

CHAPTER 3

PENNSYLVANIA GAME COMMISSION

Subchapter

- A. Organization, Officers and Employees
- B. Powers and Duties in General

SUBCHAPTER A

ORGANIZATION, OFFICERS AND EMPLOYEES

Sec. 301. Amended December 19, 1996, Act No. 184.

Sec. 301. Organization of commission.

Section 4 of 2002, Dec. 30, P.L. 2075, No. 231, effective in 60 days, provides that this section is repealed as it relates to the consent required by the Senate to appointments by the Governor. It further provides that the administrative code 71 P.S. §67.1 is amended to require that the commissioners are appointed by and with the advice and consent of a majority of the members elected to the Senate.

(a) Composition.--The independent administrative commission known as the Pennsylvania Game Commission shall consist of eight competent citizens of this Commonwealth who shall be well informed on the subject of wildlife conservation and restoration and who shall be appointed by the Governor.

(b) Qualifications.--The members of the commission shall be appointed from the various geographical sections of this Commonwealth so that one and only one shall be a resident of each of the following districts:

(1) The counties of Erie, Crawford, Mercer, Lawrence, Venango, Butler, Warren, Forest and Clarion, constituting the first district.

(2) The counties of Beaver, Allegheny, Washington, Greene, Armstrong, Indiana, Westmoreland and Fayette, constituting the second district.

(3) The counties of McKean, Elk, Jefferson, Potter, Cameron, Clearfield, Clinton and Centre, constituting the third district.

(4) The counties of Cambria, Somerset, Blair, Bedford, Huntingdon and Fulton, constituting the fourth district.

(5) The counties of Tioga, Lycoming, Union, Bradford, Sullivan, Columbia, Montour and Northumberland, constituting the fifth district.

(6) The counties of Snyder, Mifflin, Juniata, Franklin, Perry, Cumberland, Adams, Dauphin, York, Lebanon and Lancaster, constituting the sixth district.

(7) The counties of Susquehanna, Wyoming, Luzerne, Lackawanna, Carbon, Wayne, Pike and Monroe, constituting the seventh district.

(8) The counties of Schuylkill, Berks, Chester, Northampton, Lehigh, Bucks, Montgomery, Philadelphia and Delaware, constituting the eighth district.

(c) Term of office and compensation.--The members of the commission shall hold office for terms of eight years each and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member of the commission appointed to fill a vacancy for a period of four years or less may be eligible for appointment to a full eight-year term. A member of the commission who serves a full eight-year term or fills a vacancy for a period of more than four years shall not be eligible for reappointment to the commission until a period of eight years expires. Commissioners shall receive no compensation for their services, but may be reimbursed for travel expenses.

(d) Vacancies.--Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a competent person to serve for the unexpired term as provided in subsection (a).

Special Provisions in Appendix. See section 5 of Act 93 of 1986 in the appendix to this

title for transition provisions.

Sec. 302. Amended December 21, 1998, Act No. 1998-166, Effective February 19, 1999.

Sec. 302. Director.

(a) Appointment.--The commission shall select a director. No member of the commission nor anyone who has served as a member of the commission within one year after service shall be eligible for selection as director. The director shall serve as such at the pleasure of the commission.

(b) Compensation.--Notwithstanding any provision of law to the contrary, the **Executive Board of the Commonwealth** shall fix the compensation of the director.

(c) Function.--The director shall be the chief administrative officer of the commission and attend to its administrative work and have charge of all activities under the jurisdiction of the commission and this title. The director shall be the chief Game Commission officer and shall direct, supervise and control all employees of the commission and report to the commission any negligence, dereliction of duty or incompetence on the part of any employee, with the facts relevant thereto, and shall make any further reports as may be required by the commission.

(d) Certification of commission action.--The director may certify any action of the commission as being their official act.

(e) Publications.--Subject to section 325 (relating to limitation on disclosure of certain records), the director may have printed such bulletins, posters, literature and other printing as may be necessary to the work of the commission, including publications of general interest to persons concerned with conservation of our natural resources. The publications shall at all times be maintained as a nonpartisan publication.

(f) Execution of contracts, leases and agreements.--The director shall represent the commission in the execution of land purchase contracts and in the execution of leases and other similar agreements.

