

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 746 Session of 2025

INTRODUCED BY MALONEY, HAMM, ROWE AND ZIMMERMAN, MARCH 3, 2025

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MARCH 3, 2025

AN ACT

1 Amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania
2 Consolidated Statutes, in Pennsylvania Fish and Boat
3 Commission, further providing for organization of commission;
4 and, in Pennsylvania Game Commission, further providing for
5 organization of commission.

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

8 Section 1. Section 301(a) and (d) of Title 30 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding a subsection to read:

11 § 301. Organization of commission.

12 (a) Composition.--

13 (1) The Pennsylvania Fish and Boat Commission is
14 continued as an independent administrative commission and
15 shall consist of ten competent citizens of this Commonwealth
16 who shall be appointed by the Governor [by and with the
17 advice and consent of a majority of the members elected to
18 the Senate.] for each district as provided under paragraph

19 (2).

20 (2) Members of the commission shall meet the

1 qualifications under subsection (b) and shall be selected for
2 appointment under paragraph (1) as follows:

3 (i) The two at-large members shall be appointed by
4 the Governor.

5 (ii) Except as provided under subparagraph (i), the
6 members shall be selected for appointment as follows:

7 (A) For each member position that is or will be
8 open in a district, each sportsmen's group may
9 nominate one individual for commission membership
10 within 30 days of the provision of notification under
11 paragraph (3)(i).

12 (B) For each member position that is or will be
13 open in a district, each sportsman may, within 30
14 days of the provision of notification under paragraph
15 (3)(iii), cast a vote for one individual for the
16 district from the individuals under clause (A). Each
17 sportsman may vote for one candidate only for each
18 member position that is or will be open in the
19 district.

20 (C) The following shall apply:

21 (I) The names of the candidates receiving
22 the three highest vote totals under clause (B)
23 from each district shall be submitted by the
24 department, within 10 days of the conclusion of
25 voting under clause (B), to the Governor for a
26 member seat that is or will be open.

27 (II) Except as provided under subclause
28 (III), the Governor shall, within 30 days of the
29 receipt of candidate names under subclause (I),
30 appoint one member from the individuals receiving

1 the three highest vote totals for each district
2 that has a member seat that is or will be open.

3 (III) The Governor may, for cause, refuse to
4 appoint a member from the individuals receiving
5 the three highest vote totals under clause (B).
6 If the Governor refuses to appoint a member as
7 provided under this subclause, the Governor
8 shall, within 30 days of receipt of candidate
9 names under subclause (I), notify the department
10 that he or she refuses to appoint a member and
11 the reason for the refusal. The department shall,
12 within 10 days of the receipt of the Governor's
13 notice, submit to the Governor the names of the
14 individuals receiving the fourth, fifth and sixth
15 highest vote totals under clause (B). The
16 Governor shall, within 14 days of the receipt of
17 the names under this subclause, appoint one
18 member from the individuals receiving the fourth,
19 fifth and sixth highest vote totals.

20 (IV) Upon appointment by the Governor the
21 candidate shall be confirmed, and the results of
22 the selection process under clauses (A) and (B)
23 ratified, within five legislative days by a
24 majority vote of the respective members of the
25 committees. A majority vote in opposition to the
26 appointment by either chamber shall result in the
27 Governor choosing from the remaining individuals
28 with the highest vote totals under clauses (B)
29 and (C) within 14 days of receipt of their names.
30 A majority vote in opposition to the selection

1 process by either chamber shall reinitiate the
2 provision of notification under paragraph (3)(i).
3 Failure to hold a vote to confirm the appointment
4 or ratify the selection process by either of the
5 committees within five legislative days shall be
6 deemed to be confirmation of the commissioner's
7 appointment and ratification of the selection
8 process.

9 (V) Following two consecutive votes in
10 opposition by either of the committees for a
11 commissioner appointment of a district, the
12 Governor shall appoint a nominee within the top
13 six vote recipients under clauses (B) and (C),
14 within 14 days or receipt of the vote in
15 opposition, who has not been denied confirmation
16 by the legislature. The third and final nominee
17 shall be confirmed without legislative approval.

18 (D) If an individual is not nominated under this
19 subparagraph, the member for the district shall be
20 appointed by the Governor.

21 (3) The department shall:

22 (i) Provide notification to each sportsmen's group
23 in each district, from the sportsmen's groups listed
24 within the compilation prepared under subparagraph (v),
25 that the sportsmen's group may nominate one individual
26 for commission membership for the district and the
27 procedure for making nominations. Notification shall be
28 provided as follows:

29 (A) At least 90 days prior to the end of the
30 term of a member for the district.

1 (B) Within 10 days of the death, resignation or
2 removal from office of a member for the district.

3 (C) Via certified mail to the mailing address of
4 the sportsmen's group.

