

RULES AND REGULATIONS

Title 37—LAW

BOARD OF PARDONS

[37 PA. CODE CH. 81]

Recommendation for Clemency

The Board of Pardons (Board) hereby amends § 81.301 (relating to recommendation) to read as set forth in Annex A. The section is amended under the Board's authority in section 909(c) of The Administrative Code of 1929 (71 P. S. § 299(c)).

Background

A proposed amendment to PA. CONST., art. IV, § 9 changing provisions relating to pardons, commutations and the Board was approved by a majority of the qualified electors of this Commonwealth at an election held on November 4, 1997. The section of the Board regulations affected by this amendment to the Constitution is § 81.301. This section has been amended to reflect that a unanimous vote of the Board is required to send a recommendation for clemency to the Governor in cases when the person involved is under sentence of death or life imprisonment. The current § 81.301(a) calls for a majority vote of the members of the Board to recommend clemency to the Governor in these cases.

Amendment

Section 81.301 is amended to reflect the recent amendment to PA. CONST., art. IV § 9 which requires an unanimous vote of the Board to recommend clemency to the Governor when the applicant is under sentence of death or life imprisonment.

Notice

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 204) (45 P. S. § 1204(3)) (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are in the circumstances impracticable, unnecessary or contrary to the public interest. The proposed rulemaking procedures are unnecessary, since the rulemaking simply incorporates the recent amendments to the Constitution of Pennsylvania regarding the Board.

Cost and Paperwork Requirements

There is no fiscal impact or additional paperwork requirements associated with the amendment for the Commonwealth, local government, the private sector or the general public.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 13, 1998, the Board submitted a copy of this amendment with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. On the same date, the final-omitted regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5(c) of the Regulatory Review Act, this final-omitted regulation was deemed ap-

proved by the House and Senate Committees on May 3, 1998. IRRC approved the final-omitted regulation on May 7, 1998.

Contact Person

For further information regarding the amendment, contact Nelson R. Zullinger, Secretary, Board of Pardons, 333 Market Street, 15th Floor, Harrisburg, PA 17126. (717) 787-2596

Finding

The Board finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of CDL (45 P. S. §§ 1201 and 1202), are unnecessary, since the final-form regulation simply incorporates provisions from the Constitution regarding the Board and public comments will have no impact upon the final-form regulation.

(2) That public notice of intention to adopt the final-form regulation has been omitted under section 204 of the CDL.

Order

The Board orders that:

(a) The regulations of the Board, 37 Pa. Code Chapter 81, are amended by amending § 81.303 to read as set forth in Annex A.

(b) The Secretary of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(3) The Secretary of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(4) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

NELSON R. ZULLINGER,
Secretary

Fiscal Note: 56-2. No fiscal impact; (8) recommends adoption.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa. B. 2463 (May 23, 1998).)

Annex A

TITLE 37 LAW

PART III. AGENCIES AND OFFICES

CHAPTER 81. BOARD OF PARDONS

DISPOSITION

§ 81.301. Recommendation.

(a) An application for pardon, or for remission of fines and forfeitures, and the granting of reprieves, or commutation of sentence, shall be approved by the Board at a public hearing by a majority vote of the members, prior to delivery of the written recommendation to the Governor for a decision. An application for a pardon or commutation of a death or life imprisonment sentence must be approved at a public hearing by a unanimous vote of the members, prior to delivery of the written recommendation to the Governor for a decision.

(b) When the applicant is serving a sentence described in § 81.232 (relating to interview of the applicant), a

recommendation and Warrant of Commutation that is presented to the Governor shall include a requirement that the applicant serve at least 1 year in a prerelease center prior to release on parole unless transfer of the applicant to a prerelease center is not appropriate due to a certified terminal illness.

(c) Recommendations made to the Governor for commutation of sentence will be conditioned in subsection (e).

(d) Recommendations for a pardon may be made conditional by a majority vote by the Board.

(e) If it is the Board's desire that the commutation or pardon be conditional, any recommended Warrant of Commutation or Charter of Pardon presented to the Governor shall include the following language:

"Subsequent to this date, if it is determined, upon public hearing by the Board of Pardons, that (name) has committed a probation or parole violation or has been convicted of a new criminal offense, this grant of clemency may be rendered null and void by myself or by my successors in office."

(f) When notified of a subsequent criminal offense conviction, or probation or parole violation, the Secretary will inform the Board. The Board will then decide, on a case-by-case basis, whether to hold a public hearing regarding the suspected violation of the conditional pardon or commutation. After public hearing, a majority of the Board may recommend to the Governor that clemency be revoked.

