

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### GOVERNOR'S OFFICE

#### [4 PA. CODE CH. 1]

#### Index of Issuances—Directives Management System

The Directives Management System provides comprehensive statements of policy and procedure on matters that affect employees in all agencies under the Governor's jurisdiction. This amendment updates the Index for all Executive Orders, Management Directives and Manuals issued, amended and rescinded by the Directives Management System after publication of the last Index dated July 23, 2002.

The Index of Issuances (Index) and all documents listed therein can be accessed at [www.state.pa.us](http://www.state.pa.us). Go to the State's HOME PAGE. In the "PA Keyword" block, type in one of four keywords, that is, "Executive Orders," "Management Directives," "Administrative Circulars" or "Manuals." Click OK. When the screen appears, scroll down to the document by number. Additionally, organization charts also may be accessed.

Individuals should call (717) 783-5055 concerning changes in distribution requirements and requests for additional copies of issuances.

Marginal dots are indicative of documents added, amended, revised or rescinded since the last issuance of this Index.

This manual replaces, in its entirety, Manual M210.3 dated July 23, 2002.

ROBERT S. BARNETT,  
*Secretary of Administration*

**Fiscal Note:** GOV 03-2. No fiscal impact; (8) recommends adoption.

*(Editor's note: This Index of Issuance is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin.)*

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4. Index of issuances.

(a) Section 1.2 (relating to policy) specifies that "Issuances from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies are to be issued through the Directives

Management System in one of four types of publications:

(1) Numbered Executive Orders, signed by the Governor, announcing broad policies, programs and responsibilities that are relatively permanent.

(2) Numbered Management Directives announcing detailed policies, programs, responsibilities and procedures that are relatively permanent. Management Directives are to be signed by the Governor, Lieutenant Governor, Budget Secretary, Secretary of Administration or the head of a department or independent board, commission or council under the Governor's jurisdiction.

(3) Numbered Administrative Circulars containing either informational material or instructions that are one-time or temporary in nature. Administrative Circulars are to be signed the same as Management Directives.

(4) Numbered procedural issuances containing detailed information and guidelines for relatively restricted, well-defined operations or sets of operations. Procedural issuances may be manuals, handbooks, catalogs, guides or similar publications. Manuals are to be signed the same as Management Directives.

(b) Management Directives and Manuals are numbered in sequence by category such as, Financial Management, and subcategory such as, Payroll. They should be filed by number, not by date.

(c) Changes to Executive Orders, Management Directives and Manuals (catalogs, handbooks, bulletins, and the like) may be issued in the form of amendments or revisions. Amendments are complete documents incorporating all changes since the last complete issuance. Dots are placed in the margins to show the new or changed text. Revisions are usually pen and ink changes or replacement pages and affect only those parts of an issuance being changed.

(d) Every agency should include in its distribution under each symbol a basic amount for managers and centrally located reference files. Additional copies depending on the symbol, should be included for action offices, field offices, extra information copies, and bulletin boards. Distribution symbols have the following meanings:

<i>Distribution Symbol</i>	<i>Definition</i>
A	Of limited interest or requires action by only one or a few segments of an agency.
B	Of general interest or requires action by many segments of an agency.
F	Requires action by the personnel office or the main impact is in the field of human resources.
Special	Designed to fit specific needs. Most manuals are in this category.

(e) All changes in distribution requirements and requests for additional copies of all issuances should be referred to 783-5055.

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1973-9	Environmental Protection by State Agencies .....	7/13/73	
1974-7	Directives Management System .....	Rescinded by 2001-1—2/13/01	
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers .....	11/2/78	
1975-3	Establishment of the Pennsylvania Commission for Women .....	Rescinded by 1997-3—6/25/97	
1975-5	Commitment Toward Equal Rights .....	9/19/78	
1975-6	Preservation of Historic Resources .....	5/6/75	
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112) .	8/3/77	
1977-5	Implementation of Act No. 1976-101 .....	9/27/77	
1978-4	Flood Plain Management .....	3/1/78	
1978-9	Public Information Policies and Practices .....	5/23/78	
1978-19	Access by Handicapped Individuals to Meeting Locations .....	12/19/78	
1979-10	Commonwealth Child Development Committee .....	7/25/79	
1979-13	Governor's Office of Policy and Planning .....	9/18/79	
1980-3	Life Cycle Costing .....	2/8/80	
1980-4	Golden Keystone Discount Card Program .....	2/27/80	
1980-5	Task Force on Employment Services to Displaced Homemakers .....	2/28/80	
1980-7	Small Business Service Center .....	2/29/80	
1980-13	Contract Management .....	Rescinded by 1999-5—12/9/99	
1980-18	Code of Conduct .....	5/16/84.....	1
1980-20	Pennsylvania Coastal Zone Management Program .....	9/22/80	
1981-3	Scheduling of Bond and Note Issue Sales .....	1/30/81	
1981-4	Federal Program Coordination .....	2/9/81	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis .....	5/22/81	
1981-13	Governor's Committee on Employment of the Handicapped .....	10/19/81	
1983-1	Transfer of Cresson Center to the Bureau of Correction .....	1/4/83	
1983-4	Coordination of State Employment and Training Programs .....	Rescinded by 1997-7—6/30/98	
1984-3	Accounting and Financial Reporting .....	10/11/84	
1985-1	State Employee Combined Appeal .....	Rescinded by 2001-2—2/14/01	
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1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC) .....	4/22/86	
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986 ...	10/2/86	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions .....	12/1/86	
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986 .....	1/7/87	
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections .....	1/16/87	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections .....	1/16/87	
1987-4	Economic Development Partnership (EDP) .....	Rescinded by 2001-4—6/5/01	
1987-7	State Inspector General .....	4/6/87	
1987-8	Pennsylvania Emergency Response Commission .....	4/20/87	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986 .....	4/22/87	
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		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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1987-12	Cultural Advisor to the Governor .....	5/27/87	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act .....	12/21/87	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition .....	4/7/88 .....	1
1988-5	Pennsylvania Department of Health Diabetes Task Force .....	Terminated 12/31/94	
1988-8	Pennsylvania State Data Center .....	7/12/88	
1988-9	Small Business Advisory Council .....	Terminated 12/31/94	
1988-10	Management of Automated Technology .....	Rescinded by 2002-12	
1988-11	Motor Carrier Advisory Committee .....	11/18/88 .....	1-2-3
1989-2	Upper Delaware Federal Scenic River .....	2/16/89	
1989-3	Master Leasing Program .....	3/2/89	
1989-4	Developmental Disabilities Planning Council .....	Rescinded by 1997-2—5/30/97	
1989-8	Municipal Waste Reduction and Planning Program .....	10/17/89	
1990-1	Municipal Waste Transportation Enforcement Program .....	3/14/90	
1990-2	Bureau of Women's Business Development .....	Terminated 6/30/95	
1990-3	Contractor Responsibility Program .....	6/29/90	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania" .....	8/17/90	
1990-7	Interagency River Island Task Force .....	10/17/90 .....	1
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1991-3	Use of Permanently-Assigned Commonwealth-Registered Vehicles .....	2/27/91	
1991-4	Governor's Council on Physical Fitness and Sports .....	Rescinded by 1997-5—9/24/97	
1991-5	Environmental Training Partnership .....	4/22/91	
1991-8	Pennsylvania Heritage Affairs Commission .....	Terminated 12/31/94	
1992-1	Records Management .....	1/8/92	
1992-2	Housing and Supportive Services Task Force .....	Terminated 1/31/95	
1993-2	Civil Disorder and Emergency .....	4/9/93	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies .....	8/31/93	
1993-4	State Center for Health Statistics and Research .....	10/13/93	
1994-1	State Commission on National and Community Service .....	1/28/94	
1994-2	Governor's Office of PennPORTS .....	3/29/94	
1994-3	Agricultural Land Preservation Policy .....	Rescinded by 1997-6—10/14/97	
1994-4	Governor's Committee on Education Standards and Assessments .....	5/18/94	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans .....	11/4/94	
1995-1	Judicial Appointments .....	2/27/95	
1995-2	Drug Policy Planning Coordination .....	12/19/97	
1995-3	Pennsylvania Energy Development Authority .....	7/10/95	
1995-4	Monitoring Supplies of Petroleum Products .....	7/10/95	
1995-5	Money-Back Guarantee Permit Review for the Department of Environmental Protection .....	8/23/95	
1995-6	Governor's Community Partnership for Safe Children .....	9/14/95	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction .....	10/11/95	
1995-8	Governor's Advisory Commission on Public School Finance .....	10/11/95	
1995-9	Governor's Sportsmen's Advisory Council .....	Rescinded by 2001-5—9/17/01	

