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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

TO: All Members of the House of Representatives
FROM: Representative Gary Haluska
DATE: January 26, 2011
SUBJECT: Legislation to clarify the responsibilities of the Pennsylvania Fish and Boat Commissioners (Former HB 320)

In the near future, I will be re-introducing legislation designed to clarify the roles and responsibilities of commissioners of the Pennsylvania Fish and Boat Commission.

Under Section 301 (f) of Title 30 (Fish) of the Pennsylvania Consolidated Statutes, commissioners are granted any powers conferred on waterways patrolmen, except the power authorized by section 925 (relating to acknowledgment of guilt and receipts for payment). Therefore, when a commissioner sees any violation of Fish and Boat Commission rules or regulations they may exercise enforcement powers.

While commissioners are knowledgeable of the issues surrounding the development of laws and regulations of the Fish and Boat Commission, the commissioners are not required to receive training on these requirements, nor do they have enforcement protocol experience.

It is my belief that the enforcement responsibility for the Fish and Boat Code should rest with persons who are well-versed in the relevant laws and regulations and who have received the necessary training to fairly and safely enforce those provisions. As such, my legislation deletes section 301 (f) of Title 30 of the Pennsylvania Consolidated Statutes which authorizes commissioners to enforce powers granted to waterway patrolmen.

If you are interested in co-sponsoring this legislation, please contact Marilyn via email mjuran@pahouse.net.

JAN 28 2011