
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1919 Session of
2017

INTRODUCED BY CAUSER, GODSHALL, COOK, EMRICK, GROVE, KEEFER,
LAWRENCE, MILLARD, ROAE, ROTHMAN, WARNER, WATSON AND
WHEELAND, NOVEMBER 16, 2017

REFERRED TO COMMITTEE ON GAME AND FISHERIES, NOVEMBER 16, 2017

AN ACT

1 Amending Titles 3, (Agriculture), 18 (Crimes and Offenses), 22
2 (Detectives and Private Police), 23 (Domestic Relations), 25
3 (Elections), 27 (Environmental Resources), 30 (Fish), 34
4 (Game), 42 (Judiciary and Judicial Procedure), 58 (Oil and
5 Gas), 66 (Public Utilities), 71 (State Government) and 75
6 (Vehicles) of the Pennsylvania Consolidated Statutes,
7 combining the Pennsylvania Fish and Boat Commission and the
8 Pennsylvania Game Commission; and making editorial changes.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 ARTICLE I

12 Section 101. Sections 2327(d), 2380.9(b)(2), 2390(d) and
13 2703 of Title 3 of the Pennsylvania Consolidated Statutes are
14 amended to read:

15 § 2327. Disease surveillance and detection.

16 * * *

17 (d) Wild animals.--The department shall have the authority
18 to solicit assistance from and provide assistance to Federal and
19 other State agencies, local governments and private entities in
20 monitoring wild animals in this Commonwealth to determine the

1 presence of dangerous transmissible disease. This monitoring may
2 be done in cooperation with the Pennsylvania Game and Fish
3 Commission, [the Pennsylvania Fish and Boat Commission,] the
4 United States Fish and Wildlife Service or any other private or
5 governmental entity.

6 § 2380.9. Game and Wildlife Code and regulations.

7 * * *

8 (b) Regulations.--

9 * * *

10 (2) Notwithstanding any other provision of law, the
11 Pennsylvania Game and Fish Commission has no authority to
12 promulgate regulations on Cervidae livestock operations.

13 § 2390. Regulation of swine hunting preserves.

14 * * *

15 (d) Pennsylvania Game and Fish Commission.--Notwithstanding
16 any other law, the Pennsylvania Game and Fish Commission shall
17 have no authority to promulgate regulations on swine hunting
18 preserves, and no regulation promulgated under this section
19 shall be construed to be governed by 34 Pa.C.S. (relating to
20 game).

21 § 2703. Unlawful acts.

22 A person commits a summary offense of the second degree and
23 shall be subject to the penalty imposed under 34 Pa.C.S. §
24 925(b)(5) (relating to jurisdiction and penalties) if the person
25 does any of the following:

26 (1) If the person is a taxidermist, mounts any specimen
27 which was not lawfully killed or raised under authority of a
28 propagating permit unless the owner of the specimen presents
29 the taxidermist with a permit obtained from the Pennsylvania
30 Game and Fish Commission [or the Pennsylvania Fish

1 ~~Commission~~] and, in the case of migratory birds, the required
2 Federal permit.

3 (2) Mounts any specimen unless the owner of the specimen
4 presents the person with a copy of a permit issued by the
5 Pennsylvania Game and Fish Commission [or the Pennsylvania
6 Fish Commission]. A taxidermist may accept a specimen for
7 safekeeping and, after notifying the nearest [Pennsylvania
8 Game Commission or Pennsylvania Fish Commission] game and
9 fish officer, hold it until the owner obtains the necessary
10 permit or for a period not to exceed 60 days.

11 (3) Violates the provisions of this chapter.

12 Section 102. The definition of "commission" in section 4203
13 of Title 3 is amended to read:

14 § 4203. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Commission." The Pennsylvania Game and Fish [and Boat]
20 Commission.

21 * * *

22 Section 103. Section 4216(a) (4) of Title 3 is amended to
23 read:

24 § 4216. Aquaculture Advisory Committee.

25 (a) Establishment and composition.--The Aquaculture Advisory
26 Committee is hereby established as a departmental advisory board
27 within the department. The advisory committee shall consist of
28 21 members of whom the following 12 shall be members ex officio:

29 * * *

30 (4) The Executive Director of the Pennsylvania Game and

1 Fish [and Boat] Commission.

2 * * *

3 ARTICLE II

4 Section 201. Sections 913(c)(3), 2702(c)(37) and (38),
5 5515(d), 6115(b)(1)(iii), 6125 and 7506(a) of Title 18 are
6 amended to read:

7 § 913. Possession of firearm or other dangerous weapon in court
8 facility.

9 * * *

10 (c) Exceptions.--Subsection (a) shall not apply to:

11 * * *

12 (3) The carrying of rifles and shotguns by instructors
13 and participants in a course of instruction provided by the
14 Pennsylvania Game and Fish Commission under 34 Pa.C.S. § 2704
15 (relating to eligibility for license).

16 * * *

17 § 2702. Aggravated assault.

18 * * *

19 (c) Officers, employees, etc., enumerated.--The officers,
20 agents, employees and other persons referred to in subsection
21 (a) shall be as follows:

22 * * *

23 (37) A [wildlife conservation] game and fish officer or
24 deputy [wildlife conservation] game and fish officer of the
25 Pennsylvania Game and Fish Commission.

26 [(38) A waterways conservation officer or deputy
27 waterways conservation officer of the Pennsylvania Fish and
28 Boat Commission.]

29 * * *

30 § 5515. Prohibiting of paramilitary training.

1 * * *

2 (d) Excluded activities.--Nothing contained in this section
3 shall make unlawful any activity of the [Game] Pennsylvania Game
4 and Fish Commission, [Fish and Boat Commission,] or any law
5 enforcement agency, or any hunting club, rifle club, rifle
6 range, pistol range, shooting range or other program or
7 individual instruction intended to teach the safe handling or
8 use of firearms, archery equipment or other weapons or
9 techniques employed in connection with lawful sports or other
10 lawful activities.

11 § 6115. Loans on, or lending or giving firearms prohibited.

12 * * *

13 (b) Exception.--

14 (1) Subsection (a) shall not apply if any of the
15 following apply:

16 * * *

17 (iii) The person who receives the firearm is engaged
18 in a hunter safety program certified by the Pennsylvania
19 Game and Fish Commission or a firearm training program or
20 competition sanctioned or approved by the National Rifle
21 Association.

22 * * *

23 § 6125. Distribution of uniform firearm laws and firearm safety
24 brochures.

25 It shall be the duty of the Pennsylvania State Police
26 beginning January 1, 1996, to distribute to every licensed
27 firearm dealer in this Commonwealth firearms safety brochures at
28 no cost to the dealer. The brochures shall be written by the
29 Pennsylvania State Police, with the cooperation of the
30 Pennsylvania Game and Fish Commission, and shall include a

1 summary of the major provisions of this subchapter, including,
2 but not limited to, the duties of the sellers and purchasers and
3 the transferees of firearms. The brochure or a copy thereof
4 shall be provided without charge to each purchaser.

5 § 7506. Violation of rules regarding conduct on Commonwealth
6 property.

7 (a) Promulgation of rules and regulations.--The Department
8 of Environmental Resources, Pennsylvania Game and Fish
9 Commission and Pennsylvania Historical and Museum Commission may
10 promulgate rules and regulations governing conduct, other than
11 conduct regulated in section 7505 (relating to violation of
12 governmental rules regarding traffic), on Commonwealth property
13 within the jurisdiction of that agency. Such rules and
14 regulations shall be reasonably related to the preservation and
15 protection of such property for its specified or intended use,
16 or to promote the welfare, safety or protection of those persons
17 using such property, shall be consistent with existing law and
18 shall be posted in a manner reasonable likely to come to the
19 attention of persons using such property.

20 * * *

21 ARTICLE III

22 Section 301. Section 3715(b)(11) of Title 22 is amended to
23 read:

24 § 3715. Humane Society Police Officer Advisory Board.

25 * * *

26 (b) Membership.--The board shall consist of the following:

27 * * *

28 (11) A representative of the Pennsylvania Game and Fish
29 Commission.

30 * * *

ARTICLE IV

Section 401. Section 4355(d.2) (1) and (3), (d.3) and (d.6) of Title 23 are amended to read:

§ 4355. Denial or suspension of licenses.

* * *

(d.2) Special procedures for recreational licenses issued by Pennsylvania Game and Fish Commission.--

(1) Where the domestic relations section or the department has been unable to attach the income of an obligor and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation or where an individual has failed, after appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings, the court may issue an order directing the Pennsylvania Game and Fish Commission to prohibit the issuance or renewal of a recreational license of the obligor or other individual or to require the suspension of the recreational license of the obligor or other individual.

* * *

(3) Upon receipt of an order from a court requiring the Pennsylvania Game and Fish Commission to refuse to issue or renew or to revoke or suspend the recreational license of the obligor or other individual, the Pennsylvania Game and Fish Commission shall immediately comply with the order. Upon receipt of an order from the court authorizing the Pennsylvania Game and Fish Commission to restore the recreational license of an obligor or other individual, the Pennsylvania Game and Fish Commission shall immediately restore the recreational license of the obligor or other individual if the obligor or other individual complies with

1 the provisions of 30 Pa.C.S. Ch. 27 (relating to fishing
2 licenses) and 34 Pa.C.S. Ch. 27 (relating to hunting and
3 furtaking licenses).

4 * * *

5 [(d.3) Special procedures for licenses issued by
6 Pennsylvania Fish and Boat Commission.--

7 (1) Where the domestic relations section or the
8 department has been unable to attach the income of an obligor
9 and the obligor owes support in an amount equal to or greater
10 than three months of the monthly support obligation or where
11 an individual has failed, after appropriate notice, to comply
12 with subpoenas or warrants relating to paternity or child
13 support proceedings, the court may issue an order directing
14 the Pennsylvania Fish and Boat Commission to prohibit the
15 issuance or renewal of a recreational license of the obligor
16 or other individual or to require the suspension of the
17 recreational license of the obligor or other individual.

18 (2) Procedures for notice of suspension, nonrenewal or
19 denial, issuance of the appropriate order and reinstatement
20 of a recreational license shall be in accordance with
21 subsections (b), (c) and (d).

22 (3) Upon receipt of an order from a court requiring the
23 Pennsylvania Fish and Boat Commission to refuse to issue or
24 renew or to revoke or suspend the recreational license of the
25 obligor or other individual, the Pennsylvania Fish and Boat
26 Commission shall immediately comply with the order. Upon
27 receipt of an order from the court authorizing the
28 Pennsylvania Fish and Boat Commission to restore the
29 recreational license of an obligor or other individual, the
30 Pennsylvania Fish and Boat Commission shall immediately

1 restore the recreational license of the obligor or other
2 individual if the obligor or other individual complies with
3 the provisions of 30 Pa.C.S. Ch. 27 (relating to fishing
4 licenses).

5 (4) There shall be no right to appeal from a refusal to
6 issue or renew or from a revocation or suspension under this
7 section. The sole remedy shall be to petition the court which
8 entered the underlying support order which resulted in the
9 revocation, suspension or refusal to issue or renew the
10 license.]

11 * * *

12 (d.6) Immunity.--The court, the domestic relations section,
13 the Department of Public Welfare, the Department of
14 Transportation, the Pennsylvania Game and Fish Commission, [the
15 Pennsylvania Fish and Boat Commission] or any employee of any of
16 these entities or any person appointed by the Pennsylvania Game
17 and Fish Commission [or the Pennsylvania Fish and Boat
18 Commission] to issue licenses and permits pursuant to the
19 applicable provisions of 30 Pa.C.S. (relating to fish) and 34
20 Pa.C.S. (relating to game) shall not be subject to civil or
21 criminal liability for carrying out their duties under this
22 section.

23 * * *

24 ARTICLE V

25 Section 501. Section 1327(c)(2) of Title 25 is amended to
26 read:

27 § 1327. Preparation and distribution of applications.

28 * * *

29 (c) Distribution.--

30 * * *

1 (2) The secretary shall make available for distribution
2 official voter registration applications to public libraries,
3 public schools, State-related institutions of higher
4 education, offices operated by the Department of Revenue,
5 offices operated by the Department of Aging, area agencies on
6 aging, offices operated by the Pennsylvania Game and Fish
7 Commission or any of its authorized license-issuing agents[,
8 offices operated by the Pennsylvania Fish and Boat Commission
9 or any of its issuing agents,] and offices that provide
10 unemployment compensation.

11 * * *

12 ARTICLE VI

13 Section 601. Sections 3114(b)(3) and 6116(c)(5) and (6) of
14 Title 27 are amended to read:

15 § 3114. Statewide Water Resources Committee.

16 * * *

17 (b) Membership.--

18 * * *

19 (3) The Secretary of Environmental Protection, Secretary
20 of Agriculture, Secretary of Conservation and Natural
21 Resources, Executive Director of the Pennsylvania Game and
22 Fish [and Boat] Commission, Chairman of the Pennsylvania
23 Public Utility Commission and Executive Director of the
24 Pennsylvania Emergency Management Agency or their designees
25 shall be ex officio voting members of the Statewide
26 committee. The Secretary of Community and Economic
27 Development and the Executive Director of the Governor's
28 Center for Local Government Services or their designees and a
29 representative of each Compact Basin Commission shall be
30 invited to serve as ex officio nonvoting members of the

1 Statewide committee.

2 * * *

3 § 6116. Establishment of bond fund and allocation and use of
4 bond proceeds.