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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1995-10	Governor's Sports and Exposition Facilities Task Force .....	10/27/95	
1996-1	Regulatory Review and Promulgation .....	2/6/96	
1996-2	Implementation of the IMPACCT Commission Recommendations .....	4/19/96	
1996-3	Governor's Advisory Commission on African American Affairs .....	5/10/99	
1996-4	Governor's Advisory Commission on Latino Affairs .....	4/19/96	
1996-5	Municipal Waste Facilities Review Program .....	8/29/96	
1996-6	Governor's Advisory Commission on Academic Standards .....	9/30/96	
1996-7	Pennsylvania Center for Environmental Education .....	12/20/96	
1996-8	Minority and Women Business Enterprise and Contract Compliance Programs .....	12/20/96	
1996-9	Equal Employment Opportunity .....	Rescinded by 2002-3—5/3/02	
1996-10	State Employee Assistance Program .....	12/20/96	
1996-11	Disability-Related Policy .....	Rescinded by 2002-5—5/3/02	
1996-12	Workplace Policy for HIV/AIDS .....	12/20/96	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace .....	12/20/96	
1996-14	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 1999-3—5/13/99	
1997-1	Governor's Travel and Tourism Council .....	3/17/97	
1997-2	Developmental Disabilities Council .....	5/30/97	
1997-3	Pennsylvania Commission for Women .....	6/25/97	
1997-4	The 21st Century Environment Commission .....	7/1/97 .....	1
1997-5	Governor's Advisory Council on Physical Fitness and Sports .....	9/24/97	
1997-6	Agricultural Land Preservation Policy .....	10/14/97	
1997-7	Pennsylvania Human Resources Investment Council .....	Rescinded by 2000-2—2/14/00	
1998-1	Governor's Green Government Council .....	3/25/98	
1998-2	Governor's Census 2000 Advisory Panel .....	4/2/98	
1998-3	The Pennsylvania Greenways Partnership Commission .....	8/16/01	
1998-4	Interagency Committee to Coordinate Services Provided to Individuals with Disabilities .....	8/12/98	
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1999-3	Prohibition of Sexual Harassment in the Commonwealth .....	Rescinded by 2002-4—5/3/02	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure .....	6/8/99	
1999-5	Rescission of Executive Order 1980-13 .....	12/9/99	
2000-1	Extension of Filing Deadline for Nomination Petitions .....	Terminated 1/26/00	
2000-2	Pennsylvania Workforce Investment Board .....	2/14/00	
2001-1	Directives Management System .....	2/13/01	
2001-2	State Employee Combined Appeal .....	2/14/01	
2001-3	The Voting Modernization Task Force .....	Terminated 12/31/01	
2001-4	Economic and Community Development Partnership .....	6/5/01	
2001-5	Governor's Sportsmen's Advisor, Governor's Sportsmen's Advisory Council, and the Governor's Youth Sportsmen's Advisory Council .....	9/17/01	
2001-6	Governor's Task Force on Security .....	Rescinded by 2002-11— 9/12/02	
2002-1	Commonwealth Internal Operations Emergency Preparedness Steering Committee .....	3/22/02	
2002-2	Governor's Task Force on Early Childhood Care and Education .....	7/15/02	
2002-3	Equal Employment Opportunity .....	5/3/02	

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2002-8	Governor's Interagency Task Force on Energy .....	7/18/02	
2002-9	Governor's Fire and Emergency Services Task Force .....	Terminated	10/1/02
2002-10	Governor's Commission and Abandoned Mine Voids and Mine Safety .....	Terminated	11/15/02
2002-11	Pennsylvania Homeland Security Organizational Structure .....	9/12/02	
2002-12	Rescission of Executive Order 1988-10 .....	Terminated	10/15/02
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	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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215.11	Contractor Responsibility Provisions for Commonwealth Contracts .....	Rescinded by 215.9—4/16/99	
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215.14	Recycled Content Products Provision for Commonwealth Contracts for Services .....	Rescinded by M215.3—8/20/99	
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215.16	Contract Compliance Program .....	6/30/99	
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240.8	PANET and TELPAK Cost Reimbursement .....	Rescinded by M210.3—8/18/98	
240.9	Procurement of Pagers .....	Rescinded by M210.3—8/18/98	
240.10	Commonwealth Telephone Management Information System (TMIS) .....	Rescinded by M210.3—8/18/98	

\* Revision Nos. 1 and 4 to 230.10 are rescinded.

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
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245.4	Preparation of Agency Automated Technology Multiyear Planning Documents .....	Rescinded by M210.3—8/18/98
245.5	Acquisition, Coordination, and Use of Decentralized and Distributed Automated Technology Equipment and Systems .....	Rescinded by M245.4—1/7/98
245.7	Agency Telecommunications Management .....	Rescinded by M210.3—8/18/98
245.10	State Computer Maintenance Contract for Terminals, Microcomputers Printers, and Other Related Peripheral Equipment .....	Rescinded by M210.3—8/18/98
245.11	Development of Information Technology—Enterprise Continuity/Recovery Plans .....	Rescinded as obsolete.
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<b>General</b>		
305.2	Standard Check Endorsement Procedure .....	8/15/88
305.3	Responsibilities of Comptroller Operations .....	3/19/97
305.4	Payments to Counties .....	5/24/00
305.5	Cash Management .....	11/16/92
305.6	Withholding Payments to Municipalities (Act No. 166 of 1978) .....	5/1/97
305.7	Interest Penalties for Late Payments .....	3/24/95 ..... 1
305.8	Commonwealth Bank Accounts and Special Banking Services .....	6/11/97
305.9	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Unaccompanied by Remittances .....	11/5/99 ..... 1-2



		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>General</b>			
305.10	Receipt of Federal Funds by Wire Transfer .....	1/23/89	
305.11	Depositing Currency and Coin .....	4/21/97	1
305.12	Accounting, Reporting, and Cash Management of Federal Grants and Contracts .....	1/25/99	
305.13	Use of Forms STD-419/419L, Refund of Expenditures, and STD-420/C420/420L, Transmittal of Revenue, When Accompanied by Remittances .....	4/4/00	1
305.14	Identifying Payments to Local Governments and Other Subrecipients .....	12/22/93	
305.15	Processing and Distributing Returned Checks .....	8/30/89	
305.16	Lobbying Certification and Disclosure .....	8/6/90	
305.17	Preparation and Use of Form STD-417, Adjustment Memorandum From Department of Revenue to Treasury Department .....	10/29/90	1
305.18	Obtaining Authority for Electronic Approval of Commonwealth Voucher Transmittals .....	11/30/00	
305.19	Identification of Boards, Commissions, and Councils .....	8/15/97	
305.20	Grant Administration .....	5/26/00	
<b>Accounting</b>			
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures .....	1/5/83	
310.3	Encumbering and Lapsing of Appropriations .....	5/4/98	1
310.7	Report of Lapse (STD-292) .....	9/28/83	
310.8	Postage Due Procedures .....	1/8/87	
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts ....	11/20/78	
310.10	Collection, Requests for Compromise, and Write-Off of Delinquent Claims ...	8/29/96	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations .....	1/19/82	1
310.12	Refunding Erroneously Collected Fees and Charges .....	4/30/82	
310.13	Generally Accepted Accounting Principles (GAAP) .....	6/13/95	
310.14	Fixed Asset Accounting and Reporting .....	8/28/86	
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in (SAP)* SAP .....	2/3/03	
310.15	Agency Federal ID Numbers .....	6/7/96	
310.16	Advancement Account Balances .....	8/21/87	
310.17	Accounting for Payments of Federal Funds to Subrecipients .....	4/8/99	
310.18	Reporting of Pending or Threatened Claims .....	Rescinded by Rev. 1—5/27/99 and M210.3—10/3/99	
310.19	Accounting for Disbursements of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant; Accounting for the Subgranting of Federal, Federal Matching Funds, or State Funds Between Commonwealth Agencies .....	9/4/97	
310.20	Charging Equipment Expenditures to Federal Programs .....	8/31/94	
310.21	Master Lease Tracking System .....	4/21/95	
310.22	Central Vendor Information System .....	4/30/96	
310.23	Commonwealth Purchasing Card Program .....	3/24/97	1
310.24	Accepting Debit/Credit Cards and Electronic Funds Transfers for Commonwealth Revenues .....	10/20/00	

\* This version of 310.14 is only for agencies that have converted to SAP. The 8/28/86 version is for agencies that have not converted to SAP.

