

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, HECKLER, PESCI, VAN HORNE,
BELARDI AND TOMLINSON, MARCH 22, 1993

AS REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 19, 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:

1 Article I

2 Purposes

3 The purposes of this compact are to:

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

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

10 Article II

11 Entry Into Force and Withdrawal

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

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

29 Article III

30 The Compact

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

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

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

1 of which such alternate is to represent.

2 Article IV

3 Compact Powers

4 The compact shall have the power to:

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

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

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

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

16 Article V

17 Mutual Aid

18 (a) As used in this article:

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

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

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

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

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

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

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

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

1 this compact and while going to and returning from such duty
2 pursuant to this compact.

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

11 Article VI

12 Construction and Severability

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

28 Section 3. Effective date.

29 This act shall take effect immediately.