

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2081

Session of  
1979

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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, BITTLE, CAPPABIANCA, CIVERA, GEIST, MICHLOVIC, PHILLIPS, STEIGHNER, STUBAN, WENGER, DECEMBER 5, 1979

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 22, 1980

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## AN ACT

1 Providing for a voluntary contribution system to aid in the  
2 conservation of certain wild flora and fauna, establishing a  
3 special fund and providing for its administration, <—  
4 ESTABLISHING A PROCEDURE FOR THE PROTECTION OF WILD FLORA,  
5 ESTABLISHING A PERMIT SYSTEM, IMPOSING POWERS AND DUTIES ON  
6 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AND IMPOSING  
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8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Short title.

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

13 Section 2. Legislative finding; declaration of policy.

14 It is hereby determined and declared as a matter of  
15 legislative finding that there are numerous flora and fauna,  
16 including those rare or endangered, which are not commonly  
17 pursued, killed or consumed either for sport or profit, that  
18 such species are in need of more active management and that it  
19 is in the public interest to preserve and enhance such species  
20 for the benefit of all. Therefore, it is the purpose of this act  
21 to:

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

25 (2) Provide a means for the citizens of the Commonwealth  
26 to support the management of our wild resource by  
27 establishing a voluntary contribution system on State income  
28 tax return forms.

29 (3) Promote the cooperation of the Department of  
30 Environmental Resources, Pennsylvania Fish Commission and

Pennsylvania Game Commission in the management of our wild resource.

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

(5) ESTABLISH AND PROMOTE A COOPERATIVE STATEWIDE SYSTEM OF PRIVATE WILD PLANT SANCTUARIES IN ORDER TO MAINTAIN, PROTECT AND, TO THE EXTENT POSSIBLE, ENHANCE WILD PLANT NUMBERS. <—

(6) CONSERVE AND PROTECT WILD PLANT SPECIES RECOGNIZED AS ENDANGERED, THREATENED OR VULNERABLE.

(7) CONDUCT AN INVESTIGATION TO DETERMINE THE STATUS OF WILD PLANTS, CLASSIFY WILD PLANTS INDIGENOUS TO OR FOUND IN THE COMMONWEALTH AND PROVIDE FOR THEIR PROTECTION.

(8) CREATE A PERMIT PROCEDURE FOR PERSONS INTERESTED IN WILD PLANT MANAGEMENT AND A COMMERCIAL LICENSE PROCEDURE FOR PERSONS WHO PURCHASE VULNERABLE PLANTS WITH THE INTENT TO SELL ALL OR ANY PART THEREOF.

### Section 3. Definitions.

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

"Board." The Wild Resource Conservation Board.

"DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL RESOURCES OF THE COMMONWEALTH OF PENNSYLVANIA. <—

"Fund." The Wild Resource Conservation Fund.

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

1 education.

2 "WILD PLANT." ANY AND ALL NATURALLY OCCURRING NATIVE FLORA, <—  
3 EXCEPT THOSE COMMONLY CONSIDERED AN AGRICULTURAL COMMODITY,  
4 INCLUDING GREEN AND NONGREEN SPECIES OR SUBSPECIES OR ANY PART,  
5 PRODUCT, SEED OR OFFSPRING THEREOF.

6 "Wild resource." All fauna not commonly pursued, killed or  
7 consumed either for sport or profit, but not including any  
8 domestic fauna or any domestic fauna that has reverted to a  
9 feral existence, and all flora not commonly ~~managed or~~ <—  
10 ~~cultivated for harvest~~ CONSIDERED AN AGRICULTURAL COMMODITY. <—

11 Section 4. Voluntary contribution system.

12 (a) The Department of Revenue shall provide a space on the  
13 face of the Pennsylvania individual income tax return form  
14 whereby an individual may voluntarily designate a ~~\$1, \$3 or \$5~~ <—  
15 ~~contribution, or any other~~ CONTRIBUTION OF ANY amount desired, <—  
16 to the Wild Resource Conservation Fund established in section 5.