		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>Accounting</b>			
310.25	Transfers of Revenue or Expenses in SAP .....	12/05/02	
M310.1	Agency Operated Advancement Accounts .....	8/11/99	
M310.2	Definitions of Major and Minor Objects of Expenditures .....	8/27/98	1
M310.3	Manual of Accounting .....	7/17/96	
M310.4	Fixed Asset Accounting System .....	5/21/90	1
M310.10	Revenue and Receipts Accounting Subsystem .....	8/31/90	
M310.11	Budget Control Subsystem .....	7/15/93	
M310.12	General Ledger Subsystem .....	3/23/89	
M310.13	Project Accounting Subsystem .....	5/7/92	
M310.14	Grant Accounting Subsystem .....	3/12/93	
M310.15	Commitment and Expenditure Control Subsystem .....	8/31/90	
M310.16	ICS Information System (IIS) Terminal Operators Manual .....	8/31/90	1
<b>Payroll</b>			
315.1	Calculation and Payment of Statutory Salaries .....	12/5/02	
315.6	Employees' Requests for Additional State or Federal Income Tax Withholding .....	1/6/81	
315.7	Employee Payroll Deductions for Credit Unions .....	6/1/89	1-2-3
315.8	Restitution of Overpayments .....	10/1/97	
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks .....	11/4/96	
315.10	Recording and Reporting of Wage, Overtime, Shift Differential, and Short-Term Leave Without Pay .....	4/1/80	
315.11	Distribution and Retention of Payroll Deduction Authorization Documents ..	4/24/80	
315.13	Payments of Wages, Salary, Benefits, and Travel Expenses to Survivors of Deceased Employees .....	8/19/96	
315.14	Charges for State Employees Residing or Subsisting in Commonwealth Facilities .....	5/29/97	
315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Paychecks .....	3/21/83	
315.16	Payment of Annuitant Medical and Hospital Benefits .....	9/10/97	
315.17	Direct Deposit of Pay Program .....	10/20/00	
315.18	Delivery of Payroll Checks to Employees .....	11/28/90	
315.19	Check Distribution Codes .....	9/20/93	
315.20	Taxability of the Use of State-Provided Vehicles .....	5/6/96	1-[2]*-3-[4]*- [5]*-6
315.21	Deductions for U.S. Savings Bonds .....	11/7/85	
315.22	Preparation and Filing of Federal Forms 1099 and 1096 .....	1/3/95	
315.23	Processing Employee's Withholding Allowance Certificate (W-4) .....	2/9/88	
315.25	Pennsylvania Personal Income Tax .....	9/12/88	
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers .....	1/24/94	1
315.27	Recoupment of Conversion Pay Amounts .....	5/4/92	
315.28	Taxability of State-Provided Parking .....	9/12/96	1-2-3
315.29	Mailing SAP-Generated Checks .....	12/5/02	
M315.1	Municipal Tax Rate Schedules .....	Rescinded by Rev. 3	

\* Revision Nos. 2, 4, and 5 to 315.20 are rescinded.

		<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>			
<b>Audits</b>			
325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments .....	2/23/95	
325.3	Performance of Audit Responsibilities .....	9/14/94	
325.4	Agency Annual Audit Plan .....	6/11/01	
325.5	Single Audit Costs—State Level .....	9/27/00	
325.6	Auditing Computer Based Systems .....	6/12/87	
325.7	Implementation of the Commonwealth's State Level Single Audit .....	7/13/98	
325.8	Remedies for Recipient Noncompliance with Audit Requirements .....	6/11/99	
325.9	Processing Audits of Federal Pass-Through Funds .....	9/8/97	
325.10	Review of Auditor General, Treasury, and Legislative Budget and Finance Committee Audit Reports .....	8/31/94	
<b>EQUAL EMPLOYMENT OPPORTUNITY</b>			
<b>Equal Employment Opportunity Programs</b>			
410.5	Affirmative Action Program .....	Rescinded by M210.3—4/8/97	
410.9	Personnel Procedures for Affirmative Action Analysts, Affirmative Action Directors, and Compliance Specialists .....	Rescinded by M210.3—4/8/97	
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints .....	6/19/02	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program .....	5/8/97	
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs .....	5/8/97	
<b>EMPLOYEE DEVELOPMENT AND UTILIZATION</b>			
<b>General</b>			
505.1	Employee Furlough Policy .....	9/11/96	
505.2	Salaried Complement Management System .....	3/10/98	
505.4	Salaried Complement Control .....	2/18/82	..... 1
505.7	Personnel Rules .....	2/24/98	..... 1
505.8	Transmittal of Personnel Action Notifications .....	4/2/98	
505.9	Standard Abbreviations for Use With the Compensation Plan and the Integrated Personnel Payroll System .....	1/5/99	
505.11	Emergency Assignments of Employees During Emergencies .....	6/17/98	
505.12	Annual List of Employees .....	6/26/01	
505.15	Exit Information Program .....	5/22/97	
505.17	Furlough of Employees on Work-Related Disability Leave .....	7/25/00	
505.18	Maintenance, Access, and Release of Employee Information .....	7/15/02	
505.20	Wage Complement Management and Control .....	11/10/99	
505.21	Office Hours .....	1/19/00	
505.22	State Employee Assistance Program .....	1/16/98	
505.23	Employee Recognition Programs .....	3/12/98	
505.25	Substance Abuse in the Workplace .....	1/16/98	
505.26	HIV/AIDS in the Workplace .....	9/9/02	
505.27	The Worker and Community Right to Know Act (P. L. 734, No. 159) .....	8/3/93	
505.28	Family Care Account Program .....	10/6/00	
505.29	Commercial Driver License Drug and Alcohol Testing Requirements .....	Rescinded by M505.5—11/5/99	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings .....	6/19/02	..... 1
M505.2	Personnel Management Review .....	7/9/97	
M505.3	State Employee Assistance Program .....	10/29/98	

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>General</b>		
M505.4	Personnel Records Retention and Disposition Schedule .....	12/7/98
M505.5	Commercial Driver License Drug and Alcohol Testing and Licensing Requirements Administrative Manual .....	5/30/02
M505.6	An Agency Guide to Workplace Violence Prevention and Response .....	5/28/02
<b>Employment</b>		
515.2	Transfer of Employees From One Agency to Another .....	6/16/00
515.3	Classified Service Emergency Appointments .....	5/14/85
515.4	Seniority Rights of Commonwealth Employees .....	4/29/98
515.10	Selection and Appointment to Non-Civil Service Positions .....	10/30/02
515.12	Confidential Employees .....	10/12/99
515.15	Identification, Employment, and Education Verification Checks .....	6/13/97
515.16	Appointment to Senior Level Positions .....	10/30/02
515.17	Computer Systems Intern Program .....	8/29/89
515.18	Supplementary Employment .....	7/7/98
515.19	Accounting Intern Program .....	10/7/85
515.20	Reemployment of Commonwealth Annuitants .....	2/21/02
515.21	Commonwealth School to Work Program .....	2/18/00
<b>Classification</b>		
520.3	Unclassified Codes and Titles .....	11/7/96
520.4	Position Classification Post-Audits .....	11/16/99
520.5	Centralized Classifications Control System .....	11/7/96
520.6	Processing of Reclassification Actions .....	11/7/96
520.7	Development and Validation of Classification Standards .....	4/3/97
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Classification Plan .....	11/7/96
520.9	Appointments Above the Minimum .....	3/5/98
<b>Pay</b>		
525.4	Temporary Assignment in Higher Classification .....	11/7/96
525.6	Advances on Salaries or Wages Earned .....	8/29/96
525.8	Processing of Pay Increments .....	Rescinded by M210.3—4/8/97
525.11	Dual Employment .....	2/10/97
525.12	Reinstatement of Discharged Employees .....	9/21/79
525.13	Maintenance of Weighted Salaries .....	9/28/01
525.15	Overtime .....	2/10/97
525.16	Physicians and Related Occupations Quality Assurance Program .....	7/10/01
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments .....	6/28/91
M525.2	Commonwealth Pay Plan .....	4/24/00
<b>Benefits</b>		
530.1	Agency Employee Services Coordinators .....	9/17/96
530.2	Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay .....	1/13/97
530.3	State Employee Combined Appeal for New Employees and Employees on Inter-Agency Transfers .....	1/18/96
530.4	State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay .....	3/21/96

