUBCHAPTER.

11 (B) COMMERCIAL FOREST LANDS.--THE DIRECTOR SHALL NOT SPEND
12 IN EXCESS OF [\$100,000] \$300,000 ANNUALLY FROM THE GAME FUND FOR
13 THE PURCHASE OF FENCING OR OTHER MATERIALS NECESSARY FOR THE
14 ERECTION OF DEER OR ELK DETERRENT FENCES ON COMMERCIAL FOREST
15 LANDS TO PROMOTE AND PROTECT THE REGENERATION OF FOREST FLORA IN
16 ACCORDANCE WITH THE PROVISIONS OF THIS SUBCHAPTER. FOR PURPOSES
17 OF THIS SUBSECTION THE PHRASE "COMMERCIAL FOREST LANDS" SHALL
18 MEAN LAND WHICH IS OWNED OR LEASED BY AN INDIVIDUAL, CORPORATION
19 OR ASSOCIATION, OPERATED ON A PROFIT-MAKING BASIS AND MEETS ALL
20 OF THE FOLLOWING REQUIREMENTS:

21 (1) THE LAND SHALL CONSIST OF A MINIMUM OF 1,000 ACRES.

22 (2) THE LAND IS MANAGED FOR THE PRODUCTION OR
23 UTILIZATION OF FOREST PRODUCTS ON A SUSTAINED YIELD BASIS AS
24 DEFINED BY REGULATION OF THE COMMISSION.

25 (3) THE LAND IS OPEN TO PUBLIC HUNTING.

26 § 721. CONTROL OF PROPERTY.

27 (A) GENERAL RULE.--THE ADMINISTRATION OF ALL LANDS OR WATERS
28 OWNED, LEASED OR OTHERWISE CONTROLLED BY THE COMMISSION SHALL BE
29 UNDER THE SOLE CONTROL OF THE DIRECTOR, AND THE COMMISSION SHALL
30 PROMULGATE REGULATIONS CONSISTENT WITH THE PURPOSE OF THIS TITLE

1 FOR ITS USE AND PROTECTION AS NECESSARY TO PROPERLY MANAGE THESE
2 LANDS OR WATERS. THE ACQUISITION, USE AND MANAGEMENT OF SUCH
3 LANDS OR WATERS OWNED, LEASED OR OTHERWISE CONTROLLED BY THE
4 COMMISSION, INCLUDING TIMBER CUTTING AND CROP CULTIVATION, SHALL
5 NOT BE SUBJECT TO REGULATION BY COUNTIES OR MUNICIPALITIES.

6 (B) PENALTY.--A VIOLATION OF REGULATIONS PROMULGATED UNDER
7 SUBSECTION (A) IS A SUMMARY OFFENSE OF THE FIFTH DEGREE.

8 § 2705. Classes of licenses.

9 Unless otherwise provided, any person wishing to exercise any
10 of the privileges granted by this title shall first secure the
11 applicable resident or nonresident hunting or [furtaking]
12 furtaker license as follows:

13 (1) Adult resident hunting licenses to residents who
14 have reached their 17th birthday but have not reached their
15 65th birthday.

16 (2) Junior resident hunting licenses to residents who
17 have reached their 12th birthday but who have not reached
18 their 17th birthday prior to the date of the application for
19 the license and who present a written request, bearing the
20 signature of a parent or guardian, for the issuance of a
21 license.

22 (3) Senior resident hunting licenses or, at the option
23 of the applicant, a senior lifetime resident hunting license
24 to residents who have reached their 65th birthday prior to
25 the date of the application for the license. The commission
26 shall develop, implement and administer a system to provide
27 tags, report cards and applications to those residents who
28 hold a senior lifetime resident hunting license issued under
29 this paragraph. The system shall require the applicant or
30 license holder to pay any approved fee assessed by the

1 issuing agent.

2 (4) Adult resident [furtaking] furtaker licenses to
3 residents who have reached their 17th birthday but have not
4 reached their 65th birthday.

5 (5) Junior resident [furtaking] furtaker licenses to
6 residents who have reached their 12th birthday but who have
7 not reached their 17th birthday prior to the date of the
8 application for the license and who present a written
9 request, containing the signature of a parent or guardian,
10 for the issuance of a license.

