
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1895 Session of
2017

INTRODUCED BY BARBIN, HANNA, GODSHALL, WARNER, CAUSER AND
EMRICK, OCTOBER 30, 2017

REFERRED TO COMMITTEE ON GAME AND FISHERIES, OCTOBER 30, 2017

AN ACT

1 Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania
2 Consolidated Statutes, in preliminary provisions relating to
3 fishing and boating, further providing for definitions; in
4 Pennsylvania Fish and Boat Commission, further providing for
5 executive director and providing for audits; in enforcement,
6 further providing for enforcement of other laws and for
7 delegation of enforcement powers and providing for
8 interagency agreement; in preliminary provisions relating to
9 game and wildlife, further providing for definitions; and, in
10 Pennsylvania Game Commission, further providing for director,
11 providing for joint director and for audits and further
12 providing for cooperative agreements.

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

15 Section 1. The definition of "executive director" in section
16 102 of Title 30 of the Pennsylvania Consolidated Statutes is
17 amended to read:

18 § 102. Definitions.

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

1 * * *

2 "Executive director." The individual appointed under 34
3 Pa.C.S. § 302.1 (relating to joint director) to perform the
4 powers and duties as executive director of the Pennsylvania Fish
5 and Boat Commission.

6 * * *

7 Section 2. Section 302(a) of Title 30 is amended to read:
8 § 302. Executive director.

9 (a) Appointment and compensation.--

10 (1) The [commission shall appoint to serve at its
11 pleasure and, with the approval of the Governor, fix the
12 compensation of an executive director who] individual
13 appointed by the Governor with the advice and consent of the
14 Senate under 34 Pa.C.S. § 302.1 (relating to joint director)
15 shall [be] act as the chief executive officer of the
16 commission and attend to its administrative work and shall
17 have charge of all activities under the jurisdiction of the
18 commission. The executive director shall be the chief
19 waterways patrolman of the commission and shall have charge
20 of, direct, supervise, and control all waterways patrolmen,
21 deputy waterways patrolmen and employees of the commission.
22 [No member of the commission nor any person who has served as
23 a member thereof within one year shall be eligible for
24 appointment as executive director.]

25 (2) The individual appointed by the commission and
26 acting as the executive director on the effective date of
27 this paragraph shall cease to serve in that capacity as of
28 the date the Governor appoints the joint director under 34
29 Pa.C.S. § 302.1.

30 * * *

1 Section 3. Title 30 is amended by adding a section to read:

2 § 309. Audits.

3 The Auditor General shall audit the commission, in
4 conjunction with the Pennsylvania Game Commission, not less than
5 every two years.

6 Section 4. Sections 902 and 903 of Title 30 are amended to
7 read:

8 § 902. Enforcement of other laws.

9 [All] Subject to the provisions of section 903.1 (relating to
10 interagency agreement), all waterways conservation officers and
11 deputy waterways conservation officers are authorized to enforce
12 all the laws of this Commonwealth, and rules and regulations
13 promulgated thereunder, relating to game, parks and forestry,
14 under the direction of the Pennsylvania Game Commission and of
15 the Department of Conservation and Natural Resources,
16 respectively.

17 § 903. Delegation of enforcement powers.

18 [Any] Subject to the provisions of section 903.1 (relating to
19 interagency agreement), any person employed or elected by the
20 Commonwealth or by any municipality, whose duty it is to
21 preserve the peace or to make arrests or to enforce the laws of
22 this Commonwealth, may be designated and empowered by the
23 executive director, with the approval of the commission, to
24 enforce the provisions of this title.

25 Section 5. Title 30 is amended by adding a section to read:

26 § 903.1. Interagency agreement.

27 (a) General rule.--Within 60 days of the effective date of
28 this section, the commission shall execute an interagency
29 agreement with the Pennsylvania Game Commission under 34 Pa.C.S.
30 § 323(b) (relating to cooperative agreements) for combining

1 their executive offices and performance of the law enforcement
2 duties under this title and Title 34 (relating to game).

3 (b) Failure to contract.--If the commission fails to execute
4 the interagency agreement within the 60-day time period, the law
5 enforcement duties under this title shall be immediately
6 transferred to the Pennsylvania Game Commission and the costs
7 and expenses of the law enforcement duties shall be reimbursed
8 by the commission to the Pennsylvania Game Commission.

9 Section 6. The definition of "director" in section 102 of
10 Title 34 is amended to read:

11 § 102. Definitions.

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

17 * * *

18 "Director." The [Executive Director of the Pennsylvania Game
19 Commission] individual appointed under section 302.1 (relating
20 to joint director) to perform the powers and duties as executive
21 director of the Pennsylvania Fish and Boat Commission or any
22 person to whom authority has been delegated by the director.

23 * * *

24 Section 7. Section 302(a) and (b) of Title 34 are amended to
25 read:

26 § 302. Director.

27 (a) Appointment.--

28 (1) The [commission shall select a director. No member
29 of the commission nor anyone who has served as a member of
30 the commission within one year after service shall be

1 eligible for selection as director. The director shall serve
2 as such at the pleasure of the commission.] individual
3 appointed by the Governor with the advice and consent of the
4 Senate under section 302.1 (relating to joint director) shall
5 act as the chief executive officer of the commission.

6 (2) The individual appointed by the commission and
7 acting as the director on the effective date of this
8 paragraph shall cease to serve in that capacity as of the
9 date the Senate confirms the joint director under section
10 302.1.

11 [(b) Compensation.--Notwithstanding any provision of law to
12 the contrary, the Executive Board of the Commonwealth shall fix
13 the compensation of the director.]

14 * * *

15 Section 8. Title 34 is amended by adding sections to read:
16 § 302.1. Joint director.

17 (a) Appointment and compensation.--Within 30 days of the
18 effective date of this section, the Governor shall appoint an
19 individual to serve at the pleasure of the Governor as joint
20 director of the commission and the Pennsylvania Fish and Boat
21 Commission. The appointment shall be subject to the advice and
22 consent of the Senate. The Governor shall fix the compensation
23 of the joint director, the cost of which shall be paid equally
24 by the commission and the Pennsylvania Fish and Boat Commission.

25 (b) Ineligibility.--None of the following individuals shall
26 be eligible for appointment as joint director under this
27 section:

28 (1) Existing members of the commission and the
29 Pennsylvania Fish and Boat Commission.

30 (2) Persons who have served as a member of the

1 commission or the Pennsylvania Fish and Boat Commission
2 within one year.

3 § 305. Audits.

4 The Auditor General shall audit the commission, in
5 conjunction with the Pennsylvania Fish and Boat Commission, not
6 less than every two years.

7 Section 9. Section 323 of Title 34 is amended to read:

8 § 323. Cooperative agreements.

9 (a) General rule.--The commission may enter into cooperative
10 agreements with any government agency, individual, corporation
11 or educational or research institution to further the programs
12 of the commission.

13 (b) Interagency agreement with Pennsylvania Fish and Boat
14 Commission--Within 60 days of the effective date of this
15 section, the commission shall execute an interagency agreement
16 with the Pennsylvania Fish and Boat Commission for combining
17 their executive offices and performance of the law enforcement
18 duties under this title and Title 30 (relating to fish).

19 (c) Failure to contract.--If the commission fails to execute
20 the interagency agreement within the 60-day time period, the law
21 enforcement duties of the Pennsylvania Fish and Boat Commission
22 shall be immediately transferred to the commission and the costs
23 and expenses of the law enforcement duties shall be reimbursed
24 by the Pennsylvania Fish and Boat Commission to the commission.

25 Section 10. This act shall take effect in 90 days.