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>Benefits</b>		
530.8	Motor Vehicle Financial Responsibility Law .....	7/22/97
530.9	Social Security Records .....	10/9/97
530.10	Administrative Leave to Compete in International and World Championships	7/23/96
530.11	Benefit Rights of Permanent and Temporary Employees .....	10/6/00
530.14	Payment for Leave .....	Rescinded by 530.14 Rev. 1 and M210.3—10/3/99
530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates .....	7/8/97
530.17	Partial and Full Day Closings of State Offices .....	12/28/95
530.18	Benefit Rights of Furloughed Employees .....	2/24/97
530.20	State Paid Benefits While on Cyclical Leave Without Pay .....	7/8/97
530.21	Paid Leave for Blood Donation .....	5/13/97
530.22	Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions" .....	11/20/96
530.23	State Employee Combined Appeal .....	11/2/01 ..... 1
530.24	Retired Employee Health Program Eligibility Requirements .....	10/5/01
530.26	Benefit Entitlements for Employees on Military Leave .....	4/26/00
530.27	Leave Related Policies for Employees Excluded from Earning Leave and Leave Service Credit .....	2/7/97
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF) .....	2/23/95
M530.2	Injury Leave Manual .....	11/29/01 ..... 1
M530.3	Group Life Insurance Program Administrative Manual .....	6/26/01
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits .....	2/02
M530.7	Leave and Holiday Programs .....	7/7/98
M530.9	Unemployment Compensation Insurance Administrative Manual .....	12/7/98
M530.14	Unemployment Compensation and the Supervisor .....	3/82
M530.15	State Police Health Program/State Police Supplemental Benefits Program Administrative Manual .....	6/5/01 ..... 1-2
M530.16	Temporary Clerical Pool Agency User Manual .....	10/99
M530.17	Temporary Clerical Pool Employee Handbook .....	12/94
M530.18	The Benefits of a "Healthy" Sick Leave Balance .....	11/97
M530.19	Leave Without Pay and Injury Leave Processing Instructions .....	4/2/98
M530.20	Commonwealth of Pennsylvania Employee Benefits .....	2/02
<b>Training</b>		
535.1	Employee Training and Development .....	2/9/00
535.2	Physicians and Related Occupations Specialty Board Certification Payments	1/29/97
535.3	Out-Service Training .....	1/16/99
535.4	Use of State Work Program and Public Services Trainee Classes .....	2/16/84
535.5	Use of Trainee Classes in the Classified Service .....	9/12/96
535.6	Commonwealth Management Development Program .....	2/9/00
535.7	Annual Agency Training Plan and Report .....	7/8/99
<b>Performance Evaluations</b>		
540.7	Employee Performance Review .....	3/5/02

		Date of Original or Latest Amendment	Current Revisions
<b>Management Directives and Manuals</b>			
<b>Retirement</b>			
570.1	State Employees' Retirement System, Duties of Agencies .....	8/4/00	
570.2	Use of Form SERS-147 to Elect Membership in Full Coverage Retirement Group .....	2/22/90	
570.5	Employer Contributions Required on the Purchase of Prior Service .....	5/20/87	
570.6	Optional Membership in State Employees' Retirement System .....	4/30/96	
570.7	Credited State Service .....	11/29/82	
570.8	Reinstatement of Dismissed or Furloughed Employees Into the State Employees' Retirement System .....	8/10/89	
570.9	Reinstatement Into the State Employees' Retirement System of Employees Furloughed or Otherwise Terminated and Reemployed .....	6/29/93	
570.10	Final Average Salary—Part-Time Service, State Employees' Retirement System .....	5/22/81	
570.11	Changes to Retirement and Personnel Payroll System and Collection of Arrears Balances .....	3/24/97	
570.12	Refusal of Recall From Furlough—Termination of Interest on Retirement Contributions .....	4/30/96	
570.13	State Employees' Retirement System, Regional Field Offices .....	9/23/92	..... 1
570.14	Deferred Compensation Program .....	1/23/89	
570.15	Public Employee Pension Forfeiture Act No. 1978-140 .....	10/28/94	
M570.3	State Employees' Retirement System Counselors' Manual .....	Rescinded by SERS as obsolete	
<b>Civil Service</b>			
580.2	Civil Service Availability Survey/Interview Notice .....	7/5/94	
580.6	Monthly Report of Classified Service Employees .....	8/23/95	
580.8	Classified Service Probationary Periods .....	4/13/00	
580.10	Rights of Certified Eligibles in the Classified Service .....	5/16/86	
580.11	Documentation of Classified Service Personnel Actions .....	6/6/01	
580.12	Recruitment for Classified Service Positions .....	10/15/87	
580.13*	Report of Personnel Transactions for Non-State Employees .....	8/18/87	
580.15	Selective Certification of Classified Service Eligibles .....	6/26/90	
580.16	Provisional Employment in the Classified Service .....	12/5/86	
580.17	Performance Evaluations to Determine Order of Furlough for Classified Service Employees .....	Rescinded by M580.2—10/16/97	
580.18	Pennsylvania Residency and United States Citizenship Requirements for the Classified Service .....	2/4/97	
580.19	Promotion in the Classified Service Without Examination .....	12/4/01	
580.20	Classified Service Furlough and Reemployment .....	Rescinded by M580.2—10/16/97	
580.21	Veterans' Preference on Classified Service Employment Lists .....	6/5/97	
580.23	Resignation From and Reinstatement to the Classified Service .....	3/12/90	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service ...	5/28/96	
580.25	Political Activities of Classified Service Employees .....	9/30/92	
580.26	Transfer or Reassignment of Classified Service Employees .....	2/28/90	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act .....	2/18/88	
580.28	Reallocation to a Lower Class in the Classified Service .....	2/27/90	

\* Special Distribution

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>Civil Service</b>		
580.29	Rapid Promotion Examinations in the Classified Service .....	8/12/85
580.30	Classified Service Leave Without Pay and Return Rights .....	3/24/86
580.31	Classified Service Temporary Appointments .....	7/18/90
580.32	Substitute Employment in the Classified Service .....	12/11/86
580.33	Reproductions of Documents for Classified Service Personnel Actions .....	9/14/90
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service	5/20/02
580.35	Employees Placed in the Classified Service by Position Reallocation .....	3/29/88
580.36	Engineering Intern Program .....	1/14/94
580.37	Promotion by Appointment of Unclassified Service Employees Into the Classified Service .....	5/22/02
M580.1	Certification of Eligibles for the Classified Service .....	4/7/97
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements .....	10/16/97
<b>Labor Relations</b>		
590.1	Labor Relations .....	8/7/00
590.2	Confidential Positions and Employees .....	1/29/97
590.3	Deduction of Union Dues/Fair Share Fees .....	12/20/00
590.5	Guidelines to be Followed During Legal or Illegal Strikes .....	5/13/97
590.6	Information Needed to Obtain Injunctions Against Illegal Strikes .....	Rescinded by 590.5—5/13/97
590.7	Labor Relations—Grievance Administration.....	7/28/97
590.8	Classification Grievance Processing .....	11/7/96
M590.2	Digest of Commonwealth Employee Classification Arbitration Cases .....	8/4/82 ..... 1 thru 7
<b>SUPPLIES, SERVICES AND EQUIPMENT</b>		
<b>Supplies and Equipment Acquisition/Disposition</b>		
610.2	Release and Receipt of Surplus State Property .....	Rescinded by M215.3—8/20/99
610.3	Transfer or Sale of Surplus State Property .....	Rescinded by M215.3—8/20/99
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts .....	11/17/83
610.5	Disposition of Personal Property and Equipment Purchased with GSA Bond Moneys .....	Rescinded by M215.3—8/20/99
610.7	Acquisition of Surplus Federal Personal Property .....	Rescinded by M215.3—8/20/99
610.9	Recovery of Precious Metals .....	Rescinded by M215.3—8/20/99
610.11	Equipment Lease Renewals .....	Rescinded by M215.3—8/20/99
610.12	Renewal of Multiyear Equipment Leases Containing Purchase Options .....	Rescinded by M215.3—8/20/99
610.13	Local Bids and Local Awards for Goods Costing \$1,500 to \$10,000 .....	Rescinded by M215.3—8/20/99
610.14	Review of Sole Source Purchase Requisitions for Equipment and Supplies ...	Rescinded by M215.3—8/20/99
610.15	Master Lease Program .....	1/3/95
M610.1	General Services Commodity Distribution Center Catalog .....	8/8/00
M610.5	Field Purchasing Manual .....	Rescinded by M215.3—8/20/99
<b>Automotive Services</b>		
615.1	Temporary Assignment of Commonwealth Automotive Fleet Vehicles .....	12/2/92
615.2	Motor Vehicle Liability Insurance and Accident Reporting .....	6/17/96
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet	6/26/02
615.6	License Plates for Commonwealth-Owned Vehicles .....	6/30/97
615.7	Commonwealth Vehicle Invoices .....	7/3/97