5 * * *

6 (c) Allocation and use of funds.--Moneys in the bond fund
7 shall be allocated and used as follows:

8 * * *

9 (5) The amount of [\$27,500,000] \$47,500,000 to the
10 Pennsylvania Game and Fish [and Boat] Commission for capital
11 improvement projects to its existing lands and facilities.
12 The executive director of the Pennsylvania Game and Fish [and
13 Boat] Commission shall, no later than June 30 of each year,
14 provide an annual allocation plan detailing the projects to
15 be funded under this paragraph, the amount of each project
16 and the anticipated environmental benefit of the project to
17 the chairman and minority chairman of the Game and Fisheries
18 Committee of the Senate and the chairman and minority
19 chairman of the Game and Fisheries Committee of the House of
20 Representatives.

21 [(6) The amount of \$20,000,000 to the Pennsylvania Game
22 Commission for capital improvement projects to its existing
23 lands and facilities. The executive director of the
24 Pennsylvania Game Commission shall, no later than June 30 of
25 each year, provide an annual allocation plan detailing the
26 projects to be funded under this paragraph, the amount of
27 each project and the anticipated environmental benefit of the
28 project to the chairman and minority chairman of the Game and
29 Fisheries Committee of the Senate and the chairman and
30 minority chairman of the Game and Fisheries Committee of the

1 House of Representatives. Funds under this paragraph shall
2 not be used for land acquisition.]

3 * * *

4 ARTICLE VII

5 Section 701. The definitions of "commission," "deputy
6 waterways conservation officers," "deputy waterways patrolman,"
7 "executive director," "waterways conservation officers" and
8 "waterways patrolman" in section 102 of Title 30 are amended to
9 read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this title which are applicable to specific
13 provisions of this title, the following words and phrases when
14 used in this title shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Commission." The Pennsylvania [Fish and Boat] Game and Fish
18 Commission of the Commonwealth.

19 ["Deputy waterways conservation officers." Officers formerly
20 designated as deputy waterways patrolmen appointed under section
21 305 (relating to deputy waterways patrolmen).

22 "Deputy waterways patrolman." A deputy waterways
23 conservation officer.]

24 * * *

25 "Executive director." The executive director of the
26 Pennsylvania [Fish and Boat] Game and Fish Commission.

27 * * *

28 ["Waterways conservation officers." Officers formerly
29 designated as waterways patrolmen appointed under section 304
30 (relating to waterways patrolmen and employees).

1 "Waterways patrolman." A waterways conservation officer.]

2 Section 702. Chapter 3 of Title 30 is repealed:

3 [CHAPTER 3

4 PENNSYLVANIA FISH AND BOAT COMMISSION

5 SUBCHAPTER A

6 ORGANIZATION, OFFICERS AND EMPLOYEES

7 § 301. Organization of commission.

8 (a) Composition.--The Pennsylvania Fish and Boat Commission
9 is continued as an independent administrative commission and
10 shall consist of ten competent citizens of this Commonwealth who
11 shall be appointed by the Governor by and with the advice and
12 consent of a majority of the members elected to the Senate.

13 (b) Qualifications.--Two members of the commission shall
14 serve at-large and be experienced in boating and water safety
15 education and be a registered boat owner in Pennsylvania. The
16 two boatmen members shall represent the various geographical
17 sections and boating interests of this Commonwealth. The
18 remaining eight members shall be persons well informed on the
19 subject of conservation, restoration, fish and fishing and boats
20 and boating and shall be appointed, insofar as practicable, on a
21 bipartisan basis and from the various geographic districts of
22 this Commonwealth so that at all times one and only one member
23 shall be a resident of each of the following districts:

24 (1) First district, consisting of the counties of Erie,
25 Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest
26 and Clarion.

27 (2) Second district, consisting of the counties of
28 Beaver, Allegheny, Washington, Greene, Armstrong, Indiana,
29 Westmoreland and Fayette.

30 (3) Third district, consisting of the counties of

1 McKean, Elk, Jefferson, Potter, Cameron, Clearfield, Clinton
2 and Centre.

3 (4) Fourth district, consisting of the counties of
4 Cambria, Somerset, Blair, Bedford, Huntingdon, Fulton,
5 Mifflin and Juniata.

6 (5) Fifth district, consisting of the counties of Tioga,
7 Lycoming, Union, Snyder, Bradford, Sullivan, Columbia,
8 Montour and Northumberland.

9 (6) Sixth district, consisting of the counties of
10 Franklin, Perry, Cumberland, Adams, Dauphin, York, Lebanon
11 and Lancaster.

12 (7) Seventh district, consisting of the counties of
13 Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon, Wayne,
14 Pike and Monroe.

15 (8) Eighth district, consisting of the counties of
16 Schuylkill, Berks, Chester, Northampton, Lehigh, Bucks,
17 Montgomery, Philadelphia and Delaware.

18 (c) Terms of office and compensation.--The members shall
19 hold office for terms of four years each and may continue to
20 hold office for a period of time not to exceed six months or
21 until a successor is appointed and qualified, whichever occurs
22 first. A member who serves three consecutive terms shall not be
23 eligible for reappointment to the commission. The members shall
24 receive no compensation for their services but may be reimbursed
25 for travel expenses. When performing any function on behalf of
26 the commission or acting within the scope of their official
27 duties, members of the commission shall be authorized to operate
28 Commonwealth vehicles and watercraft and shall be treated as
29 employees of the Commonwealth for the purposes of automotive and
30 general liability and the act of June 2, 1915 (P.L.736, No.338),

1 known as the Workers' Compensation Act.

2 (d) Vacancies.--Upon the death, resignation or removal from
3 office of any member, the Governor shall appoint a competent
4 person to serve for the unexpired term.

5 (e) Meetings, officers and quorum.--The commission shall
6 have an office in the Harrisburg area and shall hold meetings in
7 the Harrisburg area in January and July and at such other times
8 and places within this Commonwealth as the commission shall
9 designate for the transaction of business. At the meeting held
10 in July of each year, the commission shall elect one of its
11 members as president and one of its members as vice president
12 who shall hold office for one year. Six members shall constitute
13 a quorum.

14 (f) Powers of waterways patrolmen.--Except for the power
15 conferred by section 925 (relating to acknowledgment of guilt
16 and receipts for payment), members of the commission may
17 exercise any of the powers conferred by this title on waterways
18 patrolmen.

19 § 302. Executive director.

20 (a) Appointment and compensation.--The commission shall
21 appoint to serve at its pleasure and, with the approval of the
22 Governor, fix the compensation of an executive director who
23 shall be the chief executive officer of the commission and
24 attend to its administrative work and have charge of all
25 activities under the jurisdiction of the commission. The
26 executive director shall be the chief waterways patrolman of the
27 commission and shall have charge of, direct, supervise, and
28 control all waterways patrolmen, deputy waterways patrolmen and
29 employees of the commission. No member of the commission nor any
30 person who has served as a member thereof within one year shall

1 be eligible for appointment as executive director.

2 (b) Power to catch, kill or possess fish.--The executive
3 director or his agent may catch, take, kill or possess any fish
4 at any time, in any season of the year and with any kind of net
5 or device.

6 § 303. Assistant executive directors.

7 (a) Appointment and compensation.--The executive director,
8 with the approval of the commission, may, in accordance with law
9 and the classification and compensation plans of the
10 Commonwealth as established by the Executive Board, appoint and
11 fix the compensation of two assistant executive directors, one
12 of whom shall be in charge of and responsible for watercraft
13 safety and the other of whom shall be in charge of and
14 responsible for fisheries and engineering.

15 (b) Assistant for watercraft safety.--The assistant
16 executive director of the commission in charge of watercraft
17 safety shall reside in this Commonwealth at the time of
18 appointment and have five or more years of experience with ships
19 or boats and have either a college degree or at least ten years
20 experience in administration. The assistant executive director
21 shall:

22 (1) Direct, administer and coordinate the activities of
23 the commission relating to watercraft, boats and boating,
24 including the enforcement of Part III (relating to boats and
25 boating) and the rules and regulations promulgated
26 thereunder, and the improvement and maintenance of waterway
27 facilities including aids to navigation.

28 (2) Coordinate and supervise all expenditures from the
29 Boat Fund.

30 (3) Administer the boating education programs of the

1 commission.

2 § 304. Waterways patrolmen and employees.

3 (a) Appointment and compensation.--The executive director,
4 with the approval of the commission, shall, in accordance with
5 law and the classification and compensation plans of the
6 Commonwealth as established by the Executive Board, appoint and
7 fix the compensation of such number of waterways patrolmen and
8 other employees as the commission deems necessary to enforce and
9 carry out the provisions of this title and perform the functions
10 and work of the commission.

11 (b) Status.--This title does not change the status of
12 waterways patrolmen for the purposes of the act of July 23, 1970
13 (P.L.563, No.195), known as the "Public Employe Relations Act,"
14 or cause waterways patrolmen to be considered policemen for the
15 purposes of the act of June 24, 1968 (P.L.237, No.111), referred
16 to as the Policemen and Firemen Collective Bargaining Act.

17 § 305. Deputy waterways conservation officers.

18 (a) Appointment and training.--The executive director, with
19 the approval of the commission, may appoint deputy waterways
20 conservation officers to act anywhere within this Commonwealth.
21 Newly appointed deputy waterways conservation officers,
22 excluding reappointments, shall attend such training programs as
23 may be required by the commission, which shall include at a
24 minimum:

25 (1) Successful completion of training and obtaining a
26 certificate of qualification under the act of October 10,
27 1974 (P.L.705, No.235), known as the Lethal Weapons Training
28 Act, or equivalent training as determined by the executive
29 director, prior to appointment.

30 (2) Successful completion of not less than 250 hours of

1 law enforcement classroom and on-the-job training.
2 All deputy waterways conservation officers, including
3 reappointments, shall attend all annual in-service training as
4 may be required by the commission. Persons appointed under this
5 section may exercise the powers of their appointments until
6 December 31 of each year unless their appointment is sooner
7 revoked, suspended or withdrawn.

8 (b) Compensation.--Deputy waterways conservation officers
9 shall not be entitled to any salary, compensation or expenses
10 for their services from the Commonwealth, unless authorized by
11 the executive director of the commission, in which case they
12 shall receive compensation and/or reasonable expenses in
13 accordance with a Statewide pay scale and standards as
14 established by the Executive Board. Deputy waterways
15 conservation officers are volunteers. When acting within the
16 scope of their official duties, deputy waterways conservation
17 officers shall be authorized to operate Commonwealth vehicles
18 and watercraft and shall be treated as employees of the
19 Commonwealth for the purposes of automotive and general
20 liability and the act of June 2, 1915 (P.L.736, No.338), known
21 as the Workers' Compensation Act.

22 (c) Powers and duties.--Deputy waterways conservation
23 officers appointed under the authority of this section may
24 exercise the powers and duties of their appointments until
25 December 31 of each year and no longer unless their commissions
26 are sooner revoked, suspended or withdrawn. The powers and
27 duties of deputy waterways conservation officers shall be
28 subject to such limitations as the executive director, with the
29 approval of the commission, shall prescribe. The executive
30 director may authorize deputy waterways conservation officers to

1 exercise the same powers and perform the same duties as
2 waterways conservation officers except that deputy waterways
3 conservation officers shall not exercise the powers and duties
4 set forth in section 901(a)(12) (relating to powers and duties
5 of waterways conservation officers and deputies).

6 § 306. Boating Advisory Board.

7 (a) Composition.--There is hereby continued within the
8 commission a Boating Advisory Board. The board shall consist of
9 the Secretary of Environmental Resources, or his designee, the
10 executive director of the commission and the assistant executive
11 director of the commission in charge of watercraft safety, all
12 of whom shall be ex officio members, and five volunteer members
13 to be appointed by the Governor for terms of five years or, in
14 the case of a vacancy, for the remainder of the unexpired term.

15 (b) Qualifications.--The members appointed by the Governor
16 shall be experienced boaters as evidenced by the operation of a
17 boat and active membership in representative boating
18 associations, yacht clubs or similar organizations. As far as
19 possible, the membership of the board shall be bipartisan and
20 shall represent the various geographical sections and boating
21 interests of this Commonwealth.

22 (c) Officers.--The board shall annually select one of the
23 volunteer members as the chairman. The assistant executive
24 director for watercraft safety shall serve as secretary.

25 (d) Compensation.--The volunteer members of the board shall
26 receive no salary but may, subject to the approval of the
27 commission, receive travel expenses. When performing any
28 function on behalf of the commission or acting within the scope
29 of their official duties, volunteer members of the board shall
30 be authorized to operate Commonwealth vehicles and watercraft

1 and shall be treated as employees of the Commonwealth for the
2 purposes of automotive and general liability and the act of June
3 2, 1915 (P.L.736, No.338), known as the Workers' Compensation
4 Act.

5 (e) Meetings and quorum.--The board shall meet at such place
6 and at such time as may be specified upon the call of the
7 chairman, three members of the board or the commission. Five
8 members of the board, including three volunteer members, shall
9 constitute a quorum.

10 (f) Powers and duties.--The board shall advise the
11 commission on all matters relating to boating and make
12 recommendations to the commission with regard to any proposed
13 rules or regulations affecting the equipment or operation of
14 boats.

15 § 307. Designation of law enforcement officers.

16 (a) Waterways patrolmen.--Waterways patrolmen of the
17 commission are designated as waterways conservation officers.
18 The commission may substitute the term "waterways conservation
19 officer" for the term "waterways patrolman" on its documents and
20 materials on a schedule it deems appropriate.

