
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1720 Session of
2015

INTRODUCED BY HANNA, CUTLER, THOMAS, GERGELY, COHEN, READSHAW,
MAHONEY, D. COSTA, GOODMAN, QUINN, WARNER, DeLUCA, F. KELLER,
GODSHALL AND MALONEY, JUNE 27, 2016

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JUNE 27, 2016

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in preliminary provisions, further providing for
3 definitions; in Pennsylvania Game Commission, further
4 providing for powers and duties of commission and for
5 accountability; in hunting and furtaking, providing for
6 senior hunting license holders; and, in special licenses and
7 permits, further providing for authority to issue permits.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 102 of Title 34 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:

12 § 102. Definitions.

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

18 * * *

19 "Carrying capacity." The maximum number of animals of a
20 species that a habitat or ecosystem may support and sustain.

1 * * *

2 "Council." The Forest and Wildlife Advisory Council
3 established under section 328 (relating to accountability).

4 * * *

5 "Ecosystem." An ecological environment consisting of all the
6 living organisms, such as plants and animals, in the unit of
7 space, as well as all the nonliving, physical components of the
8 environment with which the organisms interact, such as air,
9 soil, water and sunlight. The term may be represented by a unit
10 of space, including a drop of water, lake, forest or mountain.
11 The term may include a wildlife management unit as described by
12 the commission.

13 * * *

14 "Habitat." A natural area, such as a forest, field or body
15 of water, where an animal commonly lives or where individuals of
16 a population live and that provides essential food, water, cover
17 and living space.

18 * * *

19 "Maximum sustained yield." The management of game animals,
20 including white-tailed deer, toward producing the maximum number
21 of animals for consumptive use that may be sustained over time,
22 thus maximizing the recreational aspects of the harvest.

23 * * *

24 Section 2. Section 322(a) and (c) of Title 34 are amended to
25 read:

26 § 322. Powers and duties of commission.

27 (a) Duties.--It shall be the duty of the commission to
28 protect, propagate, manage and preserve the game or wildlife of
29 this Commonwealth and to enforce, by proper actions and
30 proceedings, the laws of this Commonwealth relating thereto. In

1 fulfilling the duty, the commission shall focus primarily on
2 serving the interest of sportsmen and the special heritage of
3 recreational hunting and furtaking in this Commonwealth.

4 * * *

5 (c) Specific powers and duties.--In order to administrate
6 and enforce this title, the commission through proper action
7 shall:

8 (1) Subject to section 2102(b) (relating to seasons,
9 possession, bag limits and devices), fix seasons, daily
10 shooting or taking hours, and any modification thereof, and
11 daily, season and possession limits for any species of game
12 or wildlife[.], provided that the antlerless deer rifle
13 season may not exceed three days during a license year and
14 occurs only after the end of the antlered deer rifle season.

15 (2) Remove protection, declare an open season or
16 increase, reduce or close a season.

17 (3) Increase or reduce bag limits or possession limits.

18 (4) Define geographic limitations or restrictions,
19 except that each county of this Commonwealth shall constitute
20 a separate wildlife management unit.

21 (5) Fix the type and number of devices which may be used
22 to take game or wildlife.

23 (6) Limit the number of hunters or furtakers in any
24 designated area and prescribe the lawful methods of hunting
25 or taking furbearers in these areas[.], except that the
26 annual number of antlerless deer permits shall be issued
27 according to each county-based wildlife management unit.
28 Regarding deer management, the total annual number of
29 antlerless deer licenses that are allocated by the commission
30 for each wildlife management unit shall be the number

1 recommended by the council under section 328(f)(5) (relating
2 to accountability).

3 (7) Govern the use of recorded calls or sounds or
4 amplified calls or sounds of any description for taking or
5 hunting game or wildlife.

6 (8) Add to or change the classification of any wild bird
7 or wild animal.

8 (9) Prohibit the possession, importation, exportation or
9 release of any species of birds or animals which may be
10 considered dangerous or injurious to the general public or to
11 the wildlife of this Commonwealth.

