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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1483 Session of  
2018

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INTRODUCED BY MALONEY, HANNA, MASSER, CUTLER, GODSHALL, COOK,  
JOZWIAK, WHEELAND, READSHAW, SACCONI, ZIMMERMAN, BAKER,  
GREINER, KORTZ AND QUIGLEY, SEPTEMBER 7, 2018

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 7, 2018

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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; establishing the Forest and Wildlife Advisory  
6 Council and providing for its powers and duties; in hunting  
7 and furtaking, providing for senior hunting license holders;  
8 and, in special licenses and permits, further providing for  
9 authority to issue permits.

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

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

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

20 \* \* \*

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

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

2 \* \* \*

3 "Conservation." The wise management and use of natural  
4 resources.

5 \* \* \*

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

8 \* \* \*

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

17 \* \* \*

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

22 \* \* \*

23 "Maximum sustained yield." The management of game animals,  
24 including whitetail deer, in order to produce the maximum number  
25 of animals for consumptive use that may be sustained over time,  
26 thus maximizing the recreational aspects of the harvest.

27 \* \* \*

28 Section 2. Section 322 of Title 34 is amended to read:

29 § 322. Powers and duties of commission.

30 (a) Duties.--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 thereto. In  
4 fulfilling the duty, the commission shall focus primarily on  
5 servng the interest of sportsmen and the special heritage of  
6 recreational hunting and furtaking in this Commonwealth.

7 (b) General powers and duties.--The commission has the power  
8 and duty to take all actions necessary for the administration  
9 and enforcement of this title. In all wildlife management  
10 decisions, the commissioners shall be guided by the principles  
11 of best management practices utilizing scientific analysis  
12 supported by verifiable data with equal regard for the social,  
13 economic and recreational impacts of their decisions.

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

17 (1) Subject to section 2102(b) (relating to [seasons,  
18 possession, bag limits and devices] regulations), fix  
19 seasons, daily shooting or taking hours, and any modification  
20 thereof, and daily, season and possession limits for any  
21 species of game or wildlife[.], provided that the antlerless  
22 deer rifle season may not exceed three days during a license  
23 year and occurs only after the end of the antlered deer rifle  
24 season.

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

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

28 (4) Define geographic limitations or restrictions,  
29 except that each county of this Commonwealth shall constitute  
30 a separate wildlife management unit.

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

3 (6) Limit the number of hunters or furtakers in any  
4 designated area and prescribe the lawful methods of hunting  
5 or taking furbearers in these areas[.], except that the  
6 annual number of antlerless deer permits shall be issued  
7 according to each county-based wildlife management unit.  
8 Regarding deer management, the total annual number of  
9 antlerless deer licenses that are allocated by the commission  
10 for each wildlife management unit shall be the number  
11 recommended by the council under section 328(f)(5) (relating  
12 to accountability).

13 (7) Govern the use of recorded calls or sounds or  
14 amplified calls or sounds of any description for taking or  
15 hunting game or wildlife.

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

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

22 (10) Manage and develop its lands and waters and other  
23 government or private lands and waters under agreement with  
24 the owners as it considers advisable and, by proper action  
25 and proceedings, enact and enforce regulations to insure the  
26 prudent and proper use of these lands. In order to assist the  
27 commission in performing its duties under this title, the  
28 organization selected by the council under section 328(f)(5)  
29 shall design a habitat enhancement program that benefits deer  
30 and other forest-dwelling game and nongame species of

1 wildlife and that serves the interests of sportsmen for  
2 recreational hunting, State camp lessee interests, the  
3 outdoor recreation interests of the general public and the  
4 economic interests of rural communities and the outdoor  
5 industry. The organization shall direct and facilitate the  
6 development and maintenance of this habitat enhancement  
7 program on State game lands and in State forests, and the  
8 commission and Department of Conservation and Natural  
9 Resources shall cooperate with the organization in expediting  
10 operations of the organization's habitat enhancement program  
11 under section 328(f)(10).

12 (11) Collect, classify and preserve such statistics,  
13 data and information as in its judgment will tend to promote  
14 the object of this title and take charge of and keep all  
15 reports, books, papers and documents which shall, in the  
16 discharge of its duties, come into its possession or under  
17 its control.

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

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

24 (14) Provide the maximum sustained yield of game for  
25 sport hunting and trapping, including whitetail deer, as  
26 prescribed by the carrying capacity of the ecosystem to  
27 support and maintain respective populations of game.

28 (15) Enhance deer and wildlife habitat by increasing the  
29 carrying capacity of the ecosystem for the maximum sustained  
30 yield of game, including whitetail deer, and for optimizing

1 densities of nongame species of birds and mammals.

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

4 § 328. Accountability.

5 \* \* \*

6 (f) Deer management accountability.--

7 (1) The Forest and Wildlife Advisory Council is  
8 established to provide the General Assembly and the  
9 commission with scientific data and management  
10 recommendations regarding deer, wildlife, forest and habitat  
11 management. Recommendations of the council shall assist the  
12 commission in performing its duties under this title, assure  
13 commission accountability to sportsmen and provide the  
14 General Assembly with the scientific and quality assurance  
15 capabilities that are needed to ensure that the commission is  
16 performing its duties under this title.

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

19 (i) The Governor shall appoint a representative of a  
20 Pennsylvania-based organization whose primary mission is  
21 to serve the grassroots sportsmen of this Commonwealth by  
22 providing regulatory relief and legislative help. The  
23 appointee under this subparagraph shall serve as  
24 chairperson of the council.

25 (ii) The Speaker of the House of Representatives  
26 shall appoint:

27 (A) A representative of an organization located  
28 in a county of the second class whose primary mission  
29 is to serve sportsmen.