21 (b) Deputy waterways patrolmen.--Deputy waterways patrolmen
22 of the commission are designated deputy waterways conservation
23 officers. The commission may substitute the term "deputy
24 waterways conservation officer" for the term "deputy waterways
25 patrolman" on its documents and materials on a schedule it deems
26 appropriate.

27 (c) Savings provision.--Prosecutions, enforcement actions
28 and other official duties of waterways conservation officers and
29 deputy waterways conservation officers shall not be affected by
30 the use of the designation waterways patrolmen or deputy

1 waterways patrolmen on forms, documents, materials, badges and
2 other items issued or prepared by the commission.

3 § 308. Designation of commission.

4 The Pennsylvania Fish Commission is designated the
5 Pennsylvania Fish and Boat Commission. Prosecutions, licenses,
6 contracts, deeds, enforcement actions and other official actions
7 by the commission shall not be affected by the use of the
8 designation of the commission as the Pennsylvania Fish
9 Commission. The commission may continue to use the name
10 Pennsylvania Fish Commission on badges, citations, field
11 acknowledgments, contracts, licenses, registrations, stationery
12 or any other official documents or emblems until existing
13 supplies are exhausted. The commission may substitute the title
14 "Pennsylvania Fish and Boat Commission" for the title
15 "Pennsylvania Fish Commission" on its documents and materials on
16 such schedule as it deems appropriate.

17 SUBCHAPTER B

18 POWERS AND DUTIES IN GENERAL

19 § 321. Administration and enforcement.

20 The commission shall administer and enforce this title and
21 other laws of this Commonwealth relating to:

22 (1) The encouragement, promotion and development of the
23 fishery interests.

24 (2) The protection, propagation and distribution of
25 fish.

26 (3) The management of boating and the operation of
27 boats.

28 (4) The encouragement, promotion and development of
29 recreational boating.

30 § 322. Rules and regulations.

1 The commission may promulgate rules and regulations
2 concerning:

3 (1) Fishing to aid in the better protection,
4 preservation and management of fish.

5 (2) Boating and the management and operation of boats.

6 § 323. Publications.

7 The executive director may have printed the annual report of
8 the commission and such bulletins, literature, posters and other
9 printing as may be appropriate to the work of the commission
10 including the magazine known as the Pennsylvania Angler. The
11 commission shall from time to time establish the subscription
12 rates for the Pennsylvania Angler and charges for its other
13 publications. All publications published by the commission shall
14 be nonpartisan.

15 § 324. Commission records.

16 Any records maintained by the commission or any issuing agent
17 or other agent of the commission that contain or include the
18 home address of any individuals or any other personal
19 information about individuals such as height, weight, color of
20 hair and/or color of eyes, including but not limited to fishing
21 licenses and applications therefor, boat registrations and
22 applications therefor and permits and applications therefor, are
23 not public records as defined in section 1 of the act of June
24 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
25 Law.

26 § 325. Use of credit and debit cards.

27 (a) Sales of licenses and other items.--The executive
28 director with the approval of the commission may establish
29 policies and procedures for the use of credit cards and debit
30 cards for the purchase of licenses, permits, publications,

1 promotional items and other items offered for sale by the
2 commission.

3 (b) Fines and settlements.--The executive director with the
4 approval of the commission may establish policies and procedures
5 for use of debit cards for persons to pay fines, settlements or
6 other amounts collected under this title.

7 § 326. Limitation on regulatory jurisdiction.

8 The commission shall have no regulatory jurisdiction over the
9 program whereby the Department of Environmental Protection
10 sprays *Bacillus thuringiensis israeliensis* (Bti) on Commonwealth
11 waters for control of blackfly.

12 § 327. Volunteer program.

13 (a) Volunteer program.--The commission shall have the power
14 and authority to do all things necessary and expedient to
15 maintain a volunteer program and to promulgate rules and
16 regulations under this section.

17 (b) Services of individuals without compensation.--The
18 executive director or his designee is authorized to recruit,
19 train and accept, without regard to the civil service
20 classification laws, rules or regulations, the services of
21 individuals without compensation as volunteers for or in aid of
22 interpretive functions, education and information programs,
23 boating safety and water rescue programs, conservation measures,
24 habitat improvement and other activities related to fish and
25 fishing and boats and boating.

26 (c) Expenses.--The commission is authorized to pay
27 reasonable and necessary expenses for volunteers, in accordance
28 with Statewide guidelines, for transportation, uniforms, lodging
29 and subsistence.

30 (d) Status of volunteers.--

1 (1) Except as otherwise provided in this section, a
2 volunteer shall not be deemed to be a Commonwealth employee
3 and shall not be subject to the provisions of law relating to
4 Commonwealth employment, including those relating to hours of
5 work, rates of compensation, leave, unemployment compensation
6 and Commonwealth employee benefits.

7 (2) Volunteers performing work under the terms of this
8 section acting within the scope of their volunteer duties
9 shall be authorized to operate Commonwealth vehicles and
10 watercraft and shall be treated for the purposes of
11 automotive and general liability as employees of the
12 Commonwealth.

13 (3) For the purposes of the act of June 2, 1915
14 (P.L.736, No.338), known as the Workers' Compensation Act,
15 volunteers under this section shall be deemed employees of
16 the Commonwealth.

17 (4) No volunteer shall be assigned to any full-time or
18 wage position that is covered by any labor agreement,
19 presently filled, vacant or authorized in the commission.

20 (5) As to civil damages, the standard of care for acts
21 or omissions by commission volunteers acting within the scope
22 of their duties shall be as set forth in 42 Pa.C.S. § 8332.4
23 (relating to volunteer-in-public-service negligence
24 standard).

25 § 328. Cooperative agreements.

26 The commission may enter into cooperative agreements with any
27 agency of the United States, any agency of any other state, any
28 agency of the Commonwealth or Pennsylvania local government, or
29 any educational or research institution or any other person or
30 entity to carry out or further the programs of the commission.]

1 Section 703. Sections 901(a) introductory paragraph, (5) and
2 (13) and (b), 902, 930, 2703(a), 2711(e) and (e.1), 2903(c),
3 5103(b) (2), 5125(a) (1), (b), (h) and (k) and 7102(a) and (b) of
4 Title 30 are amended to read:

5 § 901. Powers and duties of [waterways conservation] game and
6 fish officers and deputies.

7 (a) [Waterways conservation] Game and fish officers.--Every
8 [waterways conservation] game and fish officer shall have the
9 power and duty to:

10 * * *

11 (5) Stop vehicles or boats and search or inspect, where
12 probable cause exists that a violation of this title has
13 occurred, any boat, basket, conveyance, vehicle, fish-box,
14 bag, coat, boot or other receptacle, when enforcing this
15 title. The [waterways patrolman] game and fish officer shall
16 display his badge or other insignia of identification and
17 shall state to the person in charge of the vehicle,
18 conveyance or otherwise the purpose of the search.

19 * * *

20 (13) Arrange for the administration of chemical tests of
21 breath, blood or urine to persons operating or in actual
22 physical control of watercraft for the purpose of determining
23 the alcoholic content of blood or the presence of a
24 controlled substance under section 5125 (relating to chemical
25 testing to determine amount of alcohol or controlled
26 substance), by qualified personnel of a State or local police
27 department, qualified [waterways conservation] game and fish
28 officers or qualified personnel of a clinical laboratory
29 licensed and approved by the Department of Health. [A
30 waterways conservation] A game and fish officer may

1 administer chemical tests under this paragraph if he is
2 qualified and the executive director designates him to do so.

3 * * *

4 (b) Deputy [waterways conservation] game and fish
5 officers.--Except for the power conferred by subsection (a)(12),
6 subject to such limitations as the executive director, with the
7 approval of the commission, shall prescribe, deputy [waterways
8 conservation] game and fish officers may exercise all the powers
9 and perform all the duties conferred by this section on
10 [waterways conservation] game and fish officers.

11 § 902. Enforcement of other laws.

12 All [waterways conservation] game and fish officers and
13 deputy [waterways conservation] game and fish officers are
14 authorized to enforce all the laws of this Commonwealth, and
15 rules and regulations promulgated thereunder, relating to game,
16 parks and forestry, under the direction of the Pennsylvania Game
17 and Fish Commission and of the Department of Conservation and
18 Natural Resources, respectively.

19 § 930. Disposition of nonresident offenders.

20 Subject to any inconsistent regulations prescribed pursuant
21 to 42 Pa.C.S. § 3502 (relating to financial regulations):

22 (1) General rule.--Except as otherwise provided in
23 paragraph (2), upon the apprehension of a nonresident of this
24 Commonwealth for any violation of this title that is a
25 summary offense, the [waterways conservation] game and fish
26 officer or deputy [waterways conservation] game and fish
27 officer shall issue a citation as provided by the
28 Pennsylvania Rules of Criminal Procedure unless the
29 nonresident offender elects to proceed under section 925
30 (relating to acknowledgment of guilt and receipts for

1 payment).

2 (2) Arrest of nonresident.--A [waterways conservation]
3 game and fish officer or deputy [waterways conservation] game
4 and fish officer shall be authorized to arrest a nonresident
5 for a summary offense violation of this title and escort him
6 to the appropriate issuing authority for a hearing, posting
7 of bond or payment of the applicable fine and costs only when
8 one or more of the following circumstances exist:

9 (i) The nonresident offender refuses to accept a
10 citation from the [waterways conservation] game and fish
11 officer.

12 (ii) In counties where the use of field
13 acknowledgments of guilt is authorized under section 925
14 (relating to acknowledgment of guilt and receipts for
15 payment), the nonresident offender elects not to sign a
16 field acknowledgment of guilt and refuses to accept a
17 citation from the [waterways conservation] game and fish
18 officer.

19 (iii) The nonresident offender fails to provide
20 positive identification showing his mailing address.

21 (iv) The officer has reasonable grounds to believe
22 the nonresident offender is a repeat offender under this
23 title.

24 (v) The officer has reasonable grounds to believe
25 the nonresident offender is fishing while his fishing
26 privileges are suspended or boating while his boating
27 privileges are suspended.

28 (vi) The officer has reasonable grounds to believe
29 the nonresident offender has failed to respond to a
30 citation issued under this title or to pay assessed fines

1 or penalties for a prior offense under this title.

2 (vii) The officer has reasonable grounds to believe
3 the nonresident offender may pose a threat of harm to
4 persons or property or to himself or herself.

5 (viii) The officer has reasonable grounds to believe
6 the nonresident offender will not appear as required if
7 issued a citation.

8 The officer shall not exercise his authority to arrest a
9 nonresident under this paragraph if the nonresident offender
10 chooses to place the amount of the applicable fine and costs
11 in a stamped envelope addressed to the appropriate issuing
12 authority and mails the envelope in the presence of the
13 officer.

14 (3) Form of payment.--The amount of fine and costs to be
15 mailed to the issuing authority under paragraph (2) may be
16 paid by money order, personal or other check or guaranteed
17 arrest bond.

18 (4) Receipt for payment.--The [waterways conservation]
19 game and fish officer or deputy [waterways conservation] game
20 and fish officer shall give the nonresident offender a
21 receipt for payment, a copy of which shall be mailed with the
22 payment and a copy retained by the officer.

23 (5) Suspension of fishing and boating privileges.--The
24 fishing privileges of a nonresident offender who fails to
25 respond to a citation issued to him for a fishing violation
26 shall automatically be suspended until the nonresident
27 offender responds to the citation. The boating privileges of
28 a nonresident offender who fails to respond to a boating
29 violation shall automatically be suspended until the
30 nonresident offender responds to the citation. The commission

1 shall notify the agency or agencies with jurisdiction over
2 fishing and boating, as applicable, of the state of a
3 nonresident who fails to respond to citation and shall
4 request assistance from the state of residence.

5 § 2703. Possession and display of licenses.

6 (a) General rule.--No person 16 years of age or older shall
7 fish in any of the waters of this Commonwealth, in any boundary
8 waters or on land without first procuring the proper license
9 required by this chapter. The license shall be kept about the
10 person while fishing and shown upon the request of any
11 [waterways conservation] game and fish officer or other
12 [officer] individual designated by the commission. In addition
13 to showing the license to the officer, the holder thereof shall,
14 upon demand, establish his further identity to the satisfaction
15 of the officer by producing some other positive means of
16 identification. The commission may promulgate rules and
17 regulations for the displaying of the license certificate,
18 license button or other device, as it deems necessary.

19 * * *

20 § 2711. Issuing agents.

21 * * *

22 (e) Records.--Every issuing agent shall maintain records in
23 the manner prescribed by the commission. The records shall be
24 available at reasonable hours for inspection by any [waterways
25 conservation] game and fish officer or other [officer]
26 individual designated by the commission or any representative of
27 the Department of the Auditor General.

28 (e.1) Equipment.--Equipment for the issuance of fishing
29 licenses and permits in the possession of issuing agents shall
30 be available at reasonable hours for inspection by any

1 [waterways conservation] game and fish officer or other
2 [officer] individual designated by the commission.

3 * * *

4 § 2903. Boat and net licenses for boundary lakes.

5 * * *

6 (c) Carrying and display.--The licenses shall be carried by
7 the operator of any boat, net or device so licensed and by each
8 person employed on the boat and shall be shown on demand to any
9 [waterways conservation] game and fish officer or other
10 authorized representative of the commission.