17 (b) The amount so designated by an individual on the income  
18 tax return form shall be deducted from the tax refund to which  
19 such individual is entitled and shall not constitute a charge  
20 against the income tax revenues due the Commonwealth.

21 (c) The Department of Revenue shall determine annually the  
22 total amount designated pursuant to this section and shall  
23 report such amount to the State Treasurer, who shall transfer  
24 such amount from the General Fund to the Wild Resource  
25 Conservation Fund. The Department of REvenue shall be reimbursed  
26 from the fund for any administrative costs incurred above and  
27 beyond the cost savings it realizes as a result of individual  
28 total refund designations.

29 (d) The Department of Revenue shall provide adequate  
30 information concerning the Wild Resource Conservation Fund in

1 its instructions which accompany State income tax return forms,  
2 which shall include the listing of an address, furnished to it  
3 by the board, to which contributions may be sent by those  
4 taxpayers wishing to contribute to said fund but who do not  
5 receive refunds.

6 (e) This section shall apply to taxable years beginning on  
7 or after January 1, ~~1980~~ 1981. <—

8 Section 5. Wild Resource Conservation Fund.

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

13 (b) All moneys received from the voluntary contribution  
14 system established in section 4 and ~~from~~ BY the sale of any item <—  
15 authorized by section 6, BY THE ISSUANCE OF PERMITS AUTHORIZED <—  
16 BY SECTION 8, BY THE ISSUANCE OF LICENSES AUTHORIZED BY SECTION  
17 9 AND FROM ALL PENALTIES AND FINES IMPOSED UNDER SECTION 11  
18 shall be deposited in said fund.

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

21 (d) The moneys contained in said fund are continuously  
22 appropriated to the Wild Resource Conservation Board for the  
23 exclusive use of carrying out the purposes of this act.

24 Section 6. Wild Resource Conservation Board.

25 (a) There is hereby created a Wild Resource Conservation  
26 Board, the members of which shall consist of the Secretary of  
27 the Department of Environmental Resources, the Executive  
28 Director of the Pennsylvania Fish Commission, the Executive  
29 Director of the Pennsylvania Game Commission, the majority and  
30 minority chairmen of the House Conservation Committee and the

majority and minority chairmen of the Senate Environmental Resources Committee. The chairmanship of said board shall rotate on an annual basis among the members thereof.

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

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

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

(3) Establish, after reviewing the recommendations made at the public hearing and consulting with the professional staffs of those agencies represented on the board, management projects or programs deemed necessary to preserve and enhance the wild resource and to allocate moneys from the Wild Resource Conservation Fund to the agency or agencies selected by the board to implement said programs or projects. THE BOARD SHALL ALSO ALLOCATE MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES FOR ITS ADMINISTRATIVE RESPONSIBILITIES UNDER SECTIONS 7, 8, 9, 10 AND 11.

(4) Administer the Wild Resource Conservation Fund.

(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.

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

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

16 (e) The board may establish an advisory committee, the  
17 members of which shall be chosen from the public and shall serve  
18 at the pleasure of the board, which shall meet to advise the  
19 board and make recommendations regarding general management  
20 objectives or specific management projects.

21 (f) Within two years following the effective date of this  
22 act, the board shall develop a comprehensive management plan  
23 which shall establish the management objectives and policies of  
24 the board. The board shall review said plan periodically and  
25 make revisions thereto when necessary. The board shall make the  
26 plan and any revisions thereto available for public review and  
27 comment by publication in the Pennsylvania Bulletin.

