

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1671 Session of  
1977

INTRODUCED BY BITTINGER, REED AND HALVERSON, SEPTEMBER 28, 1977

REFERRED TO COMMITTEE ON GAME AND FISHERIES, SEPTEMBER 28, 1977

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," providing for the powers of  
21 waterways patrolmen.

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

24 Section 1. Section 2706, act of April 9, 1929 (P.L.177,  
25 No.175), known as "The Administrative Code of 1929," is amended  
26 to read:

27 Section 2706. Powers of [Fish Wardens] Waterways  
28 Patrolmen.--A full-time paid waterways patrolman shall have the

1 power to enforce all laws of this Commonwealth in an emergency.  
2 Otherwise, he shall enforce only those laws pertaining to the  
3 sphere of concern specified by the Pennsylvania Fish Commission.  
4 The same limited power may be granted by the Pennsylvania Fish  
5 Commission to part-time, unpaid deputy waterways patrolmen who  
6 are paid law enforcement officers of the political subdivisions  
7 of this Commonwealth. In addition, [Every] every member of the  
8 Pennsylvania Fish Commission, every [fish warden] waterways  
9 patrolman, and every special [fish warden] waterways patrolman  
10 shall have power:

11 (a) To enforce all the laws of the Commonwealth relating to  
12 fish;

13 (b) To execute all warrants and search warrants for the  
14 violation of the fish laws;

15 (c) To serve subpoenas issued for the examination,  
16 investigation, and trial of all offenses against the laws  
17 relating to fish;

18 (d) To carry firearms, or other weapons, in the performance  
19 of his duties, and to stop or halt, by pointing or discharging  
20 firearms, any person violating or believed to be violating any  
21 of the laws of the Commonwealth the enforcement of which is  
22 charged to such officers, and any such officer shall at all  
23 times be privileged to protect himself in the performance of his  
24 duty;

25 (e) To search, without warrant, any boat, conveyance,  
26 vehicle, fish-box, bag, coat, basket, or other receptacle for  
27 fish, when he has reason to believe that any provision of any  
28 law of this Commonwealth relating to fish has been violated;

29 (f) To seize and take possession of any and all fish which  
30 may have been caught, taken, or killed at any time, in any

1 manner, or for any purpose, or had in possession, or under  
2 control, or which have been shipped or are about to be shipped,  
3 contrary to the laws of this Commonwealth. Fish so seized shall  
4 be disposed of in any manner as the Executive Director of the  
5 Commission may direct;

6 (g) To enter upon any land or water in the performance of  
7 his duty;

8 (h) To demand and secure proper assistance in case of  
9 emergency;

10 (i) To purchase fish for the purpose of securing evidence.

11 Section 2. The provisions of this act shall not be construed  
12 to affect the rights of waterways patrolmen under the act of  
13 July 23, 1970 (P.L.563, No.195), known as the "Public Employee  
14 Relations Act."

15 Section 3. This act shall take effect in 30 days.