11 * * *

12 § 5103. Boating education.

13 * * *

14 (b) Compliance.--Any person who is subject to the provisions
15 of subsection (a) shall:

16 * * *

17 (2) show the certificate on the demand of a [waterways
18 conservation] game and fish officer or other law enforcement
19 officer.

20 * * *

21 § 5125. Chemical testing to determine amount of alcohol or
22 controlled substance.

23 (a) General rule.--Any person who operates or is in actual
24 physical control of the movement of a watercraft, upon, in or
25 through the waters of this Commonwealth, shall be deemed to have
26 given consent to one or more chemical tests of breath, blood or
27 urine for the purpose of determining the alcoholic content of
28 blood or the presence of a controlled substance if one of the
29 following applies:

30 (1) a [waterways conservation] game and fish officer has

1 reasonable grounds to believe the person operated or was in
2 actual physical control of the movement of a watercraft in
3 violation of section 5502 (relating to operating watercraft
4 under influence of alcohol or controlled substance); or

5 * * *

6 (b) Suspension for refusal.--

7 (1) If any person placed under arrest for a violation of
8 section 5502 is requested to submit to chemical testing and
9 refuses to do so, the testing shall not be conducted but,
10 upon notice by the [waterways conservation] game and fish
11 officer, the commission shall suspend the boating privileges
12 of the person as follows:

13 (i) Except as set forth in subparagraph (ii), for a
14 period of 12 months.

15 (ii) For a period of 18 months if any of the
16 following apply:

17 (A) The person's boating privileges have
18 previously been suspended under this subsection.

19 (B) The person has, prior to the refusal under
20 this paragraph, been sentenced for an offense under
21 section 5502.

22 (2) It is the duty of the [waterways conservation] game
23 and fish officer to inform the person that:

24 (i) the person's boating privileges will be
25 suspended upon refusal to submit to chemical testing; and

26 (ii) if the person refuses to submit to chemical
27 testing, upon conviction or plea for violating section
28 5502(a)(1), the person will be subject to the penalties
29 provided in section 5502(c.1)(3).

30 (3) Any person whose boating privileges are suspended

1 under this section shall have the same right of appeal as
2 provided for in cases of suspension for other reasons.

3 * * *

4 (h) Test by personal physician.--The person tested shall be
5 permitted to have a physician of his own choosing administer an
6 additional breath, blood or urine chemical test and the results
7 of the test shall also be admissible in evidence. The chemical
8 testing given at the direction of the [waterways conservation]
9 game and fish officer shall not be delayed by a person's attempt
10 to obtain an additional test.

11 * * *

12 (k) Prearrest breath test authorized.--A [waterways
13 conservation] game and fish officer, having reasonable suspicion
14 to believe a person is operating or in actual physical control
15 of the movement of a watercraft while under the influence of
16 alcohol, may require that person, prior to arrest, to submit to
17 a preliminary breath test on a device approved by the Department
18 of Health for this purpose. The sole purpose of this preliminary
19 breath test is to assist the [waterways conservation] game and
20 fish officer in determining whether or not the person should be
21 placed under arrest. The preliminary breath test shall be in
22 addition to any other requirements of this title. No person has
23 any right to expect or demand a preliminary breath test. Refusal
24 to submit to the test shall not be considered for purposes of
25 subsections (b) and (e).

26 § 7102. Members of commission from Pennsylvania.

27 (a) Designation and term.--In pursuance of Article III of
28 the compact, there shall be three members (hereinafter called
29 commissioners) of the Atlantic States Marine Fisheries
30 Commission (hereinafter called commission) from this

1 Commonwealth. The first commissioner shall be the executive
2 director of the Pennsylvania [Fish and Boat] Game and Fish
3 Commission, ex officio, and the term of this commissioner shall
4 terminate at the time he ceases to hold the office of executive
5 director and his successor as commissioner shall be his
6 successor as executive director. The second commissioner shall
7 be a legislator and member of the Pennsylvania Commission on
8 Interstate Cooperation, ex officio, designated by the
9 Pennsylvania Commission on Interstate Cooperation, and the term
10 of this commissioner shall terminate at the time he ceases to
11 hold legislative office or office as a member of the
12 Pennsylvania Commission on Interstate Cooperation and his
13 successor as commissioner shall be named in like manner. The
14 Governor (by and with the advice and consent of the Senate)
15 shall appoint a citizen as a third commissioner who shall have a
16 knowledge of and interest in the marine fisheries problem. The
17 term of this commissioner shall be three years and he shall hold
18 office until his successor is appointed and qualified. Vacancies
19 occurring in the office of this commissioner from any reason or
20 cause shall be filled by appointment by the Governor (by and
21 with the advice and consent of the Senate) for the unexpired
22 term.

23 (b) Delegate of executive director.--The executive director
24 of the Pennsylvania [Fish and Boat] Game and Fish Commission, as
25 ex officio commissioner, may delegate from time to time to any
26 assistant or other subordinate in his agency or office, the
27 power to be present and participate, including voting, as his
28 representative or substitute at any meeting of or hearing by or
29 other proceeding of the commission.

30 * * *

ARTICLE VIII

1
2 Section 801. The definitions of "commission," "director,"
3 migratory game bird" and "officer" in section 102 of Title 34
4 are amended to read:

5 § 102. Definitions.

6 Subject to additional definitions contained in subsequent
7 provisions of this title which are applicable to specific
8 provisions of this title, the following words and phrases when
9 used in this title shall have the meanings given to them in this
10 section unless the context clearly indicates otherwise:

11 * * *

12 "Commission." The Pennsylvania Game and Fish Commission of
13 the Commonwealth.

14 * * *

15 "Director." The Executive Director of the [Pennsylvania Game
16 Commission] commission or any person to whom authority has been
17 delegated by the director.

18 * * *

19 "Migratory game bird." Any game bird defined in 50 CFR 20.11
20 (relating to meaning of terms), except as otherwise provided in
21 [Pennsylvania Game Commission] commission regulations.

22 * * *

23 "Officer." [Any Game Commission] A game and fish officer or
24 deputy [Game Commission] game and fish officer appointed by the
25 commission or any other person with law enforcement powers who
26 is designated by the director to enforce this title.

27 * * *

28 Section 802. Chapter 3 of Title 34 is repealed:

29 [CHAPTER 3

30 PENNSYLVANIA GAME COMMISSION

1 § 301. Organization of commission.

2 (a) Composition.--The independent administrative commission
3 known as the Pennsylvania Game Commission shall consist of eight
4 competent citizens of this Commonwealth who shall be well
5 informed on the subject of wildlife conservation and restoration
6 and who shall be appointed by the Governor, by and with the
7 advice and consent of a majority of the elected members of the
8 Senate.

9 (b) Qualifications.--The members of the commission shall be
10 appointed from the various geographical sections of this
11 Commonwealth so that one and only one shall be a resident of
12 each of the following districts:

13 (1) The counties of Erie, Crawford, Mercer, Lawrence,
14 Venango, Butler, Warren, Forest and Clarion, constituting the
15 first district.

16 (2) The counties of Beaver, Allegheny, Washington,
17 Greene, Armstrong, Indiana, Westmoreland and Fayette,
18 constituting the second district.

19 (3) The counties of McKean, Elk, Jefferson, Potter,
20 Cameron, Clearfield, Clinton and Centre, constituting the
21 third district.

22 (4) The counties of Cambria, Somerset, Blair, Bedford,
23 Huntingdon and Fulton, constituting the fourth district.

24 (5) The counties of Tioga, Lycoming, Union, Bradford,
25 Sullivan, Columbia, Montour and Northumberland, constituting
26 the fifth district.

27 (6) The counties of Snyder, Mifflin, Juniata, Franklin,
28 Perry, Cumberland, Adams, Dauphin, York, Lebanon and
29 Lancaster, constituting the sixth district.

30 (7) The counties of Susquehanna, Wyoming, Luzerne,

1 Lackawanna, Carbon, Wayne, Pike and Monroe, constituting the
2 seventh district.

3 (8) The counties of Schuylkill, Berks, Chester,
4 Northampton, Lehigh, Bucks, Montgomery, Philadelphia and
5 Delaware, constituting the eighth district.

6 (c) Term of office and compensation.--The members of the
7 commission shall hold office for terms of four years each and
8 may continue to hold office for a period of time not to exceed
9 six months or until a successor is appointed and qualified,
10 whichever occurs first. A member of the commission who serves
11 three consecutive terms shall not be eligible for reappointment
12 to the commission. Commissioners shall receive no compensation
13 for their services, but may be reimbursed for travel expenses.

14 (d) Vacancies.--Upon the death, resignation or removal from
15 office of any person so appointed, the Governor shall appoint a
16 competent person to serve for the unexpired term as provided in
17 subsection (a).

18 § 302. Director.

19 (a) Appointment.--The commission shall select a director. No
20 member of the commission nor anyone who has served as a member
21 of the commission within one year after service shall be
22 eligible for selection as director. The director shall serve as
23 such at the pleasure of the commission.

24 (b) Compensation.--Notwithstanding any provision of law to
25 the contrary, the Executive Board of the Commonwealth shall fix
26 the compensation of the director.

27 (c) Function.--The director shall be the chief
28 administrative officer of the commission and attend to its
29 administrative work and have charge of all activities under the
30 jurisdiction of the commission and this title. The director

1 shall be the chief Game Commission officer and shall direct,
2 supervise and control all employees of the commission and report
3 to the commission any negligence, dereliction of duty or
4 incompetence on the part of any employee, with the facts
5 relevant thereto, and shall make any further reports as may be
6 required by the commission.

7 (d) Certification of commission action.--The director may
8 certify any action of the commission as being their official
9 act.

10 (e) Publications.--Subject to section 325 (relating to
11 limitation on disclosure of certain records), the director may
12 have printed such bulletins, posters, literature and other
13 printing as may be necessary to the work of the commission,
14 including publications of general interest to persons concerned
15 with conservation of our natural resources. Publications and
16 forms used to convey information, whether in electronic, print
17 or other media format, may contain advertisements. The
18 publications shall at all times be maintained as a nonpartisan
19 publication.

20 (f) Execution of contracts, leases and agreements.--The
21 director shall represent the commission in the execution of land
22 purchase contracts and in the execution of leases and other
23 similar agreements.

24 § 303. Game Commission officers and employees.

25 (a) Appointment.--The director shall select competent
26 persons as Game Commission officers, assigned to field,
27 administrative or office duties, and other competent persons for
28 other duties as may be necessary to fulfill the requirements of
29 this title.

30 (b) Status.--Except for the director, all personnel shall be

1 employed in accordance with the classification and compensation
2 plans of the Commonwealth and regulations of the commission.

3 (c) Power and authority.--Every officer, employee or
4 representative of the commission in the exercise of their powers
5 and duties shall have the right and authority to go upon or
6 enter any property, posted or otherwise, outside of buildings.

7 § 304. Deputy Game Commission officers.

8 (a) Appointment.--The commission may appoint deputy Game
9 Commission officers as necessary. Except as otherwise provided,
10 they shall possess the rights and powers given by law to Game
11 Commission officers and be subject to all requirements and
12 regulations, either of the law or of the commission, controlling
13 the action of Game Commission officers.

14 (b) Compensation and expenses.--Deputy Game Commission
15 officers shall not be entitled to compensation for either time
16 or expenses incurred in the performance of their duties unless
17 specifically employed for special duties by written order of the
18 director. The commission shall, from time to time, fix the rate
19 of compensation and allowable expenses for special duty
20 services.

21 (c) Collection of fees.--Any deputy Game Commission officer
22 not specifically employed, in writing, for special duties under
23 subsection (b) shall, with written authorization of the
24 director, be entitled to collect the fees as are now or may
25 hereafter be paid to constables, to be assessed and collected as
26 costs of prosecution for services legally rendered in the
27 performance of any duties in the enforcement of this title.

28 SUBCHAPTER B

29 POWERS AND DUTIES IN GENERAL

30 § 321. Meetings of commission.

1 (a) General rule.--The commission shall have an office in or
2 near Harrisburg and shall annually hold meetings at such office
3 in January and June or July and at such other times and places
4 within this Commonwealth as the commission shall designate for
5 the transaction of business. All meetings of the commission
6 shall comply with the act of July 19, 1974 (P.L.486, No.175),
7 referred to as the Public Agency Open Meeting Law.

8 (b) Annual election of officers.--At the meeting held in
9 January of each year, the commission shall elect one of its
10 members as president, one as vice president and one as
11 secretary. These officers shall hold office for a period of one
12 year.

13 (c) Quorum.--Six members appointed to the commission and in
14 attendance at each meeting shall constitute a quorum.

15 § 322. Powers and duties of commission.

16 (a) Duties.--It shall be the duty of the commission to
17 protect, propagate, manage and preserve the game or wildlife of
18 this Commonwealth and to enforce, by proper actions and
19 proceedings, the laws of this Commonwealth relating thereto.

20 (b) General powers and duties.--The commission has the power
21 and duty to take all actions necessary for the administration
22 and enforcement of this title.

23 (c) Specific powers and duties.--In order to administrate
24 and enforce this title, the commission through proper action
25 shall:

26 (1) Subject to section 2102(b) (relating to seasons,
27 possession, bag limits and devices), fix seasons, daily
28 shooting or taking hours, and any modification thereof, and
29 daily, season and possession limits for any species of game
30 or wildlife.

1 (2) Remove protection, declare an open season or
2 increase, reduce or close a season.

3 (3) Increase or reduce bag limits or possession limits.