	<b>Date of Original or Latest Amendment</b>	<b>Current Revisions</b>
<b>Management Directives and Manuals</b>		
<b>Automotive Services</b>		
615.8	Use of State Automobiles .....	3/26/80
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles .....	11/20/02
615.11	Use and Condition Inspections of Commonwealth-Owned Motor Vehicles ....	4/21/82
615.12	Motor Vehicle Authorization List .....	8/11/83
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles .....	9/26/97
615.14	Repairs and Maintenance, Commonwealth Automotive Fleet .....	6/25/97
615.15	Vehicle Parking License Agreements .....	7/19/01
M615.2	Commonwealth Automotive Credit Card Code List—January 1996 .....	Rescinded by DGS & Rev. 1 to M210.3—2/1/00
<b>Commodity Standards</b>		
620.1	Coal Sampling and Reporting .....	2/6/02 ..... [1]*-2
<b>Buildings, Property and Real Estate</b>		
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services .....	8/29/00
625.2	Inventory of Commonwealth Real Property .....	6/3/96
625.3	Moving Employee Household Goods and Commonwealth Property .....	3/14/96
625.4	Enforcement of Fire and Panic Regulations .....	3/27/91
625.5	Reporting Surplus Real Property .....	5/6/96
625.6	Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 .....	2/28/01
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval .....	11/6/97
625.8	Contracting for Bargaining Unit Work .....	2/25/94
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services .	3/9/01
625.10	Card Reader Access to Certain Capitol Complex Buildings and Other State Office Buildings .....	8/28/02
<b>Bonds and Insurance</b>		
630.1	Agency Insurance Coordinators .....	10/2/87
630.2	Reporting of Employee Liability Claims .....	4/28/98
<b>COMMONWEALTH PROGRAMS</b>		
<b>Protection and Safety</b>		
720.2	Wage Standards Picketing .....	2/3/77
720.3	Guidelines for Preparing for, Responding to, and Reporting Emergencies at State Offices .....	6/28/02
720.4	Safety and Loss Prevention Program .....	10/2/87

\* Revision No. 1 to 620.1 was rescinded by Revision No. 2

**§ 1.5. Office hours.**

(a) Under sections 221 and 709(d) of The Administrative Code of 1929 (71 P. S. §§ 81 and 249(d)), the Executive Board has, in a resolution dated September 26, 1985, determined the hours when the central administrative offices of State Government are to be open for the transaction of public business at least 8 hours each day, except Saturdays, Sundays, and selected holidays as determined by the Executive Board.

(b) An agency may authorize employees to work a standard schedule at hours outside the office hours shown

on the schedule of office hours. An agency may assign employees to work staggered work hours to meet program or operational needs, or approve employee requests to accommodate transportation, family care, education, or other compelling reasons. An agency also may establish, with Office of Administration approval, alternate work schedules and flex-time arrangements for operational units that measurably will improve efficiency and/or client service. Such scheduling variations outside of an agency's standard operating hours cannot impair the operational efficiency or client service provided by the agency.



(c) The opening and closing hours of field administrative offices shall be determined by each agency head in a manner consistent with its operational needs and in conformance with section 221 of The Administrative Code.

(d) Requests for changes to the schedule shall be forwarded to the Secretary of Administration, with justification, for consideration by the Executive Board.

(e) The schedule of office hours is as follows: 7:30 a.m.—4 p.m. Liquor Control Board; 7:30 a.m.—4:30 p.m. Civil Service Commission, Public School Employees' Retirement System; 7:30 a.m.—5 p.m. Executive Offices, Revenue; 7:45 a.m.—4:15 p.m. Pa. Municipal Retirement System; 8 a.m.—4 p.m. Agriculture, Emergency Management Agency, Fish and Boat Commission, Game Commission, Milk Marketing Board; 8 a.m.—4:30 p.m. Environmental Protection, Insurance, Public Utility Commission, State Employees' Retirement System, State Tax Equalization Board, Transportation, Treasury; 8 a.m.—5 p.m. Conservation and Natural Resources, Corrections, Education, General Services, Health, Labor and Industry, Public Television Network Commission, State; 8:15 a.m.—4:15 p.m. State Police; 8:15 a.m.—4:30 p.m. Military and Veterans Affairs; 8:30 a.m.—4:45 p.m. Probation and Parole Board; 8:30 a.m.—5 p.m. Aging, Attorney General, Auditor General, Banking, Community and Economic Development, Governor's Office, Historical and Museum Commission, Lieutenant Governor's Office, Public Welfare, Securities Commission.

[Pa.B. Doc. No. 03-505. Filed for public inspection March 21, 2003, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 63]

#### Fishing Guide Operations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing the final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect upon final-form publication of this order in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

##### C. *Statutory Authority*

The amendments to § 63.41 (relating to recognition of fishing guide operations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

##### D. *Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to recognized fishing guide operations. The spe-

cific purpose of the final-form rulemaking is described in more detail under the summary of changes.

##### E. *Summary of Final-Form Rulemaking*

The Commission administers a program that provides for the voluntary Official Recognition of Charter Boats and Fishing Guides operating within this Commonwealth. Under existing regulations, operators pay a \$50 annual fee for which they receive an official recognition certificate and two decals. In return, they may proclaim themselves as being officially recognized by the Commission and may field dress fish caught for their customers. They also must report to the Commission the number and species of fish caught and their disposition.

The Commission proposed several significant revisions to § 63.41. The major changes include:

- Changing the title of the section to "Recognition of fishing guide operations." This program enables those so recognized to provide value added services for customers, such as field dressing fish, and imposes a reporting requirement on fish caught. The use of a boat when delivering these services is incidental and not germane to the primary privileges and requirements of participation.
- Including a definition of "concurrent jurisdiction waters" for the purpose of this section.
- Imposing additional requirements when boats are used in fishing guide operations, such as: (1) a Boating Safety Education Certificate; and (2) registration carrying a use classification of "commercial passenger" when the boat is registered in this Commonwealth.
- Requiring additional documentation be included with applications when boats are used, depending on the number of passengers.
- Correcting a reference to Chapter 101 (relating to boating accidents) to refer to Chapter 115 (relating to boats carrying passengers for hire).

On final-form rulemaking, the Commission eliminated the Boating Safety Education Certificate requirement for operators and crew members of charter boats operating on concurrent jurisdiction waters. The Commission determined that a Boating Safety Education Certificate should not be required because the proposed rulemaking already mandated that these operators provide proof that they are licensed by the United States Coast Guard. This change necessitated a reorganization of subsection (c) for clarity's sake. The Commission otherwise adopted the amendments to § 63.41 as proposed.

##### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

##### G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no new costs on the general public. The final-form rulemaking will impose new costs on the private sector in that it will require that when charter boats are used, applicants for official recognition submit a copy of a valid boat registration certificate, showing the boat use classification as "commercial passenger." The statutory biannual fee for a commercial passenger boat

registration is \$50, as opposed to the biannual fee of \$30 and \$40 to register motorboats 16 feet to less than 20 feet and motorboats 20 feet or longer, respectively. Each year, the Commission receives approximately 100 applications for official recognition, nearly half of which involve charter boats. Thus, the impact on the private sector will be nominal.

*H. Public Involvement*

A notice of proposed rulemaking was published at 32 Pa.B. 6130 (December 14, 2002). Commission staff also provided a copy of the proposed rulemaking to all current participants in the Official Recognition Program. The Commission received two public comments from one individual generally supporting the proposed rulemaking. The commentator, a fishing guide from New Jersey who has not applied for recognition in this Commonwealth, believes that the requirements for recognition should be more stringent than those proposed. Copies of all public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and all comments received were considered.

