

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1026 Session of  
2009INTRODUCED BY KASUNIC, COSTA, FONTANA, O'PAKE, STOUT, HUGHES AND  
ALLOWAY, JULY 10, 2009SENATOR ALLOWAY, GAME AND FISHERIES, AS AMENDED, JANUARY 26,  
2010

## AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, further providing for elk hunting licenses.  
3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section ~~2706.2(b)~~ 2706.2 of Title 34 of the  
6 Pennsylvania Consolidated Statutes, ~~amended October 9, 2008~~  
7 ~~(P.L.1375, No.101)~~, is amended to read:  
8 § 2706.2. Elk hunting licenses.

9 \* \* \*

10 ~~(b) License auction. The commission shall transfer one bull~~  
11 ~~elk tag by June 30, 2009, and shall transfer one bull elk tag by~~  
12 ~~April 30 of each year thereafter, to the Governor's Office. The~~  
13 ~~[commission] Governor's Office is authorized through an~~  
14 ~~objective and established process to auction off a special~~  
15 ~~license, which shall be known as the "Governor's Tag," to~~  
16 ~~hunters interested in the opportunity to hunt one bull elk in~~  
17 ~~the next license year beginning more than one year following the~~

~~transfer subject to the following:~~

~~(1) One license shall be auctioned annually. Nothing in this subsection shall be construed to prevent a one time transfer of the Governor's tag by the purchaser at auction if the tag is transferred without consideration to another properly licensed hunter for his use under the same terms and conditions as the original purchaser.~~

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

~~(3) The [commission] Governor's Office may, under 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), contract with a wildlife conservation organization to implement and conduct the auction. The commission shall promulgate regulations for the use of the license, remitting funds to the commission and conduct of the auction.~~

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

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

~~(6) This subsection shall expire July 1, [2013] 2014.~~

(A) APPLICATION LIMITATION.--WHENEVER THE COMMISSION MAKES A DETERMINATION TO AUTHORIZE A HUNTING SEASON FOR THE TAKING OF ELK, NO PERSON MAY SUBMIT MORE THAN ONE APPLICATION FOR AN ELK HUNTING LICENSE IN ANY LICENSE YEAR.



1 (B) LICENSE AUCTION.--THE COMMISSION SHALL TRANSFER ONE BULL  
2 ELK TAG BY APRIL 30, 2010, AND BY APRIL 30 OF EACH YEAR  
3 THEREAFTER, TO THE ELK TAG CONSERVATION ADVISORY COMMITTEE. THE  
4 ELK TAG CONSERVATION ADVISORY COMMITTEE IS AUTHORIZED TO SELECT  
5 A WILDLIFE CONSERVATION ORGANIZATION, THROUGH AN OBJECTIVE AND  
6 ESTABLISHED PROCESS, TO AUCTION OFF A SPECIAL LICENSE, WHICH  
7 SHALL BE KNOWN AS THE "ELK CONSERVATION TAG," TO HUNTERS  
8 INTERESTED IN THE OPPORTUNITY TO HUNT ONE BULL ELK IN THE NEXT  
9 LICENSE YEAR IMMEDIATELY FOLLOWING THE TRANSFER SUBJECT TO THE  
10 FOLLOWING:

11 (1) ONE LICENSE SHALL BE AUCTIONED ANNUALLY. NOTHING IN  
12 THIS SUBSECTION SHALL BE CONSTRUED TO PREVENT A ONE-TIME  
13 TRANSFER OF THE ELK CONSERVATION TAG BY THE PURCHASER AT  
14 AUCTION IF THE TAG IS TRANSFERRED WITHOUT CONSIDERATION TO  
15 ANOTHER PROPERLY LICENSED HUNTER FOR HIS USE UNDER THE SAME  
16 TERMS AND CONDITIONS AS THE ORIGINAL PURCHASER.

17 (2) THE AUCTION SHALL BE OPEN TO RESIDENTS AND  
18 NONRESIDENTS OF THIS COMMONWEALTH.

19 (3) THE [COMMISSION MAY, UNDER 62 PA.C.S. PT. I  
20 (RELATING TO COMMONWEALTH PROCUREMENT CODE), CONTRACT WITH]  
21 ELK TAG CONSERVATION ADVISORY COMMITTEE SHALL, UNDER  
22 PROVISIONS SET FORTH IN THIS SECTION, SELECT A WILDLIFE  
23 CONSERVATION ORGANIZATION TO IMPLEMENT AND CONDUCT THE  
24 AUCTION.

25 (3.1) THE COMMISSION SHALL PROMULGATE REGULATIONS FOR  
26 THE USE OF THE BULL ELK LICENSE, REMITTING FUNDS TO THE  
27 COMMISSION AND CONDUCT OF THE AUCTION.

