

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

[Correction]

Safe Drinking Water; Filter Backwash Recycling Rule (FBRR)

An error occurred in the preamble to the document which appeared at 33 Pa.B. 1234, 1237 (March 8, 2003). The date for comments to be received by the Environmental Quality Board was stated incorrectly. The correct version of the paragraph is as follows:

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by April 7, 2003. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

[Pa.B. Doc. No. 03-395. Filed for public inspection March 7, 2003, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 135 AND 147]

Lands and Buildings; Special Permits

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

Amend § 135.41 (relating to State game lands) to exempt those persons who may lawfully hunt without orange from the requirement to wear orange on State game lands (SGL) from November 15 through December 15; and § 147.701 (relating to general) to allow bobcat permit applications from applicants who have applied for bobcat permits in previous years to be included in the drawing until the applicant is successfully drawn.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

The Commission is proposing to amend §§ 135.41 and 147.701.

2. Purpose and Authority

New SGL regulations were promulgated in April 2002, which included the broad requirement for anyone present

on SGL from November 15 through December 15 to wear fluorescent orange. There are, however, open hunting seasons during that same time period that do not require hunters to wear fluorescent orange, duck hunting being one example. A conflict of regulations may be created in this circumstance, since some hunters are permitted by the regulations to hunt without wearing any fluorescent orange during certain open seasons, yet would be required to wear fluorescent orange while on SGL from November 15 through December 15. This proposed rulemaking is designed to remove this inconsistency by providing an exception to the requirement to wear fluorescent orange for those persons lawfully engaged in hunting. This exception would apply only to those persons lawfully hunting from November 15 through December 15 during an open season that does not require the wearing of fluorescent orange.

The proposed amendment to § 147.701 will provide for a preference for those applicants who have applied annually for a bobcat hunting/trapping permit, but have been unsuccessful in having their application drawn. Under this preference, those applicants who have applied in the previous year or previous consecutive years will have their prior years applications remain in the pool of applications from which successful applicants are drawn, thus accruing preference and increasing their chances of being drawn for a permit. For example, if a person has applied for the 5th consecutive year, but has not been successfully drawn during the previous 4 years, that person will have five chances to be drawn in the 5th year's drawing.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the Commission shall be under the sole control of the Director, and the Commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and appropriate concerning . . . 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 § 135.41 was proposed under this authority.

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." The amendment to § 147.701 was proposed under this authority.

3. Regulatory Requirements

The proposed rulemaking will permit hunters who are lawfully hunting, during an open season that does not require the wearing of fluorescent orange, to hunt on SGL without wearing fluorescent orange and will allow bobcat permit applicants to accrue preference and increase their chances of being drawn for a permit by applying annually.

4. Persons Affected

Persons wishing to hunt on SGL and persons applying for bobcat permits will be affected.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-160. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * * *

(c) **Additional prohibitions.** In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(21) Except on Sundays, be present on State game lands from November 15 through December 15 **inclusive when not engaged in lawful hunting or trapping** and fail to wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined or, in lieu thereof, a hat of the same colored material. The material shall be worn so it is visible in a 360° arc. Persons using shooting ranges are exempted from this requirement.

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(8) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the [**person's name**] **person's** name, address, special permit number, date of harvest, county and township of harvest, [**furbearer management zone**] **wildlife management unit** of harvest and method of harvest and attach the tag to the bobcat. The bobcat carcass shall remain intact, that is, with entrails, until examined and tagged by a Commission representative. The temporary carcass tag shall remain attached to the animal until it is tagged

with a numbered permanent interlocking tag. The person taking the bobcat may remove the pelt provided the pelt is kept with the carcass for examination and tagging.

* * * * *

(9) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. **Applications from applicants who have applied in previous years will be included in the drawing until the applicant is successfully drawn and issued a permit.**

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[Pa.B. Doc. No. 03-444. Filed for public inspection March 14, 2003, 9:00 a.m.]

