

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

### Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 2, 2016, meeting to amend § 141.41 (relating to general) to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Each year the Commission investigates numerous big game violations involving improperly marked animals. A concerning portion of these violations involve a hunter's placement of a prior year's expired harvest tag on the big game animal rather than the current year's harvest tag. The Commission has determined that some of these violations are purposeful and intended to give the hunter the appearance of eligibility to harvest an additional animal with their unused current tag. However, the Commission also recognizes that other hunters merely engage in the bad habit of carrying prior years' licenses and harvest tags and are mistaking the similarly colored harvest tags for the current year's harvest tags during the stress induced by a successful harvest. Therefore, in an effort to reduce the number of either purposeful or mistaken improperly marked big game violations from ever occurring, the Commission is proposing to amend § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

Section 2102(a) of the code (relating to regulations) provides that "[t]he 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 amendments to § 141.41 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 141.41 to prohibit the possession of an expired, revoked, suspended or invalid hunting license or big game harvest tag while

engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.

#### 3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

#### 5. Effective Date

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

#### 6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-393. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

It is unlawful to:

(1) Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for reporting big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

(2) Receive a DMAP permit without reporting in the manner prescribed on the permit.

(3) Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).

**(4) Possess an expired, fulfilled, revoked, suspended or invalid big game harvest tag or hunting license while engaged in hunting or trapping activities, or while in the fields or forests, or on the waters or highways within or bordering this Commonwealth.**

[Pa.B. Doc. No. 16-514. Filed for public inspection March 25, 2016, 9:00 a.m.]

[ 58 PA. CODE CH. 139 ]

**Seasons and Bag Limits; Wildlife Management Units**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 2, 2016, meeting, proposed to amend § 139.17 (relating to wildlife management units) to expand wildlife management unit (WMU) 5D in the north-east corner to provide a more logical boundary.

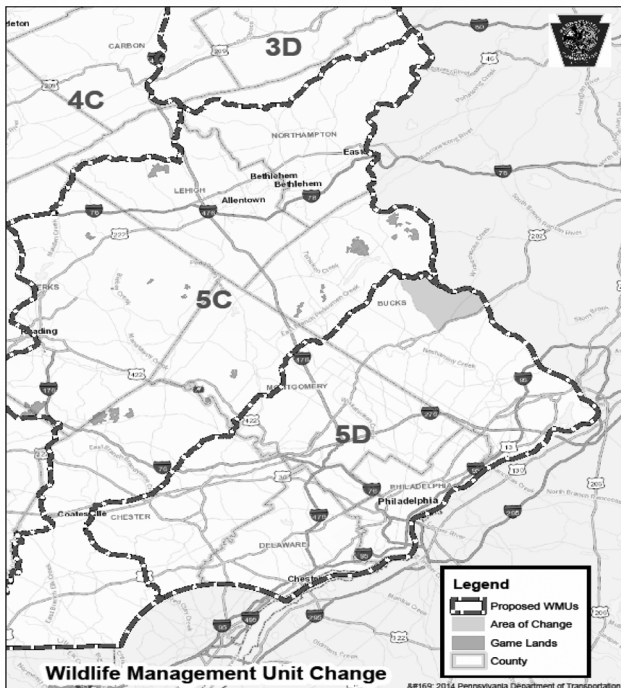
The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the February 2, 2016, meeting of the Commission. Comments can be sent until April 1, 2016, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of the WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard-to-identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission has again conducted an evaluation of the structure of the WMU system and is proposing to amend § 139.17 to expand WMU 5D in the northeast corner to provide a more logical boundary. This proposed change represents a 24,826-acre increase in the size of WMU 5D.



