

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1476 Session of 2011

INTRODUCED BY GERGELY, HANNA, READSHAW, WHITE, CALTAGIRONE,  
COHEN, D. COSTA, DALEY, EVERETT, HALUSKA, HORNAMAN, KULA,  
MAHONEY, MULLERY, K. SMITH AND GOODMAN, MAY 5, 2011

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 5, 2011

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, 2012, 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. The commission shall promulgate regulations for the  
19 use of the bull elk license, remitting funds to the  
20 commission and conduct of the auction.

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

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

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

2       (c) Establishment of advisory committee.--There is  
3 established an advisory committee to be known as the Elk Tag  
4 Conservation Advisory Committee.

5       (d) Members of advisory committee.--The advisory committee  
6 shall consist of five members, one of whom is to be appointed by  
7 each of the following: the Governor, the chairman and minority  
8 chairman of the Game and Fisheries Committee of the Senate and  
9 the chairman and minority chairman of the Game and Fisheries  
10 Committee of the House of Representatives. The Governor's  
11 appointee shall serve as chairman of the advisory committee.  
12 Appointment of the initial members of the advisory committee  
13 shall occur no later than April 1, 2012, or 15 days after the  
14 enactment of this subsection, whichever is later. Appointments  
15 of members of subsequent advisory committees shall occur no  
16 later than April 1 of each even-numbered year subsequent to  
17 2012.

18       (e) Term of advisory committee members.--The term of members  
19 of the advisory committee shall expire upon the expiration of  
20 the final scheduled day of elk season of every second year  
21 following their appointment.

22       (f) Vacancy in advisory committee.--Whenever a vacancy shall  
23 occur in the advisory committee, the appointing authority who  
24 appointed the member whose absence created the vacancy shall  
25 appoint another member to the committee to fill such vacancy for  
26 the remainder of the term.

27       (g) Reimbursement.--The advisory committee members shall  
28 serve without compensation.

29       (h) Request for proposals from wildlife conservation  
30 organizations.--The advisory committee shall request proposals

1 from wildlife conservation organizations in the manner as  
2 provided by law.

3 (i) Selection.--Based on submitted proposals, by majority  
4 vote, the advisory committee shall select the wildlife  
5 conservation organization to conduct the auction. No wildlife  
6 conservation organization shall be chosen to conduct the auction  
7 in any two consecutive years.

8 (j) Responsibility to publicize.--The selected wildlife  
9 conservation organization shall be responsible for publicizing  
10 or causing to be publicized the time, date and procedure for the  
11 auction. These details shall be included in the bid submitted to  
12 the advisory committee and shall be considered by the advisory  
13 committee in the selection of the wildlife conservation  
14 organization. The auction shall occur on a date that will  
15 provide reasonable time before the commencement of the elk  
16 season for which the tag is to be used for the winner to make  
17 payment and take custody of the tag.

18 (k) Request for proposals.--Proposals shall be solicited  
19 through a request for proposals. Adequate public notice of the  
20 request for proposals shall be given a reasonable time prior to  
21 the date set for the opening of proposals. The advisory  
22 committee shall establish written policies regarding methods of  
23 public notice. The method of public notice may include any of  
24 the following:

25 (1) Electronic publication which is accessible to the  
26 general public.

27 (2) Issuance of invitations for bids to bidders on the  
28 solicitation mailing list of the commission.

29 (3) Publication in a newspaper of general circulation.  
30 Copies of requests for proposals shall be made available to

1 any interested person upon request to the advisory committee.  
2 The commission may establish procedures for the distribution of  
3 requests for proposals, including the imposition of a fee to  
4 reimburse the commission for the costs of photocopying and  
5 mailing.

6 (4) Issuance of invitations for bids to anyone who  
7 submitted a bid in the previous five years and was  
8 unsuccessful.

9 (5) Placement on the commission's Internet website.

10 (1) Receipt of proposals.--Wildlife conservation  
11 organizations shall submit their proposals to ensure that their  
12 proposals are received prior to the time and date established  
13 for receipt of the proposals. Proposals shall be submitted in  
14 the format required by the request for proposals. Proposals  
15 shall be opened so as to avoid disclosure of their contents to  
16 competing wildlife conservation organizations.

17 (m) Evaluation.--The relative importance of the evaluation  
18 factors shall be fixed prior to opening the proposals.

19 (n) Selection of organization to conduct auction.--The  
20 responsible wildlife conservation organization whose proposal is  
21 determined in writing to be the most advantageous to the  
22 advisory committee, taking into consideration all evaluation  
23 factors, shall be selected to conduct the auction.

24 Section 2. This act shall take effect immediately.