

No. 1996-19

AN ACT

SB 944

Amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, defining "migratory game bird"; establishing a migratory game bird hunting license; providing for use of proceeds from the migratory game bird hunting license; further providing for the date of the annual audit and report to be submitted by the Pennsylvania Game Commission and the Legislative Budget and Finance Committee; adding provisions relating to goose hunting areas; and further providing for permits.

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

Section 1. Section 102 of Title 34 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Migratory game bird." Any game bird defined in 50 CFR 20.11 (relating to meaning of terms), except as otherwise provided in Pennsylvania Game Commission regulations.

* * *

Section 2. Sections 521(b) and 522(b) of Title 34 are amended to read:
§ 521. Establishment and use of Game Fund.

* * *

(b) Specific allocation of certain revenues.—[The following sums of money are specifically allocated for the following purposes:]

(1) A minimum of \$1.25 from each resident license for which the full fee has been paid *and a minimum of \$2 from each antlerless deer license issued for which the full fee has been paid* shall be used solely for habitat improvement and restoration conducive to increasing natural propagation of game or wildlife on all lands under the control or operation of the commission [or on lands open to public hunting.

(2) A minimum of \$2.00 of the fee collected for the issuance of antlerless deer licenses shall be used solely for cutting or otherwise removing overshadowing tree growth to produce underbrush, sprouts and saplings for deer food and cover on lands under the control or operation of the commission, including lands enrolled in commission public access programs., *including lands enrolled in the commission's public access programs. The moneys collected under this paragraph shall*

be deposited into two separate accounts and shall be used exclusively for the natural propagation of wildlife by:

(i) Improving and maintaining any natural wildlife habitat by the production, distribution and planting of trees, shrubs, vines and forage crops.

(ii) Forest management practices related to the creation and development of food and cover.

(iii) Development and management of food and cover openings.

(iv) Purchase, construction and enhancement of wetlands and riparian areas.

(v) Construction and maintenance of nesting structures.

(vi) The prorated cost for the purchase, maintenance and operation of equipment, tools and materials necessary to meet the habitat improvement objectives of this section. No moneys in these accounts shall be used for capital purchases under this subparagraph. The commission shall submit an annual report on all expenditures from this account in the manner prescribed under section 522 (relating to appropriation and audit of moneys).

(2) Any moneys collected by or for the commission from the sale of the migratory bird hunting license shall be used solely for the purpose of migratory game bird management, habitat acquisition and improvement and related program administrative costs.

§ 522. Appropriation and audit of moneys.

* * *

(b) Audit and report.—The commission shall submit an annual written and oral report to the Game and Fisheries Committees of the Senate and the House of Representatives no later than [November 30] *March 31* of each year. The written report shall include complete budgets for the current fiscal year and for the fiscal year about to commence. An audit of the budget for the concluding fiscal year shall be conducted by the Legislative Budget and Finance Committee and shall be submitted to the Game and Fisheries Committees no later than [November 30] *February 28* of each year.

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Section 3. Title 34 is amended by adding a section to read:

§ 730. *Controlled goose hunting areas.*

Applications are available in and must be submitted from the current edition of Digest of Pennsylvania Hunting and Trapping Regulations supplied with each hunting license. Applications shall contain requested information, including the applicant's current valid hunting license back tag number, including letter, and the number that appears on the Pennsylvania Migratory Game Bird Hunting License, which is required for application. All other procedures shall be established by regulations promulgated by the commission.

Section 4. Sections 2705 and 2709(a) of Title 34 are amended by adding paragraphs to read:

§ 2705. Classes of licenses.

Unless otherwise provided, any person wishing to exercise any of the privileges granted by this title shall first secure the applicable resident or nonresident hunting or furtaker license as follows:

* * *

(14) Migratory game bird licenses for hunting all migratory game birds to eligible persons, subject to the regulations, requirements and conditions which the commission shall establish. Any such license shall be made available to residents serving on active duty in the armed forces of the United States or in the United States Coast Guard without regard to quota limitations or application deadlines.

§ 2709. License costs and fees.

(a) License costs.—Any person who qualifies under the provisions of this chapter shall be issued the applicable license upon payment of the following costs and the issuing agent's fee:

* * *

(20) Migratory game bird hunting license - issuing agent fee only.

* * *

Section 5. Section 2901(a) of Title 34 is amended to read:

§ 2901. Authority to issue permits.

(a) General rule.—The commission may issue permits as specified in this chapter. Except as otherwise provided, permits shall be issued only to persons who are residents of this Commonwealth and 18 years of age or older. ***Wildlife menagerie permits and special use permits may be issued to persons who are residents of the United States and 18 years of age or older.***

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Section 6. The amendment or addition of 34 Pa.C.S. §§ 521(b), 2705(14) and 2709(a)(20) shall apply to the license year beginning July 1, 1996, and each license year thereafter.

Section 7. This act shall take effect immediately.

APPROVED—The 4th day of April, A.D. 1996.

THOMAS J. RIDGE