
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1476 Session of
2011

INTRODUCED BY GERGELY, HANNA, READSHAW, WHITE, CALTAGIRONE,
COHEN, D. COSTA, DALEY, EVERETT, HALUSKA, HORNAMAN, KULA,
MAHONEY, MULLERY, K. SMITH AND GOODMAN, MAY 5, 2011

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 5, 2011

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 of Title 34 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 2706.2. Elk hunting licenses.

8 (a) Application limitation.--Whenever the commission makes a
9 determination to authorize a hunting season for the taking of
10 elk, no person may submit more than one application for an elk
11 hunting license in any license year.

12 (b) License auction.--The commission shall transfer one bull
13 elk tag by April 30, 2012, and by April 30 of each year
14 thereafter, to the Elk Tag Conservation Advisory Committee. The
15 Elk Tag Conservation Advisory Committee is authorized to select
16 a wildlife conservation organization, through an objective and
17 established process, to auction off a special license, which

1 shall be known as the "Elk Conservation Tag," to hunters
2 interested in the opportunity to hunt one bull elk in the next
3 license year immediately following the transfer subject to the
4 following:

5 (1) One license shall be auctioned annually. Nothing in
6 this subsection shall be construed to prevent a one-time
7 transfer of the Elk Conservation Tag by the purchaser at
8 auction if the tag is transferred without consideration to
9 another properly licensed hunter for his use under the same
10 terms and conditions as the original purchaser.

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

13 (3) The [commission may, under 62 Pa.C.S. Pt. I
14 (relating to Commonwealth Procurement Code), contract with]
15 Elk Tag Conservation Advisory Committee shall, under
16 provisions set forth in this section, select a wildlife
17 conservation organization to implement and conduct the
18 auction. The commission shall promulgate regulations for the
19 use of the bull elk license, remitting funds to the
20 commission and conduct of the auction.

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

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

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

2 (c) Establishment of advisory committee.--There is
3 established an advisory committee to be known as the Elk Tag
4 Conservation Advisory Committee.

5 (d) Members of advisory committee.--The advisory committee
6 shall consist of five members, one of whom is to be appointed by
7 each of the following: the Governor, the chairman and minority
8 chairman of the Game and Fisheries Committee of the Senate and
9 the chairman and minority chairman of the Game and Fisheries
10 Committee of the House of Representatives. The Governor's
11 appointee shall serve as chairman of the advisory committee.
12 Appointment of the initial members of the advisory committee
13 shall occur no later than April 1, 2012, or 15 days after the
14 enactment of this subsection, whichever is later. Appointments
15 of members of subsequent advisory committees shall occur no
16 later than April 1 of each even-numbered year subsequent to
17 2012.

18 (e) Term of advisory committee members.--The term of members
19 of the advisory committee shall expire upon the expiration of
20 the final scheduled day of elk season of every second year
21 following their appointment.

22 (f) Vacancy in advisory committee.--Whenever a vacancy shall
23 occur in the advisory committee, the appointing authority who
24 appointed the member whose absence created the vacancy shall
25 appoint another member to the committee to fill such vacancy for
26 the remainder of the term.

27 (g) Reimbursement.--The advisory committee members shall
28 serve without compensation.

29 (h) Request for proposals from wildlife conservation
30 organizations.--The advisory committee shall request proposals

1 from wildlife conservation organizations in the manner as
2 provided by law.

3 (i) Selection.--Based on submitted proposals, by majority
4 vote, the advisory committee shall select the wildlife
5 conservation organization to conduct the auction. No wildlife
6 conservation organization shall be chosen to conduct the auction
7 in any two consecutive years.

8 (j) Responsibility to publicize.--The selected wildlife
9 conservation organization shall be responsible for publicizing
10 or causing to be publicized the time, date and procedure for the
11 auction. These details shall be included in the bid submitted to
12 the advisory committee and shall be considered by the advisory
13 committee in the selection of the wildlife conservation
14 organization. The auction shall occur on a date that will
15 provide reasonable time before the commencement of the elk
16 season for which the tag is to be used for the winner to make
17 payment and take custody of the tag.

18 (k) Request for proposals.--Proposals shall be solicited
19 through a request for proposals. Adequate public notice of the
20 request for proposals shall be given a reasonable time prior to
21 the date set for the opening of proposals. The advisory
22 committee shall establish written policies regarding methods of
23 public notice. The method of public notice may include any of
24 the following:

25 (1) Electronic publication which is accessible to the
26 general public.

27 (2) Issuance of invitations for bids to bidders on the
28 solicitation mailing list of the commission.

29 (3) Publication in a newspaper of general circulation.

30 Copies of requests for proposals shall be made available to

1 any interested person upon request to the advisory committee.
2 The commission may establish procedures for the distribution of
3 requests for proposals, including the imposition of a fee to
4 reimburse the commission for the costs of photocopying and
5 mailing.

6 (4) Issuance of invitations for bids to anyone who
7 submitted a bid in the previous five years and was
8 unsuccessful.

9 (5) Placement on the commission's Internet website.

10 (l) Receipt of proposals.--Wildlife conservation
11 organizations shall submit their proposals to ensure that their
12 proposals are received prior to the time and date established
13 for receipt of the proposals. Proposals shall be submitted in
14 the format required by the request for proposals. Proposals
15 shall be opened so as to avoid disclosure of their contents to
16 competing wildlife conservation organizations.

17 (m) Evaluation.--The relative importance of the evaluation
18 factors shall be fixed prior to opening the proposals.

19 (n) Selection of organization to conduct auction.--The
20 responsible wildlife conservation organization whose proposal is
21 determined in writing to be the most advantageous to the
22 advisory committee, taking into consideration all evaluation
23 factors, shall be selected to conduct the auction.

24 Section 2. This act shall take effect immediately.