Cross References. Section 302 is referred to in section 325 of this title.

Sec. 303. Game Commission officers and employees.

(a) Appointment.--The director shall select competent persons as Game Commission officers, assigned to field, administrative or office duties, and other competent persons for other duties as may be necessary to fulfill the requirements of this title.

(b) Status.--Except for the director, all personnel shall be employed in accordance with the classification and compensation plans of the Commonwealth and regulations of the commission.

(c) Power and authority.--Every officer, employee or representative of the commission in the exercise of their powers and duties shall have the right and authority to go upon or enter any property, posted or otherwise, outside of buildings.

Sec. 304. Deputy Game Commission officers.

(a) Appointment.--The commission may appoint deputy Game Commission officers as necessary. Except as otherwise provided, they shall possess the rights and powers given by law to Game Commission officers and be subject to all requirements and regulations, either of the law or of the commission, controlling the action of Game Commission officers.

(b) Compensation and expenses.--Deputy Game Commission officers shall not be entitled to compensation for either time or expenses incurred in the performance of their duties unless specifically employed for special duties by written order of the director. The commission shall, from time to time, fix the rate of compensation and allowable expenses for special duty services.

(c) Collection of fees.--Any deputy Game Commission officer not specifically employed, in writing, for special duties under subsection (b) shall, with written authorization of the director, be entitled to collect the fees as are now or may hereafter be paid to constables, to be assessed and collected as costs of prosecution for services legally rendered in the performance of any duties in the enforcement of this title.

SUBCHAPTER B

POWERS AND DUTIES IN GENERAL

Sec. 321. Meetings of commission.

(a) General rule.--The commission shall have an office in or near Harrisburg and shall annually hold meetings at such office in January and June or July and at such other times and places within this Commonwealth as the commission shall designate for the transaction of business. All meetings of the commission shall comply with the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(b) Annual election of officers.--At the meeting held in January of each year, the commission shall elect one of its members as president, one as vice president and one as secretary. These officers shall hold office for a period of one year.

(c) Quorum.--Six members appointed to the commission and in attendance at each meeting shall constitute a quorum.

Sec. 322. Amended August 27, 1996, Act No. 1996-64.

Sec. 322. Powers and duties of commission.

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

(b) General powers and duties.--The commission has the power and duty to take all actions necessary for the administration and enforcement of this title.

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

(1) Subject to section 2102(b) (relating to seasons, possession, bag limits and devices), fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.

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

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

(4) Define geographic limitations or restrictions.

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

(6) Limit the number of hunters or furtakers in any designated area and prescribe the lawful methods of hunting or taking furbearers in these areas.

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

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

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

(10) Manage and develop its lands and waters and other government or private lands and waters under agreement with the owners as it considers advisable and, by proper action and proceedings, enact and enforce regulations to insure the prudent and proper use of these lands.

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

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

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

Sec. 323. Cooperative agreements.

The commission may enter into cooperative agreements with any government agency, individual, corporation or educational or research institution to further the programs of the commission.

Cross References. Section 323 is referred to in section 542 of this title.

Sec. 324. Cooperation with Federal Government.

The Commonwealth assents to the provisions of the Federal Wildlife Restoration Act (16 U.S.C. 669 et seq.) in which the Secretary of the Interior is authorized to cooperate with the states through their respective fish or wildlife agencies in wildlife restoration projects, including a prohibition against the diversion of license fees paid by hunters to purposes other than administration of the wildlife agency. The commission shall perform such acts as may be necessary to the conduct and establishment of these cooperative wildlife restoration projects and in compliance with regulations promulgated thereunder.

Sec. 325. Amended July 1, 1992, Act No. 45-1992.

Sec. 325. Limitation on disclosure of certain records.

(a) General rule.--It is unlawful for any game protector, deputy game protector, hunting license issuing agent, or any officer, employee or agent of any Commonwealth agency, or any other private business or agency which makes or receives records of hunting and trapping licenses, or applications for obtaining hunting and trapping licenses of any type received pursuant to this title, to sell, publish or disclose in any manner whatsoever those records or affiliations to any person except as necessary to carry out the functions and business of the commission, or for any person to purchase, secure, procure or disclose any records or affiliations as described herein.