12 (10) Manage and develop its lands and waters and other
13 government or private lands and waters under agreement with
14 the owners as it considers advisable and, by proper action
15 and proceedings, enact and enforce regulations to insure the
16 prudent and proper use of these lands. In order to assist the
17 commission in performing its duties under this title, the
18 organization selected by the council under section 328(f)(4)
19 shall design a habitat enhancement program that benefits deer
20 and other forest-dwelling game and nongame species of
21 wildlife and that serves the interests of sportsmen for
22 recreational hunting, State camp lessee interests, the
23 outdoor recreation interests of the general public and the
24 economic interests of rural communities and the outdoor
25 industry. The organization shall direct and facilitate the
26 development and maintenance of this habitat enhancement
27 program on State game lands and in State forests and the
28 commission and Department of Conservation and Natural
29 Resources shall cooperate with the organization in expediting
30 operations of the organization's habitat enhancement program

1 under section 328(f)(10).

2 (11) Collect, classify and preserve such statistics,
3 data and information as in its judgment will tend to promote
4 the object of this title and take charge of and keep all
5 reports, books, papers and documents which shall, in the
6 discharge of its duties, come into its possession or under
7 its control.

8 (12) Take any necessary action to accomplish and assure
9 the purposes of this title.

10 (13) Serve the interest of sportsmen by preserving and
11 promoting our special heritage of recreational hunting and
12 furtaking by providing ample game and adequate opportunity to
13 hunt and trap the wildlife resources of this Commonwealth.

14 (14) Provide the maximum sustained yield of game for
15 sport hunting and trapping, including white-tailed deer, as
16 prescribed by the carrying capacity of the ecosystem to
17 support and maintain respective populations of game.

18 (15) Enhance deer and wildlife habitat by increasing the
19 carrying capacity of the ecosystem for the maximum sustained
20 yield of game, including white-tailed deer, and for
21 optimizing densities of nongame species of birds and mammals.

22 Section 3. Section 328 of Title 34 is amended by adding a
23 subsection to read:

24 § 328. Accountability.

25 * * *

26 (f) Deer management accountability.--

27 (1) The Forest and Wildlife Advisory Council is
28 established to provide the General Assembly and the
29 commission with scientific data and management
30 recommendations regarding deer, wildlife, forest and habitat

1 management. Recommendations of the council shall assist the
2 commission in performing its duties under this title, assure
3 commission accountability to sportsmen and provide the
4 General Assembly with the scientific and quality assurance
5 capabilities that are needed to ensure that the commission is
6 performing its duties under this title.

7 (2) The council shall consist of voting members,
8 composed of and appointed in accordance with the following:

9 (i) The Governor shall appoint a representative of a
10 Pennsylvania-based organization whose primary mission is
11 to serve the grassroots sportsmen of this Commonwealth by
12 providing regulatory relief and legislative help. The
13 appointee under this subparagraph shall serve as
14 chairperson of the council.

15 (ii) The Speaker of the House of Representatives
16 shall appoint:

17 (A) A representative of an organization located
18 in a county of the second class whose primary mission
19 is to serve sportsmen.

20 (B) A representative of a Pennsylvania-based,
21 nonpartisan organization whose primary mission is to
22 provide Pennsylvania gun owners and outdoors
23 enthusiasts with the information necessary to
24 understand individual rights under the Second
25 Amendment of the United States Constitution.

26 (iii) The President pro tempore of the Senate shall
27 appoint:

28 (A) A representative of an organization serving
29 and dedicated to preserving individual rights of gun
30 owners under the Second Amendment of the United

1 States Constitution in counties of the second class
2 A, third class, fourth class and sixth class.

3 (B) A representative of a Pennsylvania-based
4 organization whose primary mission is to protect the
5 rights of State forest leased campsite owners and
6 associates in this Commonwealth.

7 (iv) The chairperson may appoint two additional
8 members to the council with recognized expertise,
9 knowledge and experience in a relevant field, who shall
10 be designated at-large members.

11 (3) Membership under paragraph (2) will be for a term of
12 six years and members may be reappointed.

13 (4) Council membership shall be voluntary and members
14 shall not receive compensation or reimbursement for expenses
15 incurred in the discharge of their duties.