28 SECTION 7. WILD PLANT MANAGEMENT.

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29 (A) IN ADDITION TO THE POWERS AND DUTIES GRANTED TO IT BY  
30 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE

1 ADMINISTRATIVE CODE OF 1929," THE DEPARTMENT OF ENVIRONMENTAL  
2 RESOURCES SHALL, WITH COOPERATION FROM TAXONOMISTS, BIOLOGISTS,  
3 BOTANISTS AND OTHER INTERESTED PERSONS CONDUCT INVESTIGATIONS ON  
4 WILD PLANTS IN ORDER TO ASCERTAIN INFORMATION RELATING TO  
5 POPULATION, DISTRIBUTION, HABITAT NEEDS, LIMITING FACTORS AND  
6 OTHER BIOLOGICAL AND ECOLOGICAL DATA TO CLASSIFY PLANTS AND TO  
7 DETERMINE MANAGEMENT MEASURES NECESSARY FOR THEIR CONTINUED  
8 ABILITY TO SUSTAIN THEMSELVES SUCCESSFULLY.

9 (B) THE DEPARTMENT SHALL ESTABLISH A CLASSIFICATION  
10 PROCEDURE THAT SHOULD INCLUDE BUT MAY NOT BE LIMITED TO THE  
11 FOLLOWING CATEGORIES:

12 (1) EXTIRPATED. SPECIES WHICH ONCE OCCURRED IN  
13 PENNSYLVANIA, BUT NO LONGER ARE KNOWN TO EXIST.

14 (2) ENDANGERED. SPECIES IN DANGER OF EXTINCTION  
15 THROUGHOUT ALL OR MOST OF ITS RANGE IF CRITICAL HABITAT IS  
16 NOT MAINTAINED, OR IT IS GREATLY EXPLOITED BY MAN.

17 (3) THREATENED. SPECIES LIKELY TO BECOME ENDANGERED  
18 THROUGHOUT ALL OR MOST OF ITS RANGE IF CRITICAL HABITAT IS  
19 NOT MAINTAINED OR IT IS GREATLY EXPLOITED BY MAN.

20 (4) DISJUNCT. SPECIES WHICH ARE SIGNIFICANTLY SEPARATED  
21 FROM THE MAIN AREA OF DISTRIBUTION.

22 (5) ENDEMIC. SPECIES CONFINED TO A SPECIALIZED HABITAT  
23 AND WITH LIMITED RANGES.

24 (6) RESTRICTED. SPECIES WITH EPIDEMIC DISTRIBUTION BUT  
25 FOUND IN SPECIALIZED HABITATS OR HABITATS INFREQUENT IN  
26 PENNSYLVANIA.

27 (7) LIMIT OF RANGE. SPECIES WHICH ARE UNCOMMON OR RARE  
28 IN PENNSYLVANIA BECAUSE THEY ARE AT OR NEAR THE PERIPHERAL OF  
29 THEIR DISTRIBUTION. WITHIN THE MAIN BODY OF THEIR  
30 DISTRIBUTION, THESE SPECIES MAY OR MAY NOT BE COMMON.



1           (8) VULNERABLE. SPECIES WHICH ARE IN DANGER OF LOSS  
2       BECAUSE OF THEIR BEAUTY, ECONOMIC VALUE, USE AS CULTIVAR OR  
3       OTHER FACTORS WHICH MAKE THEM PRIME TARGETS FOR BEING REMOVED  
4       FROM NATIVE HABITATS.

5           (9) UNDETERMINED. SPECIES SUGGESTED AS NEEDING  
6       PROTECTION BECAUSE OF THEIR INFREQUENT OCCURRENCE, BUT THEIR  
7       STATUS IN PENNSYLVANIA IS UNCLEAR.

8       (C) ON THE BASIS OF SUCH DETERMINATIONS, THE ENVIRONMENTAL  
9       QUALITY BOARD SHALL ISSUE REGULATIONS NOT LATER THAN TWO YEARS  
10      FROM THE EFFECTIVE DATE OF THIS ACT, AFTER PUBLIC NOTICE, AFTER  
11      RECEIVING DATA FROM INTERESTED PERSONS AND AFTER HOLDING PUBLIC  
12      HEARINGS. SUCH REGULATIONS SO ESTABLISHED SHALL SET LIMITATIONS  
13      RELATING TO TAKING, POSSESSION, TRANSPORTATION, EXPORTATION,  
14      PROCESSING, SALE OR OFFER FOR SALE, OR SHIPMENT AS MAY BE DEEMED  
15      NECESSARY TO MANAGE WILD PLANTS. THE ENVIRONMENTAL QUALITY BOARD  
16      MAY ADD OR DELETE SPECIES AS CONDITIONS CHANGE AND MAY MODIFY  
17      REGULATIONS TO REFLECT THE CHANGING ENVIRONMENT.

