

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 831 Session of  
1993

INTRODUCED BY FEE, PHILLIPS, JAROLIN, GEORGE, HERMAN, MCGEEHAN,  
LAUGHLIN, WOZNIAK, GRUPPO, KREBS, TIGUE, CAPPABIANCA,  
GODSHALL, SURRA, SCHEETZ, PRESTON, BELFANTI, VEON, STISH,  
LESCOVITZ, GERLACH, KASUNIC, BATTISTO, B. SMITH, MIHALICH,  
MILLER, LEDERER, BAKER, LEVDANSKY AND HECKLER, MARCH 22, 1993

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 22, 1993

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Northeast Conservation Law Enforcement Compact; providing for  
3 the form of the compact; and imposing additional powers and  
4 duties on the Governor and the Compact Administrator.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Northeast  
9 Conservation Law Enforcement Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor of Pennsylvania, on behalf of this State, is  
12 hereby authorized to execute a compact in substantially the  
13 following form with any one or more of the states of the United  
14 States listed in Article II and the General Assembly hereby  
15 signifies in advance its approval and ratification of such  
16 compact:

17 Article I

1 Purposes

2 The purposes of this compact are to:

3 (1) Provide close and effective cooperation and assistance  
4 in detecting and apprehending those engaged in illegal fisheries  
5 and wildlife and environmental activities.

6 (2) Render mutual aid and assistance and provide for the  
7 powers, duties, rights, privileges and immunities of  
8 conservation law enforcement personnel when rendering such aid.

9 Article II

10 Entry Into Force and Withdrawal

11 (a) This compact shall enter into force when enacted into  
12 law by any two of the states of Connecticut, Delaware, Maine,  
13 Maryland, Massachusetts, New Hampshire, New Jersey, New York,  
14 Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.  
15 Thereafter this compact shall become effective as to any other  
16 of the aforementioned states upon its enactment thereof.

17 (b) Any party state may withdraw from this compact by  
18 enacting a statute repealing the same, but no such withdrawal  
19 shall take effect until one year after the Governor of the  
20 withdrawing state has given notice in writing of the withdrawal  
21 to the Governors of all the party states. No withdrawal shall  
22 affect any liability already incurred by or chargeable to a  
23 party state prior to the time of such withdrawal, and any  
24 records, files or information obtained by officers or employees  
25 of a withdrawing state shall continue to be kept, used and  
26 disposed of only in such manner as is consistent with this  
27 compact and rules or regulations pursuant thereto.

28 Article III

29 The Compact

30 (a) There is hereby established the "Northeast Conservation

1 Law Enforcement Compact," hereinafter called the compact, to be  
2 composed of a representative from each party state who shall be  
3 the administrative head of the conservation law enforcement  
4 agency from each party state; specifically the Director from  
5 Connecticut, New York, and Massachusetts; New Jersey, Chief of  
6 Law Enforcement, Division of Fish, Game, and Wildlife; Rhode  
7 Island, Chief, Division of Enforcement, Department of  
8 Environmental Management; the Chief Game Warden from Vermont;  
9 the Chief from West Virginia; the Chief of Marine Resources and  
10 the Chief Warden of the Bureau of Warden Service of the  
11 Department of Inland Fisheries and Wildlife from Maine; the  
12 Director of the Bureau of Law Enforcement from the Pennsylvania  
13 Fish and Boat Commission and from the Bureau of Law Enforcement  
14 from the Pennsylvania Game Commission; the Chief of Law  
15 Enforcement of the New Hampshire Fish and Game Department and  
16 the Major from the Enforcement Section of the Department of  
17 Natural Resources & Environmental Control from the state of  
18 Delaware, hereinafter called the administrator, and like  
19 officers from the states of Maryland and Virginia from each  
20 party state.

21 (b) The administrator of a party state may provide for the  
22 discharge of his duties and the performance of his functions on  
23 the compact by an alternate. No such alternate shall be entitled  
24 to serve unless notification of his identity and appointment  
25 shall have been given the compact in such form as the compact  
26 may require.

27 (c) An alternate serving pursuant to subdivision (b) of this  
28 article shall be selected only from among the officers and  
29 employees of the conservation law enforcement agency, the head  
30 of which such alternate is to represent.

