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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 647      Session of  
1989

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INTRODUCED BY HELFRICK, HESS, WENGER, STAPLETON, REGOLI,  
SALVATORE, SHAFFER, MADIGAN AND RHOADES, MARCH 6, 1989

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 1990

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AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, providing for the use of a portion of the  
3 antlerless deer fee; FURTHER PROVIDING FOR THE CONSTRUCTION <—  
4 OF DETERRENT FENCING; INCREASING THE MONETARY CAP ON  
5 DETERRENT FENCING; PROVIDING for licenses; AND for license <—  
6 and agent fees; and further providing for CONTROL AND <—  
7 UTILIZATION OF COMMISSION LAND AND RESOURCES AND FOR THE  
8 authorized license-issuing agents.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 521(b), 543, 546, 721 and 2705 of Title <—  
12 34 of the Pennsylvania Consolidated Statutes are amended to  
13 read:

14 § 521. Establishment and use of Game Fund.

15 \* \* \*

16 (b) Specific allocation of certain revenues.--The following  
17 sums of money are specifically allocated for the following  
18 purposes:

19 (1) A minimum of \$1.25 from each resident license for



1 APPLICANT, PAY THE APPLICANT FOR ANY OR ALL MATERIALS NECESSARY  
2 TO CONSTRUCT A DETERRENT FENCE WITHIN THE TIME LIMITATIONS SET  
3 FORTH IN SUBSECTION (A).]

4 (A) PURCHASE AND DELIVERY OF MATERIALS.--THE COMMISSION MAY  
5 PURCHASE AND DELIVER TO THE APPROPRIATE SITES THE REQUIRED  
6 AMOUNT OF WIRE FENCING, STAPLES, INSULATORS, POSTS OR OTHER  
7 MATERIAL NECESSARY TO CONSTRUCT A DEER, ELK OR BEAR DETERRENT  
8 FENCE APPROVED BY THE COMMISSION.

9 ~~(B) CONSTRUCTION OF DEER OR ELK DETERRENT FENCES. THE~~ <—  
10 ~~COMMISSION MAY CONSTRUCT, OR MAY ENTER INTO CONTRACTS FOR THE~~  
11 ~~CONSTRUCTION OF, DEER OR ELK DETERRENT FENCES ON SITES APPROVED~~  
12 ~~BY THE COMMISSION. AFTER THE DETERRENT FENCE IS ERECTED AND~~  
13 ~~APPROVED BY THE COMMISSION, THE COMMISSION SHALL PAY THE COST OF~~  
14 ~~INSTALLATION WITH 50% OF THE COST TO BE REIMBURSED TO THE~~  
15 ~~COMMISSION BY THE LANDOWNER OR LESSEE.~~

16 (B) CONSTRUCTION OF DEER OR ELK DETERRENT FENCES.-- <—

17 (1) THE COMMISSION MAY CONSTRUCT, OR MAY ENTER INTO  
18 CONTRACTS FOR THE CONSTRUCTION OF, OR ENTER INTO A WRITTEN  
19 AGREEMENT WITH THE APPLICANT FOR THE CONSTRUCTION OF, DEER OR  
20 ELK DETERRENT FENCES ON SITES APPROVED BY THE COMMISSION.

21 (2) IN MAKING APPLICATION FOR A DETERRENT FENCE UNDER  
22 THE PROVISIONS OF THIS SUBSECTION, THE APPLICANT SHALL AGREE  
23 TO ONE OF THE FOLLOWING THREE FENCE CONSTRUCTION OPTIONS:

24 (I) THE COMMISSION MAY CONSTRUCT, OR MAY CONTRACT  
25 FOR THE CONSTRUCTION OF THE DETERRENT FENCE.

26 (II) THE APPLICANT MAY, WITHIN SIX MONTHS OF  
27 DELIVERY OF MATERIALS, CONSTRUCT THE DETERRENT FENCE.

28 (III) THE APPLICANT MAY CONTRACT WITH A THIRD PARTY  
29 FOR THE CONSTRUCTION OF THE DETERRENT FENCE.

30 (3) AFTER ANY DETERRENT FENCE IS CONSTRUCTED AND

1 APPROVED BY THE COMMISSION UNDER THE OPTION SPECIFIED IN  
2 PARAGRAPH (2)(I), THE COMMISSION SHALL PAY FOR THE COST OF  
3 INSTALLATION AND THE LANDOWNER OR LESSEE SHALL THEN REIMBURSE  
4 THE COMMISSION FOR 50% OF THE COST OF INSTALLATION.