11 (6) Senior resident [furtaking] furtaker licenses or, at
12 the option of the applicant, a senior lifetime resident
13 [furtaking] furtaker license to residents who have reached
14 their 65th birthday prior to the date of the application for
15 the license.

16 (7) [Three-day regulated hunting grounds licenses to
17 persons eligible to procure a hunting license. The license
18 shall be valid for a period of three consecutive days,
19 Sundays excluded, and shall entitle the licensee to hunt,
20 take or kill game or wildlife which may be legally hunted,
21 taken or killed upon the grounds under a regulated hunting
22 grounds permit.] (Reserved).

23 (8) Adult nonresident hunting licenses to all
24 nonresidents of 17 years of age or older.

25 (9) Junior nonresident hunting licenses to all
26 nonresidents who have reached their 12th birthday but who
27 have not reached their 17th birthday prior to the date of the
28 application for the license and who present a written
29 request, bearing the signature of a parent or guardian, for
30 the issuance of a license.

(10) Adult nonresident [furtaking] furtaker licenses to nonresidents of 17 years of age or older.

(11) Junior nonresident [furtaking] furtaker licenses to nonresidents who have reached their 12th birthday but who have not reached their 17th birthday prior to the date of the application for the license and who present a written request, containing the signature of a parent or guardian, for the issuance of a license.

(12) [Five-day] Seven-day nonresident small game license to persons eligible to procure a nonresident hunting license. The license shall be valid for a period of [five] seven consecutive days. The holder of the license shall be entitled to hunt for, take or kill crows [or] and small game.

(13) Antlerless deer licenses, bear licenses, archery licenses, [muzzle-loader] muzzleloader licenses and any other license required to insure just and proper administration of this title and sound game or wildlife conservation to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines. [The number of bear licenses which shall be made available to nonresidents shall not exceed 3% of the total number of bear licenses to be issued by the commission.]

Section 2. Section 2706 of Title 34 is amended by adding a subsection to read:

§ 2706. Resident license and fee exemptions.

* * *

1 (d) Owners or possessors of land open to public hunting.--A
2 resident owner or possessor of land, comprising greater than 80
3 contiguous acres farmed under a conservation plan which does not
4 conflict with the act of June 22, 1937 (P.L.1987, No.394), known
5 as The Clean Streams Law, and which meets the requirements of 25
6 Pa. Code Ch. 102 (relating to erosion control), shall, if he
7 permits public hunting as evidenced by enrollment in a
8 Cooperative Public Access Program, be entitled to purchase a
9 Landowners Hunting License at the cost of \$3 plus the current
10 issuing fee. The 80-acre requirement shall be exclusive of
11 safety zones in excess of 20% of the total acreage. The license
12 shall be issued to the owner or possessor or an immediate family
13 member of either the owner or possessor living in the same
14 household so designated by the owner or possessor in the case of
15 a single owner or possessor, and to the individual so designated
16 in the case of more than one owner or possessor. No person shall
17 be issued a hunting license under this subsection unless the
18 person is 12 years of age or older, has met the requirements
19 prescribed in section 2704 (relating to eligibility for license)
20 and has not been denied the privilege to hunt. A person entitled
21 to receive a hunting license under this subsection shall certify
22 to the commission in the form and manner prescribed by the
23 commission that the land tract he owns or possesses is presently
24 in his ownership or possession.

25 Section 3. Sections 2709 and 2722 of Title 34 are amended to
26 read:

27 § 2709. License costs and fees.

28 (a) License costs.--Any person who qualifies under the
29 provisions of this chapter shall be issued the applicable
30 license upon payment of the following costs and the issuing

1 agent's fee:

2 (1) Junior resident hunting - \$5.

3 (2) Adult resident hunting - \$12.

4 (3) (i) Senior resident hunting - \$10.

5 (ii) Senior lifetime resident hunting - \$50.

6 (4) Bear hunting:

7 (i) Resident - \$10.

8 (ii) Nonresident - \$25.