**[58 PA. CODE CH. 141]
Hunting and Trapping**

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

Amend § 141.7 (relating to use of artificial lights) to make an editorial change to clarify reference to the concurrent antlered and antlerless deer season; § 141.25 (relating to early and late goose hunting seasons) to make an editorial change to bring regulations in compliance with season frameworks approved by the United States Fish and Wildlife Service (Service); and § 141.48 (relating to elk management areas) to provide fewer, but larger, management areas.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed amendments were made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 141.7, 141.25 and 141.48.

2. *Purpose and Authority*

With the advent of the concurrent antlered/antlerless deer season, there is no longer a need for the separate antlered deer season and antlerless deer season references in § 141.7(b). The proposed rulemaking will correct the language in § 141.7(b) to reflect current regulations.

The Service has made changes in Federal season frameworks. One change, regarding Canada goose hunting, removes the reference to "late goose hunting" from the Federal regulations. The proposed amendment to § 141.25 will also remove the reference to "late goose hunting season" to stay in compliance with the Federal regulations.

In April 2002, the elk management areas were revised to provide fewer, but larger, management areas. For the most part, this approved revision improved hunter opportunity and management capability, except in management area 11. This area, found in the vicinity of the community of St. Marys, is largely private agricultural and forestland with very limited public hunting access. Elk hunting

harvest success was only 17% in this area, as opposed to the average of 94% in all other areas last season. The proposed amendment to § 141.48 will combine elk management units 1 and 11 into a single unit in an effort to improve hunter success rates and provide additional opportunities for a hunter to be selected for an elk license in this area of the elk range.

Section 2102(d) of the code (relating to regulations) 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." Section 2102(a) of the code provides "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." These two provisions provide the statutory authority for the proposed amendment to § 141.7(b).

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons . . . and daily season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting . . ." Section 2102(a) of the code provides "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 . . ." These provisions provide the statutory authority for the proposed amendment to § 141.25.

Section 2705(15) of the code (relating to classes of licenses) provides that "To ensure sound management of Pennsylvania's wild elk population, the Commission may promulgate regulations to establish a limited number of licenses." Section 322(c)(4) of the code specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code provides "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 . . ." These provisions provide the statutory authority for the proposed amendment to § 141.48.

3. Regulatory Requirements

The proposed rulemaking makes an editorial change to remove the reference to the concurrent antlered and antlerless deer season to reflect current regulations, makes an editorial change to remove the reference to "late goose hunting" to reflect current Federal waterfowl regulations and provides fewer but larger elk management units by combining elk management units 1 and 11 into a single unit.

4. Persons Affected

Persons wishing to spotlight during deer season, hunt Canada geese and hunt elk will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-161. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.7. Use of artificial lights.

* * * * *

(b) For the purpose of enforcing section 2311 of the act (relating to restrictions on recreational spotlighting), the terms "antlered deer rifle season" and "antlerless deer rifle season" mean that period of time from 12:01 a.m. on the first day of the [**antlered season**] **concurrent antlered and antlerless season** to 12 midnight on the last day [**of the antlerless season**] including Sundays.

Subchapter B. SMALL GAME

§ 141.25. Early [**and late**] goose hunting [**seasons**] **season.**

(a) *Early season and description.*

* * * * *

(3) [**Bag limits are as follows:**

(i) **There is a daily bag limit of five and a possession limit of ten in the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to the intersection of I-283, east of I-283 to I-83, east of I-83 to the intersection of I-81, east of I-81 to the intersection of I-80, and south of I-80 to the New Jersey State line.**

(ii) **There is a daily bag limit of three and a possession limit of six in the remainder of the State with the exception of the closed area in Crawford County.]**

Bag limit. There is a daily bag limit of five and a possession limit of ten geese with the exception of the closed area in Crawford County and Middle Creek Wildlife Management Area.

