

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1726 Session of
2013

INTRODUCED BY MALONEY, REESE, GODSHALL, COHEN, MULLERY, HESS,
SWANGER, MURT, METCALFE, PICKETT, HANNA, SACCONI, KULA AND
CLYMER, SEPTEMBER 30, 2013

REFERRED TO COMMITTEE ON GAME AND FISHERIES, SEPTEMBER 30, 2013

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions and for powers
3 and duties of commission.

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

6 Section 1. Section 102 of Title 34 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:
8 § 102. Definitions.

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

14 * * *

15 "Carrying capacity." The maximum number of animals of a
16 species that a habitat or ecosystem may support and sustain.

17 * * *

18 "Ecosystem." An ecological environment consisting of all the

1 living organisms, such as plants and animals, in the unit of
2 space, as well as all the nonliving, physical components of the
3 environment with which the organisms interact, such as air,
4 soil, water and sunlight. The term may be represented by a unit
5 of space, including a drop of water, lake, forest or mountain.
6 The term may include a wildlife management unit as described by
7 the commission.

8 * * *

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

13 * * *

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

18 * * *

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

20 § 322. Powers and duties of commission.

21 (a) Duties.--It shall be the duty of the commission to
22 protect, propagate, manage and preserve the game or wildlife of
23 this Commonwealth and to enforce, by proper actions and
24 proceedings, the laws of this Commonwealth relating thereto. In
25 fulfilling the duty, the commission must focus primarily on
26 serving the interest of sportsmen and the special heritage of
27 recreational hunting and furtaking in this Commonwealth.

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

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

4 (1) Subject to section 2102(b) (relating to seasons,
5 possession, bag limits and devices), fix seasons, daily
6 shooting or taking hours, and any modification thereof, and
7 daily, season and possession limits for any species of game
8 or wildlife.

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

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

12 (4) Define geographic limitations or restrictions.

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

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

18 (7) Govern the use of recorded calls or sounds or
19 amplified calls or sounds of any description for taking or
20 hunting game or wildlife.

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

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

27 (10) Manage and develop its lands and waters and other
28 government or private lands and waters under agreement with
29 the owners as it considers advisable and, by proper action
30 and proceedings, enact and enforce regulations to insure the

prudent and proper use of these lands.

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

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

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

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

(15) Enhance a habitat toward increasing the carrying capacity of the ecosystem for the maximum sustained yield of game, including white-tailed deer, and for optimizing densities of nongame species of birds and mammals.

Section 3. This act shall take effect in 60 days.