16 (5) (i) Within 60 days of the effective date of this
17 subsection, the council shall select by a majority vote
18 of the members a Pennsylvania-based, private, nonprofit,
19 independent, scientific organization to be designated as
20 the Forest and Wildlife Advisory Service.

21 (ii) The council shall enter into a contract by a
22 majority vote with the Forest and Wildlife Advisory
23 Service.

24 (iii) The council and the Forest and Wildlife
25 Advisory Service shall negotiate and agree to the terms
26 of the contract. The purpose of the contract shall be to
27 annually provide the scientific forest and wildlife
28 services that are set forth in this subsection. The
29 council shall determine the criteria to be used for
30 selecting the Forest and Wildlife Advisory Service.

1 Notice of the contract shall be given to the advisory
2 service and the commission.

3 (iv) The commission shall, under 62 Pa.C.S. Pt. I
4 (relating to Commonwealth Procurement Code), enter into
5 the contract, as negotiated under subparagraph (iii),
6 with the Forest and Wildlife Advisory Service within 60
7 days of receipt of the council's selection.

8 (6) To ensure accountability, any contract entered into
9 under this subsection shall contain specific performance
10 measures that the council may use to evaluate compliance with
11 the terms of the contract. If the Forest and Wildlife
12 Advisory Service fails to meet the performance measures, the
13 council shall, by a majority vote of the members, terminate
14 the contract and replace the Forest and Wildlife Advisory
15 Service.

16 (7) Provisions for payment shall be as set forth in an
17 estimate or contract provided to the council by the Forest
18 and Wildlife Advisory Service and may be amended in writing
19 or supplemented with subsequent estimates for services to be
20 rendered by the Forest and Wildlife Advisory Service if
21 recommended by the council. The commission shall fund the
22 contract from any money appropriated or made available to the
23 commission.

24 (8) The Forest and Wildlife Advisory Service shall
25 conduct annual scientific assessments to determine the
26 condition of the forest and its capacity to sustain optimum
27 populations of deer and other wildlife toward maintaining a
28 balanced ecosystem and the maximum sustained yield of deer
29 for sport hunting, and shall prepare an annual report that
30 recommends the total number of antlerless deer licenses that

1 should be allocated for each wildlife management unit. The
2 Forest and Wildlife Advisory Service shall submit the report
3 to the council to assist the council in performing its duties
4 under this title.

5 (9) The council shall provide an annual report to the
6 Governor, the General Assembly and the Board of Game
7 Commissioners. The annual report shall include the council's
8 recommended number of antlerless deer license allocations for
9 each wildlife management unit. The commission shall post the
10 recommendation on the commission's publicly accessible
11 Internet website and in the commission's Pennsylvania Hunting
12 and Trapping Digest.

13 (10) To assist the council in performing its duties
14 under this title, specifically the duties under section
15 322(c) (relating to powers and duties of commission), the
16 Forest and Wildlife Advisory Service shall design a habitat
17 enhancement program that benefits deer and other forest-
18 dwelling game and nongame species of wildlife and serves the
19 interests of sportsmen for recreational hunting, State camp
20 lessee interests, the outdoor recreation interests of the
21 general public and the economic interests of rural
22 communities and the outdoor industry. The Forest and Wildlife
23 Advisory Service shall direct and facilitate the development
24 and maintenance of this habitat enhancement program on State
25 game lands and State forests and the commission and the
26 Department of Conservation and Natural Resources shall
27 cooperate with the Forest and Wildlife Advisory Service in
28 expediting operations of the habitat enhancement program
29 under the precepts of the program.

30 Section 4. Title 34 is amended by adding a section to read:

1 § 2321.1. Senior hunting license holders.

2 A person who holds a valid Pennsylvania senior hunting
3 license may hunt and kill with an authorized weapon one deer
4 that has two or more points to one antler or that has one antler
5 three or more inches in length during an antlered deer season.

6 Section 5. Section 2901 of Title 34 is amended by adding a
7 subsection to read:

8 § 2901. Authority to issue permits.

9 * * *

10 (b.1) Deer management.--Publicly owned lands within this
11 Commonwealth may not be included in any deer management
12 assistance program area established by the commission.

13 * * *

14 Section 6. This act shall take effect in 60 days.