

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of
1989INTRODUCED BY HELFRICK, HESS, WENGER, STAPLETON, REGOLI,
SALVATORE, SHAFFER, MADIGAN AND RHOADES, MARCH 6, 1989

AS AMENDED ON THIRD CONSIDERATION, MARCH 19, 1990

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 USE OF A PORTION OF THE ANTLERLESS DEER FEE, FOR LICENSES, <—
5 FOR LICENSE AND AGENT FEES; AND FURTHER PROVIDING FOR
6 AUTHORIZED LICENSE-ISSUING AGENTS.

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

9 ~~Section 1. Section 2706 of Title 34 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended by adding a subsection to read:~~

11 SECTION 1. SECTIONS 521(B) AND 2705 OF TITLE 34 OF THE <—
12 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

13 § 521. ESTABLISHMENT AND USE OF GAME FUND.

14 * * *

15 (B) SPECIFIC ALLOCATION OF CERTAIN REVENUES.--THE FOLLOWING
16 SUMS OF MONEY ARE SPECIFICALLY ALLOCATED FOR THE FOLLOWING
17 PURPOSES:

18 (1) A MINIMUM OF \$1.25 FROM EACH RESIDENT LICENSE FOR
19 WHICH THE FULL FEE HAS BEEN PAID SHALL BE USED SOLELY FOR

1 HABITAT IMPROVEMENT AND RESTORATION CONDUCIVE TO INCREASING
2 NATURAL PROPAGATION OF GAME OR WILDLIFE ON ALL LANDS UNDER
3 THE CONTROL OR OPERATION OF THE COMMISSION OR ON LANDS OPEN
4 TO PUBLIC HUNTING.

5 (2) A MINIMUM OF \$2.00 OF THE FEE COLLECTED FOR THE
6 ISSUANCE OF ANTLERLESS DEER LICENSES SHALL BE USED SOLELY FOR
7 CUTTING OR OTHERWISE REMOVING OVERSHADOWING TREE GROWTH TO
8 PRODUCE UNDERBRUSH, SPROUTS AND SAPLINGS FOR DEER FOOD AND
9 COVER ON [STATE GAME LANDS] LANDS UNDER THE CONTROL OR
10 OPERATION OF THE COMMISSION, INCLUDING LANDS ENROLLED IN
11 COMMISSION PUBLIC-ACCESS PROGRAMS.

12 § 2705. CLASSES OF LICENSES.

13 UNLESS OTHERWISE PROVIDED, ANY PERSON WISHING TO EXERCISE ANY
14 OF THE PRIVILEGES GRANTED BY THIS TITLE SHALL FIRST SECURE THE
15 APPLICABLE RESIDENT OR NONRESIDENT HUNTING OR [FURTAKING]
16 FURTAKER LICENSE AS FOLLOWS:

17 (1) ADULT RESIDENT HUNTING LICENSES TO RESIDENTS WHO
18 HAVE REACHED THEIR 17TH BIRTHDAY BUT HAVE NOT REACHED THEIR
19 65TH BIRTHDAY.

20 (2) JUNIOR RESIDENT HUNTING LICENSES TO RESIDENTS WHO
21 HAVE REACHED THEIR 12TH BIRTHDAY BUT WHO HAVE NOT REACHED
22 THEIR 17TH BIRTHDAY PRIOR TO THE DATE OF THE APPLICATION FOR
23 THE LICENSE AND WHO PRESENT A WRITTEN REQUEST, BEARING THE
24 SIGNATURE OF A PARENT OR GUARDIAN, FOR THE ISSUANCE OF A
25 LICENSE.

26 (3) SENIOR RESIDENT HUNTING LICENSES OR, AT THE OPTION
27 OF THE APPLICANT, A SENIOR LIFETIME RESIDENT HUNTING LICENSE
28 TO RESIDENTS WHO HAVE REACHED THEIR 65TH BIRTHDAY PRIOR TO
29 THE DATE OF THE APPLICATION FOR THE LICENSE. THE COMMISSION
30 SHALL DEVELOP, IMPLEMENT AND ADMINISTER A SYSTEM TO PROVIDE

1 TAGS, REPORT CARDS AND APPLICATIONS TO THOSE RESIDENTS WHO
2 HOLD A SENIOR LIFETIME RESIDENT HUNTING LICENSE ISSUED UNDER
3 THIS PARAGRAPH. THE SYSTEM SHALL REQUIRE THE APPLICANT OR
4 LICENSE HOLDER TO PAY ANY APPROVED FEE ASSESSED BY THE
5 ISSUING AGENT.

