

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Exotic Wildlife

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

Add §§ 147.241(g), 147.261(f) and 147.281(g) (relating to scope) to require applicants to have 2 years of experience of hands-on work with exotic wildlife.

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. 6261 (December 21, 2002).

1. Introduction

The Commission amended Chapter 147, Subchapters M—O (relating to exotic wildlife dealer; exotic wildlife possession; and menageries) by adding §§ 147.241(g), 147.261(f) and 147.281(g).

2. Purpose and Authority

Formerly, permits to acquire, possess and dispose of wild or exotic animals could be issued to applicants possessing limited or no education or experience in the care of and protection of the public from these types of animals. Uneducated and inexperienced persons involved in the acquisition, possession or disposal of these types of animals pose not only a danger to the welfare of the animals themselves, but to the public as well. The changes to Chapter 147 (relating to special permits) will limit these dangers by requiring permit applicants to have at least 2 years of hands-on work experience with the species involved.

Section 2901(b) of the code (relating to authority to issue permits) states that “the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under the authority of any permit issued.” This section provides the authority for changes to Chapter 147.

3. Regulatory Requirements

The final-form rulemaking will require applicants to have 2 years of experience of hands-on work with the specific wild or exotic species to obtain a permit.

4. Persons Affected

Persons applying for exotic wildlife possession, exotic wildlife dealer or menagerie permits will be affected by the final-form rulemaking.

5. Comment and Response Summary

All 87 official comments received, regarding the changes to Chapter 147, were in favor of the requirement of 2 years experience.

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 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 147, are amended by amending §§ 147.241, 147.261 and 147.281 to read as set forth at 32 Pa.B. 6261.

(b) The Executive Director of the Commission shall certify this order and 32 Pa.B. 6261 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 48-153 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-617. Filed for public inspection April 4, 2003, 9:00 a.m.]