

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 53

Session of
1997

INTRODUCED BY LLOYD, GODSHALL, COY, READSHAW, FAIRCHILD, SURRA,
McCALL, MILLER, STEELMAN, HALUSKA AND E. Z. TAYLOR,
JANUARY 28, 1997

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 30, 1997

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, authorizing grazing within deterrent fencing.

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

5 Section 1. Title 34 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:

7 § 548. Livestock grazing within deterrent fence.

8 (a) General rule.--Notwithstanding any provision of law or
9 rule, regulation or policy of the commission to the contrary,
10 the owner or lessee of any farm in this Commonwealth who has
11 entered into an agreement with the commission to erect a
12 deterrent fence for the purpose of preventing injury to or the
13 destruction of farm crops by deer or elk shall retain the right
14 to graze livestock within the area of the deterrent fence.

15 (b) When grazing permitted.--The grazing of livestock within
16 the area of a deterrent fence shall be permitted only after
17 crops within such area have been harvested and only for a period

1 of one month following the harvest.

2 ~~(c) Additional fencing required. The commission may~~ <—
3 ~~investigate the conditions under which grazing will occur. If~~
4 ~~the investigation discloses the need for an additional fence~~
5 ~~within the deterrent fence to contain the livestock and prevent~~
6 ~~destruction of the deterrent fence, the commission may require~~
7 ~~the owner or lessee of the farm to erect an additional fence of~~
8 ~~such height, design, materials and type of construction as the~~
9 ~~commission may specify.~~

10 (C) FENCE REPAIR REQUIRED.--THE OWNER OR LESSEE OF A FARM <—
11 SHALL BE RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY DETERRENT
12 FENCE WHICH RESULTS FROM THE GRAZING OF LIVESTOCK WITHIN AREAS
13 OF THE DETERRENT FENCE DESCRIBED IN SUBSECTION (A). FARMERS
14 SHALL NOTIFY THE COMMISSION OF THEIR INTENTION TO GRAZE LAND
15 WITHIN THE DETERRENT FENCE 48 HOURS PRIOR TO BEGINNING GRAZING.
16 AT THE CONCLUSION OF THE GRAZING PERIOD THE COMMISSION MAY
17 INSPECT THE DETERRENT FENCE AND REQUIRE ANY MAINTENANCE AS
18 REQUIRED BY THIS TITLE.

19 Section 2. This act shall take effect in 60 days.