

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF LANDSCAPE ARCHITECTS
[49 PA. CODE CH. 15]

Corrective Amendment to 49 Pa. Code § 15.12

The State Board of Landscape Architects has discovered a discrepancy between the agency text of 49 Pa. Code § 15.12 (relating to fees), as deposited with the Legislative Reference Bureau and published at 32 Pa.B. 3633 (July 27, 2002), and the official text codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 335), and as currently appearing in the *Pennsylvania Code*. Provider application fees for continuing education courses were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The State Board of Landscape Architects has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 15.12. The corrective amendment to 49 Pa. Code § 15.12 is effective as of October 5, 2002, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 15.12 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

Application for licensure under § 15.54(b)(1), (2) and (3) or § 15.56(a)(3).....	\$60
Application for licensure and Board interview under § 15.54(b)(4) and 15.56(a)(1) or (2).....	\$350
Application for licensure by endorsement	\$45
Application for temporary permit	\$45
Verification of licensure	\$15
Certification of licensure or scores.....	\$25
Duplicate certificate fee	\$5
Biennial registration fee.....	\$125
Provider application for continuing education course approval under § 15.74 (relating to approval of continuing education courses).....	\$100

Licensee application for continuing education course approval under § 15.77 (relating to licensee application for approval of continuing education courses)..... \$ 40 (per clock hour)

[Pa.B. Doc. No. 05-86. Filed for public inspection January 14, 2005, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 141]

Hunting and Trapping; Permitted Devices

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2004, meeting, adopted an amendment to § 141.18 (relating to permitted devices).

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

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 5164 (September 18, 2004).

1. Introduction

The Commission amended § 141.18 to permit the use of sound amplification devices that completely cover the ears.

2. Purpose and Authority

Former regulations specifically prohibited the use of sound amplification devices that completely cover the ears. With the advances in technology, many of the available electronic hearing protection devices now also amplify sound. Former regulations prohibited many of these devices because they could be used to give hunters an unfair advantage. Many of the new hearing protection devices are electronic, enabling the hunter to hear normal conversation but preventing sounds over a certain decibel level from entering the ear. They amplify sound and completely cover the ears. By striking the relevant language in § 141.18, these hearing protection devices were made lawful for use.

Section 322(c)(5) of the code (relating to powers and duties of the commission) specifically empowers the Commission to "Fix the type and number of devices which may be used to take game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to . . . 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 . . . 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." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to . . . the ways,

manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.18 was adopted under this authority.

3. *Regulatory Requirements*

This final-form rulemaking will permit the use of sound amplification devices that completely cover the ears.

4. *Persons Affected*

Persons who wish to use sound amplification devices that completely cover the ears will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

For further information regarding this 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 § 141.18 to read as set forth at 34 Pa.B. 5164.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 5164 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 48-192 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-87. Filed for public inspection January 14, 2005, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 29, 2004, meeting, adopted § 143.12 (relating to fee for replacement hunter education training certificate).

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

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 5165 (September 18, 2004).

1. *Introduction*

The Commission added § 143.12 to permit the Commission to implement a fee for the replacement of hunter education training certificates to offset administrative costs.

2. *Purpose and Authority*

Each year the Commission receives over 2,000 requests from individuals needing replacement certificates to verify that they have completed hunter education training. Most of the requests come from individuals desiring to hunt in another state where proof of having completed hunter education training is required to purchase a hunting license in that state. Filling these requests formerly resulted in substantial administrative costs. To offset a portion of these costs, the Commission added § 143.12 to permit the Commission to implement a fee for the replacement of hunter education training certificates.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities related to license issuing. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 143.12 was adopted under this authority.

3. *Regulatory Requirements*

This final-form rulemaking adds § 143.12 to permit the Commission to implement a fee for the replacement of hunter education training certificates.

4. *Persons Affected*

Persons requesting replacement hunter education training certificates from the Commission will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

This final-form rulemaking will result in a fee of \$10 to persons requesting replacement hunter education training certificates from the Commission.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding this 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 regulation 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 adding § 143.12 to read as set forth at 34 Pa.B. 5165.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 5165 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 48-193 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-88. Filed for public inspection January 14, 2005, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2004, meeting, adopted an amendment to § 147.286 (relating to acquisition and disposal).

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

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 3411 (July 3, 2004).

1. *Introduction*

The Commission amended § 147.286 to restrict disposal or transfer of wildlife to only those persons who lawfully conduct activities under the authority of a permit to lawfully import the wildlife being transferred.

