

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1508 Session of
2023

INTRODUCED BY MALONEY, COOK, ECKER, HAMM, KULIK, LABS, PICKETT,
SMITH AND STENDER, JUNE 26, 2023

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JUNE 26, 2023

AN ACT

1 Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania
2 Consolidated Statutes, in Pennsylvania Fish and Boat
3 Commission, further providing for organization of commission;
4 and, in Pennsylvania Game Commission, further providing for
5 organization of commission.

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

8 Section 1. Section 301(a) and (d) of Title 30 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding a subsection to read:

11 § 301. Organization of commission.

12 (a) Composition.--

13 (1) The Pennsylvania Fish and Boat Commission is
14 continued as an independent administrative commission and
15 shall consist of ten competent citizens of this Commonwealth
16 who shall be appointed by the Governor [by and with the
17 advice and consent of a majority of the members elected to
18 the Senate.] for each district as provided under paragraph

19 (2).

1 (2) Members of the commission shall meet the
2 qualifications under subsection (b) and shall be selected for
3 appointment under paragraph (1) as follows:

4 (i) The two at-large members shall be appointed by
5 the Governor.

6 (ii) Except as provided under subparagraph (i), the
7 members shall be selected for appointment as follows:

8 (A) For each member position that is or will be
9 open in a district, each sportsmen's group may
10 nominate one individual for commission membership
11 within 30 days of the provision of notification under
12 paragraph (3) (i).

13 (B) For each member position that is or will be
14 open in a district, each sportsman may, within 30
15 days of the provision of notification under paragraph
16 (3) (iii), cast a vote for one individual for the
17 district from the individuals under clause (A). Each
18 sportsman may vote for one candidate only for each
19 member position that is or will be open in the
20 district.

21 (C) The following shall apply:

22 (I) The names of the candidates receiving
23 the three highest vote totals under clause (B)
24 from each district shall be submitted by the
25 council to the Governor for a member seat that is
26 or will be open.

27 (II) Except as provided under subclause
28 (III), the Governor shall, within 30 days of the
29 receipt of candidate names under subclause (I),
30 appoint one member from the individuals receiving

1 the three highest vote totals for each district
2 that has a member seat that is or will be open.

3 (III) The Governor may, for cause, refuse to
4 appoint a member from the individuals receiving
5 the three highest vote totals under clause (B).
6 If the Governor refuses to appoint a member as
7 provided under this subclause, the Governor
8 shall, within 30 days of receipt of candidate
9 names under subclause (I), notify the council
10 that he or she refuses to appoint a member and
11 the reason for the refusal. The council shall,
12 within 10 days of the receipt of the Governor's
13 notice, submit to the Governor the names of the
14 individuals receiving the fourth, fifth and sixth
15 highest vote totals under clause (B). The
16 Governor shall, within 14 days of the receipt of
17 the names under this subclause, appoint one
18 member from the individuals receiving the fourth,
19 fifth and sixth highest vote totals.

20 (D) If an individual is not nominated or does
21 not win a majority of the votes under this
22 subparagraph, the member for the district shall be
23 appointed by the Governor.

24 (3) The council shall:

25 (i) Provide notification to each sportsmen's group
26 in each district that the sportsmen's group may nominate
27 one individual for commission membership for the district
28 and the procedure for making nominations. Notification
29 shall be provided as follows:

30 (A) At least 90 days prior to the end of the

1 term of a member for the district.

2 (B) Within 10 days of the death, resignation or
3 removal from office of a member for the district.

4 (ii) Establish a procedure to provide for and
5 collect the nominations under paragraph (2)(ii)(A) and
6 compile the results of the nominations.

7 (iii) Provide notification of the results under
8 subparagraph (ii) to the sportsmen. Notification shall be
9 provided within 10 days of compilation of results under
10 subparagraph (ii).

11 (iv) Establish a procedure to provide for and
12 collect the votes under paragraph (2)(ii)(B) and compile
13 the results of the votes.

14 * * *

15 (d) Vacancies.--Upon the death, resignation or removal from
16 office of any member, [the Governor shall appoint a competent
17 person] a competent person shall be selected for appointment as
18 provided under subsection (a)(2) to serve for the unexpired
19 term.

20 * * *

21 (g) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Council." The Governor's Advisory Council for Hunting,
25 Fishing and Conservation.

26 "Newspaper of general circulation." A newspaper, as defined
27 in 45 Pa.C.S. § 101 (relating to definitions), which is
28 published and circulated in the district where the nominations
29 and voting will be held.

30 "Notification." Publication in a newspaper of general

1 circulation and posting on the council's publicly accessible
2 Internet website.

3 "Sportsman." A resident angler or boater who has been
4 licensed in this Commonwealth for each of the past two
5 consecutive years and who resides in the district in which
6 voting under subsection (a)(2)(ii)(B) is being conducted.

7 "Sportsmen's group." A not-for-profit membership group or
8 organization which is located in the district in which
9 nominations under subsection (a)(2)(ii)(A) are being conducted
10 and whose purpose or mission is to do all of the following:

11 (1) Protect and promote this Commonwealth's outdoor
12 heritage and history.

13 (2) Provide opportunity for and participate in fishing,
14 boating and the conservation of aquatic species and habitat.

15 Section 2. Section 301(a) and (d) of Title 34, amended
16 January 26, 2022 (P.L.14 No.3), are amended and the section is
17 amended by adding a subsection to read:

18 § 301. Organization of commission.