6 (4) ADULT RESIDENT [FURTAKING] FURTAKER LICENSES TO
7 RESIDENTS WHO HAVE REACHED THEIR 17TH BIRTHDAY BUT HAVE NOT
8 REACHED THEIR 65TH BIRTHDAY.

9 (5) JUNIOR RESIDENT [FURTAKING] FURTAKER LICENSES TO
10 RESIDENTS WHO HAVE REACHED THEIR 12TH BIRTHDAY BUT WHO HAVE
11 NOT REACHED THEIR 17TH BIRTHDAY PRIOR TO THE DATE OF THE
12 APPLICATION FOR THE LICENSE AND WHO PRESENT A WRITTEN
13 REQUEST, CONTAINING THE SIGNATURE OF A PARENT OR GUARDIAN,
14 FOR THE ISSUANCE OF A LICENSE.

15 (6) SENIOR RESIDENT [FURTAKING] FURTAKER LICENSES OR, AT
16 THE OPTION OF THE APPLICANT, A SENIOR LIFETIME RESIDENT
17 [FURTAKING] FURTAKER LICENSE TO RESIDENTS WHO HAVE REACHED
18 THEIR 65TH BIRTHDAY PRIOR TO THE DATE OF THE APPLICATION FOR
19 THE LICENSE.

20 (7) [THREE-DAY REGULATED HUNTING GROUNDS LICENSES TO
21 PERSONS ELIGIBLE TO PROCURE A HUNTING LICENSE. THE LICENSE
22 SHALL BE VALID FOR A PERIOD OF THREE CONSECUTIVE DAYS,
23 SUNDAYS EXCLUDED, AND SHALL ENTITLE THE LICENSEE TO HUNT,
24 TAKE OR KILL GAME OR WILDLIFE WHICH MAY BE LEGALLY HUNTED,
25 TAKEN OR KILLED UPON THE GROUNDS UNDER A REGULATED HUNTING
26 GROUNDS PERMIT.] (RESERVED).

27 (8) ADULT NONRESIDENT HUNTING LICENSES TO ALL
28 NONRESIDENTS OF 17 YEARS OF AGE OR OLDER.

29 (9) JUNIOR NONRESIDENT HUNTING LICENSES TO ALL
30 NONRESIDENTS WHO HAVE REACHED THEIR 12TH BIRTHDAY BUT WHO

1 HAVE NOT REACHED THEIR 17TH BIRTHDAY PRIOR TO THE DATE OF THE
2 APPLICATION FOR THE LICENSE AND WHO PRESENT A WRITTEN
3 REQUEST, BEARING THE SIGNATURE OF A PARENT OR GUARDIAN, FOR
4 THE ISSUANCE OF A LICENSE.

5 (10) ADULT NONRESIDENT [FURTAKING] FURTAKER LICENSES TO
6 NONRESIDENTS OF 17 YEARS OF AGE OR OLDER.

7 (11) JUNIOR NONRESIDENT [FURTAKING] FURTAKER LICENSES TO
8 NONRESIDENTS WHO HAVE REACHED THEIR 12TH BIRTHDAY BUT WHO
9 HAVE NOT REACHED THEIR 17TH BIRTHDAY PRIOR TO THE DATE OF THE
10 APPLICATION FOR THE LICENSE AND WHO PRESENT A WRITTEN
11 REQUEST, CONTAINING THE SIGNATURE OF A PARENT OR GUARDIAN,
12 FOR THE ISSUANCE OF A LICENSE.

13 (12) [FIVE-DAY] SEVEN-DAY NONRESIDENT SMALL GAME LICENSE
14 TO PERSONS ELIGIBLE TO PROCURE A NONRESIDENT HUNTING LICENSE.
15 THE LICENSE SHALL BE VALID FOR A PERIOD OF [FIVE] SEVEN
16 CONSECUTIVE DAYS. THE HOLDER OF THE LICENSE SHALL BE ENTITLED
17 TO HUNT FOR, TAKE OR KILL CROWS [OR] AND SMALL GAME.