18      (D) THE DEPARTMENT SHALL ESTABLISH CRITERIA FOR AND PROMOTE  
19      A COOPERATIVE STATEWIDE SYSTEM OF PRIVATE WILD PLANT  
20      SANCTUARIES.

21      (E) EACH LANDOWNER DESIRING "PRIVATE WILD PLANT SANCTUARY"  
22      DESIGNATION UNDER THIS ACT SHALL MAKE APPLICATION TO THE  
23      DEPARTMENT ON A FORM PREPARED AND PROVIDED BY THE DEPARTMENT.

24      (F) NO PORTION OF THIS SECTION SHALL BE CONSTRUED TO  
25      RESTRICT WITHDRAWAL OF SAID DESIGNATION AT THE REQUEST OF THE  
26      LANDOWNER.

27      (G) THE DEPARTMENT MAY SUSPEND OR REVOKE ANY DESIGNATION FOR  
28      VIOLATION OF THIS ACT, THE REGULATIONS THEREUNDER OR FOR OTHER  
29      GOOD CAUSE.

30      (H) NO PORTION OF THIS SECTION SHALL BE CONSTRUED TO

1 RESTRICT ENTRY INTO SUCH SANCTUARIES FOR THE PURPOSE OF HIKING,  
2 HUNTING OR ANY OTHER BENEFICIAL NONMOTORIZED OUTDOOR ACTIVITY.

3 (I) EXCEPT AS PROVIDED IN THIS SECTION, IT SHALL BE UNLAWFUL  
4 FOR ANY PERSON EXCLUSIVE OF THE OWNER OF THE LAND OR ANY PERSON  
5 HAVING A BONA FIDE PROPERTY INTEREST THEREIN, TO WILLFULLY  
6 ADVERSELY ALTER OR DESTROY THE LOCAL ECOSYSTEM OF SUCH PRIVATE  
7 WILD PLANT SANCTUARY.

8 SECTION 8. WILD PLANT MANAGEMENT PERMITS.

9 (A) IN CARRYING OUT THE PURPOSES OF THIS ACT, THE DEPARTMENT  
10 SHALL UPON APPLICATION ISSUE PERMITS AUTHORIZING THE REMOVAL,  
11 COLLECTION OR TRANSPLANTING OF ENDANGERED OR THREATENED PLANT  
12 SPECIES PURSUANT TO REGULATIONS ESTABLISHED BY THE ENVIRONMENTAL  
13 QUALITY BOARD.

14 (B) ANY PERSON DESIRING A WILD PLANT MANAGEMENT PERMIT AS  
15 HEREIN PROVIDED, SHALL MAKE APPLICATION TO THE DEPARTMENT ON A  
16 FORM PROVIDED BY THE DEPARTMENT.

17 (C) IT SHALL BE LAWFUL FOR A PERSON HOLDING A VALID WILD  
18 PLANT MANAGEMENT PERMIT, WITH THE EXPRESSED PERMISSION OF  
19 LANDOWNERS, TO TRANSPLANT WILD PLANTS INTO PRIVATE AND PUBLIC  
20 PLANT SANCTUARIES FOR THE PURPOSE OF INSURING THEIR PERPETUATION  
21 AS MEMBERS OF ECOSYSTEMS, TO ENHANCE THEIR NUMBERS OR TO RESTORE  
22 THEIR NATURAL RANGE. ALL SUCH TRANSPLANTS SHALL BE IN ACCORDANCE  
23 WITH THE PROVISIONS OF THIS ACT.