2. *Purpose and Authority*

With the current requirements in place through statute and regulations relative to importing, licensing and experience needed to receive a permit to possess wildlife, the Commission has identified a need to clarify to whom a permitted menagerie can transfer excess stock. The Commission determined that disposal or transfer of wildlife, for any reason, shall be limited to persons who lawfully conduct activities under the authority of a permit to lawfully import the wildlife being transferred. This would prohibit the disposal or transfer of wildlife to unpermitted private parties.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the commission may, as deemed necessary to properly manage the game or wildlife resources . . . promulgate regulations to control the activities which may be performed under authority of any permit issued." 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." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife . . . in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife . . . in this Commonwealth." The amendment to § 147.286 was adopted under this authority.

3. *Regulatory Requirements*

This final-form rulemaking will restrict the disposal or transfer of wildlife for any reason to only those persons who may themselves lawfully import the wildlife being transferred. This will prohibit the disposal or transfer of wildlife to an unpermitted private party.

4. *Persons Affected*

Persons who wish to transfer or dispose of wildlife held under a menagerie permit will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

For further information regarding this 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 147, are amended by amending § 147.286 to read as set forth at 34 Pa.B. 3411.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 3411 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 48-190 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-89. Filed for public inspection January 14, 2005, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 29, 2004, meeting, adopted an amendment to § 147.663 (relating to fencing).

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

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 5166 (September 18, 2004).

1. *Introduction*

The Commission amended § 147.663 to permit the Executive Director to establish approved woven wire fencing designs and specifications.

2. *Purpose and Authority*

Section 147.661 (relating to tagging of deer taken) provides for permits to control deer within fenced enclosures constructed for the purpose of improving forest regeneration. Managers of private and public forestland, including the Commission, construct these fences. Formerly, § 147.663 required these fences to be constructed of woven wire and be at least 8 feet high with the bottom edge tight to the ground. The industry standard fencing commonly used in this application is built from two widths of 47 feet woven wire with the bottom 1 foot (approximately) folded over the ground to the outside, leaving an approximate total above ground height of only 7 feet. These fences are in widespread use by the Department of Conservation and Natural Resources and the Commission and clearly do not meet our current regulatory requirements. Upgrading existing 7 foot fences to meet current regulatory requirements would require substantial modification and add cost to forest management practices and would not likely result in any greater

effectiveness in excluding deer. In fact, the foot of fencing sealing the structure at the ground actually increases the effectiveness of the fencing more than the additional 1-foot in height. The Commission amended § 147.663 to permit the Executive Director to establish approved woven wire fencing designs and specifications to be consistent with current industry standards.

Section 2901(b) of the code (relating to authority to issue permits) provides "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 authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.663 was adopted under this authority.

3. *Regulatory Requirements*

This final-form rulemaking will permit the Executive Director to establish approved woven wire fencing designs and specifications.

4. *Persons Affected*

Persons wishing to apply for a deer control permit will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

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

7. *Effective Date*

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

8. *Contact Person*

For further information regarding this 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 147, are amended by amending § 147.663 to read as set forth at 34 Pa.B. 5166.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 5166 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 48-195 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-90. Filed for public inspection January 14, 2005, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 147]

Special Permits; Deer Management Assistance Program Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 29, 2004, meeting, adopted an amendment to § 147.674 (relating to issuance of DMAP harvest permits).

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

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 5167 (September 18, 2004).

1. *Introduction*

The amendment to § 147.674 permits the Commission to deny issuance of Deer Management Assistance Program (DMAP) harvest permits to persons who fail to complete and submit report and survey information from the prior season.

2. *Purpose and Authority*

Harvest information is critical to evaluate this Commonwealth's deer population and to evaluate the effectiveness of the DMAP. To help insure that all DMAP harvest permit holders complete and submit the required harvest and survey information this final-form rulemaking will prohibit persons who have not submitted the information in the previous year from purchasing a DMAP harvest permit.

Section 2901(b) of the code (relating to authority to issue permits) provides "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 authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the

health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.674 was adopted under this authority.

3. *Regulatory Requirements*

This final-form rulemaking will permit the Commission to deny issuance of DMAP harvest permits to persons who fail to complete and submit report and survey information from the prior season.

4. *Persons Affected*

Persons wishing to acquire DMAP harvest permits who have failed to complete and submit report and survey information from the prior season will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

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

6. *Cost and Paperwork Requirements*

This final-form rulemaking will result in very limited additional cost and paperwork related to the submission of reports and survey information from the prior season.

7. *Effective Date*

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

8. *Contact Person*

For further information regarding the final 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 147, are amended by amending § 147.674 to read as set forth at 34 Pa.B. 5167.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 5167 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 48-194 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-91. Filed for public inspection January 14, 2005, 9:00 a.m.]