

No. 2014-116

AN ACT

HB 2169

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

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

Section 1. Section 2706.2 of Title 34 of the Pennsylvania Consolidated Statutes is reenacted and amended to read:

§ 2706.2. Elk hunting licenses.

(a) Application limitation.—Whenever the commission makes a determination to authorize a hunting season for the taking of elk, no person may submit more than one application for an elk hunting license in any license year. *The commission shall hold a random drawing of applications for the issuance of elk licenses under this subsection at the Elk Country Visitor Center in the Township of Benezette.*

(b) [License] *Special conservation license* auction.—The commission is authorized to auction off a special license to hunters interested in the opportunity to hunt one elk subject to the following:

(1) One license shall be auctioned annually.

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

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

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

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

(ii) *Shall return the proceeds remaining after retention of administrative costs under subparagraph (i) to the commission to be used pursuant to the contract under paragraph (3) in a manner consistent with the commission's elk management plan.*

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of July, A.D. 2014

TOM CORBETT