(b) [*Late season and description.*

(1) **Areas. Subject to approval of the United States Fish and Wildlife Service, there is a late Canada goose hunting season beginning on January 15 (except when Sunday, then January 16), and ending on February 15 (except when Sunday, then**

February 14) Statewide, with the exception of that area of Crawford County south of S. R. 198 from the Ohio line to the intersection of S. R. 18, to the intersection of U. S. Route 322/S. R. 18, to the intersection of S. R. 3013, south to the Crawford/Mercer County line and the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to intersection of I-283, east of I-283 to I-83, east of I-83 to intersection of I-81, east of I-81 to intersection of I-80, and south of I-80 to the New Jersey State line.

(2) **Bag limit.** There is daily bag limit of five and a possession limit of ten geese.

(c) **Shooting hours.** Shooting hours for goose hunting during the early [and late] goose hunting [seasons] season is 1/2 hour before sunrise to sunset.

(d) (c) **Unlawful acts.** It is unlawful to hunt Canada geese during the early [or late] goose hunting [seasons] season inside the boundaries of the closed area.

Subchapter C. BIG GAME

§ 141.48. Elk management [areas] units.

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

(b) The outline map of Pennsylvania sets forth elk management [areas] units. Elk management [area 12] unit 11 comprises all areas outside [Areas] units 1-[11] 10 inclusive. [See Appendix F.]

(See map of Pennsylvania Elk Management Units in Appendix F.)

APPENDIX F

(Editor's Note: As part of this proposal, the Commission is proposing to delete the map which appears at 58 Pa. Code page 141-29 (serial page 290367) and replace it with the following map. The map appears at 33 Pa.B. 1354 (March 15, 2003).)

[Pa.B. Doc. No. 03-445. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Rimfire Rifle

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

Amend §§ 141.1(d)(3) and (4) and 141.22(a)(4) (relating to special regulations areas; and small game) to permit the use of the new .17 caliber rimfire cartridge.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 141.1(d)(3) and (4) and 141.22(a)(4) to permit the use of the new .17 caliber rimfire cartridge.

2. *Purpose and Authority*

The Commission recently promulgated language making the .17 caliber rimfire legal for taking small game. Currently, however, the use of the .17 caliber rimfire cartridge is not permitted for taking small game, furbearing animals, crows or other wildlife in the special regulations areas or for dispatching an animal legally caught in a trap. The proposed rulemaking will make use of the .17 caliber rimfire cartridges lawful in all these situations.

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 amendments to §§ 141.1(d)(3) and (4) and 141.22(a)(4) were proposed under these provisions of the code.

3. *Regulatory Requirements*

The proposed rulemaking does not impose any additional restrictions, but rather permits all hunters and furtakers to use the new .17 caliber rimfire cartridge.

4. *Persons Affected*

Persons wishing to hunt small game or dispatch furbearers will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-159. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

