
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2083 Session of
2015

INTRODUCED BY MALONEY, HANNA, TOEPEL, ELLIS, SACCONI, BLOOM,
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WARNER, ZIMMERMAN, CUTLER, F. KELLER, COHEN, CHRISTIANA AND
BAKER, JUNE 22, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 22, 2016

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in Pennsylvania Game Commission, further
4 providing for powers and duties of commission and for
5 accountability; in hunting and furtaking, providing for
6 senior hunting license holders; and, in special licenses and
7 permits, further providing for authority to issue permits.

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

10 Section 1. Section 102 of Title 34 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:
12 § 102. Definitions.

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

18 * * *

19 "Carrying capacity." The maximum number of animals of a

1 species that a habitat or ecosystem may support and sustain.

2 * * *

3 "Council." The Forest and Wildlife Advisory Council
4 established under section 328 (relating to accountability).

5 * * *

6 "Ecosystem." An ecological environment consisting of all the
7 living organisms, such as plants and animals, in the unit of
8 space, as well as all the nonliving, physical components of the
9 environment with which the organisms interact, such as air,
10 soil, water and sunlight. The term may be represented by a unit
11 of space, including a drop of water, lake, forest or mountain.
12 The term may include a wildlife management unit as described by
13 the commission.

14 * * *

15 "Habitat." A natural area, such as a forest, field or body
16 of water, where an animal commonly lives or where individuals of
17 a population live and that provides essential food, water, cover
18 and living space.

19 * * *

20 "Maximum sustained yield." The management of game animals,
21 including white-tailed deer, toward producing the maximum number
22 of animals for consumptive use that may be sustained over time,
23 thus maximizing the recreational aspects of the harvest.

24 * * *

25 Section 2. Section 322(a) and (c) of Title 34 are amended to
26 read:

27 § 322. Powers and duties of commission.

28 (a) Duties.--It shall be the duty of the commission to
29 protect, propagate, manage and preserve the game or wildlife of
30 this Commonwealth and to enforce, by proper actions and

1 proceedings, the laws of this Commonwealth relating thereto. In
2 fulfilling the duty, the commission shall focus primarily on
3 servng the interest of sportsmen and the special heritage of
4 recreational hunting and furtaking in this Commonwealth.

5 * * *

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

9 (1) Subject to section 2102(b) (relating to seasons,
10 possession, bag limits and devices), fix seasons, daily
11 shooting or taking hours, and any modification thereof, and
12 daily, season and possession limits for any species of game
13 or wildlife[.], provided that the antlerless deer rifle
14 season may not exceed three days during a license year and
15 occurs only after the end of the antlered deer rifle season.

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 except that each county of this Commonwealth shall constitute
21 a separate wildlife management unit.

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

24 (6) Limit the number of hunters or furtakers in any
25 designated area and prescribe the lawful methods of hunting
26 or taking furbearers in these areas[.], except that the
27 annual number of antlerless deer permits shall be issued
28 according to each county-based wildlife management unit.
29 Regarding deer management, the total annual number of
30 antlerless deer licenses that are allocated by the commission

1 for each wildlife management unit shall be the number
2 recommended by the council under section 328(f)(5) (relating
3 to accountability).

4 (7) Govern the use of recorded calls or sounds or
5 amplified calls or sounds of any description for taking or
6 hunting game or wildlife.

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

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

13 (10) Manage and develop its lands and waters and other
14 government or private lands and waters under agreement with
15 the owners as it considers advisable and, by proper action
16 and proceedings, enact and enforce regulations to insure the
17 prudent and proper use of these lands. In order to assist the
18 commission in performing its duties under this title, the
19 organization selected by the council under section 328(f)(4)
20 shall design a habitat enhancement program that benefits deer
21 and other forest-dwelling game and nongame species of
22 wildlife and that serves the interests of sportsmen for
23 recreational hunting, State camp lessee interests, the
24 outdoor recreation interests of the general public and the
25 economic interests of rural communities and the outdoor
26 industry. The organization shall direct and facilitate the
27 development and maintenance of this habitat enhancement
28 program on State game lands and in State forests and the
29 commission and Department of Conservation and Natural
30 Resources shall cooperate with the organization in expediting

1 operations of the organization's habitat enhancement program
2 under section 328(f)(10).