4 (4) Define geographic limitations or restrictions.

5 (5) Fix the type and number of devices which may be used
6 to take game or wildlife.

7 (6) Limit the number of hunters or furtakers in any
8 designated area and prescribe the lawful methods of hunting
9 or taking furbearers in these areas.

10 (7) Govern the use of recorded calls or sounds or
11 amplified calls or sounds of any description for taking or
12 hunting game or wildlife.

13 (8) Add to or change the classification of any wild bird
14 or wild animal.

15 (9) Prohibit the possession, importation, exportation or
16 release of any species of birds or animals which may be
17 considered dangerous or injurious to the general public or to
18 the wildlife of this Commonwealth.

19 (10) Manage and develop its lands and waters and other
20 government or private lands and waters under agreement with
21 the owners as it considers advisable and, by proper action
22 and proceedings, enact and enforce regulations to insure the
23 prudent and proper use of these lands.

24 (11) Collect, classify and preserve such statistics,
25 data and information as in its judgment will tend to promote
26 the object of this title and take charge of and keep all
27 reports, books, papers and documents which shall, in the
28 discharge of its duties, come into its possession or under
29 its control.

30 (12) Take any necessary action to accomplish and assure

1 the purposes of this title.

2 (13) Serve the interest of sportsmen by preserving and
3 promoting our special heritage of recreational hunting and
4 furtaking by providing adequate opportunity to hunt and trap
5 the wildlife resources of this Commonwealth.

6 § 323. Cooperative agreements.

7 The commission may enter into cooperative agreements with any
8 government agency, individual, corporation or educational or
9 research institution to further the programs of the commission.

10 § 324. Cooperation with Federal Government.

11 The Commonwealth assents to the provisions of the Federal
12 Wildlife Restoration Act (16 U.S.C. § 669 et seq.) in which the
13 Secretary of the Interior is authorized to cooperate with the
14 states through their respective fish or wildlife agencies in
15 wildlife restoration projects, including a prohibition against
16 the diversion of license fees paid by hunters to purposes other
17 than administration of the wildlife agency. The commission shall
18 perform such acts as may be necessary to the conduct and
19 establishment of these cooperative wildlife restoration projects
20 and in compliance with regulations promulgated thereunder.

21 § 325. Limitation on disclosure of certain records.

22 (a) General rule.--It is unlawful for any game protector,
23 deputy game protector, hunting license issuing agent, or any
24 officer, employee or agent of any Commonwealth agency, or any
25 other private business or agency which makes or receives records
26 of hunting and trapping licenses, or applications for obtaining
27 hunting and trapping licenses of any type received pursuant to
28 this title, to sell, publish or disclose in any manner
29 whatsoever those records or affiliations to any person except as
30 necessary to carry out the functions and business of the

1 commission, or for any person to purchase, secure, procure or
2 disclose any records or affiliations as described herein.

3 (b) Publications.--It is unlawful for the commission, the
4 director, any game protector or deputy game protector, any
5 officer, employee or agent of the commission or any private
6 business or agency to sell, publish or disclose in any manner
7 any subscription lists or mailing lists for publications issued
8 under section 302(e) (relating to publications).

9 (c) Nonapplication.--The provisions of this section shall
10 not apply to records and reports:

11 (1) Required for prosecutions of any violations of this
12 title.

13 (2) Required for administrative proceedings held
14 pursuant to the laws of this Commonwealth.

15 (3) Required for the prosecution of any violation of any
16 Federal laws or the laws of any state of the United States.

17 (4) Required to be published to enforce the suspension
18 or revocation of hunting and trapping privileges by the
19 commission.

20 (5) Authorized by action of the commission for the sole
21 purpose of exercising legitimate governmental function or
22 duty.

23 (6) Required to determine the identification of a
24 trapper under section 2361(a)(12) (relating to unlawful acts
25 concerning taking of furbearers), when such information is
26 requested by a landowner, an agent of a landowner or a lessee
27 of land.

28 When such records and reports are made available by the
29 commission for the limited purposes set forth in paragraphs (1)
30 through (6), they shall not be published, circulated or

1 disclosed by the receiving agency for any purposes.

2 (d) Penalty.--Any person violating any provision of this
3 section commits a summary offense of the fifth degree. The
4 record or report or name of each individual person shall
5 constitute a separate offense.

6 § 326. Use of credit and debit cards.

7 (a) Sales of licenses and other items.--The executive
8 director with the approval of the commission may establish
9 policies and procedures for the use of credit cards and debit
10 cards for the purchase of licenses, permits, publications,
11 promotional items and other items sold or offered for sale by
12 the commission.

13 (b) Fines and settlements.--The executive director with the
14 approval of the commission may establish policies and procedures
15 for use of debit cards for persons to pay fines, settlements or
16 other amounts collected under this title.

17 § 327. Junior hunter projects.

18 (a) General rule.--It shall be the duty of the commission to
19 initiate, implement and administer two or more junior license
20 hunter projects for the purpose of increasing and sustaining
21 interest in hunting among young persons of this Commonwealth.
22 Except for the requirement to actually hold a junior hunting
23 license under section 2705(2) or (9) (relating to classes of
24 licenses) and as may otherwise be modified by commission
25 regulations, all participants in any junior hunter project shall
26 comply with all of the provisions of this title and the
27 regulations promulgated hereunder.

28 (b) Specific projects.--

29 (1) One of the projects shall consist of at least two
30 free hunting days for persons qualified to receive a junior

1 hunting license under section 2705(2) or (9) and who have
2 successfully completed the hunter education requirements
3 under section 2704(b) (relating to eligibility for license).
4 The commission shall establish the days, times and species
5 which may be taken during the free hunting days.

6 (2) One of the projects shall consist of a Pennsylvania
7 Game Commission program subject to the review of both the
8 Game and Fisheries Committee of the House of Representatives
9 and the Game and Fisheries Committee of the Senate. The
10 respective committees shall have 60 days to review the
11 program and submit comments to the commission. Prior to
12 completion of the review by the respective committees, the
13 commission shall not take any action to initiate the program.

14 § 328. Accountability.

15 (a) Relationship with public.--The commission shall
16 implement policies and programs to improve its relationship with
17 the general public and with its licensees in accordance with its
18 strategic plan.

19 (b) Program accountability.--The commission shall require
20 program accountability of its various functions through program
21 performance measurement in accordance with its strategic plan.

22 (c) Financial accountability.--The commission shall improve
23 the financial accountability of its various functions through
24 performance measurement in accordance with its strategic plan.

25 (d) Law enforcement accountability.--The commission shall
26 maintain a system to respond to citizen complaints against
27 wildlife conservation officers and deputy wildlife conservation
28 officers. The commission shall release information relating to
29 the number and nature of complaints received on at least an
30 annual basis. The commission may release further information

1 related to the nature of the complaints, provided that the
2 release of such information is not prohibited or restricted by
3 any contract, regulation, order of court or statute to the
4 contrary.

5 (e) Reports to General Assembly.--No later than January 31
6 of each year the commission through its executive director shall
7 make annual written reports on the matters described in
8 subsections (a), (b), (c) and (d) to the Game and Fisheries
9 Committee of the Senate and the Game and Fisheries Committee of
10 the House of Representatives. The commission shall meet with the
11 respective committees of the General Assembly to receive oral
12 testimony in relation to annual written reports when so
13 requested.]

14 Section 803. Sections 901(b.1), 902 and 2307(f)(2) and (3)
15 of Title 34 are amended to read:

16 § 901. Powers and duties of enforcement officers.

17 * * *

18 (b.1) Exception to the prohibition of interception and
19 disclosure of communications.--An officer whose duty it is to
20 enforce this title and who has received training on the use of
21 body cameras in a course approved by the Pennsylvania State
22 Police shall be defined as a law enforcement officer for the
23 purpose of 18 Pa.C.S. § 5704(16)(iii) (relating to exceptions to
24 prohibition of interception and disclosure of communications).
25 Such officers may wear body cameras in the performance of their
26 official duties. This subsection shall not apply to a deputy
27 [Game Commission officer or deputy wildlife conservation] game
28 and fish officer.

29 * * *

30 § 902. Deputy [Game Commission] Game and Fish officers.

1 Except for the powers conferred under section 901(a) (12.1),
2 (17) and (18) (relating to powers and duties of enforcement
3 officers), deputy [Game Commission] officers shall, unless
4 further restricted by the director, exercise all the powers and
5 perform all the duties conferred by this title on [Game
6 Commission] officers, except deputy [wildlife conservation]
7 officers shall not be authorized to issue citations or field
8 acknowledgments of guilt for violations and shall provide the
9 information to the [wildlife conservation] officer. Retired
10 [wildlife conservation officers, retired waterways conservation]
11 officers, State park rangers, State forest rangers or current or
12 retired State or municipal police officers shall exercise all
13 powers and duties conferred on deputy [Game Commission]
14 officers, including the right to issue citations and field
15 acknowledgments of guilt for violations.

16 § 2307. Unlawful taking or possession of game or wildlife.

17 * * *

18 (f) Definition.--As used in this section, the term
19 "authorized individual" means any person who:

20 * * *

21 (2) Is a currently employed [waterways conservation]
22 officer or deputy [waterways conservation] officer.

23 [(3) Is a currently employed wildlife conservation
24 officer or deputy wildlife conservation officer.]

25 * * *

26 ARTICLE IX

27 Section 901. Section 3733(a) (1) of Title 42 is amended to
28 read:

29 § 3733. Deposits into account.

30 (a) General rule.--

1 (1) Beginning July 1, 1987, and thereafter, the total of
2 all fines, fees and costs collected by any division of the
3 unified judicial system which are in excess of the amount
4 collected from such sources in the fiscal year 1986-1987
5 shall be deposited in the Judicial Computer System
6 Augmentation Account. Any fines, fees or costs which are
7 allocated by law or otherwise directed [to the Pennsylvania
8 Fish and Boat Commission,] to the Pennsylvania Game and Fish
9 Commission or to counties and municipalities, to the Crime
10 Victim's Compensation Board, to the Commission on Crime and
11 Delinquency for victim-witness services grants under section
12 477.15(c) of the act of April 9, 1929 (P.L.177, No.175),
13 known as The Administrative Code of 1929, to rape crisis
14 centers, to the Emergency Medical Services Operating Fund or
15 to domestic violence shelters shall not be affected by this
16 subchapter.

17 * * *

18 Section 902. Paragraphs (10) and (11) of the definition of
19 "law enforcement officer" in section 5950(d) of Title 42 are
20 amended to read:

21 § 5950. Confidential communications involving law enforcement
22 officers.

23 * * *

24 (d) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection:

27 * * *

28 "Law enforcement officer." Any of the following:

29 * * *

30 (10) A member of the Pennsylvania Game and Fish

1 Commission.

2 (11) A [Pennsylvania Wildlife Conservation Officer] game
3 and fish officer.

4 * * *

5 Section 903. Paragraphs (10) and (11) of the definition of
6 "law enforcement officer" in section 5952(d) of Title 42 are
7 amended to read:

8 § 5952. Confidential communications to peer support members.

9 * * *

10 (d) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 * * *

14 "Law enforcement officer." Any of the following:

15 * * *

16 (10) A member of the Pennsylvania Game and Fish [and
17 Boat] Commission.

18 (11) A [Pennsylvania Wildlife Conservation Officer] game
19 and fish officer.

20 * * *

21 ARTICLE X

22 Section 1001. Section 2314(c.1)(1) of Title 58 is amended to
23 read:

24 § 2314. Distribution of fee.

25 * * *

26 (c.1) Additional distributions.--From fees collected under
27 this chapter and deposited in the fund for 2011 and each year
28 thereafter:

29 (1) One million dollars shall be distributed to the
30 Pennsylvania Game and Fish [and Boat] Commission for costs

1 relating to the review of applications for permits to drill
2 unconventional gas wells.

3 * * *

4 ARTICLE XI

5 Section 1101. Section 2709(a) and (b)(2) of Title 66 are
6 amended to read:

7 § 2709. Disposition of real property by public utility engaged
8 in railroad business.

9 (a) Notice.--Before a public utility engaged in a railroad
10 business disposes of real property previously used as a roadbed
11 right-of-way, it must notify the county, city, borough,
12 incorporated town or township in which the real property is
13 located, and it must notify the Department of Transportation,
14 the Pennsylvania Game and Fish Commission[, the Pennsylvania
15 Fish and Boat Commission] and the Department of Environmental
16 Resources. Notifications shall be in writing.

17 (b) Procedure after notice.--

18 * * *

19 (2) If a municipality or any authority created by a
20 municipality or group of municipalities does not make an
21 offer to purchase the real property within 60 days of
22 receiving notice under subsection (a) or if the public
23 utility rejects the offer of a municipality, the
24 administrative agencies specified in subsection (a) have 60
25 days to decide on making an offer for the real property. If
26 an administrative agency makes an offer under this paragraph,
27 the public utility shall consider the offer and make a
28 decision on the offer before making other disposition of the
29 property. If more than one administrative agency makes an
30 offer, the public utility shall consider the offers in the

1 following order: the Department of Transportation, the
2 Department of Environmental Resources, the Pennsylvania Game
3 and Fish Commission [and the Pennsylvania Fish and Boat
4 Commission].

