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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1166 Session of  
2015

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INTRODUCED BY STEFANO, SCAVELLO, ALLOWAY, TEPLITZ, VULAKOVICH,  
FOLMER, BREWSTER, WAGNER, WARD AND WILEY, MARCH 18, 2016

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AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 2016

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AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, in Pennsylvania Game Commission, further providing  
3 for powers and duties of commission and for accountability;  
4 in hunting and furtaking licenses, further providing for  
5 license costs and fees; and making an editorial change.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 322(c) of Title 34 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 322. Powers and duties of commission.

11 \* \* \*

12 (c) Specific powers and duties.--In order to administrate  
13 and enforce this title, the commission through proper action  
14 shall:

15 \* \* \*

16 (14) Following submission of the analysis required under  
17 section 328(f) (relating to accountability), establish fees  
18 for licenses as follows:

1           (i) The commission shall publish a notice of  
2 proposed rulemaking containing the proposed fee change in  
3 accordance with section 201 of the act of July 31, 1968  
4 (P.L.769, No.240), referred to as the Commonwealth  
5 Documents Law. The commission shall give at least 30 days  
6 for the submission of written comments and shall hold at  
7 least one public hearing on the proposed change.

8           (ii) Prior to adoption of a final-form regulation  
9 containing a fee change, the commission shall review and  
10 consider any public comments and may modify the text of  
11 the final-form regulation as it deems necessary under  
12 section 202 of the Commonwealth Documents Law.

13           (iii) After adoption of a final-form regulation  
14 containing a fee change, the commission shall submit the  
15 final-form regulation, copies of all public comments and  
16 the transcript of the public hearing to the Game and  
17 Fisheries Committee of the Senate and the Game and  
18 Fisheries Committee of the House of Representatives.

19           (iv) Either committee under subparagraph (iii) may  
20 report a concurrent resolution recommending disapproval  
21 of the fee change within 30 days of the submission under  
22 subparagraph (iii) OR WITHIN 10 LEGISLATIVE DAYS OF THE <--  
23 SUBMISSION, WHICHEVER IS LATER. If neither committee  
24 reports a concurrent resolution recommending disapproval  
25 within the time prescribed in this subparagraph, the fee  
26 change shall be deemed approved.

27           (v) If either committee reports a concurrent  
28 resolution under subparagraph (iv) and the General  
29 Assembly does not adopt it within 30 days of the date on  
30 which the concurrent resolution is reported OR WITHIN 10 <--

1 LEGISLATIVE DAYS OF THE REPORT, WHICHEVER IS LATER, the  
2 fee change shall be deemed approved.

3 (vi) If the General Assembly adopts a concurrent  
4 resolution under subparagraph (iv) within 30 days of the  
5 date on which the concurrent resolution is reported OR <--  
6 WITHIN 10 LEGISLATIVE DAYS, WHICHEVER IS LATER, the  
7 following shall apply:

8 (A) The concurrent resolution shall be presented  
9 to the Governor in accordance with section 9 of  
10 Article III of the Constitution of Pennsylvania.

11 (B) If the Governor does not veto the concurrent  
12 resolution of the General Assembly within 10 days  
13 after it is presented, the fee change shall be deemed  
14 disapproved.

15 (C) If the Governor vetoes the concurrent  
16 resolution within 10 days after it is presented, the  
17 General Assembly may, within 30 days of the veto OR <--  
18 WITHIN 10 LEGISLATIVE DAYS OF THE VETO, WHICHEVER IS  
19 LATER, override the veto by a two-thirds vote in each  
20 house. If the General Assembly does not override the  
21 veto in the time prescribed in this clause, the fee  
22 change shall be deemed approved. If the General  
23 Assembly overrides the veto in the time prescribed in  
24 this clause, the fee change shall be deemed  
25 disapproved.

