

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2169** Session of
2014

INTRODUCED BY GABLER, GERGELY, CAUSER, CALTAGIRONE, D. COSTA,
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MILLARD, MOUL, RAPP, READSHAW, ROCK, KIRKLAND, CLYMER, COHEN,
GRELL, McNEILL, MURT AND DAY, APRIL 9, 2014

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 5, 2014

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, reenacting and further providing for elk hunting
3 licenses; and abrogating a regulation.

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 reenacted and 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. THE COMMISSION SHALL HOLD A <--
13 RANDOM DRAWING OF APPLICATIONS FOR THE ISSUANCE OF ELK LICENSES
14 UNDER THIS SUBSECTION AT THE ELK COUNTRY VISITOR CENTER IN THE
15 TOWNSHIP OF BENEZETTE.

16 (b) [License] Special conservation license auction.--The

1 commission is authorized to auction off a special license to
2 hunters interested in the opportunity to hunt one elk subject to
3 the following:

4 (1) One license shall be auctioned annually.

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

7 (3) The commission may, under 62 Pa.C.S. Pt. I (relating
8 to Commonwealth Procurement Code), contract with a wildlife
9 conservation organization to implement and conduct the
10 auction. The commission shall promulgate regulations for the
11 use of the license, remitting funds to the commission and
12 conduct of the auction.

13 (4) [The contracted organization shall retain no more
14 than 20% of the proceeds from the auction. The contracted
15 organization shall report annually to the commission on the
16 use of the proceeds from the auction. The remaining proceeds
17 from the auction shall be used by the commission for the elk
18 program in this Commonwealth in addition to any other funds
19 available to the commission for that purpose. The commission
20 shall include in its annual report to the General Assembly
21 the use of all proceeds from the auction.] The contracted
22 organization under paragraph (3):

23 (i) May retain administrative costs associated with
24 the auction. The administrative costs shall be determined
25 and agreed to by the contracted organization receiving
26 the license prior to the license being awarded.

27 (ii) Shall return the proceeds remaining after
28 retention of administrative costs under subparagraph (i)
29 to the commission to be used pursuant to the contract
30 under paragraph (3) in a manner consistent with the

1 commission's elk management plan.

2 (iii) Shall report annually to the commission on the
3 use of the proceeds from the auction. The commission
4 shall, in its annual report to the General Assembly,
5 include the use of all proceeds from the auction.

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

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

8 (c) Special-license fundraiser.--In addition to any other
9 elk license provided for under this section, the commission may
10 hold a special-license fundraiser for hunters interested in the
11 opportunity to hunt one elk, subject to the following:

12 (1) The commission may enter into a contract with a
13 Pennsylvania-based nonprofit organization whose primary
14 mission is the advancement of education, stewardship and
15 habitat for the elk population in this Commonwealth and that
16 is a participant in a public-private partnership for the
17 management and operation of the Elk Country Visitor's Center
18 in Benezette Township, Elk County, to auction or raffle one
19 elk license annually.

20 (2) The entity which contracts with the commission under
21 paragraph (1) may conduct a fundraiser for the opportunity
22 for interested hunters to purchase the elk license. The
23 fundraiser shall be open to all residents and nonresidents of
24 this Commonwealth who wish to obtain the license. The
25 subsequent use of the license must meet Federal and State
26 hunting regulations.

27 (3) The entity which contracts with the commission under
28 paragraph (1) may retain administrative costs associated with
29 the auction. The administrative costs shall be determined and
30 agreed to by the entity receiving the license prior to the

1 license being awarded.

2 (4) The proceeds remaining after retention of
3 administrative costs under paragraph (3) shall be returned to
4 the commission and shall be used pursuant to the contract
5 under paragraph (1) in a manner consistent with the
6 commission's elk management plan.

7 (5) The entity shall report annually to the commission
8 on the use of the proceeds from the special-license
9 fundraiser. The commission shall, in its annual report to the
10 General Assembly, include the use of all proceeds from the
11 special-license fundraiser.

12 (6) This subsection shall expire July 1, 2018.

13 (d) Background check.--A recipient selected to receive a
14 license under subsection (b) or (c) must be subjected to a
15 background check prior to being awarded the license. If one or
16 more serious game law violations resulting in license revocation
17 within the preceding ten years, or three or more game law
18 violations within the preceding ten years are found, the license
19 may not be awarded to the recipient and another recipient shall
20 be chosen.

21 (E) ELK MANAGEMENT AREA RAFFLE.--IF THE COMMISSION AWARDS <--
22 THE OPPORTUNITY TO PURCHASE ELK HUNTING LICENSES IN THIS
23 COMMONWEALTH, OTHER THAN THE LICENSE AUCTION AUTHORIZED UNDER
24 SUBSECTION (B), THE COMMISSION SHALL CONDUCT AN ELK MANAGEMENT
25 AREA RAFFLE. THE RAFFLE SHALL BE SUBJECT TO THE FOLLOWING:

26 (1) THE OPPORTUNITY TO PURCHASE ONE LICENSE SHALL BE
27 AWARDED ANNUALLY THROUGH THE RAFFLE.

28 (2) ONLY RESIDENTS OF THE ELK MANAGEMENT AREA SHALL BE
29 ELIGIBLE TO PARTICIPATE IN THE RAFFLE.

30 (3) THE OPPORTUNITY TO PURCHASE AN ANTLERED ELK HUNTING

1 LICENSE SHALL BE AWARDED THROUGH THE RAFFLE IN EVEN-NUMBERED
2 YEARS AND THE OPPORTUNITY TO PURCHASE AN ANTLERLESS ELK
3 HUNTING LICENSE SHALL BE AWARDED THROUGH THE RAFFLE IN ODD-
4 NUMBERED YEARS.

5 (4) THE RAFFLE SHALL BE CONDUCTED PRIOR TO ANY OTHER
6 AWARDING OF THE OPPORTUNITY TO PURCHASE ELK HUNTING LICENSES,
7 WITH THE EXCEPTION OF THE LICENSE AUCTION HELD UNDER
8 SUBSECTION (B).

9 (5) EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL APPLICANTS
10 IN THE ELK MANAGEMENT AREA RAFFLE, OTHER THAN THE PERSON
11 SELECTED IN THE ELK MANAGEMENT AREA RAFFLE, SHALL BE ELIGIBLE
12 FOR ANY OTHER AWARD OF AN OPPORTUNITY TO PURCHASE AN ELK
13 HUNTING LICENSE.

14 (F) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
15 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
16 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

17 "ELK MANAGEMENT AREA." THE TERM AS DEFINED IN 58 PA. CODE §
18 141.48 (RELATING TO ELK MANAGEMENT AREA AND ELK HUNT ZONES).

19 Section 2. The regulation of the Pennsylvania Game
20 Commission in 58 Pa. Code § 143.203(a) (relating to drawing) is
21 abrogated to the extent that it is inconsistent with 34 Pa.C.S.
22 § 2706.2(a).

23 Section 3. This act shall take effect immediately.