5 (C) CONSTRUCTION OF BEAR DETERRENT FENCES.--PRIOR TO  
6 DELIVERY UNDER SUBSECTION (A), AN APPLICANT FOR A BEAR DETERRENT  
7 FENCE SHALL HAVE AGREED, IN WRITING, WITH THE COMMISSION TO  
8 CONSTRUCT THE BEAR DETERRENT FENCE WITHOUT COST TO THE  
9 COMMISSION AND TO COMPLETE CONSTRUCTION OF THE BEAR DETERRENT  
10 FENCE WITHIN SEVEN DAYS FROM THE DATE THE MATERIAL IS DELIVERED  
11 TO THE SITE. IN CASE THE BEAR DETERRENT FENCE IS NOT COMPLETED  
12 WITHIN THE STIPULATED TIME, THE COMMISSION MAY RECOVER THE  
13 MATERIALS IT FURNISHED AT SUCH TIME AND IN SUCH MANNER AS  
14 DESIRED OR FOUND PRACTICAL.

15 (D) SPECIFICATIONS.--ALL DETERRENT FENCES SHALL BE  
16 CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH PLANS AND  
17 INSTRUCTIONS SUPPLIED AND APPROVED BY THE COMMISSION.

18 (E) REIMBURSEMENT OF APPLICANT FOR MATERIALS.--THE  
19 COMMISSION MAY, THROUGH PRIOR WRITTEN AGREEMENT WITH THE  
20 APPLICANT, PAY THE APPLICANT FOR ANY OR ALL MATERIALS NECESSARY  
21 TO CONSTRUCT A DETERRENT FENCE WITHIN THE TIME LIMITATIONS SET  
22 FORTH IN THIS SECTION.

23 § 546. LIMITATION ON EXPENDITURES FOR DETERRENT FENCING.

24 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), THE  
25 DIRECTOR SHALL NOT SPEND IN EXCESS OF [\$100,000] \$300,000  
26 ANNUALLY FROM THE GAME FUND FOR [THE PURCHASE OF FENCING AND <—  
27 OTHER MATERIALS NECESSARY FOR THE ERECTION OF] DEER, ELK OR BEAR <—  
28 DETERRENT FENCES IN ACCORDANCE WITH THE PROVISIONS OF THIS  
29 SUBCHAPTER.

30 (B) COMMERCIAL FOREST LANDS.--THE DIRECTOR SHALL NOT SPEND

1 IN EXCESS OF [\$100,000] \$300,000 ANNUALLY FROM THE GAME FUND FOR  
2 [THE PURCHASE OF FENCING OR OTHER MATERIALS NECESSARY FOR THE <—  
3 ERECTION OF] DEER OR ELK DETERRENT FENCES ON COMMERCIAL FOREST <—  
4 LANDS TO PROMOTE AND PROTECT THE REGENERATION OF FOREST FLORA IN  
5 ACCORDANCE WITH THE PROVISIONS OF THIS SUBCHAPTER. FOR PURPOSES  
6 OF THIS SUBSECTION THE PHRASE "COMMERCIAL FOREST LANDS" SHALL  
7 MEAN LAND WHICH IS OWNED OR LEASED BY AN INDIVIDUAL, CORPORATION  
8 OR ASSOCIATION, OPERATED ON A PROFIT-MAKING BASIS AND MEETS ALL  
9 OF THE FOLLOWING REQUIREMENTS:

10 (1) THE LAND SHALL CONSIST OF A MINIMUM OF 1,000 ACRES.

11 (2) THE LAND IS MANAGED FOR THE PRODUCTION OR  
12 UTILIZATION OF FOREST PRODUCTS ON A SUSTAINED YIELD BASIS AS  
13 DEFINED BY REGULATION OF THE COMMISSION.

14 (3) THE LAND IS OPEN TO PUBLIC HUNTING.

15 § 721. CONTROL OF PROPERTY.

16 (A) GENERAL RULE.--THE ADMINISTRATION OF ALL LANDS OR WATERS  
17 OWNED, LEASED OR OTHERWISE CONTROLLED BY THE COMMISSION SHALL BE  
18 UNDER THE SOLE CONTROL OF THE DIRECTOR, AND THE COMMISSION SHALL  
19 PROMULGATE REGULATIONS CONSISTENT WITH THE PURPOSE OF THIS TITLE  
20 FOR ITS USE AND PROTECTION AS NECESSARY TO PROPERLY MANAGE THESE  
21 LANDS OR WATERS. THE ACQUISITION, USE AND MANAGEMENT OF SUCH  
22 LANDS OR WATERS OWNED, LEASED OR OTHERWISE CONTROLLED BY THE  
23 COMMISSION, INCLUDING TIMBER CUTTING AND CROP CULTIVATION, SHALL  
24 NOT BE SUBJECT TO REGULATION BY COUNTIES OR MUNICIPALITIES.