26 (vii) If the fee change is deemed approved under  
27 subparagraph (iv), (v) or (vi)(C), the commission shall:

28 (A) submit the final-form regulation containing  
29 the fee change to the Office of Attorney General for  
30 approval as to legality; and

1                   (B) publish an order adopting the final-form  
2                   regulation containing the fee change and deposit the  
3                   text of the order with the Legislative Reference  
4                   Bureau in accordance with section 207 of the  
5                   Commonwealth Documents Law.

6                   (viii) Except for this subparagraph, this paragraph  
7                   shall expire July 15, 2019. Upon expiration, final-form  
8                   regulations promulgated under subparagraph (vii) (B) shall  
9                   remain in effect.

10           Section 2. Section 328 of Title 34 is amended by adding a  
11 subsection to read:

12   § 328. Accountability.

13           \* \* \*

14           (f) Financial analysis.--Prior to the establishment of fees  
15           under section 322(c) (14) (relating to powers and duties of  
16           commission), the Legislative Budget and Finance Committee shall  
17           prepare a financial analysis of fees, fines, penalties,  
18           royalties, Federal and State appropriations and other sources of  
19           revenue received by the commission and of expenditures,  
20           including annual operating costs, investments, land purchases  
21           and capital projects. To carry out the financial analysis under  
22           this section:

23                   (1) The commission shall provide records, financial  
24                   statements and other documents reflecting the revenue and  
25                   expenditures subject to the analysis.

26                   (2) The commission shall respond to inquiries and  
27                   requests for information from the committee in a timely  
28                   manner.

29                   (3) The Legislative Budget and Finance Committee shall  
30                   include its most recent performance audit under section

1 522(b) (relating to appropriation and audit of moneys).

2 (4) The Legislative Budget and Finance Committee shall  
3 complete the report within 90 days of the effective date of  
4 this subsection. The report shall be submitted to the  
5 President pro tempore of the Senate and the Speaker of the  
6 House of Representatives. The report shall be public  
7 information.

8 Section 3. Section 2709 heading and (a) introductory  
9 paragraph of Title 34 are amended, subsection (a) is amended by  
10 adding paragraphs and the section is amended by adding a  
11 subsection to read:

12 § 2709. License [costs and] fees.

13 (a) License [costs.--Any] fees.--Subject to subsections  
14 (a.1) and (c), any person who qualifies under the provisions of  
15 this chapter shall be issued the applicable license upon payment  
16 of the following [costs and the issuing agent's fee] fees:

17 \* \* \*

18 (23) Hunting and furtaking:

19 (i) Senior nonresident hunting - to be set by  
20 commission.

21 (ii) Senior nonresident furtaker - to be set by  
22 commission.

23 (iii) Senior nonresident combination hunting and  
24 furtaker - to be set by commission.

25 (24) Ultimate outdoorsman combination license, including  
26 bear, archery, muzzleloader, furtaker, migratory game bird  
27 and special wild turkey:

28 (i) Resident - to be set by commission.

29 (ii) Nonresident - to be set by commission.

30 (a.1) Fee setting.--

1           (1) A fee set under subsection (a) (23) or (24) must be  
2 made under section 322(c) (14) (relating to powers and duties  
3 of commission).

4           (2) A change in a fee under subsection (a) must be made  
5 under section 322(c) (14).

6           \* \* \*

7           Section 4. Section 2712(b) of Title 34 is amended to read:  
8 § 2712. Vouchers for licenses and permits.

9           \* \* \*

10          (b) Fees.--A person purchasing a voucher shall pay the costs  
11 for the type of license or permit being purchased and the  
12 issuing agent fee as provided in sections 2709 (relating to  
13 license [costs and] fees) and 2904 (relating to permit fees).

14          \* \* \*

15          Section 5. This act shall take effect as follows:

16               (1) The following provisions shall take effect  
17 immediately:

18                   (i) The addition of 34 Pa.C.S. § 328(f).

19                   (ii) This section.

20               (2) The remainder of this act shall take effect in 90  
21 days.