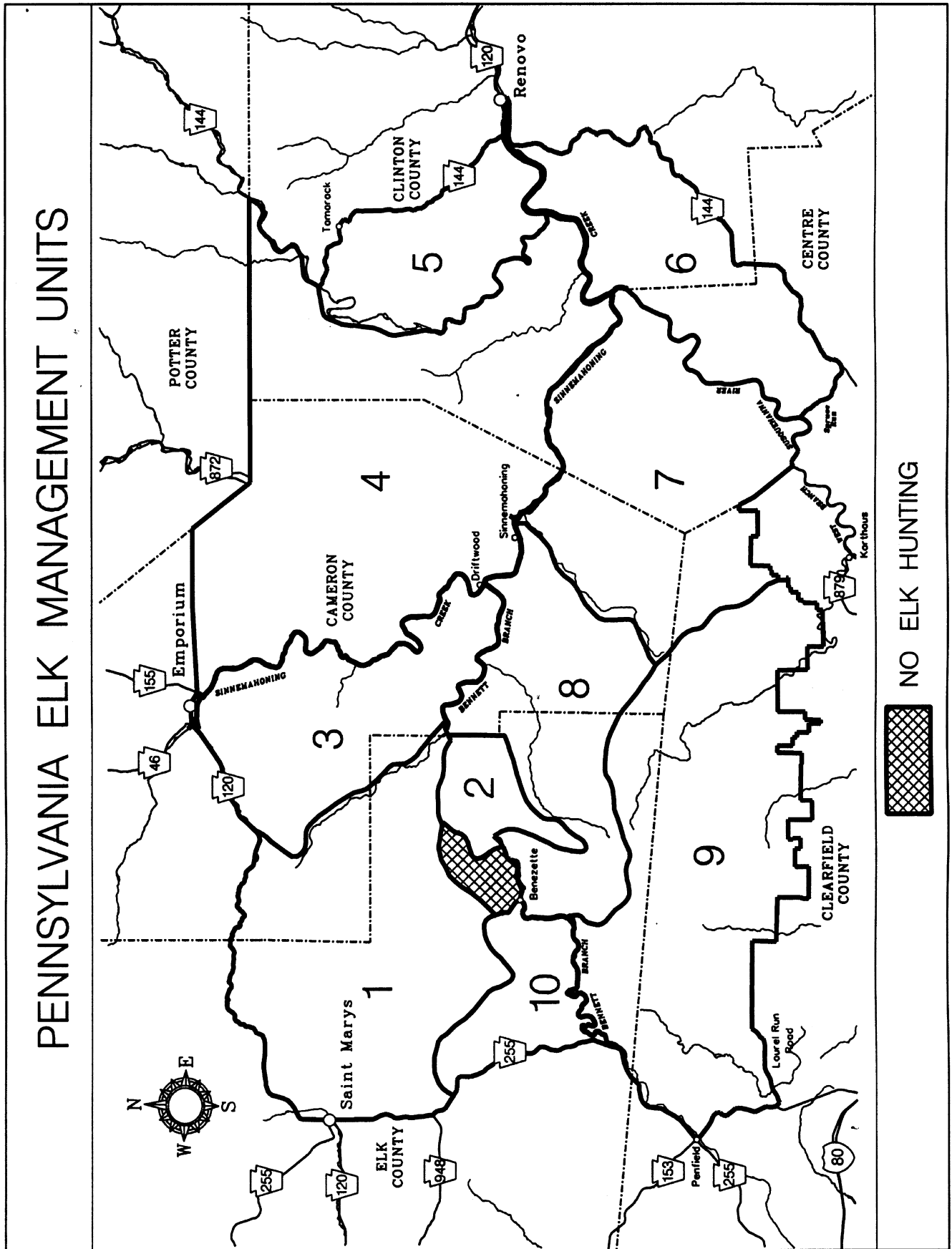
Subchapter A. GENERAL

§ 141.1. Special regulations areas.

* * * * *

(d) *Permitted acts.* It is lawful to:

* * * * *



(3) Take small game, furbearing animals, crows or wildlife with a manually operated [**.22 caliber**] rimfire rifle or handgun **.22 caliber or less**.

(4) Kill an animal legally caught in a trap with a manually operated [**.22 caliber**] rimfire rifle or handgun **.22 caliber or less** while trapping.

* * * * *

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful activities.* It is unlawful to:

* * * * *

(4) Use or possess single projectile ammunition or use or possess single projectile **ammunition** designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a [**.22 caliber**] rimfire rifle or handgun **.22 caliber or less**. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).

* * * * *

[Pa.B. Doc. No. 03-446. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Shooting Hours

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

Amend Chapter 141 (relating to hunting and trapping) to add Appendix G to provide actual hunting hours by adding the table of shooting hours and the Pennsylvania meridian map.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed amendment was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to add Appendix G.

