THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2083 Session of 2015

INTRODUCED BY MALONEY, HANNA, TOEPEL, ELLIS, SACCONÉ, BLOOM, READSHAW, D. COSTA, ORTITAY, McGINNIS, DIAMOND, GIBBONS, QUIGLEY, RADER, DeLUCA, MAHONEY, MASSER, GERGELY, GODSHALL, WARNER, ZIMMERMAN, CUTLER, F. KELLER, COHEN, CHRISTIANA AND BAKER, JUNE 22, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 22, 2016

AN ACT

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

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

Section 1. Section 102 of Title 34 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read:

§ 102. Definitions.

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

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

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

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

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

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

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

§ 322. Powers and duties of commission.

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

* * *

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

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

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

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

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

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

(6) Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas[, except that the annual number of antlerless deer permits shall be issued according to each county-based wildlife management unit.]

Regarding deer management, the total annual number of antlerless deer licenses that are allocated by the commission...
for each wildlife management unit shall be the number
recommended by the council under section 328(f)(5) (relating
to accountability).

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

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

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

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

(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 deer and wildlife habitat by 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. Section 328 of Title 34 is amended by adding a subsection to read:

§ 328. Accountability.

* * *

(f) Deer management accountability.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of the contract shall be given to the advisory service and the commission.

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

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

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

(8) The Forest and Wildlife Advisory Service shall conduct annual scientific assessments to determine the condition of the forest and its capacity to sustain optimum populations of deer and other wildlife toward maintaining a balanced ecosystem and the maximum sustained yield of deer for sport hunting, and shall prepare an annual report that
recommends the total number of antlerless deer licenses that
should be allocated for each wildlife management unit. The
Forest and Wildlife Advisory Service shall submit the report
to the council to assist the council in performing its duties
under this title.

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

(10) To assist the council in performing its duties
under this title, specifically the duties under section
322(c) (relating to powers and duties of commission), the
Forest and Wildlife Advisory Service shall design a habitat
enhancement program that benefits deer and other forest-
dwelling game and nongame species of wildlife and serves the
interests of sportsmen for recreational hunting, State camp
lessee interests, the outdoor recreation interests of the
general public and the economic interests of rural
communities and the outdoor industry. The Forest and Wildlife
Advisory Service shall direct and facilitate the development
and maintenance of this habitat enhancement program on State
game lands and State forests and the commission and the
Department of Conservation and Natural Resources shall
cooperate with the Forest and Wildlife Advisory Service in
expediting operations of the habitat enhancement program
under the precepts of the program.
Section 4. Title 34 is amended by adding a section to read:

§ 2321.1. Senior hunting license holders.

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

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

§ 2901. Authority to issue permits.

* * *

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

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