3 (11) Collect, classify and preserve such statistics,
4 data and information as in its judgment will tend to promote
5 the object of this title and take charge of and keep all
6 reports, books, papers and documents which shall, in the
7 discharge of its duties, come into its possession or under
8 its control.

9 (12) Take any necessary action to accomplish and assure
10 the purposes of this title.

11 (13) Serve the interest of sportsmen by preserving and
12 promoting our special heritage of recreational hunting and
13 furtaking by providing ample game and adequate opportunity to
14 hunt and trap the wildlife resources of this Commonwealth.

15 (14) Provide the maximum sustained yield of game for
16 sport hunting and trapping, including white-tailed deer, as
17 prescribed by the carrying capacity of the ecosystem to
18 support and maintain respective populations of game.

19 (15) Enhance deer and wildlife habitat by increasing the
20 carrying capacity of the ecosystem for the maximum sustained
21 yield of game, including white-tailed deer, and for
22 optimizing densities of nongame species of birds and mammals.

23 Section 3. Section 328 of Title 34 is amended by adding a
24 subsection to read:

25 § 328. Accountability.

26 * * *

27 (f) Deer management accountability.--

28 (1) The Forest and Wildlife Advisory Council is
29 established to provide the General Assembly and the
30 commission with scientific data and management

1 recommendations regarding deer, wildlife, forest and habitat
2 management. Recommendations of the council shall assist the
3 commission in performing its duties under this title, assure
4 commission accountability to sportsmen and provide the
5 General Assembly with the scientific and quality assurance
6 capabilities that are needed to ensure that the commission is
7 performing its duties under this title.

8 (2) The council shall consist of voting members,
9 composed of and appointed in accordance with the following:

10 (i) The Governor shall appoint a representative of a
11 Pennsylvania-based organization whose primary mission is
12 to serve the grassroots sportsmen of this Commonwealth by
13 providing regulatory relief and legislative help. The
14 appointee under this subparagraph shall serve as
15 chairperson of the council.

16 (ii) The Speaker of the House of Representatives
17 shall appoint:

18 (A) A representative of an organization located
19 in a county of the second class whose primary mission
20 is to serve sportsmen.

21 (B) A representative of a Pennsylvania-based,
22 nonpartisan organization whose primary mission is to
23 provide Pennsylvania gun owners and outdoors
24 enthusiasts with the information necessary to
25 understand individual rights under the Second
26 Amendment of the United States Constitution.

27 (iii) The President pro tempore of the Senate shall
28 appoint:

29 (A) A representative of an organization serving
30 and dedicated to preserving individual rights of gun

1 owners under the Second Amendment of the United
2 States Constitution in counties of the second class
3 A, third class, fourth class and sixth class.

4 (B) A representative of a Pennsylvania-based
5 organization whose primary mission is to protect the
6 rights of State forest leased campsite owners and
7 associates in this Commonwealth.

8 (iv) The chairperson may appoint two additional
9 members to the council with recognized expertise,
10 knowledge and experience in a relevant field, who shall
11 be designated at-large members.

12 (3) Membership under paragraph (2) will be for a term of
13 six years and members may be reappointed.

14 (4) Council membership shall be voluntary and members
15 shall not receive compensation or reimbursement for expenses
16 incurred in the discharge of their duties.

17 (5) (i) Within 60 days of the effective date of this
18 subsection, the council shall select by a majority vote
19 of the members a Pennsylvania-based, private, nonprofit,
20 independent, scientific organization to be designated as
21 the Forest and Wildlife Advisory Service.