24 (D) PERSONS HOLDING VALID WILD PLANT MANAGEMENT PERMITS  
25 SHOULD MAKE EVERY EFFORT POSSIBLE TO TRANSPLANT VALUABLE SPECIES  
26 FROM LAND AREAS THREATENED BY FUTURE LAND DEVELOPMENT, SURFACE  
27 MINING OR AGRICULTURAL ENCROACHMENT TO PUBLIC OR PRIVATE PLANT  
28 SANCTUARIES.

29 (E) THE DEPARTMENT MAY ALSO GRANT CERTAIN PERMITTEES, FOR  
30 TAXONOMICAL AND BOTANICAL PURPOSES, THE RIGHT TO COLLECT

1 THREATENED OR ENDANGERED PLANTS DEFINED HEREIN SUBJECT TO THE  
2 RULES AND REGULATIONS PURSUANT TO THIS ACT, WITH THE EXPRESSED  
3 PERMISSION OF THE LANDOWNER, AS LONG AS SUCH COLLECTIONS WOULD  
4 BE DEEMED BY THE DEPARTMENT TO BE CONSISTENT WITH THE INTENT OF  
5 THIS ACT.

6 (F) THE DEPARTMENT MAY SUSPEND OR REVOKE ANY PLANT  
7 MANAGEMENT PERMIT FOR VIOLATION OF THIS ACT OR REGULATIONS  
8 THEREUNDER, THE TERMS OR CONDITIONS OF THE PERMIT OR FOR OTHER  
9 GOOD CAUSE.

10 (G) ANY PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT MAY  
11 APPEAL SUCH DECISIONS TO THE ENVIRONMENTAL HEARING BOARD  
12 PURSUANT TO TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES  
13 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

14 SECTION 9. VULNERABLE SPECIES.

15 (A) SPECIES CLASSIFIED AS VULNERABLE SHALL BE SUBJECT TO THE  
16 FOLLOWING RESTRICTIONS:

17 (1) THE ENVIRONMENTAL QUALITY BOARD UPON DESIGNATION OF  
18 VULNERABLE SPECIES SHALL ESTABLISH REGULATIONS OVER THE  
19 DIGGING, HARVESTING, SALE AND EXPLOITATION OF SAID SPECIES.

20 (2) THE REGULATIONS SHALL:

21 (I) CONSIDER THE DISTRIBUTION, ABUNDANCE, ECONOMIC  
22 VALUE, GROWING AND REPRODUCTION CYCLE;

23 (II) ESTABLISH SEASONS FOR THE DIGGING AND  
24 HARVESTING OF PLANTS OR PLANT PARTS; AND

25 (III) PROVIDE FOR THE COMMERCIAL LICENSING OF  
26 PERSONS WHO BUY WITH THE INTENT TO SELL VULNERABLE PLANTS  
27 WITHIN THE COMMONWEALTH OR EXPORT SAID PLANTS THEREFROM  
28 AND TO REQUIRE THE LICENSEES TO MAINTAIN RECORDS OF THEIR  
29 TRANSACTIONS.

30 (3) THE ENVIRONMENTAL QUALITY BOARD SHALL ESTABLISH THE

1 LICENSE FEE.

2 SECTION 10. PUBLIC WILD PLANT SANCTUARIES.

3 (A) THE DEPARTMENT MAY, WHEN DEEMED NECESSARY TO PROTECT  
4 WILD PLANT SPECIES AFFORDED CONSIDERATION UNDER THIS ACT,  
5 ACQUIRE NATURAL AREAS OF LAND OR AQUATIC HABITAT, OR DESIGNATE  
6 SUCH AREAS ON LAND PREVIOUSLY ACQUIRED FOR THE ESTABLISHMENT OF  
7 PUBLIC WILD PLANT SANCTUARIES.

8 (B) THE DEPARTMENT MAY, WHEN DEEMED NECESSARY TO PROTECT A  
9 SPECIES AFFORDED PROTECTION UNDER THIS ACT, ACQUIRE NATURAL  
10 AREAS OF LAND OR AQUATIC HABITAT.