30 (B) A representative of a Pennsylvania-based,

1 nonpartisan organization whose primary mission is to  
2 provide Pennsylvania gun owners and outdoors  
3 enthusiasts with the information necessary to  
4 understand individual rights under the Second  
5 Amendment of the United States Constitution.

6 (iii) The President pro tempore of the Senate shall  
7 appoint:

8 (A) A representative of an organization serving  
9 and dedicated to preserving individual rights of gun  
10 owners under the Second Amendment of the United  
11 States Constitution in counties of the second class  
12 A, third class, fourth class and sixth class.

13 (B) A representative of a Pennsylvania-based  
14 organization whose primary mission is to protect the  
15 rights of State forest leased campsite owners and  
16 associates in this Commonwealth.

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

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

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

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

1           (ii) The council shall enter into a contract by a  
2 majority vote with the Forest and Wildlife Advisory  
3 Service.

4           (iii) The council and the Forest and Wildlife  
5 Advisory Service shall negotiate and agree to the terms  
6 of the contract. The purpose of the contract shall be to  
7 annually provide the scientific forest and wildlife  
8 services that are set forth in this subsection. The  
9 council shall determine the criteria to be used for  
10 selecting the Forest and Wildlife Advisory Service.  
11 Notice of the contract shall be given to the advisory  
12 service and the commission.

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

18           (6) To ensure accountability, any contract entered into  
19 under this subsection shall contain specific performance  
20 measures that the council may use to evaluate compliance with  
21 the terms of the contract. If the Forest and Wildlife  
22 Advisory Service fails to meet the performance measures, the  
23 council shall, by a majority vote of the members, terminate  
24 the contract and replace the Forest and Wildlife Advisory  
25 Service.

26           (7) Provisions for payment shall be as set forth in an  
27 estimate or contract provided to the council by the Forest  
28 and Wildlife Advisory Service and may be amended in writing  
29 or supplemented with subsequent estimates for services to be  
30 rendered by the Forest and Wildlife Advisory Service if



1 recommended by the council. The commission shall fund the  
2 contract from any money appropriated or made available to the  
3 commission.

4 (8) The Forest and Wildlife Advisory Service shall  
5 conduct annual scientific assessments to determine the  
6 condition of the forest and its capacity to sustain optimum  
7 populations of deer and other wildlife toward maintaining a  
8 balanced ecosystem and the maximum sustained yield of deer  
9 for sport hunting, and shall prepare an annual report that  
10 recommends the total number of antlerless deer licenses that  
11 should be allocated for each wildlife management unit and  
12 other management practices that affect the sex and age  
13 structure of the herd. The commission shall implement these  
14 recommendations. The Forest and Wildlife Advisory Service  
15 shall submit the report to the council to assist the  
16 commission in performing its duties under this title.

17 (9) The council shall provide an annual report to the  
18 Governor, the General Assembly and the Board of Game  
19 Commissioners. The annual report shall include the council's  
20 recommended number of antlerless deer license allocations for  
21 each wildlife management unit. The commission shall post the  
22 recommendation on the commission's publicly accessible  
23 Internet website and in the commission's Pennsylvania Hunting  
24 and Trapping Digest.

25 (10) To assist the commission in performing its duties  
26 under this title, specifically the duties under section  
27 322(c) (relating to powers and duties of commission), the  
28 Forest and Wildlife Advisory Service shall design a habitat  
29 enhancement program that benefits deer and other forest-  
30 dwelling game and nongame species of wildlife and serves the

1 interests of sportsmen for recreational hunting, State camp  
2 lessee interests, the outdoor recreation interests of the  
3 general public and the economic interests of rural  
4 communities and the outdoor industry. The Forest and Wildlife  
5 Advisory Service shall direct and facilitate the development  
6 and maintenance of this habitat enhancement program on State  
7 game lands and State forests and the commission and the  
8 Department of Conservation and Natural Resources shall  
9 cooperate with the Forest and Wildlife Advisory Service in  
10 expediting operations of the habitat enhancement program  
11 under the precepts of the program.

12 (11) To assist the commission in the disease management  
13 of deer and elk, the Forest and Wildlife Advisory Service  
14 shall oversee these operations and provide an annual report  
15 to the Governor, the General Assembly and the Board of Game  
16 Commissioners.

17 (12) To assist the General Assembly in its oversight  
18 responsibility to hold the commission accountable for  
19 conservation policy and hunting license-fee changes, the  
20 council shall direct the Forest and Wildlife Advisory Service  
21 to provide related advisory services and recommendations to  
22 the General Assembly and committees of the Senate and House  
23 of Representatives upon request by these chambers. The  
24 commission shall provide related financial compensation to  
25 the service upon request.

26 (13) In the event the commission or the Department of  
27 Conservation and Natural Resources fails to comply with any  
28 provision of this section, an action to require its  
29 compliance may be brought, pursuant to 42 Pa.C.S. § 761  
30 (relating to original jurisdiction), for declaratory and

1 injunctive relief; whereby, the court shall award attorney  
2 fees and costs, inclusive of, but not limited to, expert  
3 fees, to a successful party seeking compliance with this  
4 section, notwithstanding 1 Pa.C.S. § 2310 (relating to  
5 sovereign immunity reaffirmed; specific waiver). Where a  
6 commission or department official acts contrary to this  
7 section, the official shall indemnify the Commonwealth for  
8 any attorney fees and costs assessed against the  
9 Commonwealth, commission or the department. Attorney fees and  
10 costs shall not be awarded by a court if the commission or  
11 department prevails.

12 Section 4. Title 34 is amended by adding a section to read:  
13 § 2321.1. Senior hunting license holders.

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

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

20 § 2901. Authority to issue permits.

21 \* \* \*

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

25 \* \* \*

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