

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1026 Session of
2009INTRODUCED BY KASUNIC, COSTA, FONTANA, O'PAKE, STOUT, HUGHES AND
ALLOWAY, JULY 10, 2009SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, APRIL
12, 2010

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, 2010, 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.

19 (3.1) The commission shall promulgate regulations for
20 the use of the bull elk license, remitting funds to the
21 commission and conduct of the auction.

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



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

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

3 (c) Elk Tag Conservation Committee.--

4 (1) There is established in the commission the Elk Tag
5 Conservation Committee.

6 (2) The Elk Tag Conservation Committee shall consist of
7 the following members:

8 (i) One member appointed by the Governor.

9 (ii) One member appointed by the chairman of the
10 Game and Fisheries Committee of the Senate.

11 (iii) One member appointed by the minority chairman
12 of the Game and Fisheries Committee of the Senate.

13 (iv) One member appointed by the chairman of the
14 Game and Fisheries Committee of the House of
15 Representatives.

16 (v) One member appointed by the minority chairman of
17 the Game and Fisheries Committee of the House of
18 Representatives.

19 (3) The Governor's appointee shall serve as chairman of
20 the committee. Appointment of the initial members of the
21 committee shall occur by the later of April 1, 2010, or 15
22 days after the effective date of this subsection.

23 Appointments of members of subsequent committees shall occur
24 by April 1 of each even-numbered year.

25 (4) The term of members of the committee shall expire
26 upon the expiration of the final scheduled day of elk season
27 of every second year following their appointment.

28 (5) If a vacancy occurs in the committee, the appointing
29 authority who originally appointed the member whose seat has
30 become vacant shall appoint another member to the committee

1 to fill the vacancy. A member appointed to fill a vacancy
2 occurring prior to the expiration of a term shall serve the
3 unexpired term.

4 (6) The committee has the following duties:

5 (i) Establish guidelines to provide objective
6 criteria to evaluate each proposal received from wildlife
7 conservation organizations in response to the request for
8 proposals and to determine the most meritorious for elk
9 conservation in this Commonwealth. The guidelines shall
10 specify the relative importance of each individual factor
11 in relation to the other factors. The guidelines shall be
12 completed prior to the issuance of a request for
13 proposals by the commission and submitted to the
14 commission for inclusion in the request for proposal and
15 for posting on the commission's publicly accessible
16 Internet website. The committee may revise the guidelines
17 annually prior to the issuance of the request for
18 proposals.

19 (ii) Select by majority vote the wildlife
20 conservation organization to conduct the bull elk license
21 auction from the proposals received by the commission
22 from wildlife conservation organizations for the
23 implementation and conduct of the auction in accordance
24 with subsection (d).

25 (7) The committee shall meet as frequently as it deems
26 appropriate. A majority of the members of the committee shall
27 constitute a quorum.

28 (8) The members of the committee shall serve without
29 compensation.

30 (d) Commission duties.--The commission has the following

1 duties:

2 (1) Establish guidelines for the methods of providing
3 public notice of the issuance of requests for proposals,
4 including any of the following:

5 (i) Electronic publication which is accessible to
6 the general public.

7 (ii) Issuance of invitations for proposals to
8 wildlife conservation organizations from the commission's
9 solicitation mailing list.

10 (iii) Publication in a newspaper of general
11 circulation.

12 (iv) Issuance of invitations for proposals to any
13 wildlife conservation organizations that submitted a
14 proposal in the previous five years.

15 (v) Placement of the notification on the
16 commission's publicly accessible Internet website.

17 (2) Establish guidelines for the procedures and for
18 distribution of copies of requests for proposals and copies
19 of the committee's report to any interested person upon
20 request. This paragraph includes the imposition of a fee to
21 reimburse the committee for the costs of reproduction and
22 postage. Copies of requests for proposals shall not be
23 available for distribution until after the close of the
24 period for the submission of the proposals as determined by
25 the request for proposals.

26 (3) Following the establishment of selection criteria by
27 the committee under subsection (c)(6)(i), issue a request for
28 proposals in accordance with 62 Pa.C.S. Pt. I (relating to
29 Commonwealth Procurement Code) for the implementation and
30 conduct of the auction. The request for proposals shall

1 include all of the following:

2 (i) A requirement that the selected wildlife
3 conservation organization shall publicize or cause to be
4 publicized the time, date and procedure for the auction.

5 (ii) A requirement that the selected wildlife
6 conservation organization comply with all applicable
7 regulations promulgated by the commission.

8 (iii) Requirements regarding the time and date and
9 the required format for the submission of a proposal by
10 wildlife conservation organizations.

11 (iv) A notification that a proposal received from a
12 wildlife conservation organization shall not be
13 considered by the committee when the wildlife
14 conservation organization was selected to conduct the
15 auction in the previous year unless the committee
16 receives only one proposal in response to the request for
17 proposals.

18 (4) Receive the proposals submitted by wildlife
19 conservation organizations in response to the request for
20 proposals and submit the unopened proposals to the committee.

21 (5) Enter into a contract under 62 Pa.C.S. Pt. I with
22 the wildlife conservation organization selected by the
23 committee to implement and conduct the auction under
24 subsection (c).

25 (6) Post public notices of the issuance of requests for
26 proposals on its publicly accessible Internet website.

27 (7) Provide the committee with adequate staff,
28 administrative support and resources, as necessary, to
29 perform its duties under this section.

30 (e) Wildlife conservation organizations.--A wildlife

1 conservation organization shall submit a proposal to the request
2 for proposals to the commission in a timely manner as to allow
3 its receipt prior to the closure of the period for submission of
4 the proposal as established in the request for proposals.

5 (f) Opening of proposals, selection by committee and
6 distribution of report.--

7 (1) The committee shall open the unopened proposals as
8 received from the commission in a manner as to prevent the
9 disclosure of their contents to competing wildlife
10 conservation organizations.

11 (2) The committee shall comply with the criteria
12 established in subsection (c)(6)(i) in selecting a wildlife
13 conservation organization to conduct the auction.

14 (3) The committee shall prepare and submit to the
15 commission a written report that states the reasons for the
16 selection of the wildlife conservation organization to
17 receive the award of the contract. In addition, the report
18 shall describe how the selection complies with the selection
19 criteria.

20 (4) No wildlife conservation organization shall be
21 selected to conduct the auction in any two consecutive years
22 unless the committee receives only one proposal in response
23 to the request for proposals and that proposal meets the
24 guidelines established in subsection (c)(6)(i).

25 (5) Copies of the report shall be available to the
26 public upon request and available from the commission in
27 accordance with the distribution guidelines established under
28 subsection (d)(2).

29 Section 2. This act shall take effect in 60 days.