18 (13) ANTLERLESS DEER LICENSES, BEAR LICENSES, ARCHERY
19 LICENSES, [MUZZLE-LOADER] MUZZLELOADER LICENSES AND ANY OTHER
20 LICENSE REQUIRED TO INSURE JUST AND PROPER ADMINISTRATION OF
21 THIS TITLE AND SOUND GAME OR WILDLIFE CONSERVATION TO
22 ELIGIBLE PERSONS, SUBJECT TO THE REGULATIONS, REQUIREMENTS
23 AND CONDITIONS WHICH THE COMMISSION SHALL ESTABLISH. ANY SUCH
24 LICENSE SHALL BE MADE AVAILABLE TO RESIDENTS SERVING ON
25 ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES OR IN
26 THE UNITED STATES COAST GUARD WITHOUT REGARD TO QUOTA
27 LIMITATIONS OR APPLICATION DEADLINES. [THE NUMBER OF BEAR
28 LICENSES WHICH SHALL BE MADE AVAILABLE TO NONRESIDENTS SHALL
29 NOT EXCEED 3% OF THE TOTAL NUMBER OF BEAR LICENSES TO BE
30 ISSUED BY THE COMMISSION.]

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

§ 2706. Resident license and fee exemptions.

* * *

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

~~Section 2. Section 2709(a) of Title 34 is amended by adding~~
~~a paragraph to read:~~

<—

1 SECTION 3. SECTIONS 2709 AND 2722 OF TITLE 34 ARE AMENDED TO <—
2 READ:

3 § 2709. License costs and fees.

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

8 * * *

9 (1) JUNIOR RESIDENT HUNTING - \$5.

10 (2) ADULT RESIDENT HUNTING - \$12.

11 (3) (I) SENIOR RESIDENT HUNTING - \$10.

12 (II) SENIOR LIFETIME RESIDENT HUNTING - \$50.

13 (4) BEAR HUNTING:

14 (I) RESIDENT - \$10.

15 (II) NONRESIDENT - \$25.

16 (5) ANTLERLESS DEER, INCLUDING RESIDENT MILITARY,
17 RESIDENT DISABLED VETERAN AND LANDOWNER - \$5.

18 (6) ARCHERY DEER - \$5.

19 (7) MUZZLELOADER DEER - \$5.

20 [(8) THREE-DAY REGULATED SHOOTING GROUNDS - \$3.]

21 (9) ADULT NONRESIDENT HUNTING - \$80.

22 (10) JUNIOR NONRESIDENT HUNTING - \$40.

23 (11) [FIVE-DAY] SEVEN-DAY NONRESIDENT SMALL GAME - \$15.

24 (12) JUNIOR RESIDENT FURTAKERS - \$5.

25 (13) ADULT RESIDENT FURTAKERS - \$12.

26 (14) (I) SENIOR RESIDENT FURTAKERS - \$10.

27 (II) SENIOR LIFETIME RESIDENT [FURTAKING] FURTAKE -
28 \$50.

29 (15) ADULT NONRESIDENT [FURTAKERS] FURTAKE - \$80.

30 (16) JUNIOR NONRESIDENT [FURTAKING] FURTKER - \$40.

(17) RESIDENT DISABLED VETERAN HUNTING OR [FURTAKING]
FURTAKER UNDER SECTION 2706(B) (RELATING TO DISABLED
VETERANS) - NO COST.

(18) REPLACEMENT LICENSE - \$5. ANTLERLESS DEER AND BEAR
LICENSES SHALL BE REPLACED BY THE ORIGINAL ISSUING AGENT
ONLY.

(19) Owners or possessors of land open to public hunting
under section 2706(d) (relating to owners or possessors of
land open to public hunting) - \$3.

~~***~~

~~Section 3. This act shall take effect July 1, 1990, or~~
~~immediately, whichever is later.~~

(B) REFUNDS.--EXCEPT AS PROVIDED IN SECTION 501 (RELATING TO
REFUND OF MONEYS PAID ERRONEOUSLY OR UNJUSTLY), LICENSE FEES ARE
NOT REFUNDABLE.

(C) AGENT FEE.--ISSUING AGENTS SHALL BE ENTITLED TO AND MAY
RETAIN AS FULL COMPENSATION FOR THEIR SERVICES AN ADDITIONAL SUM
[NOT EXCEEDING THE AMOUNT SPECIFIED IN PARAGRAPH (1) OR (2)] OF
75¢ FOR EACH LICENSE OR REPLACEMENT LICENSE [ISSUED AS FULL
COMPENSATION FOR THEIR SERVICES. THE AMOUNT RETAINED SHALL BE:

(1) SEVENTY-FIVE CENTS FOR LICENSES AND REPLACEMENTS
ISSUED UNDER SUBSECTION (A)(1), (2), (3), (9), (10), (12),
(13), (14), (15), (16) AND (18).

