

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Sale of Inedible Parts of Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 8, 1999, meeting, proposed the following amendments:

Amend § 147.2 (relating to general) by the addition of subsection (d) that will require new permit applicants to show proof they are authorized by their local governmental body to conduct the activity specified on the permit.

Add § 147.146 (relating to sale of inedible wildlife parts) which provides for the sale of inedible parts of wildlife under certain conditions as provided in the amendment to section 2312 of the Game and Wildlife Code with the passage of the act of December 21, 1998 (P. L. 986, No. 166) (Act 166).

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposal is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the June 8, 1999, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until August 31, 1999.

Proposed Amendment to § 147.2

1. Introduction

To more effectively administer the wildlife permit system of the Commonwealth, the Commission at its June 8, 1999, meeting proposed changing § 147.2 to add subsection (d) requiring documentation that the privilege granted by a permit does not violate any local zoning ordinances or other local rule. This addition is being proposed under authority contained in section 2901(b) of the code (relating to regulations for permits).

2. Purpose and Authority

The Commission is charged with the responsibility of regulating and issuing permits for the possession of game and wildlife and activities associated with that possession. Current permit regulations do not take into account local land use and other ordinances which may impact on that possession or those activities. As a result, the Commission may issue a permit which allows possession of wildlife or an activity that violates local law. A good example would be a permit for possession of a tiger in a residential neighborhood. The proposed addition would deal with these types of situations.

Section 2901(b) of the code authorizes the Commission to promulgate regulations "... for the issuance of any permit or ... to control the activities which may be performed under authority of any permit issued." This provision is the basis for the proposed change.

3. Regulatory Requirements

The proposed change would require all new applicants for permits to provide documentation that the proposed possession or activity complies with local requirements.

4. Persons Affected

Persons wishing to apply for a Commission permit would be affected by the proposed requirement.

5. Cost and Paperwork Requirements

There would be no additional charges imposed by the Commission. Municipalities may charge for furnishing the required documentation.

Proposed Addition of § 147.146

1. Introduction

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on June 8, 1999, proposed adding § 147.146 to allow the sale of inedible wildlife parts in very limited circumstances. This addition is authorized by sections 2102 and 2312(c)(2) of the code (relating to regulations; and buying and selling game) as recently amended by Act 166.

2. Purpose and Authority

Act 166, added a new subsection (2), to section 2312(c) of the code which provides as follows: "(2) The commission may by regulation, authorize the buying and selling of inedible parts of game and wildlife as it deems appropriate." One of the primary reasons for this change was the illegality of "forced sales" such as when owners of preserved wildlife died and their heirs did not wish to keep the wildlife. This proposed addition would legalize these sales and establish procedures to be followed.

Act 166 specifically authorizes the Commission to legalize buying and selling of inedible parts of game and wildlife by regulation. In addition, section 2102 of the code directs the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife. These provisions form the basis for the proposed change.

3. Regulatory Requirements

The proposed changes would require those wishing to sell lawfully taken inedible parts of wildlife to obtain a permit from the Commission, which would be good for 60 days.

4. Persons Affected

Those wishing to buy or sell lawfully taken wildlife in this Commonwealth under the appropriate circumstances would be affected by the proposed addition.

5. Cost and Paperwork Requirements

Those desiring to sell wildlife shall first obtain a permit from a Game Commission Officer by submitting an application on a Form PGC-12 and paying a \$25 permit fee.

6. Effective Date

These proposed changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. Contact Person

For further information on the proposed changes, contact Thomas R. Littwin, Acting Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-113. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter A. GENERAL PROVISIONS

§ 147.2. General.

* * * * *

(d) Applications for permits issued under this part and Chapter 29 of the act (relating to special licenses and permits) shall be accompanied by written documentation from the applicant's local governmental body where the activity will take place, that the privilege granted by the permit does not violate any enacted zoning, ordinance or other local rule. Documentation shall be provided in writing by official correspondence from an authorized officer of the municipality involved.

Subchapter H. PROTECTED SPECIMEN

§ 147.146. Sale of inedible wildlife parts.