[Pa.B. Doc. No. 98-849. Filed for public inspection May 29, 1998, 9:00 a.m.]

DEPARTMENT OF CORRECTIONS
[37 PA. CODE CH. 93]
Prison Medical Services Program

The Department of Corrections (Department) acting under the authority conferred by the Prison Medical Services Act (act) (61 P. S. §§ 1011-1017) (act) and section 903-B of The Administrative Code of 1929 (71 P. S. § 310-2) (AC) amends § 93.12 (relating to Prison Medical Services Program).

Background and Need for the Amendment

The amendment enables the Department to impose fees on inmates in State correctional institutions and facilities for the provision of certain medical services. The amendment also requires inmates who are covered by medical insurance to pay for the medical services through that insurance as far as the medical insurance policy may allow. Section 93.12 is amended to include subsections that contain definitions, specify what medical services will and will not be subject to a fee, require inmates who are covered by medical insurance to pay for the costs of those services through that insurance and describe the procedures to be used for the collection of the fees.

Section 93.12 is first amended by designating its current and only subsection as subsection (a). Subsection (b) is added to include definitions for the terms "Department," "fee," "inmate," "health care professional" and "medical service." Subsection (c) is added to designate the medical services for which a fee will be charged. Subsection (d) is added to designate the medical services for which a fee will not be charged. Subsection (e) is added to establish the amount of the fee to be charged for certain

medical services and when the fee will be assessed. Subsection (e) also confers upon the Department the authority to modify the fee through regulatory amendment. Subsection (f) is added to describe how payment of fees will be accomplished. Subsection (g) is added to require inmates who have medical insurance to pay for their own medical needs through that insurance. Subsection (h) is added to require the Department to include an explanation of the medical service fee program in the Inmate Handbook.

The amendment is adopted under the act and section 903-B of the AC. The act and the AC establish the Prison Medical Services Program (Program) within the Department and direct the Department to issue regulations to implement the program and to require inmates who are covered by medical insurance to pay for their medical needs through that insurance. The act states that the regulations shall specify the medical services which are subject to fees, the fee amounts, payment procedures, medical services that are not subject to fees and fees applicable to medical emergencies, chronic care and pre-existing conditions.

Implementation of the program will result in immediate savings to the taxpayers of this Commonwealth. Inmates will be required to pay for a portion of the medical services actually used. This is in contrast to the present system where inmates receive free medical services at taxpayer expense. Additionally, it is anticipated that inmates will be less likely to seek and use medical services unnecessarily when they will be partly responsible for paying for those services. The money earned through the assessment of fees for medical services for inmates will be placed in the General Fund.

Fiscal Impact

The amendment requires that inmates incarcerated within State correctional institutions and facilities pay a \$2 fee for certain medical services provided to them and to pay two-thirds of the total cost of medical services that are provided to another inmate as a result of the paying inmate's assaultive conduct. The amendment also requires inmates who are covered by medical insurance to pay for their medical needs through that insurance. The amendment has no other direct fiscal impact on the private sector, the general public or political subdivisions. The additional revenue generated through the collection of fees will be deposited in the General Fund as required by the act.

Paperwork Requirements

The amendment creates minimal additional paperwork for the private sector in that few inmates are covered by medical insurance that would require the filing of many medical claims with private insurance companies. The amendment does not create any additional paperwork for the general public or political subdivisions of this Commonwealth. Minimal additional paperwork is required for the Department. The Department will collect the fees through an inmate authorization form, which will describe the medical service to be provided and advise the inmate of the fee to be deducted from the inmate's account. The authorization form will then be forwarded to the institution's business office for debiting the inmate's account. The act also requires that the Department conduct an annual audit of the program and submit an annual report to the Chairperson and minority Chairperson of the Appropriations Committee and the Judiciary Committee of the Senate and the Chairperson and minority Chairperson of the Appropriations Committee and the Judiciary Committee of the House of Representatives.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 24, 1997, the Department submitted a copy of notice of proposed rulemaking, published at 27 Pa. B. 5095 (October 4, 1997) to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the House and Senate Judiciary Committees (Committees) for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing this final-form regulation, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), the final-form regulation was deemed approved by the Committees on February 18, 1998. IRRC met on February 26, 1998, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act.

Statutory Authority

The Department's authority to establish the program and impose the fees established by the amendment is in section 3(b) of the act (61 P. S. § 1013(b)) and section 903-B of the AC.