11 (C) THE SECRETARY SHALL UTILIZE ALL EXISTING AUTHORITY  
12 VESTED IN THE DEPARTMENT TO CARRY OUT THE PURPOSES OF THIS  
13 SECTION.

14 (D) THE DEPARTMENT MAY ALLOW, UNDER SUCH TERMS AND  
15 CONDITIONS AS MAY BE PRESCRIBED BY REGULATION, INDIVIDUALS OR  
16 GROUPS TO ASSIST IN THE MANAGEMENT OF DESIGNATED AREAS FOR THE  
17 PURPOSE OF PROMOTING WILD PLANTS.

18 (E) SUCH AREAS ESTABLISHED UNDER THIS SECTION SHALL BE  
19 UTILIZED WHENEVER FEASIBLE, FOR SCIENTIFIC OR EDUCATIONAL  
20 PURPOSES.

21 SECTION 11. ENFORCEMENT.

22 (A) EXCEPT AS OTHERWISE PROVIDED IT SHALL BE UNLAWFUL FOR  
23 ANY PERSON, EXCLUSIVE OF THE OWNER OF THE LAND OR ANY PERSON  
24 HAVING A BONA FIDE PROPERTY INTEREST THEREIN TO DISTURB, PICK,  
25 TAKE OR POSSESS VULNERABLE, THREATENED OR ENDANGERED WILD  
26 PLANTS. IT SHALL BE UNLAWFUL FOR ANY PERSON TO TRANSPORT WITH  
27 THE INTENT TO SELL, SELL OR EXPORT THREATENED OR ENDANGERED WILD  
28 PLANTS. IT SHALL BE UNLAWFUL FOR ANY PERSON TO DISTURB, PICK OR  
29 TAKE WILD PLANTS FROM STATE PARKS AND FOREST LANDS EXCEPT AS  
30 PROVIDED BY RULES AND REGULATIONS.

(B) IN ORDER TO AID THE DEPARTMENT IN THE ENFORCEMENT OF  
THIS ACT, THE FOLLOWING PENALTIES SHALL APPLY:

(1) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS ACT  
RELATING TO COMMERCIAL LICENSING OR REGULATIONS ISSUED  
THEREUNDER SHALL BE SENTENCED TO PAY A FINE OF NOT MORE THAN  
\$200 OR HAVE THE LICENSE REVOKED OR BOTH.

(2) ANY PERSON FOUND TO BE ILLEGALLY IN POSSESSION OF  
ANY WILD PLANT SPECIES OR PART THEREOF PROTECTED HEREUNDER,  
OR ANY PERSON WHO WILLFULLY DESTROYS OR MUTILATES AN  
ENDANGERED PLANT SPECIES PROTECTED HEREUNDER SHALL BE  
SENTENCED TO PAY A FINE OF UP TO \$100 FOR EACH PLANT TAKEN OR  
DESTROYED.

(3) ANY PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS  
ACT OR REGULATION ISSUED HEREUNDER SHALL, FOR VIOLATION, BE  
SENTENCED TO PAY A FINE OF NOT MORE THAN \$100.

(C) ANY ENFORCEMENT OFFICER EMPLOYED OR DESIGNATED BY THE  
DEPARTMENT OR ANY POLICE OFFICER OF THE COMMONWEALTH OR ANY  
MUNICIPALITY WITHIN THE COMMONWEALTH SHALL HAVE AUTHORITY TO  
ENFORCE THE PROVISIONS OF THIS SECTION.

(D) ANY PERSON AGGRIEVED BY ANY ORDER OR OTHER ACTION OF THE  
DEPARTMENT SHALL HAVE THE RIGHT OF APPEAL TO THE ENVIRONMENTAL  
HEARING BOARD, IN ACCORDANCE WITH TITLE 2 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND  
PROCEDURE) AND SUCH FURTHER RIGHT OF APPEAL AS IS PROVIDED BY  
LAW IN SUCH CASES.

Section 7 12. Repeal.

<—

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

Section 8 13. Effective date.

<—

1        This act shall take effect in 60 days.