2. *Purpose and Authority*

Although § 141.4 (relating to hunting hours) provides that hunting hours are 1/2 hour before sunrise to sunset, the actual times are not stated in Chapter 141. Therefore, the Commission proposes the addition of a table of shooting hours and a Pennsylvania meridian map to Chapter 141 to clearly define the legal hunting hours and also make them available for reference.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modifications thereof.” Section 2102(a) of the code (relating to regulations) authorizes the Commission to “promulgate such regulations as it deems necessary and

appropriate concerning game or wildlife and hunting” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting” These provisions provide the statutory authority for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking adds a table listing the legal shooting hours and an accompanying Pennsylvania meridian map to Chapter 141.

4. *Persons Affected*

Persons wishing to find a table of shooting hours in the regulations will be affected.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-158. No fiscal impact; (8) recommends adoption.

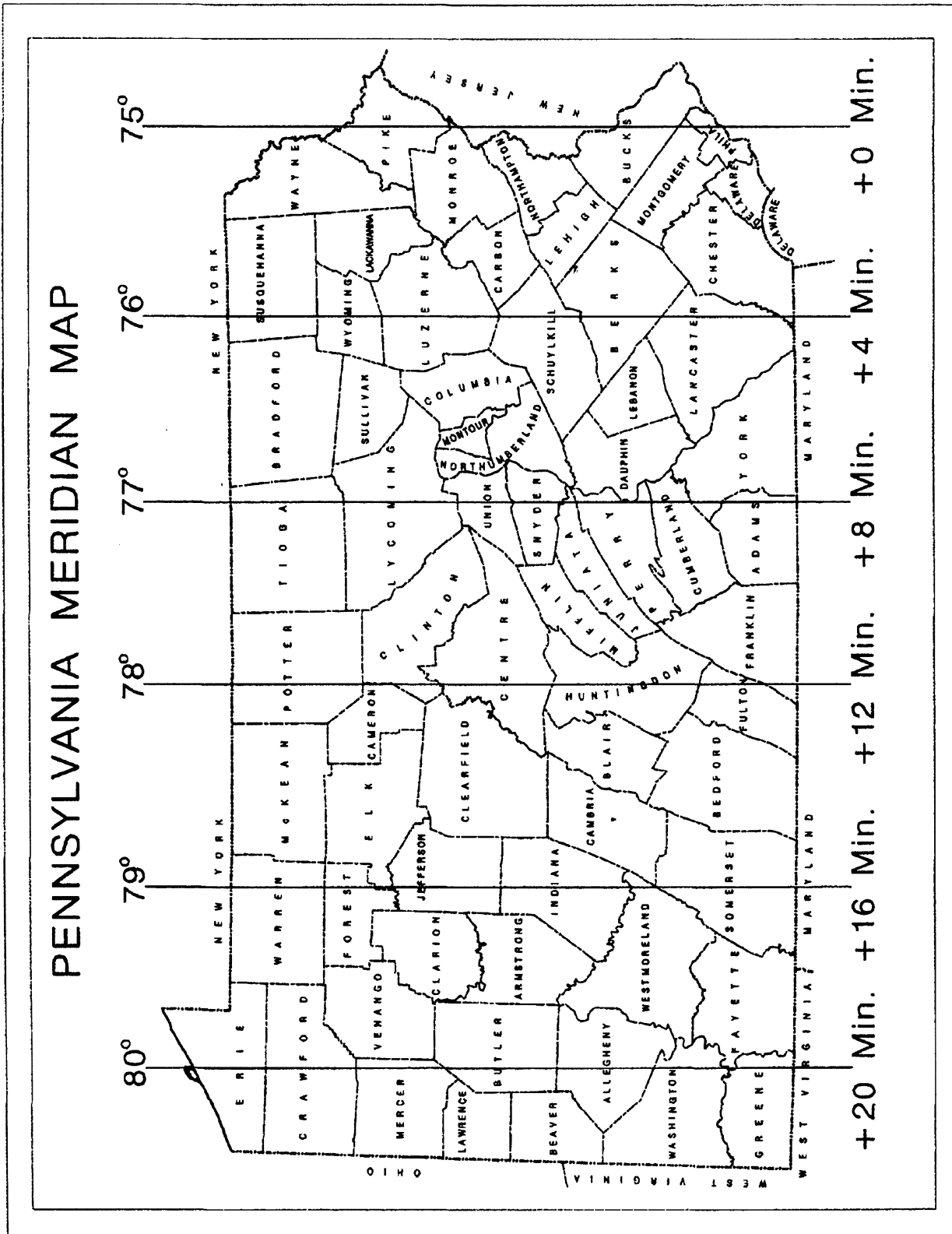
(Editor’s Note: The Pennsylvania meridian map appears at 33 Pa.B. 1356 (March 15, 2003).)