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

*Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.41 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-135 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.41. Recognition of fishing guide operations.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Charter boat*—A boat operated as part of a fishing guide operation on the waters of this Commonwealth.

*Concurrent jurisdiction waters*—Those waters of this Commonwealth over which the Commonwealth and the United States Coast Guard exercise concurrent jurisdiction, including Lake Erie and the Ohio, Monongahela, Allegheny, Delaware and North Branch, Susquehanna and West Branch, Susquehanna (below Williamsport) Rivers.

*Fishing guide operation*—A commercial enterprise operated for the purpose of guiding or leading persons fishing on the waters of this Commonwealth by boat or otherwise.

(b) *Voluntary official recognition.* The Executive Director may upon application grant official recognition of fishing guide operations. Applications for recognition shall be made on forms provided by the Commission and contain information the Executive Director may require. Denial of official recognition may be appealed in accordance with Chapter 51, Subchapter E (relating to permit procedures).

(c) *Charter boats.* When charter boats are used, applicants for official recognition shall submit the following evidence along with their applications:

(1) For charter boats carrying six or fewer passengers for hire on concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of the Federal documentation certificate if the boat is required to be documented for commercial service by the United States Coast Guard.

(iii) A copy of the operator’s license issued by the United States Coast Guard appropriate for the waters on which the boat will operate.

(2) For charter boats carrying seven or more passengers for hire on concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of the Federal documentation certificate if the boat is required to be documented for commercial service by the United States Coast Guard.

(iii) A copy of the operator’s license issued by the United States Coast Guard appropriate for the waters on which the boat will operate.

(iv) A copy of the most recent inspection report for the vessel.

(3) For charter boats carrying six or fewer passengers for hire on waters other than concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of a boating safety education certificate for all operators.

(4) For charter boats carrying seven or more passengers for hire on waters other than concurrent jurisdiction waters:

(i) A copy of a valid boat registration certificate, showing the boat use classification as “commercial passenger.”

(ii) A copy of a boating safety education certificate for all operators.

(iii) A certificate of inspection issued under Chapter 115 (relating to boats carrying passengers for hire).

(d) *Duration and fee.* Official recognition of fishing guide operations shall be valid for a calendar year and shall expire on December 31 of the year of issuance. The annual fee for official recognition is \$50.

(e) *Use of official recognition.* Fishing guide operations recognized under this section may indicate that they have been "Officially Recognized by the Pennsylvania Fish and Boat Commission" in advertisements and by other means.

(f) *Compliance with regulations.* Persons who receive official recognition for fishing guide operations are responsible for ensuring that their employees, passengers and customers comply with fishing and boating regulations. The individual who submits and signs the application shall be the fishing guide or the owner/lessee/captain of the charter boat, and the individual shall be considered the individual party responsible for compliance with regulations. An application for official recognition shall include a provision whereby applicants agree that they will be responsible and are subject to prosecution for any violation of this part that occurs in connection with their operations.

(g) *Reports.* Officially-recognized fishing guide operations shall provide periodic reports to the Commission on the number of passengers or customers, number and species of fish caught and their disposition and other matters the Executive Director may require. Reports shall be submitted on forms approved by the Commission in numbers and at intervals determined by the Executive Director. Not more than four nor less than one report will be required per calendar year.

(h) *Field dressing of fish.*

(1) Notwithstanding § 63.15 (relating to field dressing of fish), fish caught pursuant to officially-recognized fishing guide operations may be filleted and have the head and tail removed before arrival at the place of consumption. The skin shall remain attached to the fillet for species subject to a minimum size limit. The minimum fillet size shall be 75% of the minimum size limit of the fish being filleted.

(2) The fishing guide operation shall give the person who receives the field dressed fish a signed, dated receipt indicating the species and number of fish on a form acceptable to the Commission. A person in possession of the field dressed fish shall carry the receipt with him and display it upon request to an officer authorized to enforce this title until the fish have arrived at the place of consumption. It is the responsibility of the officially-recognized fishing guide operation to ensure that a fish field dressed pursuant to the authority of this subsection complies with applicable season, size and creel limits.

(i) *Holder of official recognition.* Official recognition for a fishing guide operation that does not involve operation of a charter boat will be issued to an individual fishing guide. Each individual fishing guide shall apply for and receive official recognition. Official recognition for charter boats will be issued to the owner/lessee/captain of the boat. Individuals employed as crew members for a charter boat may, but need not necessarily, apply for and receive individual recognition as fishing guides. The operators of charter boats and the crew members shall comply with the licensing and training requirements in subsection (c).

(j) *Suspension or revocation of official recognition.* The Commission may suspend or revoke the official recognition of a fishing guide operation for noncompliance with the terms and conditions of this section or when the guide operation, the individual fishing guide, charter boat owner/lessee/captain or employee or crew member of the guide operation is convicted or acknowledges guilt of a violation of the code or this part related to the fishing guide operation. Suspension or revocation procedures shall comply with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registration or privileges).

[Pa.B. Doc. No. 03-506. Filed for public inspection March 21, 2003, 9:00 a.m.]

## GAME COMMISSION

### [58 PA. CODE CH. 137]

#### Feeding of Certain Wildlife Prohibited

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, adopted the following change:

Add § 137.33 (relating to feeding of certain wildlife prohibited) to prohibit the feeding of bears.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final rulemaking was adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6134 (December 14, 2002).

#### 1. Introduction

The Commission added § 137.33.

#### 2. Purpose and Authority

In recent years, bear populations have increased in parts of this Commonwealth, which has resulted in increased instances of bear/human conflicts. The feeding of bears has aggravated this situation by attracting bears to developed areas. In an effort to limit bear/human conflicts, § 137.33 has been added to make it unlawful to feed bears.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the Commission. . . ." Section 2102(a) of the code (relating to regulations) states that "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife. . . including regulations relating to the protection, preservation and management of game or wildlife. . . ." These two provisions provide the statutory authority for the addition of § 137.33.

#### 3. Regulatory Requirements

The final-form rulemaking will forbid the intentional feeding of bears or the causing of bears to congregate or habituate an area.

4. *Persons Affected*

Persons living within areas where black bears are located will be affected.

5. *Comment and Response Summary*

One official comment was received, regarding the addition of § 137.33, in favor of the ban on feeding bears.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until October 2004, unless a regulation is promulgated reauthorizing it.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by adding § 137.33 to read as set forth at 32 Pa.B. 6134.

(b) The Executive Director of the Commission shall certify this order and 32 Pa.B. 6134 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-152 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 03-507. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 137]**  
**Importation of Wildlife**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, adopted the following change:

Amend § 137.1 (relating to importation, sale and release of certain wildlife) to permit the importation of cervids under limited circumstances and conditions.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6368 (December 28, 2002).

1. *Introduction*

The Commission amended § 137.1 to allow the importation of cervids under very limited circumstances.

2. *Purpose and Authority*

Section 2163(a) of the code (relating to unlawful importation of game or wildlife) states that "It is unlawful for any person to bring . . . into this Commonwealth . . . any living game or wildlife . . . the importation of which is prohibited by the Commission . . ." Formerly, § 137.1(a) prohibited the importation of all game and wildlife, including that of cervids. After amending § 137.1(a), the regulation now permits the importation of cervids, but only under very limited circumstances.

Section 2102(c) of the code (relating to regulations) directs that: "The Commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." This section provides the authority for the final-form rulemaking.

3. *Regulatory Requirements*

The final-form rulemaking will relax current restrictions and allow cervids to be imported under certain circumstances and conditions.

4. *Persons Affected*

Persons who wish to import cervids will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending § 137.1 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-151 remains valid for the final adoption of the subject regulation.

**Annex A****TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 137. WILDLIFE****§ 137.1. Importation, sale and release of certain wildlife.**

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following animals or birds or the eggs of the birds or a crossbreed or hybrid of the animals or birds, which are similar in appearance:

(1) *In the family Felidae.* Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farming purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) *In the family Canidae.* Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

(3) *In the family Ursidae.* All species of the bears.

(4) *In the family Procyonidae.* All species of raccoons.

(5) *In the family Capromyidae.* The nutria.

(6) *In the family Mustelidae.* All species of the skunks.

(7) *Threatened, endangered or injurious.* An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.

