

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1026 Session of 2009

INTRODUCED BY KASUNIC, COSTA, FONTANA, O'PAKE, STOUT, HUGHES AND ALLOWAY, JULY 10, 2009

AS AMENDED ON THIRD CONSIDERATION, MAY 5, 2010

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for elk hunting licenses AND FOR
3 UNLAWFUL ACTS CONCERNING LICENSES. ←

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2706.2 of Title 34 of the Pennsylvania
7 Consolidated Statutes, is amended to read:

8 § 2706.2. Elk hunting licenses.

9 (a) Application limitation.--Whenever the commission makes a
10 determination to authorize a hunting season for the taking of
11 elk, no person may submit more than one application for an elk
12 hunting license in any license year.

13 (b) License auction.--The commission shall transfer one bull
14 elk tag by April 30, 2010 2011, and by April 30 of each year ←
15 thereafter, to the Elk Tag Conservation Committee. The Elk Tag
16 Conservation Committee is authorized to select a wildlife
17 conservation organization, through an objective and established
18 process, to auction off a special license, which shall be known

1 as the "Elk Conservation Tag," to hunters interested in the
2 opportunity to hunt one bull elk in the next license year
3 immediately following the transfer subject to the following:

4 (1) One license shall be auctioned annually. Nothing in
5 this subsection shall be construed to prevent a one-time
6 transfer of the Elk Conservation Tag by the purchaser at
7 auction if the tag is transferred without consideration to
8 another properly licensed hunter for his use under the same
9 terms and conditions as the original purchaser.

10 (2) The auction shall be open to residents and
11 nonresidents of this Commonwealth.

12 (3) The [commission may, under 62 Pa.C.S. Pt. I
13 (relating to Commonwealth Procurement Code), contract with]
14 Elk Tag Conservation Committee shall, under provisions set
15 forth in this section, select a wildlife conservation
16 organization to implement and conduct the auction.

17 (3.1) The commission shall promulgate regulations for
18 the use of the bull elk license, remitting funds to the
19 commission and conduct of the auction.

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

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

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

1 (c) Elk Tag Conservation Committee.--

2 (1) There is established in the commission the Elk Tag
3 Conservation Committee.

4 (2) The Elk Tag Conservation Committee shall consist of
5 the following members:

6 (i) One member appointed by the Governor.

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

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

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

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

17 (3) The Governor's appointee shall serve as chairman of
18 the committee. Appointment of the initial members of the
19 committee shall occur by the later of April 1, 2010, or 15
20 days after the effective date of this subsection.
21 Appointments of members of subsequent committees shall occur
22 by April 1 of each even-numbered year.

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

26 (5) If a vacancy occurs in the committee, the appointing
27 authority who originally appointed the member whose seat has
28 become vacant shall appoint another member to the committee
29 to fill the vacancy. A member appointed to fill a vacancy
30 occurring prior to the expiration of a term shall serve the

1 unexpired term.

2 (6) The committee has the following duties:

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

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

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

26 (8) The members of the committee shall serve without
27 compensation.

28 (d) Commission duties.--The commission has the following
29 duties:

30 (1) Establish guidelines for the methods of providing

1 public notice of the issuance of requests for proposals,
2 including any of the following:

3 (i) Electronic publication which is accessible to
4 the general public.

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

8 (iii) Publication in a newspaper of general
9 circulation.

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

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

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

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

30 (i) A requirement that the selected wildlife

1 conservation organization shall publicize or cause to be
2 publicized the time, date and procedure for the auction.

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

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

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

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

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

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

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

28 (e) Wildlife conservation organizations.--A wildlife
29 conservation organization shall submit a proposal to the request
30 for proposals to the commission in a timely manner as to allow

1 its receipt prior to the closure of the period for submission of
2 the proposal as established in the request for proposals.

3 (f) Opening of proposals, selection by committee and
4 distribution of report.--

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

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

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

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

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

27 SECTION 2. SECTION 2711 OF TITLE 34 IS AMENDED BY ADDING A
28 SUBSECTION TO READ:

29 § 2711. UNLAWFUL ACTS CONCERNING LICENSES.

30 * * *



1 (A.1) EXEMPTION.--FOR THE SOLE PURPOSE OF IMPLEMENTING AND
2 ENHANCING A MENTORED YOUTH HUNTING PROGRAM WITHIN THIS
3 COMMONWEALTH, THE COMMISSION MAY ESTABLISH REGULATIONS EXEMPTING
4 CERTAIN LIMITED YOUTH HUNTING ACTIVITIES FROM THE PROHIBITIONS
5 SPECIFIED IN SUBSECTION (A) (1), (3), (5) AND (8). SUCH EXEMPTION
6 SHALL INCLUDE A PROVISION LIMITING A MENTORED YOUTH
7 PARTICIPATING IN A MENTORED YOUTH HUNTING PROGRAM TO THE RECEIPT
8 OF NO MORE THAN ONE ANTLERLESS DEER LICENSE IN EACH LICENSE
9 YEAR.

10 * * *

11 Section ~~2~~ 3. This act shall take effect in 60 days.