5 * * *

6 ARTICLE XII

7 Section 1201. The heading of Part V of Title 71 is amended
8 to read:

9 PART V

10 BOARDS, COMMISSIONS AND OFFICES

11 Section 1202. Title 71 is amended by adding a chapter to
12 read:

13 CHAPTER 43

14 PENNSYLVANIA GAME AND FISH COMMISSION

15 Subchapter

16 A. Preliminary Provisions

17 B. Organization

18 C. Powers and Duties

19 D. Officers and Employees

20 SUBCHAPTER A

21 PRELIMINARY PROVISIONS

22 Sec.

23 4301. Definitions.

24 § 4301. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Board." The Boating Advisory Board.

29 "Commission." The Pennsylvania Game and Fish Commission.

30 SUBCHAPTER B

ORGANIZATION

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- Sec.
- 4310. Pennsylvania Game and Fish Commission.
- 4311. Executive director.
- 4312. Assistant executive directors.
- 4313. Boating Advisory Board.
- § 4310. Pennsylvania Game and Fish Commission.

(a) Composition.--The Pennsylvania Game and Fish Commission is continued as an independent administrative commission and shall consist of 10 competent citizens of this Commonwealth who shall be appointed by the Governor by and with the advice and consent of a majority of the members elected to the Senate.

(b) Qualifications.--

(1) Two members of the commission shall serve at large, be experienced in boating and water safety education and be a registered boat owner in Pennsylvania. The two boatmen members shall represent the various geographical sections and boating interests of this Commonwealth.

(2) Except for the members under paragraph (1), the members shall be individuals well informed on the subject of conservation, wildlife conservation, restoration, hunting, fish and fishing and boats and boating and shall be appointed, insofar as practicable, on a bipartisan basis from the various geographic districts of this Commonwealth so that only one member shall be a resident of each of the following districts:

(i) First district, consisting of the counties of Erie, Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest and Clarion.

(ii) Second district, consisting of the counties of

1 Beaver, Allegheny, Washington, Greene, Armstrong,
2 Indiana, Westmoreland and Fayette.

3 (iii) Third district, consisting of the counties of
4 McKean, Elk, Jefferson, Potter, Cameron, Clearfield,
5 Clinton and Centre.

6 (iv) Fourth district, consisting of the counties of
7 Cambria, Somerset, Blair, Bedford, Huntingdon, Fulton,
8 Mifflin and Juniata.

9 (v) Fifth district, consisting of the counties of
10 Tioga, Lycoming, Union, Snyder, Bradford, Sullivan,
11 Columbia, Montour and Northumberland.

12 (vi) Sixth district, consisting of the counties of
13 Franklin, Perry, Cumberland, Adams, Dauphin, York,
14 Lebanon and Lancaster.

15 (vii) Seventh district, consisting of the counties
16 of Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon,
17 Wayne, Pike and Monroe.

18 (viii) Eighth district, consisting of the counties
19 of Schuylkill, Berks, Chester, Northampton, Lehigh,
20 Bucks, Montgomery, Philadelphia and Delaware.

21 (c) Terms of office and compensation.--

22 (1) A member shall hold office for a term of four years
23 each and may continue to hold office for a period of time not
24 to exceed six months or until a successor is appointed and
25 qualified, whichever occurs first.

26 (2) A member who serves three consecutive terms shall
27 not be eligible for reappointment to the commission.

28 (3) A member may not receive compensation for services
29 but may be reimbursed for travel expenses. When performing a
30 function on behalf of the commission or acting within the

1 scope of official duties, members of the commission shall be
2 authorized to operate Commonwealth vehicles and watercraft
3 and shall be treated as employees of the Commonwealth for the
4 purposes of automotive and general liability and the act of
5 June 2, 1915 (P.L.736, No.338), known as the Workers'
6 Compensation Act.

7 (d) Vacancies.--Upon the death, resignation or removal from
8 office of a member, the Governor shall appoint a competent
9 individual to serve for the unexpired term.

10 (e) Meetings, officers and quorum.--The commission shall
11 have an office in the Harrisburg area and shall hold meetings in
12 the Harrisburg area in January and July and at other times and
13 places within this Commonwealth as the commission designates for
14 the transaction of business. The commission shall, at the
15 meeting held in July of each year, elect one of the commission's
16 members as president and one of the commission's members as vice
17 president. The president and vice president shall hold office
18 for one year. Six members shall constitute a quorum.

19 § 4311. Executive director.

20 (a) Appointment and compensation.--

21 (1) The commission shall appoint to serve at the
22 commission's pleasure and, with the approval of the Governor,
23 fix the compensation of an executive director. The executive
24 director shall:

25 (i) be the chief executive officer of the
26 commission;

27 (ii) attend to the commission's administrative work;
28 and

29 (iii) be in charge of all activities under the
30 jurisdiction of the commission.

1 (2) The executive director shall be the chief game and
2 fish officer of the commission and shall:

3 (i) Be in charge of, direct, supervise and control
4 each game and fish officer, deputy game and fish officer
5 and employee of the commission.

6 (ii) Report to the commission negligence,
7 derelection of duty or incompetence on the part of an
8 employee, along with each relevant fact and make further
9 reports as required by the commission.

10 (3) A member of the commission and a person who has
11 served as a member of the commission within one year shall
12 not be eligible for appointment as executive director.

13 (b) Power to catch, kill or possess fish.--The executive
14 director or his agent may catch, take, kill or possess any fish
15 at any time, in any season of the year and with any kind of net
16 or device.

17 (c) Certification of commission action.--The executive
18 director may certify an action of the commission as being the
19 commission's official act.

20 (d) Execution of contracts, leases and agreements.--The
21 executive director shall represent the commission in the
22 execution of land purchase contracts and in the execution of
23 leases and other similar agreements.

24 § 4312. Assistant executive directors.

25 (a) Appointment and compensation.--The executive director,
26 with the approval of the commission, may, in accordance with law
27 and the classification and compensation plans of the
28 Commonwealth as established by the Executive Board, appoint and
29 set the compensation of three assistant executive directors. One
30 assistant executive director shall be in charge of and

1 responsible for watercraft safety, one assistant executive
2 director shall be in charge of and responsible for fisheries and
3 engineering and one assistant executive director shall be in
4 charge of game and wildlife.

5 (b) Assistant for watercraft safety.--The assistant
6 executive director of the commission in charge of watercraft
7 safety must reside in this Commonwealth at the time of
8 appointment and must have five or more years of experience with
9 ships or boats and either a college degree or at least 10 years'
10 experience in administration. The assistant executive director
11 shall:

12 (1) Direct, administer and coordinate the activities of
13 the commission relating to watercraft, boats and boating,
14 including the enforcement of 30 Pa.C.S. Pt. III (relating to
15 boats and boating) and the rules and regulations promulgated
16 under 30 Pa.C.S. Pt. III, and the improvement and maintenance
17 of waterway facilities including aids to navigation.

18 (2) Coordinate and supervise each expenditure from the
19 Boat Fund.

20 (3) Administer the boating education programs of the
21 commission.

22 § 4313. Boating Advisory Board.

23 (a) Composition.--There is continued within the commission a
24 Boating Advisory Board. The board shall consist of the
25 following:

26 (1) The Secretary of Environmental Resources, or his
27 designee, who shall be an ex officio member.

28 (2) The executive director of the commission and the
29 assistant executive director of the commission in charge of
30 watercraft safety, who shall be ex officio members.

1 (3) Five volunteer members to be appointed by the
2 Governor for terms of five years or, in the case of a
3 vacancy, for the remainder of the unexpired term.

4 (b) Qualifications.--The members appointed by the Governor
5 shall be experienced boaters as evidenced by the operation of a
6 boat and active membership in representative boating
7 associations, yacht clubs or similar organizations. If possible,
8 the membership of the board shall be bipartisan and shall
9 represent the various geographical sections and boating
10 interests of this Commonwealth.

11 (c) Officers.--The board shall annually select one of the
12 volunteer members as the chairman. The assistant executive
13 director for watercraft safety shall serve as secretary.

14 (d) Compensation.--The volunteer members of the board shall
15 receive no salary but may, subject to the approval of the
16 commission, receive travel expenses. When performing any
17 function on behalf of the commission or acting within the scope
18 of their official duties, volunteer members of the board shall
19 be authorized to operate Commonwealth vehicles and watercraft
20 and shall be treated as employees of the Commonwealth for the
21 purposes of automotive and general liability and the act of June
22 2, 1915 (P.L.736, No.338), known as the Workers' Compensation
23 Act.

24 (e) Meetings and quorum.--The board shall meet at a place
25 and time as specified upon the call of the chairman, three
26 members of the board or the commission. Five members of the
27 board, including three volunteer members, shall constitute a
28 quorum.

29 (f) Powers and duties.--The board shall advise the
30 commission on all matters relating to boating and make

1 recommendations to the commission with regard to any proposed
2 rules or regulations affecting the equipment or operation of
3 boats.

4 SUBCHAPTER C

5 POWERS AND DUTIES

6 Sec.

7 4320. Administration and enforcement.

8 4321. Rules and regulations.

9 4322. Publications.

10 4323. Commission records.

11 4324. Use of credit and debit cards.

12 4325. Limitation on regulatory jurisdiction.

13 4326. Volunteer program.

14 4327. Cooperative agreements.

15 4328. Cooperation with Federal Government.

16 4329. Limitation on disclosure of records.

17 4330. Junior hunter projects.

18 4331. Accountability.

19 § 4320. Administration and enforcement.

20 (a) Fish and boat law.--The commission shall administer and
21 enforce the laws of this Commonwealth relating to:

22 (1) The encouragement, promotion and development of the
23 fishery interests.

24 (2) The protection, propagation and distribution of
25 fish.

26 (3) The management of boating and the operation of
27 boats.

28 (4) The encouragement, promotion and development of
29 recreational boating.

30 (b) Game law.--It shall be the duty of the commission to

1 protect, propagate, manage and preserve the game or wildlife of
2 this Commonwealth and to enforce, by proper actions and
3 proceedings, the laws of this Commonwealth relating to the
4 protection, propagation, management and preservation of the game
5 or wildlife of this Commonwealth.

6 (c) Specific powers and duties.--In order to administer and
7 enforce the laws of this Commonwealth, the commission through
8 proper action shall:

9 (1) Subject to 34 Pa.C.S. § 2102(b) (relating to
10 regulations), set any of the following:

11 (i) Seasons, daily shooting or taking hours, and any
12 modification of seasons and daily shooting or taking
13 hours.

14 (ii) Daily, season and possession limits for a
15 species of game or wildlife.

16 (2) Remove protection, declare an open season or
17 increase, reduce or close a season.

18 (3) Increase or reduce bag limits or possession limits.

19 (4) Define geographic limitations or restrictions.

20 (5) Fix the type and number of devices which may be used
21 to take game or wildlife.

22 (6) Limit the number of hunters or furtakers in any
23 designated area and prescribe the lawful methods of hunting
24 or taking furbearers in these areas.

25 (7) Govern the use of recorded calls or sounds or
26 amplified calls or sounds of a description for taking or
27 hunting game or wildlife.

28 (8) Add to or change the classification of any wild bird
29 or wild animal.

30 (9) Prohibit the possession, importation, exportation or

1 release of a species of birds or animals which may be
2 considered dangerous or injurious to the general public or to
3 the wildlife of this Commonwealth.

4 (10) Manage and develop the commission's lands and
5 waters and other government or private lands and waters under
6 agreement with the owners as it considers advisable and, by
7 proper action and proceedings, enact and enforce regulations
8 to ensure the prudent and proper use of the lands.

9 (11) Collect, classify and preserve statistics, data and
10 information that the commission determines will tend to
11 promote the object of the laws of this Commonwealth and take
12 charge of and keep each report, book, paper and document
13 which shall, in the discharge of the commission's duties,
14 come into the commission's possession or under the
15 commission's control.

16 (12) Take necessary action to accomplish and assure the
17 purposes of the laws of this Commonwealth.

18 (13) Serve the interest of sportsmen by preserving and
19 promoting our special heritage of recreational hunting and
20 furtaking by providing adequate opportunity to hunt and trap
21 the wildlife resources of this Commonwealth.

22 § 4321. Rules and regulations.

23 The commission may promulgate rules and regulations
24 concerning:

25 (1) Fishing to aid in the better protection,
26 preservation and management of fish.

27 (2) Boating and the management and operation of boats.

28 § 4322. Publications.

29 Subject to section 4329 (relating to limitation on disclosure
30 of records), the executive director may have printed the annual

1 report of the commission and bulletins, literature, posters and
2 other printing as may be appropriate to the work of the
3 commission. The commission shall establish the subscription
4 rates and charges for commission publications. Each publication
5 published by the commission must be nonpartisan. A publication
6 or form used to convey information may contain advertisements.
7 § 4323. Commission records.

8 A record maintained by the commission or an issuing agent or
9 other agent of the commission that contains or includes the home
10 address of an individual or other personal information about an
11 individual, such as height, weight, color of hair and color of
12 eyes, shall not be a public record as defined in section 102 of
13 the act of February 14, 2008 (P.L.6, No.3), known as the Right-
14 to-Know Law.

15 § 4324. Use of credit and debit cards.

16 (a) Sales of licenses and other items.--The executive
17 director, with the approval of the commission, may establish
18 policies and procedures for the use of credit cards and debit
19 cards for the purchase of licenses, permits, publications,
20 promotional items and other items offered for sale by the
21 commission.

22 (b) Fines and settlements.--The executive director, with the
23 approval of the commission, may establish policies and
24 procedures for use of debit cards for a person to pay a fine,
25 settlement or other amount collected under the laws of this
26 Commonwealth.