Effective Date

The amendment to § 93.12 is effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written questions regarding the amendment to Kathleen Zwierzyna, Director, Bureau of Health Care Services, P. O. Box 598, 2520 Lisburn Road, Camp Hill, PA 17001-0598.

Findings

The Department finds that:

(1) Notice of proposed rulemaking was published at 27 Pa.B. 5095, as required by sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and that the comments received were considered.

(3) The adoption of the amendment in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

Order

The Department, acting under the act orders that:

(a) The regulations of the Department, 37 Pa. Code Chapter 93, are amended by amending § 93.12 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Secretary of Corrections shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin* and the program shall be imple-

mented 60 days after all current inmates receive written notice of the implementation of the program.

MARTIN F. HORN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 1362 (March 14, 1998).)

Fiscal Note: 19-1. (1) General Fund; (2) Implementing Year 1997-98 is \$30,000; (3) 1st Succeeding Year 1998-99 is \$180,000; 2nd Succeeding Year 1999-00 is \$185,000; 3rd Succeeding Year 2000-01 is \$191,000; 4th Succeeding Year 2001-02 is \$197,000; 5th Succeeding Year 2002-03 is \$203,000; (4) Fiscal Year 1996-97 \$735,771,000; Fiscal Year 1995-96 \$826,878,000; Fiscal Year 1994-95 \$720,826,000; (7) State Correctional Institutions; (8) recommends adoption. This amendment will also increase revenue to the General Fund from the \$2 inmate fee. The increased revenue is estimated at \$63,000 for Fiscal Year 1997-1998 and \$380,000 annually beginning in Fiscal Year 1998-1999. The increased revenue will augment the State Correctional Institutions Appropriation in the Department of Corrections.

Annex A**TITLE 37. LAW****PART III. AGENCIES AND OFFICES****CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES CARE AND TREATMENT****§ 93.12. Prison Medical Services Program.**

(a) Every institution will establish procedures to permit inmates to have access to health care professionals, prescribed treatment for serious medical needs, appropriate nutrition, exercise and personal hygiene items.

(b) The following words and phrases, when used in this section, have the following meanings unless the context clearly indicates otherwise:

Department—The Department of Corrections of the Commonwealth.

Fee—The portion of the actual cost of a medical service provided to an inmate which the Department has determined shall be charged to the inmate.

Health care professional—Any physician, physician assistant, nurse, dentist, optometric professional or other person licensed to provide health care under the laws of the Commonwealth.

Inmate—A person confined to a correctional institution, motivational boot camp, community corrections center or other facility operated by the Department, its agent or contractor.

Medical service—The diagnosis, evaluation, treatment or preservation of the health of the human body, including its organs, structures and systems. The term includes diagnostic testing, prescribing and administering medication, surgical procedures, dental care, eye care, the furnishing of prosthetics and any other type of treatment or preventative care, whether performed on an inpatient or outpatient basis.

(c) The Department will charge a fee to an inmate for any of the following:

(1) Nonemergency medical service provided to an inmate at the inmate's request.

(2) Medical service provided to the inmate as the result of a self-inflicted injury or illness, including emergency medical service provided to the inmate as the result of a self-inflicted injury or illness.

(3) Initial medication prescription except as provided in subsection (d)(2), (14), (16) and (17).

(4) Medical service provided to another inmate as a result of assaultive conduct engaged in by an inmate to be charged the fee.

(5) Medical service provided to an inmate as a result of an injury or illness arising from the inmate's participation in a sport.

(6) Medical service provided to an inmate to determine whether his physical condition is suitable for participation in a sport unless the medical service is provided as part of an inmate's initial, annual or biennial physical examination.

(d) The Department will not charge a fee to an inmate for any of the following:

(1) Physical, dental or mental health screening provided to an inmate upon intake.

(2) Immunization, tuberculosis test, Hepatitis B vaccination or other treatment initiated by the Department for public health reasons.

(3) Institution transfer screening.

(4) Annual and biennial physical and dental examination.

(5) Medical service provided to an inmate during a follow-up appointment scheduled by a health care professional employed by the Department or its contractors.

(6) Mental health treatment.

(7) Medical treatment for a chronic disease or illness.

(8) Infirmary care in a Department of Corrections facility.

(9) Hospitalization outside of a Department of Corrections facility.

(10) Long-term care to an inmate not in need of hospitalization, but whose needs are such that they can only be met on a long-term basis and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmity.

(11) Medical referral ordered by a health care professional employed by the Department or its contractors.