(a) Wildlife lawfully taken within this Commonwealth that has been mounted, tanned or completely prepared for study or display in accordance with generally accepted taxidermy procedures may be sold if one of the following conditions is met:

- (1) The original owner is deceased.
- (2) The original owner's assets are being liquidated.
- (b) Before selling a specimen, a permit shall be obtained from a Commission officer.
- (c) An executed copy of the permit application (PGC-12) shall list the items to be sold. The permit is not valid for more than 60 days.
- (d) The fee for a permit issued under this section is \$25.
- (e) The original owner of a specimen may donate the specimen to a wildlife conservation organization, which may then sell the specimen without a permit for fund raising purposes.
- (f) Second and subsequent owners of wildlife parts acquired in accordance with section 2312(c)(1) of the act (relating to buying and selling of game) may sell the parts if included as part of a manufactured or finished product.
- (g) A person violating this section shall be subject to the penalties provided in section 2312 of the act.

[Pa.B. Doc. No. 99-1276. Filed for public inspection August 6, 1999, 9:00 a.m.]

**STATE ARCHITECTS
LICENSURE BOARD**

[49 PA. CODE CH. 9]

Fees

The State Architects Licensure Board (Board) proposes to amend § 9.3 (relating to fees) by revising certain fees to read as set forth in Annex A.

A. Effective Date

The proposed amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The proposed amendment is authorized under section 11 of the Architects Licensure Law (63 P. S. § 34.11).

C. Background and Purpose

The Architects Licensure Law requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to applicants are excluded from general operating revenues and are funded through fees in which the cost of providing a service forms the basis for the fee.

In a recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual costs are based upon the following formula:

$$\begin{aligned} & \text{Number of minutes to perform the function} \\ & \times \\ & \text{Pay rate for the classification of personnel performing the} \\ & \text{function} \\ & + \\ & \text{A proportionate share of administrative overhead} \end{aligned}$$

The analysis determined that certain fees currently charged by the Board were insufficient to capture the actual costs of providing the service, as follows: initial license application by exam; license by reciprocity with NCARB certification; license by reciprocity without NCARB Certification, (NCARB is the National Council of Architectural Registration Boards and NCARB certification provides information confirming the qualifications of licensees); license reactivation fee; and certification of registration or examination scores. Currently, no fees are charged by the Board for providing two services, verification of licensure or registration; and registration or modification of firm practice. Existing fees have not been revised since 1987.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposed amendment, the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 22, 1999, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee (Committees). In addition to submitting the proposal, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Board, the General Assembly and the Governor, of objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Dorna Thorpe, Board Administrator, State Architects Licensure Board, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-414 (Fees), when submitting comments.

ROBERT CROWNER, President

Fiscal Note: 16A-414. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD
GENERAL PROVISIONS

§ 9.3. Fees.

Table listing fees for various services: (b) Initial license \$ [30] 40, (c) Reciprocal license with NCARB Certification \$ [20] 30, Reciprocal license without NCARB Certification \$ 50, (d) Certification of licensure, registration or scores \$ [15] 25, (e) Biennial renewal of license \$ 50, (f) Reactivation of lapsed or expired license \$ [5] 30, (g) Firm practice registration or modification \$ 50, (h) License or registration verification \$ 15

[Pa.B. Doc. No. 99-1277. Filed for public inspection August 6, 1999, 9:00 a.m.]

STATE REAL ESTATE COMMISSION
[49 PA. CODE CH. 35]
Application Fees

The State Real Estate Commission (Commission) proposes to amend § 35.203 (relating to fees) by revising certain application fees to read as set forth in Annex A.

A. Effective date

The amendment will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.

B. Statutory Authority

The amendment is authorized under section 407(a) of the Real Estate Licensing and Registration Act (act) (63 P. S. § 455.407(a)).

C. Background and Purpose

The act requires the Commission to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Commission are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded

through fees in which the cost of providing the service forms the basis for the fee.