**WMU 5C**

From Maryland/PA state line, north along the Octoraro Creek to Rt. 372. Rt. 372 east to PA Rt. 10 north to Interstate 76. I-76 west to US Rt. 222. Rt. 222 north to PA Rt. 61 west of Reading. Rt. 61 north to I-78 near Hamburg. I-78 east to Rt. 143. Rt. 143 north to Rt. 309. Rt. 309 south to PA Rt. 873 northwest of Allentown. Rt. 873 north to Rt. 248. Rt. 248 east to PA Rt. 946. Rt. 946 east to PA Rt. 512. Rt. 512 to PA Rt., 611 near Mount Bethel. Rt. 611 north to Portland Toll Bridge at Portland. Portland Toll Bridge east to New Jersey/PA state line. New Jersey/PA state line south to the Tohickon Creek. Tohickon Creek west to PA Rt. 611. PA Rt. 611 north to PA Rt. 113. PA Rt. 113 south to US Rt. 30. US Rt. 30 west to PA Rt. 82. PA Rt. 82 east to the Delaware/PA state line near Yorklyn.

**WMU 5D**

From the Delaware/PA state line Yorklyn, PA Rt. 82 west to US Rt. 30. US Rt. 30 east to PA Rt. 113 at Downingtown. PA Rt. 113 north to PA Rt. 611. PA Rt. 611 south to the intersection of Tohickon Creek. Tohickon Creek east to the PA/New Jersey state line.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to “[d]efine geographic limitations or restrictions.” Section 2102(a) of the code (relating to regulations) provides that “[t]he 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 amendments to § 139.17 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.17 to expand WMU 5D in the northeast corner to provide a more logical boundary.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within WMU 5C or WMU 5D will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,  
*Executive Director*

**Fiscal Note:** 48-389. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.17. Wildlife management units.**

(a) The divisional line between two or more wildlife management units shall be the center of the highway, natural water course or other natural boundary.

(b) The outline map of Pennsylvania sets forth wildlife management units.

*(Editor’s Note:* As part of this proposed rulemaking, the Commission is proposing to replace the map which appears in 58 Pa. Code page 139-18, serial page (376920) with the following map.)



# STATE BOARD OF PRIVATE LICENSED SCHOOLS

[ 22 PA. CODE CH. 73 ]

## Fees

The State Board of Private Licensed Schools (Board), under the authority in the Private Licensed Schools Act (act) (24 P.S. §§ 6501—6518), proposes to amend § 73.151 (relating to fees) to read as set forth in Annex A.

### *Description of Proposed Amendments*

The proposed amendments to § 73.151(a) prescribe revised fees for biennial licensure or registration of all schools, and licensure of admissions representatives.

The proposed amendments to § 73.151(b) increase the user fees for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses, registration and admissions representative licenses.

### *Reason for Proposed Amendments*

The Board's current fees are fixed by § 73.151. Section 10 of the act (24 P.S. § 6510) authorizes the Board to increase its fees by regulation if the Board's revenues from fees, fines and civil penalties are not sufficient to meet Board expenditures over a 2-year period.

The Board recently reviewed its fees and determined that current fees are inadequate to meet revenue needs. The Board estimates that its expenditures for the biennial period covering Fiscal Years 2014-2015 and 2015-2016 will be \$1,955,300. In contrast, the estimated revenues under the existing fee structure are anticipated to be \$1,066,708. The projected shortfall of \$888,592 will be covered by the surplus in the Board's revolving account, which is currently \$1,246,770, leaving a very minimal surplus to cover operating costs after July 1, 2016.

The proposed fees in § 73.151 should raise sufficient revenue to offset the Board's projected expenditures for approximately 5 years.

The Board last increased its fees at 32 Pa.B. 1844 (April 13, 2002). At that time, the Board projected that the fees would cover 10 years of operating expenses. The 2002 fee structure sustained the Board's operation longer than anticipated.

The current staffing level will need to be maintained for the foreseeable future. While there has been no change to the actual number of staff supporting the work of the Board since 2002, one position dedicated to specialized associate degrees was covered by general funds until 2010 because the work is governed by regulations promulgated by the State Board of Education. That position was transferred to the Board account in 2010 because the work services the private licensed school community. This change adds a financial burden on the Board's funds.

Revenue has been reduced in recent years as changes in Federal regulations and economic conditions have resulted in a significant reduction in the number of licensed schools from 325 in 2002 to 270 today. While revenue is reduced in accordance with the number of schools renewing licenses, staffing needs are not directly tied to the number of schools because most services need to be provided regardless of the number of licensed schools.