(12) Medical service provided to an inmate during a medical emergency unless the medical emergency resulted from a self-inflicted injury or illness as determined by the health care professional providing the medical service.

(13) Laboratory test, electrocardiogram, dressing change or other treatment ordered by a health care professional employed by the Department or its contractors.

(14) Prenatal care.

(15) Medical service provided as a result of an injury or illness arising from an inmate's institutional work assignment.

(16) Medication prescription subsequent to the initial medication prescription provided to an inmate for the same illness or condition.

(17) Social service program including, but not limited to, substance abuse groups and counseling.

(18) Psychotropic medication.

(19) Medication prescribed for an inmate for public health reasons.

(20) Physical, dental and mental health screening performed at the request of the Department.

(21) Medical service provided to an inmate to determine whether his physical condition is suitable for an institutional work assignment.

(22) Eyeglass prescription.

(23) Dentures.

(24) Prosthetic devices excluding customized items.

(e) The fee for any medical service in subsection (c) is \$2, except that an inmate is required to pay a fee equivalent to two-thirds of the total cost of medical services provided to another inmate as a result of the inmate's assaultive conduct.

(1) The fee will be assessed each time a medical service in subsection (c) is provided to an inmate.

(2) Each inmate shall receive 60 days written notice of the implementation of the Prison Medical Services Program.

(3) Each inmate shall receive written notice of any changes in medical service fees and payment procedures at least 60 days after the effective date of a regulation that modifies the fee for medical services and payment procedures.

(f) Payment for any medical service in subsection (c) shall be accomplished according to the following procedures:

(1) At the time any medical service is to be provided to an inmate, the inmate will be informed by the Department or a health care professional contracted by the Department whether a fee will be charged for the medical service and will be provided with an authorization form. The authorization form will describe the medical service to be provided and authorize the institution to deduct the fee from the inmate's account.

(2) An inmate who wishes to receive a medical service after being advised that a fee will be charged for the medical service, shall sign the authorization form acknowledging that his inmate account will be debited for the fee. A nonemergency medical service will not be provided to an inmate who refuses to sign the authorization form after having been advised that a fee will be charged for the medical service. An inmate will not be denied access to medical services because of an inability to pay the required fee. If an inmate lacks sufficient funds to pay a medical service fee, the inmate's account will be debited and the fee recouped as soon as sufficient funds are deposited in the inmate's account.

(3) The Department may seek to recover any amount owed for medical services fees by an inmate upon release under section 5 of the Prisoner Medical Services Act (61 P. S. § 1015).

(g) An inmate who has medical insurance shall pay for his own medical needs through that insurance by submitting the proper paperwork to the insurance carrier.

(h) The Department will include an explanation of the program in the Inmate Handbook.

[Pa.B. Doc. No. 98-850. Filed for public inspection May 29, 1998, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 135, 139 AND 141]

Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 21, 1998, meeting, adopted the following changes:

Amend Chapter 135, Subchapter F, by amending § 135.104 (relating to restrictions on controlled goose hunting areas) by increasing the daily bag limit for Canada geese at Middle Creek Wildlife Management Area (MCWMA) to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada Goose season in southeastern Pennsylvania.

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 1998-1999 hunting license year.

Amend Chapter 141, Subchapter B, by amending § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) by increasing the daily bag limit for Canada geese at the MCWMA to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada goose season in southeastern Pennsylvania.

These amendments are adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Amendments to §§ 135.104 and 141.26

1. *Introduction*

To effectively manage the wildlife resources of the Commonwealth, the Commission at its January 13, 1998, meeting proposed, and at its April 21, 1998, meeting finally adopted amendments to §§ 135.104 and 141.26 to allow a two goose bag limit during the early Canada goose season in the controlled area of the MCWMA. These amendments were adopted under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission).

2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Because of concerns about the migratory populations of Canada geese, the United States Fish and Wildlife Service has closed the regular Canada goose season in most of this Commonwealth. At the same time, the population of resident Canada geese has dramatically increased resulting in numerous nuisance geese complaints. Increasing the early season bag limit in the controlled area of the MCWMA should help to decrease the resident population.

3. *Regulatory Requirements*

The adopted changes will relax current regulatory requirements.

4. *Comment and Paperwork Requirements*

No comments were received with regard to the adopted changes.

5. *Cost and Paperwork Requirements*

The changes will not result in any additional cost or paperwork requirements.