19 (a) Composition.--

20 (1) The independent administrative commission known as
21 the Pennsylvania Game Commission shall consist of nine
22 competent citizens of this Commonwealth who shall be well
23 informed on the subject of wildlife conservation and
24 restoration and who shall be appointed by the Governor[, by
25 and with the advice and consent of a majority of the elected
26 members of the Senate.] for each district as provided under
27 paragraph (2).

28 (2) Members of the commission shall meet the
29 qualifications under subsection (b) and shall be selected for
30 appointment under paragraph (1) as follows:

1 (i) For each member position that is or will be open
2 in a district, each sportsmen's group may nominate one
3 individual for commission membership within 30 days of
4 the provision of notification under paragraph (3)(i).

5 (ii) For each member position that is or will be
6 open in a district, each sportsman may, within 30 days of
7 the provision of notification under paragraph (3)(iii),
8 cast a vote for one individual for the district from the
9 individuals nominated under subparagraph (i). Each
10 sportsman may vote for one candidate only for each member
11 position that is or will be open in the district.

12 (iii) The following shall apply:

13 (A) The names of the candidates receiving the
14 three highest vote totals under subparagraph (ii)
15 from each district shall be submitted by the council
16 to the Governor for a member seat that is or will be
17 open.

18 (B) Except as provided under clause (C), the
19 Governor shall, within 30 days of the receipt of
20 candidate names under clause (A), appoint one member
21 from the individuals receiving the three highest vote
22 totals for each district that has a member seat that
23 is or will be open.

24 (C) The Governor may, for cause, refuse to
25 appoint a member from the individuals receiving the
26 three highest vote totals under subparagraph (ii). If
27 the Governor refuses to appoint a member as provided
28 under this clause, the Governor shall, within 30 days
29 of receipt of candidate names under clause (A),
30 notify the council that he or she refuses to appoint

1 a member and the reason for the refusal. The council
2 shall, within 10 days of the receipt of the
3 Governor's notice, submit to the Governor the names
4 of the individuals receiving the fourth, fifth and
5 sixth highest vote totals under subparagraph (ii).
6 The Governor shall, within 14 days of the receipt of
7 the names under this clause, appoint one member from
8 the individuals receiving the fourth, fifth and sixth
9 highest vote totals.

10 (iv) If an individual is not nominated or does not
11 win a majority of the votes under this paragraph, the
12 member for the district shall be appointed by the
13 Governor.

14 (3) The council shall:

15 (i) Provide notification to each sportsmen's group
16 in each district that the sportsmen's group may nominate
17 one individual for commission membership for the district
18 and the procedure for making nominations. Notification
19 shall be provided as follows:

20 (A) At least 90 days prior to the end of the
21 term of a member for the district.

22 (B) Within 10 days of the death, resignation or
23 removal from office of a member for the district.

24 (ii) Establish a procedure to provide for and
25 collect the nominations under paragraph (2)(i) and
26 compile the results of the nominations.

27 (iii) Provide notification of the results under
28 subparagraph (ii) to the sportsmen. Notification shall be
29 provided within 10 days of compilation of results under
30 subparagraph (ii).

1 (iv) Establish a procedure to provide for and
2 collect the votes under paragraph (2)(ii) and compile the
3 results of the votes.

4 * * *

5 (d) Vacancies.--Upon the death, resignation or removal from
6 office of any person so appointed, [the Governor shall appoint a
7 competent person to serve for the unexpired term as provided in
8 subsection (a).] a competent person shall be selected for
9 appointment as provided under subsection (a)(2).

10 (e) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Council." The Governor's Advisory Council for Hunting,
14 Fishing and Conservation.

15 "Newspaper of general circulation." A newspaper, as defined
16 in 45 Pa.C.S. § 101 (relating to definitions), which is
17 published and circulated in the district where the nominations
18 and voting will be held.

19 "Notification." Publication in a newspaper of general
20 circulation and posting on the council's publicly accessible
21 Internet website.

22 "Sportsman." A resident hunter or furtaker who has been
23 licensed in this Commonwealth for each of the past two
24 consecutive years and who resides in the district in which
25 voting under subsection (a)(2)(ii) is being conducted.

26 "Sportsmen's group." A not-for-profit membership group or
27 organization which is located in the district in which
28 nominations under subsection (a)(2)(i) are being conducted and
29 whose purpose or mission is to do all of the following:

30 (1) Protect and promote this Commonwealth's outdoor

1 heritage and history.

2 (2) Provide opportunity for and participate in hunting,
3 trapping and the conservation of wildlife and wildlife
4 habitat.

5 Section 3. The following shall apply:

6 (1) The amendment or addition of 30 Pa.C.S. § 301(a),
7 (d) and (g) shall apply to members of the Pennsylvania Fish
8 and Boat Commission who, beginning on the effective date of
9 this section, are starting a new term or are filling a
10 vacancy due to the death, resignation or removal from office
11 of a member.

12 (2) The amendment or addition of 34 Pa.C.S. § 301(a),
13 (d) and (e) shall apply to members of the Pennsylvania Game
14 Commission who, beginning on the effective date of this
15 section, are starting a new term or are filling a vacancy due
16 to the death, resignation or removal from office of a member.

17 Section 4. This act shall take effect in 60 days.