9 (5) Antlerless deer, including resident military,
10 resident disabled veteran and landowner - \$5.

11 (6) Archery deer - \$5.

12 (7) Muzzleloader deer - \$5.

13 [(8) Three-day regulated shooting grounds - \$3.]

14 (9) Adult nonresident hunting - \$80.

15 (10) Junior nonresident hunting - \$40.

16 (11) [Five-day] Seven-day nonresident small game - \$15.

17 (12) Junior resident furtakers - \$5.

18 (13) Adult resident furtakers - \$12.

19 (14) (i) Senior resident furtakers - \$10.

20 (ii) Senior lifetime resident [furtaking] furtaker -
21 \$50.

22 (15) Adult nonresident [furtakers] furtaker - \$80.

23 (16) Junior nonresident [furtaking] furtaker - \$40.

24 (17) Resident disabled veteran hunting or [furtaking]
25 furtaker under section 2706(b) (relating to disabled
26 veterans) - no cost.

27 (18) Replacement license - \$5. Antlerless deer and bear
28 licenses shall be replaced by the original issuing agent
29 only.

30 (19) Owners or possessors of land open to public hunting

1 under section 2706(d) (relating to owners or possessors of
2 land open to public hunting) - \$3.

3 (b) Refunds.--Except as provided in section 501 (relating to
4 refund of moneys paid erroneously or unjustly), license fees are
5 not refundable.

6 (c) Agent fee.--Issuing agents shall be entitled to and may
7 retain as full compensation for their services an additional sum
8 [not exceeding the amount specified in paragraph (1) or (2)] of
9 75¢ for each license or replacement license [issued as full
10 compensation for their services. The amount retained shall be:

11 (1) Seventy-five cents for licenses and replacements
12 issued under subsection (a)(1), (2), (3), (9), (10), (12),
13 (13), (14), (15), (16) and (18).

14 (2) Fifty cents for all other licenses.

15 The fee for the agent shall be in addition to the cost of the
16 license prescribed in subsection (a)].

17 § 2722. Authorized license-issuing agents.

18 (a) County treasurer and commission employees.--Each county
19 treasurer [or person acting on behalf of the county treasurer
20 and any employee at each commission headquarters or other
21 commission facilities designated by the commission may], or, in
22 home rule or optional plan counties, the person whose duties
23 encompass those of a county treasurer, whose agency has not been
24 recalled under this title, shall accept applications and issue
25 licenses [unless otherwise restricted by this title or the
26 director] in accordance with this title. The director may also
27 designate commission employees at commission facilities to issue
28 licenses.

29 (b) Agents for issuing antlerless deer licenses.--Antlerless
30 deer licenses shall be issued by the county treasurer [or some

1 person acting on behalf of the county treasurer], or, in home
2 rule or optional plan counties, the person whose duties
3 encompass those of a county treasurer, within the county in
4 which the licenses are valid.

5 (c) Agent for issuing bear and nonresident furtaker
6 licenses.--Bear and nonresident furtaker licenses shall be
7 issued only by the commission or by authorized license-issuing
8 agents designated by the director.

9 (d) Appointment of additional agents.--The commission may
10 appoint such number of qualified persons, with similar
11 authority, as it deems necessary for the efficient distribution
12 of licenses required by this title.

13 (e) Agent responsible for employees.--The authorized agent
14 shall be solely responsible for each person acting under his
15 direction.

16 (f) Recall of appointment or authority.--The director may
17 recall the appointment or authority of any county treasurer or
18 other agent at any time.

19 (g) Regulations.--The commission shall adopt regulations
20 for:

21 (1) The appointment of hunting or [furtaking] furtaker
22 license-issuing agents and shall establish the appropriate
23 administrative fee for creating and maintaining these issuing
24 agents. County treasurers shall be exempt from the payment of
25 any administrative fee established by the commission.

26 (2) The administration, control and performance of
27 activities conducted pursuant to the provisions of this
28 chapter.

29 Section 4. This act shall take effect as follows:

30 (1) Section 2 (relating to section 2706) shall take

1 effect July 1, 1991.

2 (2) The remainder of this act shall take effect July 1,
3 1990.