6. *Effective Date*

The changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

Amendments to § 139.4

1. *Introduction*

To effectively manage the wildlife resources of the Commonwealth, the Commission, at its January 13, 1998, meeting proposed, and at its April 21, 1998, meeting finally adopted, changes to § 139.4 to provide for seasons and bag limits for the 1998-1999 license year. These seasons and bag limits were adopted under sections 322(c)(1) and 2102(b)(1) of the code. Notable changes for the 1998—1999 year are a provision which will allow junior hunters to take an antlerless deer during antlered deer season, a provision which will increase the spring turkey bag limit to two on a contingent basis and longer small game seasons than in previous years.

2. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "... fix seasons ... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Populations of rabbits, beavers, pheasants and squirrels are sufficiently abundant to justify extending their seasons and having a uniform start of small game season. Similarly, it appears that turkey populations are adequate to permit a bag limit of two in the spring, but this bag limit is contingent on a spring turkey license or stamp being created. Finally, to encourage junior hunters, the Commission will permit them to take antlerless deer, with the appropriate license, on the two Saturdays of the antlered deer season.

3. *Regulatory Requirements*

These seasons and bag limits establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. *Persons Affected*

All persons wishing to hunt and trap in this Commonwealth will be affected by these seasons and bag limits.

5. *Comment and Response Summary*

The Commission received nearly 900 comments with regard to the proposal to allow junior license holders to take either an antlered or antlerless deer during the antlered deer season with nearly two-thirds of those comments being opposed. Most of the concerns expressed related to safety and to adults shooting the deer for the juveniles. As a result of the safety concerns, the Commission decided to restrict this change to Saturdays only of the antlered deer season.

The Commission also received over 550 comments with respect to increasing the spring turkey bag limit to two. Approximately three-fourths of these comments were opposed to the increase because of concerns about turkey populations. In response to these comments, the Commission decided to make the increase contingent on the establishment of a spring turkey license and to allow the taking of one turkey in each half of the season if the bag limit is two. Otherwise, the limit will be one.

Finally, the Commission received nearly 700 comments relating to extending the small game seasons, nearly three fourths of those comments being opposed. Most of the opposition comments expressed satisfaction with the current length of small game seasons and indicated concerns about impacts on small game populations, farmers and other hunting seasons. As a result of these comments, the Commission decided to shorten the originally proposed combined squirrel and rabbit seasons by 2 weeks.

6. *Cost and Paperwork Requirements*

The adopted new seasons and bag limits will not result in any additional cost either to the Commission or to hunters and furtakers with the exception of the contingency for a spring turkey license which will need to take place by Legislative action.

7. *Effective Dates*

The amendment is effective July 1, 1998 to June 30, 1999.

Contact Persons

For further information on the adopted changes the contact person is James R. Fagan, Director, Bureau of

Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135, 139 and 141, are amended by amending §§ 135.104 and 141.26 to read as set forth at 28 Pa.B. 1243 (March 7, 1998) and by amending § 139.4 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 28 Pa.B. 1243 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,
Executive Director

Fiscal Note: Fiscal Note 48-102 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

**1998-1999 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 12	6	12
Squirrels—(Combined)	Oct. 17 and Dec. 26	Nov. 28 and Feb. 13, 1999	6	12
Ruffed Grouse—Statewide	Oct. 17 and Dec. 26	Nov. 28 and Jan. 23, 1999	2	4

Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Rabbits, Cottontail	Oct. 17	Nov. 28	4	8
	Dec. 26	and Feb. 13, 1999		
Ringneck Pheasant—Male only	Oct. 17	Nov. 28	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 17	Nov. 28	2	4
	Dec. 26	and Jan. 23, 1999		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 17	Nov. 28	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 2, 1999	2	4
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female				
Management Areas # 1-A, 1-B & 7-B	Oct. 31	Nov. 7	1	1
Management Areas # 2, 6, 7-A & 8	Oct. 31	Nov. 14	1	1
Management Areas # 3, 4 & 5	Oct. 31	Nov. 21	1	1
Management Area # 9-A	Closed to fall turkey hunting			
Management Area # 9-B	Nov. 2	Nov. 6	1	1
Turkey (Spring Gobbler) Statewide Bearded Bird only	May 1, 1999	May 29, 1999	1	1 #

#—Contingent upon Legislative approval of a Spring Turkey license or stamp, one bearded turkey may be taken between May 1, and May 15, 1999, while a second bearded turkey may be taken only between May 17, and May 29, 1999. If the spring turkey license or stamp is not authorized, the season limit for the 1999 Spring Turkey Season will remain at one bearded turkey.