Annex A

**TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
TABLE OF HUNTING HOURS**

<i>Dates</i>	<i>Begin a.m.</i>	<i>End p.m.</i>
June 29—July 5	5:06	8:33
July 6—July 12	5:10	8:31
July 13—July 19	5:15	8:28
July 20—July 26	5:21	8:23
July 27—Aug. 2	5:27	8:17
Aug. 3—Aug. 9	5:34	8:09
Aug. 10—Aug. 16	5:40	8:00
Aug. 17—Aug. 23	5:47	7:51
Aug. 24—Aug. 30	5:54	7:40
Aug. 31—Sept. 6	6:00	7:30
Sept. 7—Sept. 13	6:07	7:17
Sept. 14—Sept. 20	6:13	7:07
Sept. 21—Sept. 27	6:20	6:55
Sept. 28—Oct. 4	6:27	6:44
Oct. 5—Oct. 11	6:34	6:33
Oct. 12—Oct. 18	6:41	6:22
Oct. 19—Oct. 25	6:48	6:12
Oct. 26—Nov. 1	5:56	5:04
Nov. 2—Nov. 8	6:04	4:55
Nov. 9—Nov. 15	6:12	4:48
Nov. 16—Nov. 22	6:20	4:42
Nov. 23—Nov. 29	6:28	4:38
Nov. 30—Dec. 6	6:35	4:36
Dec. 7—Dec. 13	6:41	4:36
Dec. 14—Dec. 20	6:46	4:38
Dec. 21—Dec. 27	6:50	4:41

APPENDIX G



<i>Dates</i>	<i>Begin a.m.</i>	<i>End p.m.</i>
Dec. 28—Jan. 3	6:52	4:45
Jan. 4—Jan. 10	6:53	4:52
Jan. 11—Jan. 17	6:51	4:59
Jan. 18—Jan. 24	6:48	5:08
Jan. 25—Jan. 31	6:43	5:16
Feb. 1—Feb. 7	6:37	5:24
Feb. 8—Feb. 14	6:29	5:32
Feb. 15—Feb. 21	6:20	5:41
Feb. 22—Feb. 28	6:11	5:48
Feb. 29—Mar. 6	6:01	5:55
Mar. 7—Mar. 13	5:51	6:02
Mar. 14—Mar. 20	5:40	6:10
Mar. 21—Mar. 27	5:29	6:17
Mar. 28—Apr. 3	5:13	6:23
Apr. 4—Apr. 10	6:06	7:31
Apr. 11—Apr. 17	5:57	7:38
Apr. 18—Apr. 24	5:45	7:45
Apr. 25—May 1	5:36	7:52
May 2—May 8	5:26	7:59
May 9—May 15	5:19	8:06
May 16—May 22	5:13	8:13
May 23—May 29	5:08	8:18
May 30—June 5	5:04	8:24
June 6—June 12	5:02	8:28
June 13—June 19	5:02	8:31
June 20—June 26	5:03	8:33
June 27—July 3	5:05	8:33

[Pa.B. Doc. No. 03-447. Filed for public inspection March 14, 2003, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping; Hunting and Furtaker Licenses

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

Amend § 141.43(a)(3) and (4) (relating to deer) to remove the reference to flintlock muzzleloading season and replace it with firearms deer season and to delete subsection (d)(5) to remove inconsistency in the regulations. Amend § 143.84 (relating to application) by extending the date to apply for a flintlock muzzleloader license.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 7, 2003, meeting of the Commission. Comments can be sent until April 4, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 141.43(a)(3) and (4) and delete subsection (d)(5) to remove inconsistency in the regulations and amend § 143.84 to extend the application date for a flintlock muzzleloader license.