22 (ii) The council shall enter into a contract by a
23 majority vote with the Forest and Wildlife Advisory
24 Service.

25 (iii) The council and the Forest and Wildlife
26 Advisory Service shall negotiate and agree to the terms
27 of the contract. The purpose of the contract shall be to
28 annually provide the scientific forest and wildlife
29 services that are set forth in this subsection. The
30 council shall determine the criteria to be used for

1 selecting the Forest and Wildlife Advisory Service.
2 Notice of the contract shall be given to the advisory
3 service and the commission.

4 (iv) The commission shall, under 62 Pa.C.S. Pt. I
5 (relating to Commonwealth Procurement Code), enter into
6 the contract, as negotiated under subparagraph (iii),
7 with the Forest and Wildlife Advisory Service within 60
8 days of receipt of the council's selection.

9 (6) To ensure accountability, any contract entered into
10 under this subsection shall contain specific performance
11 measures that the council may use to evaluate compliance with
12 the terms of the contract. If the Forest and Wildlife
13 Advisory Service fails to meet the performance measures, the
14 council shall, by a majority vote of the members, terminate
15 the contract and replace the Forest and Wildlife Advisory
16 Service.

17 (7) Provisions for payment shall be as set forth in an
18 estimate or contract provided to the council by the Forest
19 and Wildlife Advisory Service and may be amended in writing
20 or supplemented with subsequent estimates for services to be
21 rendered by the Forest and Wildlife Advisory Service if
22 recommended by the council. The commission shall fund the
23 contract from any money appropriated or made available to the
24 commission.

25 (8) The Forest and Wildlife Advisory Service shall
26 conduct annual scientific assessments to determine the
27 condition of the forest and its capacity to sustain optimum
28 populations of deer and other wildlife toward maintaining a
29 balanced ecosystem and the maximum sustained yield of deer
30 for sport hunting, and shall prepare an annual report that

1 recommends the total number of antlerless deer licenses that
2 should be allocated for each wildlife management unit. The
3 Forest and Wildlife Advisory Service shall submit the report
4 to the council to assist the council in performing its duties
5 under this title.

6 (9) The council shall provide an annual report to the
7 Governor, the General Assembly and the Board of Game
8 Commissioners. The annual report shall include the council's
9 recommended number of antlerless deer license allocations for
10 each wildlife management unit. The commission shall post the
11 recommendation on the commission's publicly accessible
12 Internet website and in the commission's Pennsylvania Hunting
13 and Trapping Digest.

14 (10) To assist the council in performing its duties
15 under this title, specifically the duties under section
16 322(c) (relating to powers and duties of commission), the
17 Forest and Wildlife Advisory Service shall design a habitat
18 enhancement program that benefits deer and other forest-
19 dwelling game and nongame species of wildlife and serves the
20 interests of sportsmen for recreational hunting, State camp
21 lessee interests, the outdoor recreation interests of the
22 general public and the economic interests of rural
23 communities and the outdoor industry. The Forest and Wildlife
24 Advisory Service shall direct and facilitate the development
25 and maintenance of this habitat enhancement program on State
26 game lands and State forests and the commission and the
27 Department of Conservation and Natural Resources shall
28 cooperate with the Forest and Wildlife Advisory Service in
29 expediting operations of the habitat enhancement program
30 under the precepts of the program.

1 Section 4. Title 34 is amended by adding a section to read:

2 § 2321.1. Senior hunting license holders.

3 A person who holds a valid Pennsylvania senior hunting
4 license may hunt and kill with an authorized weapon one deer
5 that has two or more points to one antler or that has one antler
6 three or more inches in length during an antlered deer season.

7 Section 5. Section 2901 of Title 34 is amended by adding a
8 subsection to read:

9 § 2901. Authority to issue permits.

10 * * *

11 (b.1) Deer management.--Publicly owned lands within this
12 Commonwealth may not be included in any deer management
13 assistance program area established by the commission.

14 * * *

15 Section 6. This act shall take effect in 60 days.