In a recent systems audit of the operations of the Commission within the Bureau of Professional and Occupational Affairs, the fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{aligned} & \text{number of minutes to perform the function} \\ & \quad \times \\ & \text{pay rate for the classification of personnel performing the function} \\ & \quad + \\ & \text{a proportionate share of administrative overhead.} \end{aligned}$$

The analysis determined that the fees for the listed services do not accurately reflect the actual cost of providing those services. The costs for the following services exceed the fees charged for the services: review of qualifications for licensing examination, applications for licensure and registration, initial licensure and registration, reapplication following a first examination failure; reapplication following subsequent examination failure; certification of examination scores and experience; and fictitious and corporate name registration. The application fees for initial approval of a real estate school, change and location of a real estate school, and registration of promotional property exceeded the actual cost of providing the service. Most of the fees have not been revised since August 1992, while fees for the approval of real estate schools, certification of licensure history and registration of promotional property were adopted in March 1986. No fee is in place for reinspection of real estate offices and schools after failures of an initial inspection.

In this proposal, fees for the services identified would be adjusted to allocate costs to those who use the service or make application. The Commission would continue to apportion enforcement and operating costs to the general licensing population by means of its license renewal fee through the biennial reconciliation of revenue and expenditures.

D. Compliance with Executive Order 1996-1

In accordance with Executive Order 1996-1 (February 6, 1996), in drafting and promulgating the proposal the Commission considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

E. Fiscal Impact and Paperwork Requirements

The proposed amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Commission. The amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Commission continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 28, 1999, the Commission submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the regulation, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify the Commission within 10 days after the expiration of the Committee review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Commission, the General Assembly and the Governor of objections raised.

H. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Deborah A. Sopko, Administrative Assistant, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-566 (Application Fees), when submitting comments.

RITA HALVERSON,
Chairperson

Fiscal Note: 16A-566. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 35. STATE REAL ESTATE COMMISSION
APPLICATION FEES**

§ 35.203. Fees.

The following fees are charged by the Commission:

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Review of qualifications of candidate for broker or cemetery broker licensing examination	\$ [25]	40
Application for licensure of:		
(i) Broker, cemetery broker or rental listing referral agent.....	\$ [55]	75
(ii) Branch office	\$ [50]	65

(iii) Associate broker, salesperson, cemetery associate broker, builder-owner salesperson, time-share salesperson, campground membership salesperson, or broker of record, partner or officer for a partnership, association or corporation.....	\$ [20]	25
(iv) Cemetery salesperson	\$ [15]	20
Application for registration of cemetery company.....	\$ [20]	25
Initial licensure for broker, cemetery broker, branch office, rental listing referral agent, or broker of record, partner or officer for a partnership, association or corporation:		
(i) If issued in first half of biennial period	\$ [60]	100% of biennial renewal fee
(ii) If issued in second half of biennial period	\$ [30]	50% of biennial renewal fee
Initial registration for cemetery company or initial licensure for associate broker, salesperson, cemetery associate broker, cemetery salesperson, builder-owner salesperson, time-share salesperson or campground membership salesperson:		
(i) If issued in first half of biennial period	\$ [40]	100% of biennial renewal fee
(ii) If issued in second half of biennial period	\$ [20]	50% of biennial renewal fee
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Registration of promotional real estate	\$ [250]	120
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Approval of real estate school.....	\$ [325]	120
Reinspection of real estate school after first failure		65
Change of name or office location of broker, cemetery broker or rental listing referral agent.....	\$ [55]	75
Reinspection after failure for change of name or office location of broker, cemetery broker or rental listing referral agent.....		55
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Change of ownership or directorship of real estate school	\$ [40]	75
Change of name [or location] of real estate school	\$ [90]	60
Change of location of real estate school		70
Addition of satellite location [course] or instructor for real estate school.....		20
Addition of course for real estate school.....		25
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Certification of history of licensure, registration or approval	\$ [30]	40
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[Pa.B. Doc. No. 99-1278. Filed for public inspection August 6, 1999, 9:00 a.m.]