Most of the Board's revenue is generated by renewal fees. After 1 year of operation, biennial renewal fees are on an assessed graduated scale based upon gross tuition revenue. Additional revenue is generated by other service fees.

The following calculations include a cap of \$35,000 that was accepted by the Board in May 2015 and used in these calculations. The original material did not clarify that this cap was in place. The largest schools are currently capped at \$4,400 and this proposed increase in the cap to \$35,000 will ensure that the largest schools carry more of the burden of funding the Board's operation.

To accommodate the need for additional revenue, the Board is proposing to raise its current fees. The following table shows current fees and the fees proposed by this proposed rulemaking.

<i>Board Activity</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
1. Initial school license	\$1,500	\$7,500
2. Initial school license for schools presenting only seminars	\$750	\$2,000
3. Biennial school licensure or registration (as shown in Annex A)	\$500—\$4,400	\$1,000—\$6,500 plus \$500 for each additional \$500,000 revenue over \$1,000,000 with a cap of \$35,000
4. Admission representatives license	\$300	\$600
5. New program application	\$700	\$1,400
6. Change of ownership	\$1,200	\$5,000
7. New school orientation	\$200	\$300
8. New director seminar	None	\$200
9. School site inspection	\$500	\$750
10. Board-directed site visit	\$500	\$750
11. Board-directed team visit	\$800	\$1,000

*Fiscal Impact*

There is no fiscal impact on the General Fund from the proposed fees. If the existing fee structure is not revised, the Board's revolving operating fund will be depleted by fall 2016. The proposed increased fees are expected to generate average revenue of \$1,008,400 per year for the next 5 years. Expenses for the same time period are projected to average \$1,009,229.

*Activity*

		<i>Estimated Revenue</i>		
		<i>Biennial Renewal of School License or Registration</i>		
<i>Tuition Revenue</i>	<i>Renewal Fee</i>	<i>Number of Schools</i>		<i>Estimated Revenue</i>
\$0—4,999	\$1,000	33		\$33,000
\$5,000—9,999	\$2,000	6		\$12,000
\$10,000—49,999	\$2,500	28		\$70,000
\$50,000—99,999	\$2,700	15		\$40,500
\$100,000—149,000	\$2,800	14		\$39,200
\$150,000—199,999	\$3,000	14		\$42,000
\$200,000—249,999	\$3,500	11		\$38,500
\$250,000—299,999	\$4,000	11		\$44,000
\$300,000—399,999	\$4,500	16		\$72,000
\$400,000—499,999	\$5,000	11		\$55,000
\$500,000—749,999	\$5,500	12		\$66,000
\$750,000—999,999	\$6,000	2		\$12,000
\$1,000,000 and over	\$6,500	4 × \$6,500		\$26,000
	plus \$500	12 × \$7,000		\$84,000
	for each	2 × \$7,500		\$15,000
	additional	1 × \$8,000		\$8,000
	\$500,000	1 × \$9,000		\$9,000
	in revenue	13 × \$10,000		\$130,000
		7 × \$10,500		\$73,500
		4 × \$11,000		\$44,000
		3 × \$11,500		\$34,500
		1 × \$12,000		\$12,000
		2 × \$12,500		\$25,000
		4 × \$13,000		\$52,000
		2 × \$13,500		\$27,000
		2 × \$14,000		\$28,000
		2 × \$15,000		\$30,000
		1 × \$15,500		\$15,500
		2 × \$16,500		\$33,000
		2 × \$17,000		\$34,000
		1 × \$19,000		\$19,000
		1 × \$23,000		\$23,000
		2 × \$24,000		\$48,000
		1 × \$25,000		\$25,000
		1 × \$28,000		\$28,000
		3 × \$35,000		\$105,000
				<hr/>
				\$1,452,700
				<hr/>
				\$726,350
Original school license or registration		7 × \$7,500		\$52,500
Seminar provider		0 × \$2,000		\$0
Admission representative license		120 × \$600		\$72,000
New program application		68 × \$1,400		\$95,200
Change of ownership		5 × \$5,000		\$25,000
New school orientation seminar		47 × \$300		\$14,100
New director seminar		60 × \$200		\$12,000
School site inspection		15 × \$750		\$11,250
Board-directed site visit		0 × \$750		\$0
Board-directed team visit		0 × \$1,000		\$0
				<hr/>
				\$1,008,400
				<hr/>
				\$1,009,229

*Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. The proposed rulemaking would not create additional paperwork for the private sector.

