

## No. 1982-119

## AN ACT

## SB 1198

Amending the act of June 3, 1937 (P.L.1225, No.316), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further providing for deer-proof and elk-proof fences.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1301 and 1302, act of June 3, 1937 (P.L.1225, No.316), known as "The Game Law," are amended to read:

Section 1301. Authority to Provide Deer-Proof and Elk-Proof Fences.—(a) In sections of the Commonwealth where wild deer *and elk* are present in excessive numbers on lands open to public hunting and are, in a material way, injuring or destroying farm crops, fruit orchards or commercial tree nurseries where ornamental or fruit trees are grown for sale, the owners or lessees of such farms, fruit orchards or commercial tree nurseries may make application to the commission for assistance in the erection of a deer-proof *or elk-proof fence*, whereupon said commission through its representatives shall investigate the conditions prevailing on such property and adjacent territory. If the investigation discloses the need of protection from deer *or elk* such as would be provided by fencing, the commission may enter into a written agreement with the applicant and such others in the vicinity similarly affected as, in the opinion of the commission, may require like protection, for the erection of a deer-proof *or elk-proof fence* of such height, design, materials and type of construction as the commission may specify. The provisions of this section shall not be construed to apply to gardens or truck patches, except where produce is raised for market on a commercial basis.

(b) The commission may purchase and deliver to the applicant or applicants at the nearest shipping point, the required amount of woven wire fencing *or fencing wire* of the design [and height] approved by it, and the required quantity of staples *or wire fasteners*, provided the applicant or applicants have agreed in the said written agreement to furnish all posts needed to construct said fence and all gates he or they desire to erect and to construct said fence without cost to the commission within six (6) months from the day the fencing and staples arrive at the point to which they were directed, shipped or delivered.

(c) In case the said fence is not completed within the stipulated time, the commission, through its representatives, may recover the materials it furnished at such time and in such manner as desired or found practical.

(d) All such fences, after erection, shall be maintained by the individuals interested and the commission shall bear no part of such future

maintenance. Replacement of such fences when worn out may be on the same basis as the erection of the original fence, the commission to decide when such replacement fence shall be necessary.

Section 1302. Amount Available for Deer-Proof and Elk-Proof Fences.—Not to exceed **[ten thousand dollars (\$10,000)]** *twenty-five thousand dollars (\$25,000)* annually may be expended by the commission from the Game Fund for the purchase of woven wire fencing and staples, *or fencing wire and wire fasteners*, for the erection of deer-proof and elk-proof fences in accordance with the provisions of this article.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of May, A. D. 1982.

DICK THORNBURGH