1 Article IV

2 Compact Powers

3 The compact shall have the power to:

4 (1) Consider and recommend means of identifying organized  
5 violators of fish and wildlife and environmental laws.

6 (2) Facilitate mutual assistance among the conservation law  
7 enforcement agencies of the party states pursuant to Article V  
8 of this compact.

9 (3) Promote cooperation in conservation law enforcement and  
10 make recommendations to the party states and other appropriate  
11 law enforcement authorities for the improvement of such  
12 cooperation.

13 (4) Do all things which may be necessary and incidental to  
14 the exercise of the foregoing powers.

15 Article V

16 Mutual Aid

17 (a) As used in this article:

18 (1) "Requesting state" means the state whose conservation  
19 law enforcement agent requests assistance.

20 (2) "Responding state" means the state furnishing aid, or  
21 requested to furnish aid, pursuant to this article.

22 (b) Upon the request for assistance of the administrator of  
23 the conservation law enforcement agency of a party state, the  
24 administrator of the conservation law enforcement agency of each  
25 responding state shall order such part of his conservation  
26 police forces as he, in his discretion, may find necessary, to  
27 aid the conservation police forces of the requesting state in  
28 order to carry out the purposes set forth in this compact. In  
29 such case it shall be the duty of the administrator of the  
30 conservation law enforcement agency of each responding state to

1 issue the necessary orders for such use of the conservation law  
2 enforcement forces of his state without the borders of his  
3 state, and to direct such forces to place themselves under the  
4 operational control of the administrator of the conservation law  
5 enforcement agency of the requesting state.

6 (c) The administrator of the conservation law enforcement  
7 agency of any party state, in his discretion, may withhold or  
8 recall the conservation law enforcement forces of his state or  
9 any part or any member thereof, serving without its borders.

10 (d) Whenever any of the conservation law enforcement forces  
11 of any party state are engaged outside their own state in  
12 carrying out the purposes of this compact, the individual  
13 members so engaged shall have the same powers, duties, rights,  
14 privileges and immunities as members of the conservation law  
15 enforcement forces of the state in which they are engaged, but  
16 in any event, a requesting state shall save harmless any member  
17 of a conservation law enforcement agency of a responding state  
18 serving within its borders for any act or acts done by him/her  
19 in the performance of his/her duty while engaged in carrying out  
20 the purposes of this compact.

21 (e) All liability that may arise under the laws of the  
22 requesting state or under laws of the responding state or under  
23 laws of a third state on account of or in connection with a  
24 request for aid, shall be assumed and borne by the requesting  
25 state.

26 (f) Each party state shall provide, in the same amounts and  
27 manner as if they were on duty within their state, for the pay  
28 and allowances of the personnel of its conservation law  
29 enforcement agency while engaged without the state pursuant to  
30 this compact and while going to and returning from such duty

1 pursuant to this compact.

2 (g) Each party state providing for the payment of  
3 compensation and death benefits to injured members and the  
4 representatives of deceased members of its conservation law  
5 enforcement agency in case such members sustain injuries or are  
6 killed within their own state, shall provide for the payment of  
7 compensation and death benefits in the same manner and on the  
8 same terms in case such members sustain injury or are killed  
9 while rendering aid pursuant to this compact.

10 Article VI

11 Construction and Severability

12 This compact shall be liberally construed so as to effectuate  
13 the purposed thereof, and shall not be construed to nullify any  
14 existing or future statute created by any party states. The  
15 provisions of this compact shall be severable and if any phrase,  
16 clause, sentence or provision of this compact is declared to be  
17 contrary to the constitution of any state or of the United  
18 States or the applicability thereof to any government, agency,  
19 person or circumstance is held invalid, validity of the  
20 remainder of this compact and the applicability thereof to any  
21 government, agency, person or circumstance shall not be affected  
22 thereby. If this compact shall be held contrary to the  
23 constitution of any state participating herein, the compact  
24 shall remain in full force and effect as to the remaining party  
25 states and in full force and effect as to the state affected as  
26 to severable matters.

27 Section 3. Effective date.

28 This act shall take effect immediately.