

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2681 Session of
2004

INTRODUCED BY McNAUGHTON, ARMSTRONG, BELFANTI, DALEY, FICHTER,
GOODMAN, HARPER, HENNESSEY, HERMAN, PETRARCA, READSHAW, WILT
AND YOUNGBLOOD, JUNE 8, 2004

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 8, 2004

AN ACT

1 Establishing the Shared Habitat Agreement for Recreational
2 Enhancement Program; encouraging private landowners to make
3 their land available to the public for wildlife-dependent
4 activities; establishing the Shared Habitat Agreement for
5 Recreational Enhancement Program Account; and providing
6 penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Shared
11 Habitat Agreement for Recreational Enhancement or SHARE Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Account." The Shared Habitat Agreement for Recreational
17 Enhancement Program Account.

18 "Agreement." A contract, license, easement, memorandum of
19 understanding or lease.

1 "Commission." The Pennsylvania Game Commission.

2 "Private landowner." A possessor of an interest in real
3 property that is suitable for use for wildlife-dependent
4 recreational activities.

5 "Program." The Shared Habitat Agreement for Recreational
6 Enhancement Program established under this act.

7 "Wildlife-dependent recreational activities." Hunting,
8 fishing, wildlife observation, conservation education and
9 related outdoor activities.

10 Section 3. Shared Habitat Agreement for Recreational
11 Enhancement Program.

12 (a) Establishment.--The Shared Habitat Agreement for
13 Recreational Enhancement Program is established to encourage
14 private landowners to voluntarily make their land available to
15 the public for wildlife-dependent recreational activities. The
16 General Assembly further encourages private landowners to use
17 any funds received from the program for wildlife conservation
18 purposes on their property. The program shall be a collaborative
19 effort by all participants to facilitate wildlife-dependent
20 recreational activities on private land at minimal expense to
21 the Commonwealth. The General Assembly declares that interested
22 nongovernmental organizations are the key to developing,
23 planning and implementing the SHARE program.

24 (b) Program development.--The commission, in partnership
25 with nonprofit conservation groups and other interested
26 nongovernmental organizations that seek to increase and enhance
27 wildlife-dependent recreational opportunities, shall work
28 cooperatively to plan and develop a program to facilitate public
29 access to private lands for wildlife-dependent recreational
30 activities.

1 (c) Creation and regulation.--Once the terms of the program
2 have been established and approved by the commission, the
3 commission shall verify that sufficient demonstration of private
4 landowner and program participant interest has been shown to
5 support the program. Then the commission shall adopt regulations
6 and fees for the management and control of wildlife-dependent
7 recreational activities on land that is subject to this act.

8 (d) Recordkeeping.--The commission shall maintain data on
9 the types of wildlife-dependent recreational activities
10 preferred by users.

11 Section 4. Shared Habitat Agreement for Recreational
12 Enhancement Program Account.

13 The account is hereby established in the Game Conservation
14 Fund. Money deposited in the account shall only be used for the
15 purposes set forth in this act.

16 Section 5. Creation of agreements with private landowners.

17 (a) General rule.--The commission may enter into a voluntary
18 agreement with a private landowner, including an agreement under
19 which the private landowner is compensated by the commission for
20 public use of the land, to provide public access for wildlife-
21 dependent recreational activities.

22 (b) Compensation.--Any financial compensation offered to a
23 private landowner pursuant to this subsection shall not exceed
24 \$50 per acre and shall be commensurate with the quality of the
25 wildlife-dependent recreational opportunities that are to be
26 provided on the property.

27 (c) Adjacent public land.--The commission also may enter
28 into a voluntary agreement with a private landowner to
29 facilitate access to adjacent public land, upon approval of the
30 governmental entity that holds title to the land. This

1 subsection does not authorize a private landowner to exclude
2 persons not participating in the program from using public land
3 for wildlife-dependent recreational activities.

4 (d) Privacy rights.--Notwithstanding any other provision of
5 law, the commission shall keep confidential and not release to
6 the public any personal identifying information received from a
7 private landowner participating in the program unless the
8 commission determines that release of that information is
9 necessary for the administration of the program.

10 (e) Modification and cancellation.--Either the commission or
11 a private landowner may in writing modify or cancel an agreement
12 executed under the program at any time. Upon cancellation or
13 modification of the agreement by either party, the other party
14 shall be reimbursed for any lost revenues or expenses incurred
15 pursuant to the terms of the original agreement.

16 (f) Waiver.--The commission shall require every person who
17 wants to use land that is subject to an agreement pursuant to
18 subsections (a) and (c), prior to using that land, to sign a
19 waiver that releases the commission or any private group,
20 governmental entity or other organization involved in
21 administering the program, and the private landowner, from
22 liability for any injury or damage that arises from or is
23 connected with that person's use of the land. Upon request, the
24 commission shall provide a copy of the waiver to any of the
25 parties to the waiver.

26 (g) Species taking.--Every agreement executed pursuant to
27 the program shall prohibit the taking of nongame species by
28 public participants in the program.

29 (h) Included land.--In determining which lands may be
30 included in the program, the commission shall give priority to

1 those lands with the greatest wildlife habitat value. The
2 commission shall also include in the program private lands on
3 which hunting is not allowed in order to take into consideration
4 the participation of the nonhunting public in the program.

5 Section 6. Offenses and penalties.

6 (a) Violation.--The commission may revoke for up to three
7 years the public access privilege granted pursuant to this act
8 of any person who violates any law or regulation while on any
9 property that is subject to an agreement under the program.

10 (b) Enforcement.--The commission shall enforce all
11 applicable regulations established by the commission on property
12 that is subject to an agreement executed under the program.

13 Section 7. Effective date.

14 This act shall take effect in 60 days.