25 (B) PENALTY.--A VIOLATION OF REGULATIONS PROMULGATED UNDER  
26 SUBSECTION (A) IS A SUMMARY OFFENSE OF THE FIFTH DEGREE.

27 § 2705. Classes of licenses.

28 Unless otherwise provided, any person wishing to exercise any  
29 of the privileges granted by this title shall first secure the  
30 applicable resident or nonresident hunting or [furtaking]

1 furtaker license as follows:

2 (1) Adult resident hunting licenses to residents who  
3 have reached their 17th birthday but have not reached their  
4 65th birthday.

5 (2) Junior resident hunting licenses to residents who  
6 have reached their 12th birthday but who have not reached  
7 their 17th birthday prior to the date of the application for  
8 the license and who present a written request, bearing the  
9 signature of a parent or guardian, for the issuance of a  
10 license.

11 (3) Senior resident hunting licenses or, at the option  
12 of the applicant, a senior lifetime resident hunting license  
13 to residents who have reached their 65th birthday prior to  
14 the date of the application for the license. The commission  
15 shall develop, implement and administer a system to provide  
16 tags, report cards and applications to those residents who  
17 hold a senior lifetime resident hunting license issued under  
18 this paragraph. The system shall require the applicant or  
19 license holder to pay any approved fee assessed by the  
20 issuing agent.

21 (4) Adult resident [furtaking] furtaker licenses to  
22 residents who have reached their 17th birthday but have not  
23 reached their 65th birthday.

24 (5) Junior resident [furtaking] furtaker licenses to  
25 residents who have reached their 12th birthday but who have  
26 not reached their 17th birthday prior to the date of the  
27 application for the license and who present a written  
28 request, containing the signature of a parent or guardian,  
29 for the issuance of a license.

30 (6) Senior resident [furtaking] furtaker licenses or, at

1 the option of the applicant, a senior lifetime resident  
2 [furtaking] furtaker license to residents who have reached  
3 their 65th birthday prior to the date of the application for  
4 the license.

5 (7) [Three-day regulated hunting grounds licenses to  
6 persons eligible to procure a hunting license. The license  
7 shall be valid for a period of three consecutive days,  
8 Sundays excluded, and shall entitle the licensee to hunt,  
9 take or kill game or wildlife which may be legally hunted,  
10 taken or killed upon the grounds under a regulated hunting  
11 grounds permit.] (Reserved).

12 (8) Adult nonresident hunting licenses to all  
13 nonresidents of 17 years of age or older.

14 (9) Junior nonresident hunting licenses to all  
15 nonresidents who have reached their 12th birthday but who  
16 have not reached their 17th birthday prior to the date of the  
17 application for the license and who present a written  
18 request, bearing the signature of a parent or guardian, for  
19 the issuance of a license.

20 (10) Adult nonresident [furtaking] furtaker licenses to  
21 nonresidents of 17 years of age or older.

22 (11) Junior nonresident [furtaking] furtaker licenses to  
23 nonresidents who have reached their 12th birthday but who  
24 have not reached their 17th birthday prior to the date of the  
25 application for the license and who present a written  
26 request, containing the signature of a parent or guardian,  
27 for the issuance of a license.

28 (12) [Five-day] Seven-day nonresident small game license  
29 to persons eligible to procure a nonresident hunting license.  
30 The license shall be valid for a period of [five] seven

consecutive days. The holder of the license shall be entitled to hunt for, take or kill crows [or] and small game.

(13) Antlerless deer licenses, bear licenses, archery licenses, [muzzle-loader] muzzleloader licenses and any other license required to insure just and proper administration of this title and sound game or wildlife conservation to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines. [The number of bear licenses which shall be made available to nonresidents shall not exceed 3% of the total number of bear licenses to be 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



1 shall be issued to the owner or possessor or an immediate family  
2 member of either the owner or possessor living in the same  
3 household so designated by the owner or possessor in the case of  
4 a single owner or possessor, and to the individual so designated  
5 in the case of more than one owner or possessor. No person shall  
6 be issued a hunting license under this subsection unless the  
7 person is 12 years of age or older, has met the requirements  
8 prescribed in section 2704 (relating to eligibility for license)  
9 and has not been denied the privilege to hunt. A person entitled  
10 to receive a hunting license under this subsection shall certify  
11 to the commission in the form and manner prescribed by the  
12 commission that the land tract he owns or possesses is presently  
13 in his ownership or possession.