27 § 4325. Limitation on regulatory jurisdiction.

28 The commission has no regulatory jurisdiction over the
29 program by which the Department of Environmental Protection
30 sprays *Bacillus thuringiensis israeliensis* (Bti) on Commonwealth

1 waters for control of blackfly.

2 § 4326. Volunteer program.

3 (a) Volunteer program.--The commission may maintain a
4 volunteer program and promulgate rules and regulations under
5 this section.

6 (b) Services of individual without compensation.--The
7 executive director or his designee is authorized to recruit,
8 train and accept, without regard to the civil service
9 classification laws, rules or regulations, the services of an
10 individual without compensation as a volunteer for or in aid of
11 an interpretive function, education and information program,
12 boating safety and water rescue program, conservation measure,
13 habitat improvement and other activity related to fish and
14 fishing and boats and boating.

15 (c) Expenses.--The commission is authorized to pay
16 reasonable and necessary expenses for a volunteer, in accordance
17 with Statewide guidelines, for transportation, uniforms, lodging
18 and subsistence.

19 (d) Status of volunteers.--

20 (1) Except as otherwise provided under this section, a
21 volunteer shall not be deemed to be a Commonwealth employee
22 and shall not be subject to the provisions of law relating to
23 Commonwealth employment, including those relating to hours of
24 work, rates of compensation, leave, unemployment compensation
25 and Commonwealth employee benefits.

26 (2) Volunteers performing work under the terms of this
27 section, acting within the scope of their volunteer duties,
28 shall be authorized to operate Commonwealth vehicles and
29 watercraft and shall be treated for the purposes of
30 automotive and general liability as employees of the

1 Commonwealth.

2 (3) For the purposes of the act of June 2, 1915
3 (P.L.736, No.338), known as the Workers' Compensation Act,
4 volunteers under this section shall be deemed employees of
5 the Commonwealth.

6 (4) No volunteer shall be assigned to a full-time
7 position or wage position that is covered by a labor
8 agreement, presently filled, vacant or authorized in the
9 commission.

10 (5) For the purposes of civil damages, the standard of
11 care for acts or omissions by commission volunteers acting
12 within the scope of their duties shall be as set forth in 42
13 Pa.C.S. § 8332.4 (relating to volunteer-in-public-service
14 negligence standard).

15 § 4327. Cooperative agreements.

16 The commission may enter into cooperative agreements with an
17 agency of the United States, an agency of another state, an
18 agency of the Commonwealth or of a local government located in
19 Pennsylvania, an educational or research institution or any
20 other person or entity to carry out or further the programs of
21 the commission.

22 § 4328. Cooperation with Federal Government.

23 The Commonwealth assents to the provisions of the Federal Aid
24 in Wildlife Restoration Act (50 Stat. 917, 16 U.S.C. § 669 et
25 seq.) in which the Secretary of the Interior is authorized to
26 cooperate with the states through their respective fish or
27 wildlife agencies in wildlife restoration projects, including a
28 prohibition against the diversion of license fees paid by
29 hunters to purposes other than administration of the wildlife
30 agency. The commission shall perform acts as may be necessary to

1 the conduct and establishment of the cooperative wildlife
2 restoration projects and in compliance with regulations
3 promulgated under the Federal Aid in Wildlife Restoration Act.
4 § 4329. Limitation on disclosure of records.

5 (a) General rule.--

6 (1) The following may not sell, publish or disclose a
7 record of fishing licenses or hunting and trapping licenses,
8 an application for obtaining a fishing license of any type
9 under 30 Pa.C.S. (relating to fish), or a hunting and
10 trapping license of any type received under 34 Pa.C.S.
11 (relating to game) or an affiliation to a person except as
12 necessary to carry out the functions and business of the
13 commission:

14 (i) A game and fish officer or deputy game and fish
15 officer.

16 (ii) A fishing license-issuing agent.

17 (iii) A hunting license-issuing agent.

18 (iv) An officer, employee or agent of a Commonwealth
19 agency.

20 (v) A private business or agency which makes or
21 receives a record.

22 (2) A person may not purchase, secure, procure or
23 disclose a record or affiliation described under paragraph
24 (1).

25 (b) Publication.--The following may not sell, publish or
26 disclose a subscription list or mailing list for a publication
27 issued under section 4322 (relating to publications):

28 (1) The commission.

29 (2) The executive director.

30 (3) A game and fish officer or deputy game and fish

1 officer.

2 (4) An officer, employee or agent of the commission.

3 (5) A private business or agency.

4 (c) Applicability.--

5 (1) This section shall not apply to a record or report:

6 (i) Required for a prosecution of a violation of the
7 laws of this Commonwealth.

8 (ii) Required for an administrative proceeding held
9 under the laws of this Commonwealth.

10 (iii) Required for the prosecution of a violation of
11 a Federal law or the laws of any state of the United
12 States.

13 (iv) Required to be published to enforce the
14 suspension or revocation of hunting and trapping
15 privileges by the commission.

16 (v) Authorized by action of the commission for the
17 sole purpose of exercising legitimate governmental
18 function or duty.

19 (vi) Required to determine the identification of a
20 trapper under 34 Pa.C.S. § 2361(a)(12) (relating to
21 unlawful acts concerning taking of furbearers), if the
22 information is requested by a landowner, an agent of a
23 landowner or a lessee of land.

24 (2) If a record or report is made available by the
25 commission for a limited purpose under paragraph (1), the
26 record or report may not be published, circulated or
27 disclosed by the receiving agency for any purpose.

28 (d) Penalty.--A person violating this section commits a
29 summary offense of the fifth degree. The record, report or name
30 of each individual person shall constitute a separate offense.

1 § 4330. Junior hunter projects.

2 (a) General rule.--The commission shall initiate, implement
3 and administer two or more junior license hunter projects for
4 the purpose of increasing and sustaining interest in hunting
5 among young persons of this Commonwealth. Except for the
6 requirement to hold a junior hunting license under 34 Pa.C.S. §
7 2705(2) or (9) (relating to classes of licenses) and as modified
8 by commission regulations, each participant in a junior hunter
9 project must comply with the laws of this Commonwealth.

10 (b) Specific projects.--

11 (1) One of the projects under subsection (a) shall
12 consist of at least two free hunting days for a person
13 qualified to receive a junior hunting license under 34
14 Pa.C.S. § 2705(2) or (9) who has successfully completed the
15 hunter education requirements under 34 Pa.C.S. § 2704(b)
16 (relating to eligibility for license). The commission shall
17 establish the days, times and species which may be taken
18 during the free hunting days.

19 (2) One of the projects under subsection (a) shall
20 consist of a commission program subject to the review of the
21 Game and Fisheries Committee of the Senate and the Game and
22 Fisheries Committee of the House of Representatives. The
23 respective committees shall have 60 days to review the
24 program and submit comments to the commission. Prior to
25 completion of the review by the respective committees, the
26 commission may not take any action to initiate the program.

27 § 4331. Accountability.

28 (a) Relationship with public.--The commission shall
29 implement policies and programs to improve the commission's
30 relationship with the general public and with the commission's

1 licensees in accordance with the commission's strategic plan.

2 (b) Program accountability.--The commission shall require
3 program accountability of the commission's various functions
4 through program performance measurement in accordance with the
5 commission's strategic plan.

6 (c) Financial accountability.--The commission shall improve
7 the financial accountability of the commission's various
8 functions through performance measurement in accordance with the
9 commission's strategic plan.

10 (d) Law enforcement accountability.--The commission shall
11 maintain a system to respond to citizen complaints against
12 wildlife conservation officers and deputy wildlife conservation
13 officers. The commission shall release information relating to
14 the number and nature of complaints received on at least an
15 annual basis. The commission may release further information
16 related to the nature of the complaints if the release of the
17 information is not prohibited or restricted by a contract,
18 regulation, order of court or statute to the contrary.

19 (e) Reports to General Assembly.--No later than January 31
20 of each year, the commission, through the commission's executive
21 director, shall make annual written reports on the matters
22 described under subsections (a), (b), (c) and (d) to the Game
23 and Fisheries Committee of the Senate and the Game and Fisheries
24 Committee of the House of Representatives. The commission shall
25 meet with the respective committees of the General Assembly to
26 receive oral testimony in relation to annual written reports if
27 requested.

28 SUBCHAPTER D

29 OFFICERS AND EMPLOYEES

30 Sec.

1 4340. Game and fish officers and employees.

2 4341. Deputy game and fish officers.

3 4342. Powers and duties of enforcement officers.

4 4343. Delegation of enforcement powers.

5 4344. Reciprocal enforcement of Delaware River.

6 § 4340. Game and fish officers and employees.

7 (a) Appointment.--The director shall select competent
8 persons as game and fish officers, assigned to field,
9 administrative or office duties, and other competent persons for
10 other duties as may be necessary to fulfill the requirements of
11 this title.

12 (b) Status.--Except for the director, all personnel shall be
13 employed in accordance with the classification and compensation
14 plans of the Commonwealth and regulations of the commission.

15 (c) Power and authority.--Game and fish officers, employees
16 and representatives of the commission in the exercise of their
17 powers and duties shall have the right and authority to go upon
18 or enter any property, posted or otherwise, outside of
19 buildings.

20 § 4341. Deputy game and fish officers.

21 (a) Appointment and training.--The executive director, with
22 the approval of the commission, may appoint deputy game and fish
23 officers to act anywhere within this Commonwealth. A newly
24 appointed deputy game and fish officer, excluding a
25 reappointment, shall attend any training program required by the
26 commission, which shall include at a minimum:

27 (1) Successful completion of training and obtaining a
28 certificate of qualification under the act of October 10,
29 1974 (P.L.705, No.235), known as the Lethal Weapons Training
30 Act, or equivalent training as determined by the executive

1 director, prior to appointment.

2 (2) Successful completion of not less than 250 hours of
3 law enforcement classroom and on-the-job training.

4 (b) In-service training and term of appointment.--A deputy
5 game and fish officer, including a reappointment, shall attend
6 all annual in-service training as may be required by the
7 commission. A person appointed under this section may exercise
8 the powers of an appointment until December 31 of each year
9 unless the appointment is sooner revoked, suspended or
10 withdrawn.

11 (c) Compensation.--

12 (1) Deputy game and fish officers shall be volunteers
13 and shall not be entitled to any salary, compensation or
14 expenses for their services from the Commonwealth, unless
15 authorized by the executive director of the commission.
16 Compensation and reasonable expenses shall be in accordance
17 with a Statewide pay scale and standards as established by
18 the Executive Board.

19 (2) When acting within the scope of their official
20 duties, deputy game and fish officers shall be authorized to
21 operate Commonwealth vehicles and watercraft and shall be
22 treated as employees of the Commonwealth for the purposes of
23 automotive and general liability and the act of June 2, 1915
24 (P.L.736, No.338), known as the Workers' Compensation Act.

25 (d) Powers and duties.--The powers and duties of a deputy
26 game and fish officer shall be subject to limitations as the
27 executive director, with the approval of the commission, shall
28 prescribe. The executive director may authorize a deputy game
29 and fish officer to exercise the same powers and perform the
30 same duties as a game and fish officer, except that a deputy

1 game and fish officer may not exercise the powers and duties set
2 forth in section 4342(a)(13), (18) and (22) (relating to powers
3 and duties of enforcement officers).

4 (e) Retired officers.--Retired wildlife conservation
5 officers, retired waterways conservation officers, retired game
6 and fish officer, State park rangers, State forest rangers and
7 current or retired State or municipal police officers shall
8 exercise all powers and duties conferred on deputy game and fish
9 officers, including the right to issue citations and field
10 acknowledgments of guilt for violations.

11 § 4342. Powers and duties of enforcement officers.

12 (a) Powers.--An officer whose duty is to enforce 30 Pa.C.S.
13 (relating to fish) and 34 Pa.C.S. (relating to game) or any
14 officer investigating an alleged violation of 30 Pa.C.S. and 34
15 Pa.C.S. shall have the power and duty to:

16 (1) Enforce all laws of this Commonwealth relating to
17 fish, watercraft, game or wildlife and arrest any person who
18 has violated any of the provisions of this title while in
19 pursuit of that person immediately following the violation.

20 (2) Enter any land or water in the performance of the
21 officer's duty.

22 (3) Serve subpoenas issued under the provisions of this
23 title or any other statute the officer is authorized to
24 enforce.

25 (4) Carry firearms or other weapons, concealed or
26 otherwise, in the performance of the officer's duties.

27 (5) Purchase and resell game or wildlife, or any part
28 thereof, for the purpose of securing evidence.

29 (6) Stop any means of transportation within this
30 Commonwealth under reasonable suspicion or under the

1 administrative procedures for road checkpoints. An officer
2 who stops any means of transportation shall be in uniform and
3 present a badge or other means of official identification and
4 state the purpose of the stop.

5 (7) Search any person or means of transportation or its
6 attachment or occupants, or any clothing worn by any person,
7 or any bag, clothing or container under probable cause,
8 consent, exigent circumstances or other established
9 exceptions to warrant requirements. If any person is present,
10 the officer shall present a badge or other means of official
11 identification and state the purpose of the search.

12 (8) Conduct administrative inspections of persons,
13 licenses and permits, firearms, ammunition and other
14 implements of taking, game bags, game, meat poles, tags,
15 clothing, waterfowl blinds, decoys, tree stands, immediate
16 hunting locations or any means of transportation or its
17 attachments used as blinds or hunting locations and any
18 cooler or container possessed at a hunting location when
19 prima facie evidence of hunting exists. An officer conducting
20 an administrative inspection shall, if any person is present,
21 present a badge or other means of official identification and
22 state the purpose of the inspection.

