

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 865

Session of 1987

INTRODUCED BY HELFRICK, WENGER, STAPLETON, O'PAKE, HESS, KELLEY, SALVATORE, PECORA, RHOADES, MADIGAN, MOORE, ARMSTRONG, SHAFFER, BODACK, PETERSON AND STEWART, JUNE 1, 1987

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 20, 1988

AN ACT

1 ~~Amending Title 34 (Game) of the Pennsylvania Consolidated~~ <—  
2 ~~Statutes, providing for the issuance of reduced fee hunting~~  
3 ~~licenses to certain parties who open land to public hunting;~~  
4 ~~and providing for reimbursement to the Game Fund.~~

5 AMENDING TITLE 34 (GAME) OF THE PENNSYLVANIA CONSOLIDATED <—  
6 STATUTES, FURTHER DEFINING "SAFETY ZONE" TO INCLUDE  
7 PLAYGROUND AREAS; FURTHER PROVIDING FOR RESIDENCY OF MEMBERS  
8 OF THE ARMED FORCES OF THE UNITED STATES AND OF THE UNITED  
9 STATES COAST GUARD AND FOR THE ISSUANCE OF LICENSES TO SUCH  
10 PERSONS; FURTHER PROVIDING FOR THE COST AND DURATION OF A  
11 DISABLED PERSON'S PERMIT; REQUIRING THE GAME COMMISSION TO  
12 MAKE CERTAIN REFUNDS; PROVIDING FOR THE ISSUANCE OF REDUCED  
13 FEE HUNTING LICENSES TO CERTAIN PARTIES WHO OPEN LAND TO  
14 PUBLIC HUNTING; AND PROVIDING FOR REIMBURSEMENT TO THE GAME  
15 FUND.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 ~~Section 1. Section 2706 of Title 34 of the Pennsylvania~~ <—  
19 ~~Consolidated Statutes is amended by adding a subsection to read:~~  
20 ~~§ 2706. Resident license and fee exemptions.~~

21 \* \* \*

22 ~~(d) Owners or possessors of land open to public hunting. A~~  
23 ~~resident owner or possessor of land, comprising greater than 80~~

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

23 SECTION 1. SECTIONS 2505(C), 2702(B) AND (C), 2704(B) AND <—  
24 2705(13) OF TITLE 34 OF THE PENNSYLVANIA CONSOLIDATED STATUTES  
25 ARE AMENDED TO READ:

26 § 2505. SAFETY ZONES.

27 \* \* \*

28 (C) DEFINITION.--AS USED IN THIS SECTION THE TERM "SAFETY  
29 ZONE" MEANS THE AREA WITHIN 150 YARDS AROUND AND THAT AREA WHICH  
30 IS BELOW THE HIGHEST POINT OF ANY OCCUPIED DWELLING HOUSE,

1 RESIDENCE, OR OTHER BUILDING OR CAMP OCCUPIED BY HUMAN BEINGS,  
2 OR ANY BARN, STABLE, OR OTHER BUILDING USED IN CONNECTION  
3 THEREWITH OR ANY ATTACHED OR DETACHED PLAYGROUND OF ANY SCHOOL,  
4 NURSERY SCHOOL OR DAY-CARE CENTER.

5 § 2702. RESIDENTS.

6 \* \* \*

7 (B) COMMONWEALTH RESIDENTS IN ARMED FORCES.--NOTHING IN THIS  
8 CHAPTER SHALL DENY ANY QUALIFIED [RESIDENT OF THIS COMMONWEALTH  
9 SERVING IN THE ARMED FORCES OF THE UNITED STATES AS A RESULT OF  
10 A FIRST ENLISTMENT OR CONSCRIPTION] SERVICEMAN OR SERVICEWOMAN  
11 DOMICILED IN BUT RESIDING OUTSIDE THIS COMMONWEALTH WHILE  
12 SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES  
13 OR IN THE UNITED STATES COAST GUARD, OR ANY FAMILY MEMBER LIVING  
14 IN HIS OR HER HOME AND [DOMICILED] RESIDING OUTSIDE THIS  
15 COMMONWEALTH TO MEET MILITARY REQUIREMENTS, FROM ELIGIBILITY TO  
16 PROCURE A RESIDENT HUNTER'S LICENSE OR OTHER LICENSE WHEN  
17 DOMICILE WITHIN THIS COMMONWEALTH IS A REQUIREMENT. PROOF THAT A  
18 SERVICEMAN'S OR SERVICEWOMAN'S MILITARY HOME OF RECORD IS IN  
19 PENNSYLVANIA SHALL BE SUFFICIENT TO ESTABLISH DOMICILE IN THIS  
20 COMMONWEALTH.