14 Section 3. Sections 2709 and 2722 of Title 34 are amended to  
15 read:

16 § 2709. License costs and fees.

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

21 (1) Junior resident hunting - \$5.

22 (2) Adult resident hunting - \$12.

23 (3) (i) Senior resident hunting - \$10.

24 (ii) Senior lifetime resident hunting - \$50.

25 (4) Bear hunting:

26 (i) Resident - \$10.

27 (ii) Nonresident - \$25.

28 (5) Antlerless deer, including resident military,  
29 resident disabled veteran and landowner - \$5.

30 (6) Archery deer - \$5.

1 (7) Muzzleloader deer - \$5.  
2 [(8) Three-day regulated shooting grounds - \$3.]  
3 (9) Adult nonresident hunting - \$80.  
4 (10) Junior nonresident hunting - \$40.  
5 (11) [Five-day] Seven-day nonresident small game - \$15.  
6 (12) Junior resident furtakers - \$5.  
7 (13) Adult resident furtakers - \$12.  
8 (14) (i) Senior resident furtakers - \$10.  
9 (ii) Senior lifetime resident [furtaking] furtaker -  
10 \$50.  
11 (15) Adult nonresident [furtakers] furtaker - \$80.  
12 (16) Junior nonresident [furtaking] furtaker - \$40.  
13 (17) Resident disabled veteran hunting or [furtaking]  
14 furtaker under section 2706(b) (relating to disabled  
15 veterans) - no cost.  
16 (18) Replacement license - \$5. Antlerless deer and bear  
17 licenses shall be replaced by the original issuing agent  
18 only.  
19 (19) Owners or possessors of land open to public hunting  
20 under section 2706(d) (relating to owners or possessors of  
21 land open to public hunting) - \$3.  
22 (b) Refunds.--Except as provided in section 501 (relating to  
23 refund of moneys paid erroneously or unjustly), license fees are  
24 not refundable.  
25 (c) Agent fee.--Issuing agents shall be entitled to and may  
26 retain as full compensation for their services an additional sum  
27 [not exceeding the amount specified in paragraph (1) or (2)] of  
28 75¢ for each license or replacement license [issued as full  
29 compensation for their services. The amount retained shall be:  
30 (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  
commission facilities designated by the commission may], or, in  
home rule or optional plan counties, the person whose duties  
encompass those of a county treasurer, whose agency has not been  
recalled under this title, shall accept applications and issue  
licenses [unless otherwise restricted by this title or the  
director] in accordance with this title. The director may also  
designate commission employees at commission facilities to issue  
licenses.

(b) Agents for issuing antlerless deer licenses.--Antlerless  
deer licenses shall be issued by the county treasurer [or some  
person acting on behalf of the county treasurer], or, in home  
rule or optional plan counties, the person whose duties  
encompass those of a county treasurer, within the county in  
which the licenses are valid.

(c) Agent for issuing bear and nonresident furtaker  
licenses.--Bear and nonresident furtaker licenses shall be  
issued only by the commission or by authorized license-issuing  
agents designated by the director.

(d) Appointment of additional agents.--The commission may  
appoint such number of qualified persons, with similar  
authority, as it deems necessary for the efficient distribution

1 of licenses required by this title.

2 (e) Agent responsible for employees.--The authorized agent  
3 shall be solely responsible for each person acting under his  
4 direction.

5 (f) Recall of appointment or authority.--The director may  
6 recall the appointment or authority of any county treasurer or  
7 other agent at any time.

8 (g) Regulations.--The commission shall adopt regulations  
9 for:

10 (1) The appointment of hunting or [furtaking] furtaker  
11 license-issuing agents and shall establish the appropriate  
12 administrative fee for creating and maintaining these issuing  
13 agents. County treasurers shall be exempt from the payment of  
14 any administrative fee established by the commission.

15 (2) The administration, control and performance of  
16 activities conducted pursuant to the provisions of this  
17 chapter.

18 Section 4. This act shall take effect as follows:

19 (1) ~~Section~~ SECTIONS 2 (relating to section 2706) AND 3 <—  
20 (RELATING TO SECTION 2709(C)) shall take effect July 1, 1991.

21 (2) The remainder of this act shall take effect July 1,  
22 1990, OR IMMEDIATELY, WHICHEVER IS LATER. <—