28 (4) THE CONTRACTED ORGANIZATION SHALL RETAIN NO MORE  
29 THAN 20% OF THE PROCEEDS FROM THE AUCTION. THE CONTRACTED  
30 ORGANIZATION SHALL REPORT ANNUALLY TO THE COMMISSION ON THE

1 USE OF THE PROCEEDS FROM THE AUCTION. THE REMAINING PROCEEDS  
2 FROM THE AUCTION SHALL BE USED BY THE COMMISSION FOR THE ELK  
3 PROGRAM IN THIS COMMONWEALTH IN ADDITION TO ANY OTHER FUNDS  
4 AVAILABLE TO THE COMMISSION FOR THAT PURPOSE. THE COMMISSION  
5 SHALL INCLUDE IN ITS ANNUAL REPORT TO THE GENERAL ASSEMBLY  
6 THE USE OF ALL PROCEEDS FROM THE AUCTION.

7 (5) ALL LICENSE FEES SHALL BE PAID TO THE COMMISSION.

8 [(6) THIS SUBSECTION SHALL EXPIRE JULY 1, 2013.]

9 (C) ELK TAG CONSERVATION COMMITTEE.--

10 (1) THERE IS ESTABLISHED IN THE COMMISSION THE ELK TAG  
11 CONSERVATION COMMITTEE.

12 (2) THE ELK TAG CONSERVATION COMMITTEE SHALL CONSIST OF  
13 THE FOLLOWING MEMBERS:

14 (I) ONE MEMBER APPOINTED BY THE GOVERNOR.

15 (II) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE  
16 GAME AND FISHERIES COMMITTEE OF THE SENATE.

17 (III) ONE MEMBER APPOINTED BY THE MINORITY CHAIRMAN  
18 OF THE GAME AND FISHERIES COMMITTEE OF THE SENATE.

19 (IV) ONE MEMBER APPOINTED BY THE CHAIRMAN OF THE  
20 GAME AND FISHERIES COMMITTEE OF THE HOUSE OF  
21 REPRESENTATIVES.

22 (V) ONE MEMBER APPOINTED BY THE MINORITY CHAIRMAN OF  
23 THE GAME AND FISHERIES COMMITTEE OF THE HOUSE OF  
24 REPRESENTATIVES.

25 (3) THE GOVERNOR'S APPOINTEE SHALL SERVE AS CHAIRMAN OF  
26 THE COMMITTEE. APPOINTMENT OF THE INITIAL MEMBERS OF THE  
27 COMMITTEE SHALL OCCUR BY THE LATER OF APRIL 1, 2010, OR 15  
28 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION.  
29 APPOINTMENTS OF MEMBERS OF SUBSEQUENT COMMITTEES SHALL OCCUR  
30 BY APRIL 1 OF EACH EVEN-NUMBERED YEAR.

1       (4) THE TERM OF MEMBERS OF THE COMMITTEE SHALL EXPIRE  
2       UPON THE EXPIRATION OF THE FINAL SCHEDULED DAY OF ELK SEASON  
3       OF EVERY SECOND YEAR FOLLOWING THEIR APPOINTMENT.

4       (5) IF A VACANCY OCCURS IN THE COMMITTEE, THE APPOINTING  
5       AUTHORITY WHO ORIGINALLY APPOINTED THE MEMBER WHOSE SEAT HAS  
6       BECOME VACANT SHALL APPOINT ANOTHER MEMBER TO THE COMMITTEE  
7       TO FILL THE VACANCY. A MEMBER APPOINTED TO FILL A VACANCY  
8       OCCURRING PRIOR TO THE EXPIRATION OF A TERM SHALL SERVE THE  
9       UNEXPIRED TERM.

10       (6) THE COMMITTEE HAS THE FOLLOWING DUTIES:

11           (I) ESTABLISH GUIDELINES TO PROVIDE OBJECTIVE  
12       CRITERIA TO EVALUATE EACH PROPOSAL RECEIVED FROM WILDLIFE  
13       CONSERVATION ORGANIZATIONS IN RESPONSE TO THE REQUEST FOR  
14       PROPOSALS AND TO DETERMINE THE MOST MERITORIOUS FOR ELK  
15       CONSERVATION IN THIS COMMONWEALTH. THE GUIDELINES SHALL  
16       SPECIFY THE RELATIVE IMPORTANCE OF EACH INDIVIDUAL FACTOR  
17       IN RELATION TO THE OTHER FACTORS. THE GUIDELINES SHALL BE  
18       COMPLETED PRIOR TO THE ISSUANCE OF A REQUEST FOR  
19       PROPOSALS BY THE COMMISSION AND SUBMITTED TO THE  
20       COMMISSION FOR INCLUSION IN THE REQUEST FOR PROPOSAL AND  
21       FOR POSTING ON THE COMMISSION'S PUBLICLY ACCESSIBLE  
22       INTERNET WEBSITE. THE COMMITTEE MAY REVISE THE GUIDELINES  
23       ANNUALLY PRIOR TO THE ISSUANCE OF THE REQUEST FOR  
24       PROPOSALS.