2. *Purpose and Authority*

After implementing an early rifle season for qualified hunters and an early muzzleloader season that is no longer restricted to flintlock muzzleloaders, § 141.43(a)(3) and (4) must be amended to replace references to “flintlock muzzleloader season” with “firearms season.” These changes should remove any inconsistency in the regulations. For these same reasons, § 141.43(d)(5) must be deleted. Additionally, the Commission proposes to extend the purchase deadline for muzzleloader licenses from the current date of August 31 to November 15 to allow muzzleloader hunters more time to purchase a muzzleloader license.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to “promulgate such regulations as it deems necessary and appropriate concerning . . . 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 § 141.43(a)(3) and (4) and (d)(5) are proposed under this authority. Section 2722(g) of the code (relating to regulations) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendment to § 143.84 is proposed under this authority.

3. *Regulatory Requirements*

The proposed rulemaking will remove language regarding flintlock muzzleloader seasons that is inconsistent with recent amendments to the regulations and extend the date to apply for a muzzleloader license.

4. *Persons Affected*

Persons wishing to hunt during the muzzleloader seasons will be affected.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-157. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

* * * * *

(3) Move about or relocate during that portion of the archery deer season that is concurrent with any [**flintlock muzzleloading**] **firearms deer** season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey 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.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with any [**flintlock muzzleloading**] **firearms deer** season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

* * * * *

(d) *Prohibitions.* While hunting deer during the flintlock muzzleloading season it is unlawful to:

* * * * *

[(5) **Hunt for or assist to hunt for deer during any flintlock muzzleloading season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.**]

* * * * *

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter E. FLINTLOCK (MUZZLELOADER) DEER LICENSES

§ 143.84. Application.

(a) Application may be made when purchasing a regular hunting license, or any time prior to [**August 31**]

<i>Financial Status</i>	<i>Actual FY 00-01</i>	<i>Projected FY 01-02</i>	<i>Projected FY 02-03</i>	<i>Projected FY 03-04</i>	<i>Projected FY 04-05</i>	<i>Projected FY 05-06</i>	<i>Projected FY 06-07</i>
Beginning Balance	579,991	127,741	375,402	(25,656)	274,990	(232,810)	33,836
Revenue	71,750	841,646	49,200	841,646	49,200	841,646	49,200
Prior Year Returned Funds	0	0	74,742	0	0	0	0
Funds Available	<u>651,741</u>	<u>969,387</u>	<u>499,344</u>	<u>815,990</u>	<u>324,190</u>	<u>608,836</u>	<u>83,036</u>
Prior Year Expense	0	87,986	0	0	0	0	0
Expenses	<u>524,000</u>	<u>506,000</u>	<u>525,000</u>	<u>541,000</u>	<u>557,000</u>	<u>575,000</u>	<u>592,000</u>
Remaining Balance	127,741	375,402	(25,656)	274,990	(232,810)	33,836	(508,964)

As the chart indicates, a deficit of almost \$26,000 is projected at fiscal year ending June 30, 2003, a deficit of over \$230,000 is projected at fiscal year ending June 30,

November 15, upon presentation of the regular hunting license.

* * * * *

[Pa.B. Doc. No. 03-448. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Renewal Fee

The State Board of Funeral Directors (Board) proposes to amend § 13.12 (relating to fees) by raising the biennial renewal fee to read as set forth in Annex A.