21 (C) MILITARY PERSONNEL STATIONED IN COMMONWEALTH.--ANY  
22 PERSON REGULARLY ENROLLED IN ANY BRANCH OF THE ARMED FORCES OF  
23 THE UNITED STATES OR IN THE UNITED STATES COAST GUARD AND  
24 OFFICIALLY STATIONED AND QUARTERED WITHIN THIS COMMONWEALTH [60]  
25 30 OR MORE DAYS PRECEDING THE DATE OF APPLICATION SHALL BE A  
26 RESIDENT FOR THE PURPOSE OF THIS TITLE.

27 \* \* \*

28 § 2704. ELIGIBILITY FOR LICENSE.

29 \* \* \*

30 (B) HUNTER EDUCATION.--PERSONS WHO HAVE NOT HELD A HUNTING

1 LICENSE LAWFULLY ISSUED TO THEM IN THIS COMMONWEALTH OR ANOTHER  
2 STATE OR NATION OR HAVE NOT HUNTED UNDER THE EXCEPTIONS IN  
3 SECTION 2706 (RELATING TO RESIDENT LICENSE AND FEE EXEMPTIONS)  
4 OR DO NOT POSSESS A CERTIFICATE OF TRAINING APPROVED BY THE  
5 DIRECTOR PRIOR TO THE ENACTMENT OF THIS TITLE SHALL BE REQUIRED  
6 TO ATTAIN ACCREDITATION IN A HUNTER EDUCATION PROGRAM APPROVED  
7 BY THE DIRECTOR BEFORE A HUNTING LICENSE IS ISSUED TO THEM. THE  
8 PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO A PERSON WHO  
9 PRESENTS:

10 (1) EVIDENCE OF SERVICE IN THE ARMED FORCES OF THE  
11 UNITED STATES OR IN THE UNITED STATES COAST GUARD AND  
12 DISCHARGE OR SEPARATION UNDER HONORABLE CONDITIONS WITHIN SIX  
13 MONTHS OF THE DATE OF APPLICATION.

14 (2) EVIDENCE THAT THE PERSON IS CURRENTLY SERVING IN THE  
15 ARMED FORCES OF THE UNITED STATES OR IN THE UNITED STATES  
16 COAST GUARD.

17 \* \* \*

18 § 2705. CLASSES OF LICENSES.

19 UNLESS OTHERWISE PROVIDED, ANY PERSON WISHING TO EXERCISE ANY  
20 OF THE PRIVILEGES GRANTED BY THIS TITLE SHALL FIRST SECURE THE  
21 APPLICABLE RESIDENT OR NONRESIDENT HUNTING OR FUR TAKING LICENSE  
22 AS FOLLOWS:

23 \* \* \*

24 (13) ANTLERLESS DEER LICENSES, BEAR LICENSES, ARCHERY  
25 LICENSES, MUZZLE-LOADER LICENSES AND ANY OTHER LICENSE  
26 REQUIRED TO INSURE JUST AND PROPER ADMINISTRATION OF THIS  
27 TITLE AND SOUND GAME OR WILDLIFE CONSERVATION TO ELIGIBLE  
28 PERSONS, SUBJECT TO THE REGULATIONS, REQUIREMENTS AND  
29 CONDITIONS WHICH THE COMMISSION SHALL ESTABLISH. ANY SUCH  
30 LICENSE SHALL BE MADE AVAILABLE TO RESIDENTS SERVING ON

1 ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES OR IN  
2 THE UNITED STATES COAST GUARD WITHOUT REGARD TO QUOTA  
3 LIMITATIONS OR APPLICATION DEADLINES. THE NUMBER OF BEAR  
4 LICENSES WHICH SHALL BE MADE AVAILABLE TO NONRESIDENTS SHALL  
5 NOT EXCEED 3% OF THE TOTAL NUMBER OF BEAR LICENSES TO BE  
6 ISSUED BY THE COMMISSION.

7 SECTION 2. SECTION 2706 OF TITLE 34 IS AMENDED BY ADDING A  
8 SUBSECTION TO READ:

9 § 2706. RESIDENT LICENSE AND FEE EXEMPTIONS.