25           (II) SELECT BY MAJORITY VOTE THE WILDLIFE  
26       CONSERVATION ORGANIZATION TO CONDUCT THE BULL ELK LICENSE  
27       AUCTION FROM THE PROPOSALS RECEIVED BY THE COMMISSION  
28       FROM WILDLIFE CONSERVATION ORGANIZATIONS FOR THE  
29       IMPLEMENTATION AND CONDUCT OF THE AUCTION IN ACCORDANCE  
30       WITH SUBSECTION (D).

1       (7) THE COMMITTEE SHALL MEET AS FREQUENTLY AS IT DEEMS  
2       APPROPRIATE. A MAJORITY OF THE MEMBERS OF THE COMMITTEE SHALL  
3       CONSTITUTE A QUORUM.

4       (8) THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT  
5       COMPENSATION.

6       (D) COMMISSION DUTIES.--THE COMMISSION HAS THE FOLLOWING  
7       DUTIES:

8           (1) ESTABLISH GUIDELINES FOR THE METHODS OF PROVIDING  
9           PUBLIC NOTICE OF THE ISSUANCE OF REQUESTS FOR PROPOSALS,  
10          INCLUDING ANY OF THE FOLLOWING:

11               (I) ELECTRONIC PUBLICATION WHICH IS ACCESSIBLE TO  
12               THE GENERAL PUBLIC.

13               (II) ISSUANCE OF INVITATIONS FOR PROPOSALS TO  
14               WILDLIFE CONSERVATION ORGANIZATIONS FROM THE COMMISSION'S  
15               SOLICITATION MAILING LIST.

16               (III) PUBLICATION IN A NEWSPAPER OF GENERAL  
17               CIRCULATION.

18               (IV) ISSUANCE OF INVITATIONS FOR PROPOSALS TO ANY  
19               WILDLIFE CONSERVATION ORGANIZATIONS THAT SUBMITTED A  
20               PROPOSAL IN THE PREVIOUS FIVE YEARS.

21               (V) PLACEMENT OF THE NOTIFICATION ON THE  
22               COMMISSION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

23           (2) ESTABLISH GUIDELINES FOR THE PROCEDURES AND FOR  
24           DISTRIBUTION OF COPIES OF REQUESTS FOR PROPOSALS AND COPIES  
25           OF THE COMMITTEE'S REPORT TO ANY INTERESTED PERSON UPON  
26           REQUEST. THIS PARAGRAPH INCLUDES THE IMPOSITION OF A FEE TO  
27           REIMBURSE THE COMMITTEE FOR THE COSTS OF REPRODUCTION AND  
28           POSTAGE. COPIES OF REQUESTS FOR PROPOSALS SHALL NOT BE  
29           AVAILABLE FOR DISTRIBUTION UNTIL AFTER THE CLOSE OF THE  
30           PERIOD FOR THE SUBMISSION OF THE PROPOSALS AS DETERMINED BY

1 THE REQUEST FOR PROPOSALS.

2 (3) FOLLOWING THE ESTABLISHMENT OF SELECTION CRITERIA BY  
3 THE COMMITTEE UNDER SUBSECTION (C) (6) (I), ISSUE A REQUEST FOR  
4 PROPOSALS IN ACCORDANCE WITH 62 PA.C.S. PT. I (RELATING TO  
5 COMMONWEALTH PROCUREMENT CODE) FOR THE IMPLEMENTATION AND  
6 CONDUCT OF THE AUCTION. THE REQUEST FOR PROPOSALS SHALL  
7 INCLUDE ALL OF THE FOLLOWING:

8 (I) A REQUIREMENT THAT THE SELECTED WILDLIFE  
9 CONSERVATION ORGANIZATION SHALL PUBLICIZE OR CAUSE TO BE  
10 PUBLICIZED THE TIME, DATE AND PROCEDURE FOR THE AUCTION.

11 (II) A REQUIREMENT THAT THE SELECTED WILDLIFE  
12 CONSERVATION ORGANIZATION COMPLY WITH ALL APPLICABLE  
13 REGULATIONS PROMULGATED BY THE COMMISSION.