Effective date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*, beginning with renewal for the 2004-2006 biennial renewal period.

Statutory Authority

The proposed amendment is authorized under section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1).

Background and Need for the Amendment

The Board is required by law to support its operations from revenue it generates from fees, fines and civil penalties and to periodically review its expenditures and revenue streams to assure that revenues meet or exceed expenses. The Board was last required to increase its biennial renewal fees in 1992.

At its March 6, 2002, meeting, the Board reviewed the following summary of its revenues and expenses prepared by the Bureau of Professional and Occupational Affairs Revenue Office and the Bureau of Finance and Operations.

2005, and a deficit of over \$500,000 is projected at fiscal year ending June 30, 2007. The Board must generate revenues of about \$1.1 million to meet its anticipated

expenditures in fiscal years 2003-04 and 2004-05, in addition to recovering the anticipated deficit of June 30, 2003.

The Board raises virtually all its revenues through fees. The biennial license renewal fee is the most substantial revenue-generating fee of the fees charged by the Board. Section 18.1(a) of the act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

The Board proposes to begin recovering that deficit during the 2004-06 biennial period. The Board anticipates that the proposed new fees and the increased user fees which have recently been promulgated would enable it to recapture the current deficit, meet its estimated expenditures for the upcoming fiscal years and generate a surplus of approximately \$160,000 at the end of fiscal year 2004-05.

Description of the Proposed Rulemaking

Section 13.12 would be amended to increase the biennial renewal fee from \$130 to \$185.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would increase the biennial renewal fee for funeral directors and funeral establishments in this Commonwealth, but, otherwise, should have no adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Michelle DeMerice, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Reference No. 16A-4811 (renewal fee), when submitting comments.

JAMES O. PINKERTON, FD,
Chairperson

Fiscal Note: 16A-4811. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

LICENSURE

§ 13.12. Fees.

Following is the schedule of fees charged by the Board:

* * * * *

Biennial renewal § [130] 185

[Pa.B. Doc. No. 03-449. Filed for public inspection March 14, 2003, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Continuing Education Provider Approval

The State Board of Veterinary Medicine (Board) proposes to amend §§ 31.16 and 31.40 (relating to continuing education provider approval) to read as set forth in Annex A. The proposed rulemaking adds providers approved by the American Association of Veterinary State Boards (AAVSB) and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and animal health technicians.

Effective Date

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

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Background and Need for Proposed Rulemaking

The AAVSB asked the Board to consider adding providers who are approved by the AAVSB and listed on the

RACE to the list of providers who are preapproved by the Board to provide continuing education required for biennial license renewal to this Commonwealth's licensed veterinarians and certified animal health technicians. After reviewing the information provided by the AAVSB, the Board found that courses are approved by the AAVSB for inclusion on the RACE in accordance with standards equivalent to the standards employed by the Board in approving continuing education courses. The Board concluded that RACE-listed courses are of consistently high educational quality and should have preapproved status.

Description of Proposed Rulemaking

The Board proposes to amend § 31.16(a), which lists those continuing education providers who are preapproved by the Board to offer courses to licensed veterinarians, by adding paragraph (8), which includes providers listed on the RACE. The Board proposes to amend § 31.40(a), which lists those continuing education providers who are preapproved by the Board to offer courses to certified animal health technicians, by adding paragraph (8), which includes providers listed on the RACE.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41. The proposed rulemaking will also relieve the Board of the work involved in reviewing and approving the continuing education courses.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Robert Kline, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, www.dos.state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

BRIAN V. HARPSTER, V.M.D.,
Chairperson

Fiscal Note: 16A-5714. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

* * * * *

ANIMAL HEALTH TECHNICIANS AND NONCERTIFIED [EMPLOYES] EMPLOYEES

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified animal health technicians:

* * * * *

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified animal health technicians.

* * * * *

[Pa.B. Doc. No. 03-450. Filed for public inspection March 14, 2003, 9:00 a.m.]