23 (9) Secure and execute all warrants and search warrants
24 for violations of this title or, with proper consent, search
25 or enter any building, dwelling, house, tavern, hotel,
26 boarding house, enclosure, vehicle or craft or any
27 attachments thereto, to open, by whatever means necessary,
28 any door, compartment, chest, locker, box, trunk, bag,
29 basket, package or container and examine the contents thereof
30 and seize any evidence or contraband found therein.

1 (10) When making an arrest or an investigation or when
2 found in the execution of a search warrant, seize and take
3 possession of all game or wildlife or parts of game or
4 wildlife which have been taken, caught, killed, had or held
5 in possession, and seize all firearms, fishing, shooting,
6 hunting or boating paraphernalia, vehicles, boats,
7 conveyances, traps, dogs, decoys, bait, rods, reels, nets or
8 other fishing devices of any description, automotive
9 equipment, records, papers, permits, licenses and all
10 contraband or any unlawful device, implement or other
11 appliance used in violation of any of the laws relating to
12 game or wildlife.

13 (11) Administer any oath required by the provisions of
14 this title or relative to any violation of any law relating
15 to game or wildlife and, where game or wildlife is found in a
16 camp or in possession or under control of any individual or
17 hunting party, question the individual, under oath, relative
18 to the taking, ownership or possession of the game or
19 wildlife.

20 (12) Operate or move any vehicle, permanently or
21 temporarily equipped with a type of flashing or rotating red
22 light or lights or audible device, or both, approved by the
23 commission, upon any street or highway within this
24 Commonwealth when performing duties within the scope of
25 employment.

26 (13) Operate any vehicle owned or leased by the
27 Commonwealth and used for law enforcement purposes, equipped
28 with flashing or rotating lights of a color and combination
29 and audible devices as authorized in the definition of
30 "emergency vehicle" in 75 Pa.C.S. § 102 (relating to

1 definitions) and approved by the commission, on any street or
2 highway within this Commonwealth when performing duties
3 within the scope of employment. The driver of a Commonwealth-
4 owned or Commonwealth-leased vehicle equipped with lights and
5 audible devices as authorized in this subchapter may exercise
6 the privileges and shall be subject to the conditions as set
7 forth in 75 Pa.C.S. § 3105 (relating to drivers of emergency
8 vehicles).

9 (14) Demand and secure assistance when the officer deems
10 it necessary.

11 (15) Demand and secure identification from any person
12 who is the subject of an official investigation or
13 investigative detention, supported by reasonable suspicion,
14 if the officer presents a badge or other means of official
15 identification.

16 (16) Enforce all the laws of this Commonwealth relating
17 to fish, boats, parks and forestry and other environmental
18 matters, under the direction of those agencies charged with
19 the administration of the laws.

20 (17) Require the holder of a license or permit required
21 by this title or by commission regulation to sign the
22 holder's name on a separate piece of paper in the presence of
23 the requesting officer.

24 (18) (i) When acting within the scope of the officer's
25 employment, pursue, apprehend or arrest any individual
26 suspected of violating a provision of 18 Pa.C.S.
27 (relating to crimes and offenses) or any other offense
28 classified as a misdemeanor or felony of any degree. The
29 officer shall also have the power to serve and execute
30 warrants issued by the proper authorities for offenses

1 referred to in this paragraph and to serve subpoenas
2 issued for examination.

3 (ii) All powers as provided for in this paragraph
4 shall be limited by administrative procedure as the
5 director, with the approval of the commission, shall
6 prescribe by regulation. The regulations shall be
7 promulgated by November 15, 1990.

8 (19) Stop and board any boat subject to 30 Pa.C.S.
9 (relating to fish) for the purpose of inspection for
10 compliance with 30 Pa.C.S. Pt. III (relating to boats and
11 boating) and the rules and regulations promulgated
12 thereunder. Any boat lying at its regular mooring or berth
13 shall not be boarded without the consent of the owner or a
14 search warrant.

15 (20) Arrange for the administration of chemical tests of
16 breath, blood or urine to persons operating or in actual
17 physical control of watercraft for the purpose of determining
18 the alcoholic content of blood or the presence of a
19 controlled substance under 30 Pa.C.S. § 5125 (relating to
20 chemical testing to determine amount of alcohol or controlled
21 substance), by qualified personnel of a State or local police
22 department, qualified officer or qualified personnel of a
23 clinical laboratory licensed and approved by the Department
24 of Health. An officer may administer chemical tests under
25 this paragraph if the person is qualified and the executive
26 director designates the person to do so.

27 (21) When in the performance of the officer's duties,
28 operate watercraft or a vehicle in a manner necessary to
29 carry out enforcement duties, subject to such limitations as
30 the executive director may prescribe.

1 (22) When acting within the scope of the officer's
2 employment and under the procedures outlined by the executive
3 director, use a facsimile in the enforcement of the
4 provisions of this title and the regulations promulgated
5 under this title.

6 (23) When acting within the scope of the officer's
7 employment and discretion, issue written or verbal warnings
8 in lieu of making arrests or issuing citations.

9 (b) Use of protective materials.--An officer whose duty is
10 to enforce 30 Pa.C.S. and 34 Pa.C.S. shall comply with the
11 procedures established by the executive director relating to the
12 use of protective materials under 34 Pa.C.S. § 2524 (relating to
13 protective material required).

14 (c) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Officer's employment." The period of time during which a an
18 officer is currently engaged in an activity the officer is
19 employed to perform at the time of the engagement and in places
20 the officer is authorized to perform the activity.

21 § 4343. Delegation of enforcement powers.

22 Any person elected or employed by the Commonwealth or by any
23 municipality, whose duty is to preserve the peace or to make
24 arrests or to enforce the laws of this Commonwealth, may be
25 designated and empowered by the director, with the approval of
26 the commission, to enforce the provisions of 30 Pa.C.S.
27 (relating to fish) or 34 Pa.C.S. (relating to game) under
28 policies established by the director.

29 § 4344. Reciprocal enforcement of Delaware River.

30 If the State of New York or the State of New Jersey, as

1 appropriate, has in effect a statutory provision analogous to
2 this section, a person who is authorized to enforce this title
3 or an officer of a reciprocating state may enforce this title on
4 any part of the Delaware River between those states or on the
5 shores of the Delaware River.

6 Section 1203. The definition of "enforcement officer" in
7 section 5102 of Title 71 is amended to read:

8 § 5102. Definitions.

9 The following words and phrases as used in this part, unless
10 a different meaning is plainly required by the context, shall
11 have the following meanings:

12 * * *

13 "Enforcement officer."

14 (1) Any enforcement officer or investigator of the
15 Pennsylvania Liquor Control Board who is a peace officer
16 vested with police power and authority throughout the
17 Commonwealth and any administrative or supervisory employee
18 of the Pennsylvania Liquor Control Board vested with police
19 power who is charged with the administration or enforcement
20 of the liquor laws of the Commonwealth.

21 (2) Special agents, narcotics agents, asset forfeiture
22 agents, medicaid fraud agents and senior investigators
23 hazardous waste prosecutions unit, classified as such and
24 employed by the Office of Attorney General who have within
25 the scope of their employment as law enforcement officers the
26 power to enforce the law and make arrests under the authority
27 of the act of October 15, 1980 (P.L.950, No.164), known as
28 the Commonwealth Attorneys Act.

29 (3) Parole agents, classified as such by the Executive
30 Board and employed by the Pennsylvania Board of Probation and

1 Parole.

2 (4) [Waterways conservation] Game and fish officers and
3 other commissioned law enforcement personnel employed by the
4 Pennsylvania Game and Fish [and Boat] Commission who have and
5 exercise the same law enforcement powers as [waterways
6 conservation] game and fish officers. This paragraph shall
7 not apply to deputy [waterways conservation] game and fish
8 officers.

9 * * *

10 ARTICLE XIII

11 Section 1301. Sections 7717(b)(3), 9017(c)(2) and 9106(e)(2)
12 of Title 75 are amended to read:

13 § 7717. Snowmobile and ATV Advisory Committee.

14 * * *

15 (b) Composition.--The committee shall consist of 17 members.
16 The members shall be as follows:

17 * * *

18 (3) One member representing the Pennsylvania Game and
19 Fish Commission.

20 * * *

21 § 9017. Refunds.

22 * * *

23 (c) Motorboats and watercraft.--

24 * * *

25 (2) In accordance with such procedures, the Pennsylvania
26 Game and Fish [and Boat] Commission shall biannually
27 calculate the amount of liquid fuels consumed by the
28 motorcraft and furnish the information relating to its
29 calculations and data as required by the board. The board
30 shall review the petition and motorboat fuel consumption

1 calculations of the commission, determine the amount of
2 liquid fuels tax paid and certify to the State Treasurer to
3 refund annually to the Boat Fund the amount so determined.
4 The department shall be accorded the right to appear at the
5 proceedings and make its views known.

6 * * *

7 § 9106. Dirt, gravel and low-volume road maintenance.

8 * * *

9 (e) Quality assurance boards.--Apportioned funds are to be
10 dispersed to county conservation districts which apply for them
11 and are to be used by State agencies and local municipalities
12 that maintain roads within the county and fulfill certain
13 requirements specified under subsection (g). Within the
14 conservation district a quality assurance board shall be
15 impaneled to establish and administer the grant program. The
16 four-member quality assurance board is to be comprised of a
17 nonvoting chairman appointed by the conservation district
18 directors and one local representative appointed by each of the
19 following entities:

20 * * *

21 (2) The Pennsylvania Game and Fish [and Boat]
22 Commission.

23 * * *

24 Section 1302. Section 9511(i)(2) of Title 75 is amended to
25 read:

26 § 9511. Allocation of proceeds.

27 * * *

28 (i) Refund to Pennsylvania Game and Fish [and Boat]
29 Commission.--

30 * * *

1 (2) In accordance with the procedures, the Pennsylvania
2 Game and Fish [and Boat] Commission shall biannually
3 calculate the amount of liquid fuels consumed by the
4 motorcraft and furnish the information relating to its
5 calculations and data as required by the Board of Finance and
6 Revenue. The Board of Finance and Revenue shall review the
7 petition and motorboat fuel consumption calculations of the
8 commission, determine the amount of the oil company franchise
9 tax paid and certify to the State Treasurer to refund
10 annually to the Boat Fund the amount so determined. The
11 department shall be accorded the right to appear at the
12 proceedings and make its views known.

13 * * *

14 ARTICLE XIV

15 Section 1401. The following shall apply to the designation
16 of game and fish officers:

17 (1) The following shall be designated as game and fish
18 officers:

19 (i) Waterways conservation officers.

20 (ii) Game Commission officers, game protectors and
21 wildlife conservation officers.

22 (2) The following shall be designated as deputy resource
23 conservation officers:

24 (i) Deputy waterways conservation officers.

25 (ii) Deputy Game Commission officers, deputy game
26 protectors and deputy wildlife conservation officers.

27 (3) The Pennsylvania Game and Fish Commission may
28 substitute the term "game and fish officer" for the term of
29 an officer listed under paragraphs (1) and (2) on the
30 commission's documents and materials on a schedule the

1 commission deems appropriate.

2 (4) Prosecutions, enforcement actions and other official
3 duties of an officer listed under paragraphs (1) and (2)
4 shall not be affected by the use of the designation, prior to
5 the effective date of this section, of an officer listed
6 under paragraphs (1) and (2) on a form, document, material,
7 badge and other item issued or prepared by the commission.

8 Section 1402. The Pennsylvania Fish and Boat Commission and
9 the Pennsylvania Game Commission are designated as the
10 Pennsylvania Game and Fish Commission. Prosecutions, licenses,
11 contracts, deeds, enforcement actions and other official actions
12 by the commission shall not be affected by the use of the
13 designation of the commission as the Pennsylvania Game and Fish
14 Commission. The commission may continue to use the name
15 "Pennsylvania Fish and Boat Commission" or "Pennsylvania Game
16 Commission" on badges, citations, field acknowledgments,
17 contracts, licenses, registrations, stationery or any other
18 official documents or emblems until existing supplies are
19 exhausted. The commission may substitute the title "Pennsylvania
20 Game and Fish Commission" for the title "Pennsylvania Fish and
21 Boat Commission" or "Pennsylvania Game Commission" on the
22 commission's documents and materials on a schedule the
23 commission deems appropriate.

24 Section 1403. All activities initiated under 30 Pa.C.S. Ch.
25 3 and 34 Pa.C.S. Ch. 3 shall continue and remain in full force
26 and effect and may be completed under 71 Pa.C.S. Ch. 43. Orders,
27 regulations, rules and decisions which were made under 30
28 Pa.C.S. Ch. 3 and 34 Pa.C.S. Ch. 3 and which are in effect on
29 the effective date of sections 702 and 802 of this act shall
30 remain in full force and effect until revoked, vacated or

1 modified under 71 Pa.C.S. Ch. 43. Contracts, obligations and
2 collective bargaining agreements entered into under 30 Pa.C.S.
3 Ch. 3 and 34 Pa.C.S. Ch. 3 are not affected nor impaired by the
4 repeal of 30 Pa.C.S. Ch. 3 and 34 Pa.C.S. Ch. 3.

5 Section 1404. This act shall take effect in 60 days.