(8) *The Monk Parakeet.* Myiopsitts Monachus, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(9) *Game or wildlife from the wild.* Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of the Commonwealth's wild fauna.

(10) *Game or wildlife held captive.* Game or wildlife held in captivity or captive bred in another state or nation.

(b) Nothing in this section prevents a Nationally recognized circus from temporarily bringing wildlife into this Commonwealth in connection with presenting circus performances.

(c) Nothing in this section prevents zoological gardens, exotic wildlife dealers or exotic wildlife possession permit holders from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, for menagerie, educational or scientific purposes shall first obtain an importation permit from the Commission subject to the following:

(1) Importation permits will be issued for a fee of \$50 for each transaction.

(2) A person wishing to import wildlife for menagerie purposes shall be in possession of a menagerie permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

(3) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the wildlife, the common and scientific name and the number of wildlife to be covered by the permit, the purpose for which the wildlife is being imported, the qualifications of the applicant to use the wildlife for the stated purpose and the location where the wildlife will be housed or retained.

(e) Transfer of wildlife imported under subsection (d), or its progeny, or parts thereof, to a second party by sale, trade, barter or gift may only be done subject to the following:

(1) A permit issued by the Commission is required to transfer by sale, trade, barter or gift, wildlife or its progeny, or a part thereof.

(2) The fee for a transfer permit is \$50.

(3) Transfer is limited to persons authorized to lawfully import wildlife.

(f) Live wildlife imported for any reason shall be accompanied by a certificate of veterinary inspection signed by an accredited veterinarian.

(g) Except as provided in subsection (h), a person wishing to import any members of the family cervidae shall first obtain an importation permit from the Commission subject to the following:

(1) An application for an importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, the purpose for which the cervids are being imported, the qualifications of the applicant to use the cervids for the stated purpose and the location where the cervids will be housed or retained. The application shall be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where Chronic Wasting Disease (CWD) was ever diagnosed. If the cervids are to be purchased at auction the name and address of the person supplying the cervids and number of cervids purchased shall be reported to the Commission by telephone or fax on the date of purchase. An applicant must receive a confirmation number before the animals are imported. A copy of the completed permit will be forwarded to the applicant.

(2) The shipment shall be accompanied at all times by a certificate of veterinary inspection completed by an accredited veterinarian in compliance with the Department of Agriculture health requirements. The certificate shall remain with the permittee's records for 5 years. The applicant shall identify the herd of origin and the herd of destination on both the permit application and the certificate of veterinary inspection. The cervids to be imported shall be identified to the herd they are being transferred or sold from by at least one permanent unique identifier to include, legible tattoo, United States Department of Agriculture (USDA) approved eartag, breed registration or other state approved permanent identification methods and one temporary identifier. If a microchip is used for identification, the owner shall provide the necessary reader.

(3) In states or provinces where CWD has been detected, herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program. In states or provinces where CWD has not been detected, herds of origin shall be able to demonstrate a minimum of 3 years in a CWD monitoring program. CWD monitoring programs shall meet the following minimum standards or adopted National standards acceptable to the Commission.

(i) In states where CWD has been found in free-ranging wildlife, the state program shall have perimeter fencing requirements adequate to prevent ingress, egress or contact with cervids.

(ii) Surveillance based on testing of all cervid deaths over 16 months of age.

(iii) Physical herd inventory with annual verification reconciling animals with records by an accredited veterinarian or state or Federal personnel is required. Inventory is to include a cross-check of all available animal identifications with the herd inventory and specific information on the disposition of all animals not present.

(iv) Herd additions are allowed from herds with equal or greater time in an approved state CWD monitoring program with no negative impact on the certification status of the receiving herd. If herd additions are acquired from a herd with a later date of enrollment, the

receiving herd reverts to the enrollment date of the sending herd. If a herd participating in the monitoring program acquires animals from a nonparticipating herd, the receiving herd shall start over with a new enrollment date based upon the date of acquisition of the animals. If a new herd begins with animals of a given status, that status will be retained by the new herd, based upon the lowest status of animals received. Animals of different status which are commingled during marketing or transport will revert to the lowest status.

(v) The state or province of origin shall list CWD as a reportable disease and impose an immediate quarantine on a herd or premise, or both, when a CWD animal is found.

(vi) Animal health officials in the state or province of origin shall have access to herd records from the time the herd is enrolled in the CWD monitoring program or for 5 years, whichever is less, including records of deaths and causes of death.

(h) A person wishing to import any members of the family cervidae for slaughter within 72 hours at a USDA inspected facility and in accordance with the Department of Agriculture requirements shall first obtain an importation permit from the Commission subject to the following:

(1) An application for importation permit shall state the name and address of the applicant, name and address of the person supplying the cervid, the common and scientific name and the number of cervids to be covered by the permit, that the cervids are being imported for immediate slaughter, and the location where the cervids will be slaughtered. The application must be received by the Commission at least 10 days prior to the proposed import date and be accompanied by an owner's statement that to his knowledge the cervids to be imported have never resided on a premise or come in contact with equipment used on a premise where CWD was ever diagnosed.

(2) Cervids from herds that are known to have been infected with CWD within the last 5 years may not be imported.

(3) If cervids are from states or provinces where CWD has been detected herds of origin shall be able to demonstrate a minimum of 5 years in a CWD monitoring program as described in subsection (g)(3).

(4) Cervids shall be individually identified as to the herd of origin by legible tattoo, ear tag or other method approved by the Commission.

(5) Cervids may not have contact with any other animals not for immediate slaughter.

(i) A person violating this section is subject to the penalties provided in the act.

[Pa.B. Doc. No. 03-508. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, adopted the following change:

Amend § 141.41 (relating to general) to be consistent with the flintlock muzzleloading and muzzleloading seasons, to require hunters using muzzleloading rifles during other firearms deer seasons to use calibers .44 or larger as is currently required during the muzzleloading and flintlock muzzleloading seasons.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 5759 (November 23, 2002).

### 1. Introduction

The Commission amended § 141.41 to provide consistency between § 141.41 and § 141.43 (relating to deer).

### 2. Purpose and Authority

Section 141.43 requires individuals hunting during the muzzleloading and flintlock muzzleloading seasons to use muzzleloading firearms and ammunition .44 caliber or larger. The amendment to § 141.41 will make this requirement uniform among the regulations by imposing the restriction during all firearms deer seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendment to § 141.41 was proposed under these provisions.

### 3. Regulatory Requirements

The final-form rulemaking will require hunters carrying muzzleloaders to hunt deer outside of the muzzleloading season to use only muzzleloaders .44 caliber or larger. This final-form rulemaking is consistent with the existing .44 caliber restriction in muzzleloading and flintlock muzzleloading seasons.

### 4. Persons Affected

Hunters using muzzleloading rifles during bear and other firearms deer seasons will be affected by the final-form rulemaking.

### 5. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

### 6. Cost and Paperwork Requirements

Hunters who have hunted during past bear and regular firearms deer seasons using muzzleloading firearms taking ammunition smaller than .44 caliber may need to acquire different firearms to comply with the final-form rulemaking.

### 7. Effective Date

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

### 8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment 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 amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.41 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-149 remains valid for the final adoption of the subject regulation.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

(a) *Permitted acts.* It is lawful to take:

(1) Bear or elk with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(2) Deer during the regular firearms deer season with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(b) *It is unlawful to:*

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting-edge design.

(2) Hunt for or assist to hunt for deer, bear or elk during the regular firearms season or special firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(3) Hunt for deer or bear through the use of any one or more of the following:

(i) A muzzleloading handgun.

(ii) A muzzleloading firearm that is not .44 caliber or larger.

(4) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game fill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(5) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

[Pa.B. Doc. No. 03-509. Filed for public inspection March 21, 2003, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 143]**  
**Antlerless Deer Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 7, 2003, meeting, adopted the following changes:

Amend Chapter 143, Subchapter C (relating to antlerless deer licenses) to provide for the processing and issuance of antlerless deer licenses in new, noncounty based wildlife management units.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 6370 (December 28, 2002).

1. *Introduction*

The Commission amended Chapter 143, Subchapter C to provide for issuance of antlerless deer licenses on the basis of new wildlife management units.

2. *Purpose and Authority*

Antlerless deer licenses are currently issued on a county basis. This system does not take into account variations in topography, habitat and other factors affecting deer. To improve deer management, the Commission is proposing to issue antlerless deer licenses on the basis of improved management units.