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.
- (d) There is no open season for taking Woodcock within the boundaries of State Game Land No. 69, located in Randolph, Richmond and Troy Townships in Crawford County, Pennsylvania.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 3	Nov. 29		Unlimited
	Dec. 26	Mar. 28, 1999		
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season			Unlimited

FALCONRY

Squirrels—(Combined)	Sep. 1	Mar. 31, 1999	6	12
Quail	Sep. 1	Mar. 31, 1999	4	8
Ruffed Grouse	Sep. 1	Mar. 31, 1999	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 1999	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 1999	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 1	Mar. 31, 1999	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
DEER				
Deer (Archery), Antlered or Antlerless with the appropriate license	Oct. 3	Nov. 14	1 Per Day	One antlered.**
	Dec. 26	Jan. 9, 1999		An antlerless deer with each required antlerless license
Deer (Buck), Statewide, Antlered with 2 or more points to an antler or a spike 3 or more inches long	Nov. 30	Dec. 12	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide) Junior License Holders Only with required antlerless license	Dec. 5	Dec. 12 only	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Statewide)	Dec. 14	Dec. 16	1 Per Day	An antlerless deer with each required antlerless license
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 9	Dec. 11	One antlered deer.**	An antlerless deer with each required antlerless license.
Deer (Muzzleloading Firearms), (Flintlock only) Antlered or Antlerless	Dec. 26	Jan. 9, 1999	1 Per Day	One antlered ** or one antlerless—plus An antlerless deer with each required antlerless license

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 30	Dec. 12	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army		An antlerless deer with each required antlerless license.	

**SPECIAL REGULATIONS AREAS
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

Deer (Buck), Antlered	Nov. 30	Dec. 12	One antlered deer.**
Deer (Doe), Antlerless	Nov. 30 and Dec. 26	Dec. 16 Jan. 9, 1999	An antlerless deer with each required antlerless license.

BEAR

Bear, any age	Nov. 23	Nov. 25	1	1
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FURTAKING—TRAPPING

Minks and Muskrats—Statewide	Nov. 21	Jan. 10, 1999		Unlimited
Beaver—Statewide	Dec. 26	Mar. 15, 1999		
Zones 1, 2 & 3 (except Bradford, McKean, Potter, Susquehanna, Tioga and Wayne Counties)			10	20
Bradford, McKean, Potter, Susquehanna, Tioga and Wayne Counties			10	40
Zone 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 17	Feb. 27, 1999		Unlimited

FURTAKING—HUNTING

Coyotes—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.			Unlimited
Opossums, Skunks, Weasels—Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.			

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Raccoons and Foxes—Statewide	Oct. 17	Feb. 27, 1999	Unlimited	Unlimited

No open seasons on other wild birds or wild mammals.

**Only one antlered deer (buck) may be taken during all seasons of the hunting license year.

[Pa.B. Doc. No. 98-851. Filed for public inspection May 29, 1998, 9:00 a.m.]

Title 64—SECURITIES

SECURITIES COMMISSION

[64 PA. CODE CH. 203]

Corrective Amendment to 64 Pa. Code § 203.141(b)(2)

The Securities Commission has discovered a discrepancy between the agency text of 64 Pa. Code § 203.141(b)(2), as deposited with the Legislative Reference Bureau and published at 24 Pa.B. 653 (January 29, 1994), and the official text as published in the May, 1994 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 234) and as currently appearing in the *Pennsylvania Code*. Words were omitted from the text of subsection (b)(2).

Therefore, under 45 Pa.C.S. § 901: The Securities Commission has deposited with the Legislative Reference Bureau a corrective amendment to 64 Pa. Code § 203.141(b)(2). The corrective amendment to 64 Pa. Code § 203.141(b)(2) is effective as of May 7, 1994, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 64 Pa. Code § 203.141(b)(2) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 64. SECURITIES

PART I. SECURITIES COMMISSION

Subpart B. REGISTRATION OF SECURITIES

CHAPTER 203. EXEMPT TRANSACTIONS

§ 203.141. Sales to existing security holders.

* * * * *

(b) The exemption contained in section 203(n) of the act (70 P. S. § 1-203(n)) shall only be available for the offer and sale of equity securities when the following exist:

* * * * *

(2) The offer is made pro rata to all such security holders who are, of record, residents of this Commonwealth.

* * * * *

[Pa.B. Doc. No. 98-852. Filed for public inspection May 29, 1998, 9:00 a.m.]