14 (III) REQUIREMENTS REGARDING THE TIME AND DATE AND  
15 THE REQUIRED FORMAT FOR THE SUBMISSION OF A PROPOSAL BY  
16 WILDLIFE CONSERVATION ORGANIZATIONS.

17 (IV) A NOTIFICATION THAT A PROPOSAL RECEIVED FROM A  
18 WILDLIFE CONSERVATION ORGANIZATION SHALL NOT BE  
19 CONSIDERED BY THE COMMITTEE WHEN THE WILDLIFE  
20 CONSERVATION ORGANIZATION WAS SELECTED TO CONDUCT THE  
21 AUCTION IN THE PREVIOUS YEAR UNLESS THE COMMITTEE  
22 RECEIVES ONLY ONE PROPOSAL IN RESPONSE TO THE REQUEST FOR  
23 PROPOSALS.

24 (4) RECEIVE THE PROPOSALS SUBMITTED BY WILDLIFE  
25 CONSERVATION ORGANIZATIONS IN RESPONSE TO THE REQUEST FOR  
26 PROPOSALS AND SUBMIT THE UNOPENED PROPOSALS TO THE COMMITTEE.

27 (5) ENTER INTO A CONTRACT UNDER 62 PA.C.S. PT. I WITH  
28 THE WILDLIFE CONSERVATION ORGANIZATION SELECTED BY THE  
29 COMMITTEE TO IMPLEMENT AND CONDUCT THE AUCTION UNDER  
30 SUBSECTION (C).

1       (6) POST PUBLIC NOTICES OF THE ISSUANCE OF REQUESTS FOR  
2       PROPOSALS ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

3       (7) PROVIDE THE COMMITTEE WITH ADEQUATE STAFF,  
4       ADMINISTRATIVE SUPPORT AND RESOURCES, AS NECESSARY, TO  
5       PERFORM ITS DUTIES UNDER THIS SECTION.

6       (E) WILDLIFE CONSERVATION ORGANIZATIONS.--A WILDLIFE  
7       CONSERVATION ORGANIZATION SHALL SUBMIT A PROPOSAL TO THE REQUEST  
8       FOR PROPOSALS TO THE COMMISSION IN A TIMELY MANNER AS TO ALLOW  
9       ITS RECEIPT PRIOR TO THE CLOSURE OF THE PERIOD FOR SUBMISSION OF  
10      THE PROPOSAL AS ESTABLISHED IN THE REQUEST FOR PROPOSALS.

11      (F) OPENING OF PROPOSALS, SELECTION BY COMMITTEE AND  
12      DISTRIBUTION OF REPORT.--

13      (1) THE COMMITTEE SHALL OPEN THE UNOPENED PROPOSALS AS  
14      RECEIVED FROM THE COMMISSION IN A MANNER AS TO PREVENT THE  
15      DISCLOSURE OF THEIR CONTENTS TO COMPETING WILDLIFE  
16      CONSERVATION ORGANIZATIONS.

17      (2) THE COMMITTEE SHALL COMPLY WITH THE CRITERIA  
18      ESTABLISHED IN SUBSECTION (C) (6) (I) IN SELECTING A WILDLIFE  
19      CONSERVATION ORGANIZATION TO CONDUCT THE AUCTION.

20      (3) THE COMMITTEE SHALL PREPARE AND SUBMIT TO THE  
21      COMMISSION A WRITTEN REPORT THAT STATES THE REASONS FOR THE  
22      SELECTION OF THE WILDLIFE CONSERVATION ORGANIZATION TO  
23      RECEIVE THE AWARD OF THE CONTRACT. IN ADDITION, THE REPORT  
24      SHALL DESCRIBE HOW THE SELECTION COMPLIES WITH THE SELECTION  
25      CRITERIA.

26      (4) NO WILDLIFE CONSERVATION ORGANIZATION SHALL BE  
27      SELECTED TO CONDUCT THE AUCTION IN ANY TWO CONSECUTIVE YEARS  
28      UNLESS THE COMMITTEE RECEIVES ONLY ONE PROPOSAL IN RESPONSE  
29      TO THE REQUEST FOR PROPOSALS AND THAT PROPOSAL MEETS THE  
30      GUIDELINES ESTABLISHED IN SUBSECTION (C) (6) (I).



1           (5) COPIES OF THE REPORT SHALL BE AVAILABLE TO THE  
2           PUBLIC UPON REQUEST AND AVAILABLE FROM THE COMMISSION IN  
3           ACCORDANCE WITH THE DISTRIBUTION GUIDELINES ESTABLISHED UNDER  
4           SUBSECTION (D) (2).

5           Section 2. This act shall take effect in 60 days.