(2) FIFTY CENTS FOR ALL OTHER LICENSES.

THE FEE FOR THE AGENT SHALL BE IN ADDITION TO THE COST OF THE
LICENSE PRESCRIBED IN SUBSECTION (A)].

§ 2722. AUTHORIZED LICENSE-ISSUING AGENTS.

(A) COUNTY TREASURER AND COMMISSION EMPLOYEES.--EACH COUNTY
TREASURER [OR PERSON ACTING ON BEHALF OF THE COUNTY TREASURER
AND ANY EMPLOYEE AT EACH COMMISSION HEADQUARTERS OR OTHER

1 COMMISSION FACILITIES DESIGNATED BY THE COMMISSION MAY], OR, IN
2 HOME RULE OR OPTIONAL PLAN COUNTIES, THE PERSON WHOSE DUTIES
3 ENCOMPASS THOSE OF A COUNTY TREASURER, WHOSE AGENCY HAS NOT BEEN
4 RECALLED UNDER THIS TITLE, SHALL ACCEPT APPLICATIONS AND ISSUE
5 LICENSES [UNLESS OTHERWISE RESTRICTED BY THIS TITLE OR THE
6 DIRECTOR] IN ACCORDANCE WITH THIS TITLE. THE DIRECTOR MAY ALSO
7 DESIGNATE COMMISSION EMPLOYEES AT COMMISSION FACILITIES TO ISSUE
8 LICENSES.

9 (B) AGENTS FOR ISSUING ANTLERLESS DEER LICENSES.--ANTLERLESS
10 DEER LICENSES SHALL BE ISSUED BY THE COUNTY TREASURER [OR SOME
11 PERSON ACTING ON BEHALF OF THE COUNTY TREASURER], OR, IN HOME
12 RULE OR OPTIONAL PLAN COUNTIES, THE PERSON WHOSE DUTIES
13 ENCOMPASS THOSE OF A COUNTY TREASURER, WITHIN THE COUNTY IN
14 WHICH THE LICENSES ARE VALID.

15 (C) AGENT FOR ISSUING BEAR AND NONRESIDENT FURTKER
16 LICENSES.--BEAR AND NONRESIDENT FURTKER LICENSES SHALL BE
17 ISSUED ONLY BY THE COMMISSION OR BY AUTHORIZED LICENSE-ISSUING
18 AGENTS DESIGNATED BY THE DIRECTOR.

19 (D) APPOINTMENT OF ADDITIONAL AGENTS.--THE COMMISSION MAY
20 APPOINT SUCH NUMBER OF QUALIFIED PERSONS, WITH SIMILAR
21 AUTHORITY, AS IT DEEMS NECESSARY FOR THE EFFICIENT DISTRIBUTION
22 OF LICENSES REQUIRED BY THIS TITLE.

23 (E) AGENT RESPONSIBLE FOR EMPLOYEES.--THE AUTHORIZED AGENT
24 SHALL BE SOLELY RESPONSIBLE FOR EACH PERSON ACTING UNDER HIS
25 DIRECTION.

26 (F) RECALL OF APPOINTMENT OR AUTHORITY.--THE DIRECTOR MAY
27 RECALL THE APPOINTMENT OR AUTHORITY OF ANY COUNTY TREASURER OR
28 OTHER AGENT AT ANY TIME.

29 (G) REGULATIONS.--THE COMMISSION SHALL ADOPT REGULATIONS
30 FOR:

1 (1) THE APPOINTMENT OF HUNTING OR [FURTAKING] FURTAKER
2 LICENSE-ISSUING AGENTS AND SHALL ESTABLISH THE APPROPRIATE
3 ADMINISTRATIVE FEE FOR CREATING AND MAINTAINING THESE ISSUING
4 AGENTS. COUNTY TREASURERS SHALL BE EXEMPT FROM THE PAYMENT OF
5 ANY ADMINISTRATIVE FEE ESTABLISHED BY THE COMMISSION.

6 (2) THE ADMINISTRATION, CONTROL AND PERFORMANCE OF
7 ACTIVITIES CONDUCTED PURSUANT TO THE PROVISIONS OF THIS
8 CHAPTER.

9 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) SECTION 2 (RELATING TO SECTION 2706) SHALL TAKE
11 EFFECT JULY 1, 1991.

12 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
13 1990.