(b) Publications.--It is unlawful for the commission, the director, any game protector or deputy game protector, any officer, employee or agent of the commission or any private business or agency to sell, publish or disclose in any manner any subscription lists or mailing lists for publications issued under section 302(e) (relating to publications).

(c) Nonapplication.--The provisions of this section shall not apply to records and reports:

- (1) Required for prosecutions of any violations of this title.
- (2) Required for administrative proceedings held pursuant to the laws of this Commonwealth.
- (3) Required for the prosecution of any violation of any Federal laws or the laws of any state of the United States.
- (4) Required to be published to enforce the suspension or revocation of hunting and trapping privileges by the commission.
- (5) Authorized by action of the commission for the sole purpose of exercising legitimate governmental function or duty.
- (6) Required to determine the identification of a trapper under Section 2361(a)(12) (relating to unlawful acts concerning taking of furbearers), when such information is requested by a landowner, an agent of a landowner or a lessee of land. When such records and reports are made available by the commission for the limited purposes set forth in paragraphs (1) through (6), they shall not be published, circulated or disclosed by the receiving agency for any purposes.

(d) Penalty.--Any person violating any provision of this section commits a summary offense of the fifth degree. The record or report or name of each individual person shall constitute a separate offense.

Cross References. Section 325 is referred to in section 302 of this title.

Sec. 326. Amended May 16, 1996, Act No. 1996-36.

Sec. 326. Use of credit and debit cards.

(a) Sales of licenses and other items.--The Executive Director with the approval of the Commission may establish policies and procedures for the use of credit cards and debit cards for the purchase of licenses, permits, publications, promotional items and other items sold or offered for sale by the Commission.

(b) Fines and settlements.--The Executive Director with the approval of the Commission may establish policies and procedures for use of debit cards for persons to pay fines, settlements or other amounts collected under this title.

Sec. 327. Amended July 11, 1996, Act No. 114-1996.

Sec. 327. Junior hunter projects.

(a) General rule.--It shall be the duty of the commission to initiate, implement and administer two or more junior license hunter projects for the purpose of increasing and sustaining interest in hunting among young persons of this Commonwealth. Except for the requirement to actually hold a junior hunting license under section 2705(2) or (9) (relating to classes of licenses) and as may otherwise be modified by commission regulations, all participants in any junior hunter project shall comply with all of the provisions of this title and the regulations promulgated hereunder.

(b) Specific projects.--

(1) One of the projects shall consist of at least two free hunting days for persons qualified to receive a junior hunting license under section 2705(2) or (9) and who have successfully completed the hunter education requirements under section 2704(b) (relating to eligibility for license). The commission shall establish the days, times and species which may be taken during the free hunting days.

(2) One of the projects shall consist of a Pennsylvania Game Commission program subject to the review of both the Game and Fisheries Committee of the House of Representatives and the Game and Fisheries Committee of the Senate. The respective committees shall have 60 days to review the program and submit comments to the commission.

Prior to completion of the review by the respective committees, the commission shall not take any action to initiate the program.

Sec. 328. Added December 21, 1998, Act No. 1998-166.

Sec. 328. Accountability.

(a) **Relationship with public.** -- The commission shall implement policies and programs to improve its relationship with the general public and with its licensees in accordance with its strategic plan.

(b) **Program accountability.** -- The commission shall require program accountability of its various functions through program performance measurement in accordance with its strategic plan.

(c) **Financial accountability.** -- The commission shall improve the financial accountability of its various functions through performance measurement in accordance with its strategic plan.

(d) Law enforcement accountability. -- The commission shall maintain a system to respond to citizen complaints against wildlife conservation officers and deputy wildlife conservation officers. The commission shall release information relating to the number and nature of complaints received on at least an annual basis. The commission may release further information related to the nature of the complaints, provided that the release of such information is not prohibited or restricted by any contract, regulation, order of court or statute to the contrary.

(e) Reports to general assembly. -- No later than January 31 of each year the commission through its executive director shall make annual written reports on the matters described in subsections (a), (b), (c) and (d) to the Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives. The commission shall meet with the respective committees of the General Assembly to receive oral testimony in relation to annual written reports when so requested.