10 \* \* \*

11 (D) OWNERS OR POSSESSORS OF LAND OPEN TO PUBLIC HUNTING.--A  
12 RESIDENT OWNER OR POSSESSOR OF LAND, COMPRISING GREATER THAN 80  
13 CONTIGUOUS ACRES FARMED UNDER A CONSERVATION PLAN WHICH DOES NOT  
14 CONFLICT WITH THE ACT OF JUNE 22, 1937 (P.L.1987, NO.394), KNOWN  
15 AS THE CLEAN STREAMS LAW, AND WHICH MEETS THE REQUIREMENTS OF 25  
16 PA. CODE § 102 (RELATING TO EROSION CONTROL), SHALL, IF HE  
17 PERMITS PUBLIC HUNTING AS EVIDENCED BY ENROLLMENT IN A  
18 COOPERATIVE PUBLIC ACCESS PROGRAM, BE ENTITLED TO PURCHASE A  
19 LANDOWNERS HUNTING LICENSE AT THE COST OF \$3 PLUS THE CURRENT  
20 ISSUING FEE. THE 80 ACRE REQUIREMENT SHALL BE EXCLUSIVE OF  
21 SAFETY ZONES IN EXCESS OF 20% OF THE TOTAL ACREAGE. THE LICENSE  
22 SHALL BE ISSUED TO THE OWNER OR POSSESSOR OR AN IMMEDIATE FAMILY  
23 MEMBER OF EITHER THE OWNER OR POSSESSOR LIVING IN THE SAME  
24 HOUSEHOLD SO DESIGNATED BY THE OWNER OR POSSESSOR IN THE CASE OF  
25 A SINGLE OWNER OR POSSESSOR, AND TO THE INDIVIDUAL SO DESIGNATED  
26 IN THE CASE OF MORE THAN ONE OWNER OR POSSESSOR. NO PERSON SHALL  
27 BE ISSUED A HUNTING LICENSE UNDER THIS SUBSECTION UNLESS SUCH  
28 PERSON IS 12 YEARS OF AGE OR OLDER, HAS MET THE REQUIREMENTS  
29 PRESCRIBED IN SECTION 2704 (RELATING TO ELIGIBILITY FOR  
30 LICENSE), AND HAS NOT BEEN DENIED THE PRIVILEGE TO HUNT. A

1 PERSON ENTITLED TO RECEIVE A HUNTING LICENSE UNDER THIS  
2 SUBSECTION SHALL CERTIFY TO THE COMMISSION IN THE FORM AND  
3 MANNER PRESCRIBED BY THE COMMISSION THAT THE LAND TRACT HE OWNS  
4 OR POSSESSES IS PRESENTLY IN HIS OWNERSHIP OR POSSESSION.

5 Section 2 3. Section 2709(a) of Title 34 is amended by <—  
6 adding a paragraph to read:

7 § 2709. License costs and fees.

8 (a) License costs.--Any person who qualifies under the  
9 provisions of this chapter shall be issued the applicable  
10 license upon payment of the following costs and the issuing  
11 agent's fee:

12 \* \* \*

13 (19) Owners or possessors of land open to public hunting  
14 under section 2706(d) (relating to owners or possessors of  
15 land open to public hunting) - \$3. All hunting licenses  
16 issued under section 2706(d) shall be recorded by the  
17 commission. The commission annually shall certify to the  
18 General Assembly the difference between \$3 and the fee for a  
19 resident hunting license for all licenses so issued and the  
20 General Assembly shall cause that amount annually to be  
21 appropriated and credited to the Game Fund.

22 \* \* \*

23 ~~Section 3. This act shall take effect July 1, 1989.~~ <—

24 SECTION 4. SECTIONS 2903 AND 2904(3) OF TITLE 34 ARE AMENDED <—

25 TO READ:

26 § 2903. PERMIT YEAR.

27 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ALL PERMITS SHALL  
28 BE ISSUED FOR THE TIME DESIGNATED AS THE FISCAL YEAR FOR THE  
29 COMMONWEALTH. THE PERMIT FOR A DISABLED PERSON TO HUNT FROM A  
30 VEHICLE SHALL [COVER THE SAME PERIOD AS THE HUNTING LICENSE] BE

1 VALID FOR THE LIFETIME OF THE DISABLED PERSON. THERE WILL BE NO  
2 REDUCED FEES FOR A PERMIT ISSUED FOR LESS THAN A YEAR.

3 § 2904. PERMIT FEES.

4 THE ANNUAL FEE FOR PERMITS PROVIDED FOR IN THIS CHAPTER SHALL  
5 BE AS FOLLOWS:

6 \* \* \*

7 (3) DISABLED PERSON - \$5 [FOR TWO YEARS (EXPIRES EVERY  
8 EVEN YEAR)] FOR THE LIFETIME OF THE DISABLED PERSON.

9 \* \* \*

10 SECTION 5. THE GAME COMMISSION SHALL REFUND TO ELIGIBLE  
11 MEMBERS OF THE ARMED FORCES OR THE UNITED STATES COAST GUARD ALL  
12 FINES AND PENALTIES COLLECTED BY COURT ACTION OR ACKNOWLEDGMENT  
13 OF GUILT FOR VIOLATIONS OF SECTION 2702(B) AND (C) AND ALSO THE  
14 DIFFERENCE BETWEEN THE COSTS OF A RESIDENT LICENSE AND A  
15 NONRESIDENT LICENSE FOR THOSE QUALIFIED MEMBERS OF THE ARMED  
16 FORCES OR THE UNITED STATES COAST GUARD WHO PURCHASED A  
17 NONRESIDENT LICENSE. THESE REFUNDS SHALL BE PAID NO LATER THAN  
18 JUNE 30, 1990.

19 SECTION 6. THE PROVISIONS OF SECTION 2702(B) AND (C) SHALL  
20 BE RETROACTIVE TO JULY 1, 1987.

21 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

22 (1) SECTIONS 2706(D) AND 2709(A)(19) SHALL TAKE EFFECT  
23 JULY 1, 1989.

24 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
25 IMMEDIATELY.