*Effective Date*

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The act requires that the Board monitor its revenue and cost on a biennial basis. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 14, 2016, the Department of Education (Department) submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comments and Contact Person*

Interested persons are invited to submit to the Board written comments, suggestions or objections regarding this proposed rulemaking within 30 days following its publication in the *Pennsylvania Bulletin*. Written comments, suggestions or objections for Board consideration should be sent to Patricia Landis, Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228.

PATRICIA LANDIS,  
Coordinating Secretary

**Fiscal Note:** 6-334. No fiscal impact. The fee increases are necessary to cover the Board's associated costs. Recommends adoption.

**Annex A**

**TITLE 22. EDUCATION**

**PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS**

**CHAPTER 73. GENERAL PROVISIONS**

**FEES**

**§ 73.151. Fees.**

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration— [ \$1,500 ] \$7,500. The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new

program application submitted with a new license application shall be accompanied by an additional new program approval fee as set forth in subsection (b)(1).

(2) For an original school license or registration of a school that only presents seminars—[ \$750 ] \$2,000.

(3) For a renewal school license or registration—biennial fee based on gross tuition revenue:

<i>Gross Tuition Revenue</i>	<i>Fee</i>
[ \$0—2,499	<b>\$500</b>
\$2,500—4,999	<b>\$1,000</b>
\$5,000—9,999	<b>\$2,000</b>
\$10,000—49,999	<b>\$2,200</b>
\$50,000—99,999	<b>\$2,300</b>
\$100,000—199,999	<b>\$2,600</b>
\$200,000—499,999	<b>\$3,000</b>
\$500,000—999,999	<b>\$3,500</b>
\$1,000,000—1,999,999	<b>\$4,100</b>
\$2,000,000 and over	<b>\$4,400 ]</b>

\$0—4,999	<b>\$1,000</b>
\$5,000—9,999	<b>\$2,000</b>
\$10,000—49,999	<b>\$2,500</b>
\$50,000—99,999	<b>\$2,700</b>
\$100,000—149,000	<b>\$2,800</b>
\$150,000—199,999	<b>\$3,000</b>
\$200,000—249,999	<b>\$3,500</b>
\$250,000—299,999	<b>\$4,000</b>
\$300,000—399,999	<b>\$4,500</b>
\$400,000—499,999	<b>\$5,000</b>
\$500,000—749,999	<b>\$5,500</b>
\$750,000—999,999	<b>\$6,000</b>

**\$6,500 plus \$500 for each additional \$500,000 in revenue with \$35,000 cap**

(4) For an admission representative license—[ \$300 ] \$600 annually.

(b) *User fees.* Fees will also be assessed for other services provided by the Board, which services are in addition to the processing and issuance of original or renewal school licenses or registration and admissions representative licenses. These user fees are as follows:

(1) A [ \$700 ] \$1,400 fee shall accompany each application for approval of a new program.

(2) A [ \$1,200 ] \$5,000 fee shall accompany notification to the Board of a change in ownership of the school.

(3) A [ \$200 ] \$300 fee per participant will be charged for participation in new school orientation seminars.

(4) A [ \$500 ] \$750 fee will be charged for each site inspection of the following types: new school, change in location, expansion of instructional space, temporary relocation, branch facility and remote training facility. This fee shall be paid before commencement of the visit.

(5) The fee for a Board-directed visit is [ \$500 ] \$750 per day if the visit is conducted by staff; [ \$800 ] \$1,000 per day plus team member expenses for a visit conducted by a team with nonstaff members. The fee for a Board-directed visit shall be paid before commencement of the visit.

(6) A \$200 fee per school will be charged for participation in a new director seminar.

[Pa.B. Doc. No. 16-516. Filed for public inspection March 25, 2016, 9:00 a.m.]