Section 2722(g) of the code (relating to authorized license-issuing agents) provides that: "The Commission shall adopt regulations for: . . . (2) The administration, control and performance of activities conducted pursuant to the provisions of this chapter." The amendments were proposed under this authority.

3. *Regulatory Requirements*

The final-form rulemaking will provide for the processing and issuance of antlerless deer licenses on a new, noncounty based wildlife management unit basis.

4. *Persons Affected*

Persons applying for antlerless deer licenses will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking will result in some additional cost to the Commission in the form of expenses to sort and forward antlerless deer license applications to county treasurers.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

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.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending §§ 143.41—143.43, 143.45, 143.48—143.54; and by deleting §§ 143.46 and 143.47 to read as set forth in Annex A

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-150 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.41. Purpose and scope.**

(a) The intent of this section is to ensure a fair and equitable distribution of licenses.

(b) The Commission, after reviewing reproductive data, will establish the number of antlerless deer licenses allocated to each wildlife management unit. Licenses will be distributed among county treasurers for issuance on the basis of percentage of land each county represents in the unit.

(c) An application shall be accepted without restriction or regard to the applicant's county of residence. The following procedure shall be adhered to when determining successful applicants for licenses:



(1) Accept applications on a first-come-first-served basis.

(2) The Commission in Harrisburg will serve as the central receiver for all mail-in applications in all wildlife management units.

(3) Envelopes received by first class mail delivered through and by the United States Postal Service will be examined as soon as practicable, unopened, to determine the number of applications received as well as to verify delivery to the intended wildlife management unit.

(4) This process of application distribution will continue until the available supply of licenses for that wildlife management unit is exhausted.

(d) The Commission may act in the capacity of a county treasurer for issuing antlerless licenses in a wildlife management unit if authority to issue licenses has been removed from any or all county treasurers in the wildlife management unit.

(e) Notwithstanding the provisions of this chapter limiting the number of licenses available, the Commission will authorize antlerless deer licenses to be issued regardless of an established quota to:

(1) A resident of this Commonwealth within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard. The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.

(2) A disabled veteran as defined in 34 Pa.C.S. § 2706(b)(1) (relating to resident license and fee exemptions). The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.

(3) An applicant whom the Executive Director has determined to have been erroneously denied a license.

#### § 143.42. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Application*—The form issued with a regular hunting license used in applying for an antlerless license.

*County allocation*—The number of licenses allocated by the Commission to an individual county.

*County treasurer*—A county treasurer in this Commonwealth or a person carrying out the duties and responsibilities of a county treasurer in counties functioning under a home rule charter.

*Date issued*—The date placed on the license by a county treasurer or the Commission indicating when the license was mailed or given to the person named on the license.

*Envelope*—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to the Commission.

*Home address*—The location where a person is legally domiciled; a true, fixed and permanent home and principal residence; and the place to which, whenever the applicant is temporarily absent, he intends to return.

*License*—The numbered back tag which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

*Management unit allocation*—The number of licenses allocated by the Commission to an individual wildlife management unit.

*Unsold tag*—An antlerless deer license permitting properly licensed persons to take an antlerless deer during any firearms antlerless deer season, archery or flintlock muzzleloader and muzzleloader deer seasons in the wildlife management unit of issue.

*Unsold tag application*—The form contained in the "Hunting and Trapping Digest" used in applying for an unsold tag.

*Void*—A voided license which remains nonissuable.

#### § 143.43. Preamble.

(a) An application shall be submitted to the Commission wildlife management unit address in Harrisburg and a license shall be issued only in accordance with the act and this subchapter.

(b) A nonresident of this Commonwealth may only apply under § 143.50 (relating to procedure for nonresidents of this Commonwealth).

#### § 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than from the Commission. County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.

(b) The Commission will not accept antlerless deer license applications other than by first class mail delivered through and by the United States Postal Service.

(c) Applications will not be accepted by the Commission prior to the start of the normal business day on the first Monday in August.

(d) The application shall be legibly completed, in its entirety, in accordance with instructions on the application.

(e) The application shall be mailed only in the envelope provided.

(f) Applications are limited to not more than three per envelope.

(g) The appropriate preprinted number on the outside of the envelope shall be circled indicating the number of applications enclosed.

(h) The envelope shall contain return first class postage and be self-addressed. If requirements of this subsection are not met, applications shall be placed in a dead letter file and may be reclaimed by the applicant upon contacting the Commission's Hunting License Division in Harrisburg. Postage, both forward and return, is the responsibility of the applicant.

(i) Unless otherwise ordered by the Director, remittance shall be in the form of a negotiable check or money order payable to "County Treasurer" for applications enclosed, and in the total amount specified in the act for each license. Cash may be accepted by county treasurers for over the counter sales.

#### § 143.46. (Reserved).

#### § 143.47. (Reserved).

#### § 143.48. First-come-first-served license issuance.

(a) Envelopes containing applications will be accepted on a first-come-first-served basis. Envelopes will be in-

spected by the Commission in Harrisburg, unopened, to determine if they comply with § 143.45(b), (c), (e) and (g) (relating to completing and submitting applications).

(b) If the conditions in § 143.45(b), (c), (e) and (g) are met, it constitutes initial acceptance, and the applications will be forwarded to a county treasurer within the wildlife management unit for issuance of the appropriate number of licenses. If the conditions are not met, the enclosed applications will be rejected and returned to the sender as soon as possible.

(c) The first-come-first-served procedure will continue until the management unit's allocation is exhausted.

(d) Applications received over the management unit's allocation will be returned to the applicants as soon as practicable.

(e) Envelopes containing applications initially accepted for the issuance of a license shall be opened and inspected by the county treasurer at his earliest convenience. If an application in an accepted envelope fails to comply with § 143.45 (relating to completing and submitting applications), applications enclosed in the accepted envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable. The back tags initially assigned to the envelope shall be marked VOID across the face in ink.

**§ 143.49. Issuing licenses.**

(a) Licenses may be issued by county treasurers immediately following receipt of applications from the Commission.

(b) Licenses shall be validated by the addition of the county treasurer's or the Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag. The county treasurer shall write in ink the assigned antlerless license number on the face of the check or money order.

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no later than the third Monday in September, except for licenses issued under § 143.51(f) (relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than October 1. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

**§ 143.50. Procedure for nonresidents of this Commonwealth.**

The Commission having unsold licenses on the third Monday in August and thereafter will accept applications for those units in compliance with § 143.45 (relating to completing and submitting applications) from nonresidents of this Commonwealth.

**§ 143.51. Application and issuance of unsold tags.**

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the unsold application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Unless otherwise ordered by the Director, remittance in the form of a negotiable check or money order for the total amount due as specified in the act, payable to "County Treasurer," shall accompany the application.

(e) Unsold tags shall be validated by the addition of the county treasurer's or Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

(f) Beginning on the second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to the appropriate Commission wildlife management unit address in Harrisburg.

**§ 143.52. Procedure for unlimited antlerless licenses.**

(a) The Executive Director will designate by April 30 of each year those wildlife management units where hunters will be allowed to apply for an unlimited number of antlerless deer licenses.

(b) Beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to apply to designated wildlife management units for an unlimited number of antlerless deer licenses by mailing the application to the appropriate Commission wildlife management unit address in Harrisburg.

(c) Beginning on the date specified in subsection (b), county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

**§ 143.53. Reapplication.**

(a) A person whose application has been rejected and returned may secure a new official envelope from a hunting license issuing agent and reapply for a license by:

(1) If applicable, correcting the errors which caused the original application to be rejected and returning it to the Commission wildlife management unit address in Harrisburg.

(2) Changing on the application the designated wildlife management unit in which the applicant desires to hunt and forwarding it to another Commission wildlife management unit address in Harrisburg.

(b) A person who was issued a license that was subsequently lost in the United States mail and never received by the licensee may, upon submitting an affidavit stating this fact, receive a replacement license from a county

treasurer within the wildlife management unit for which the license was intended. There will be no additional cost for this license. Prior to issuing a replacement license, county treasurers shall first verify through their records or through communication with another county treasurer that the applicant was issued the original license.

**§ 143.54. Validity of license.**

An antlerless deer license is valid for taking antlerless deer only in the wildlife management unit designated on the antlerless deer license.

[Pa.B. Doc. No. 03-510. Filed for public inspection March 21, 2003, 9:00 a.m.]

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