5 (D) Via a notice in a newspaper of general
6 circulation within the district.

7 (ii) Establish a procedure to provide for and
8 collect the nominations under paragraph (2)(ii)(A) and
9 compile the results of the nominations.

10 (iii) Provide notification of the results under
11 subparagraph (ii) to the sportsmen via a notice on the
12 department's publicly accessible Internet website and
13 within a newspaper of general circulation within the
14 district wherein commissions nominations occurred.
15 Notification shall be provided within 10 days of
16 compilation of results under subparagraph (ii).
17 Notification shall include instruction on how and where
18 to cast a vote as established under paragraph (2)(ii).

19 (iv) Establish a procedure using the point-of-sale
20 locations where a sportsman may receive a license to
21 provide for and collect the votes under paragraph (2)(ii)
22 (B) and compile the results of the votes.

23 (v) Compile a list of sportsmen's groups within this
24 Commonwealth. The list shall contain the name of the
25 sportsmen's group and the mailing address of the
26 sportsmen's group and shall separate the sportsmen's
27 groups into the respective district where the sportsmen's
28 groups are located. The list shall be provided annually
29 to the director of the commission and the chair and
30 minority chair of the committees. The list shall be made

publicly available on the department's publicly accessible Internet website, and updated quarterly. Sportsmen's groups may petition to be placed on the list via an application available through the department's publicly accessible Internet website or any other manner as determined by the department.

* * *

(d) Vacancies.--Upon the death, resignation or removal from office of any member, [the Governor shall appoint a competent person] a competent person shall be selected for appointment as provided under subsection (a)(2) to serve for the unexpired term.

* * *

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Committees." The Game and Fisheries Committee of the Senate and the Game and Fisheries Committee of the House of Representatives.

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Newspaper of general circulation." A newspaper, as defined in 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the district where the nominations and voting will be held.

"Notification." Publication in a newspaper of general circulation and posting on the department's publicly accessible Internet website.

"Sportsman." A resident angler or boater who:

(1) is a citizen of the United States;

1 (2) is at least 18 years of age;

2 (3) has been issued a resident adult fishing license or
3 voluntary youth fishing license in this Commonwealth for the
4 past three consecutive years; and

5 (4) resides in the district in which voting under
6 subsection (a)(2)(ii)(B) is being conducted.

7 "Sportsmen's group." A not-for-profit membership group or
8 organization which is located in the district in which
9 nominations under subsection (a)(2)(ii)(A) are being conducted
10 and whose purpose or mission is to do all of the following:

11 (1) Protect and promote this Commonwealth's outdoor
12 heritage and history.

13 (2) Provide opportunity for and participate in fishing,
14 boating and the conservation of aquatic species and habitat.

15 Section 2. Section 301(a) and (d) of Title 34 are amended
16 and the section is amended by adding a subsection to read:

17 § 301. Organization of commission.

18 (a) Composition.--

19 (1) The independent administrative commission known as
20 the Pennsylvania Game Commission shall consist of nine
21 competent citizens of this Commonwealth who shall be well
22 informed on the subject of wildlife conservation and
23 restoration and who shall be appointed by the Governor[, by
24 and with the advice and consent of a majority of the elected
25 members of the Senate.] for each district as provided under
26 paragraph (2).

27 (2) Members of the commission shall meet the
28 qualifications under subsection (b) and shall be selected for
29 appointment under paragraph (1) as follows:

30 (i) For each member position that is or will be open

1 in a district, each sportsmen's group may nominate one
2 individual for commission membership within 30 days of
3 the provision of notification under paragraph (3)(i).

4 (ii) For each member position that is or will be
5 open in a district, each sportsman may, within 30 days of
6 the provision of notification under paragraph (3)(iii),
7 cast a vote for one individual for the district from the
8 individuals nominated under subparagraph (i). Each
9 sportsman may vote for one candidate only for each member
10 position that is or will be open in the district.

11 (iii) The following shall apply:

12 (A) The names of the candidates receiving the
13 three highest vote totals under subparagraph (ii)
14 from each district shall be submitted by the
15 department, within 10 days of the conclusion of
16 voting under subparagraph (ii), to the Governor for a
17 member seat that is or will be open.

18 (B) Except as provided under clause (C), the
19 Governor shall, within 30 days of the receipt of
20 candidate names under clause (A), appoint one member
21 from the individuals receiving the three highest vote
22 totals for each district that has a member seat that
23 is or will be open.

24 (C) The Governor may, for cause, refuse to
25 appoint a member from the individuals receiving the
26 three highest vote totals under subparagraph (ii). If
27 the Governor refuses to appoint a member as provided
28 under this clause, the Governor shall, within 30 days
29 of receipt of candidate names under clause (A),
30 notify the department that he or she refuses to

1 appoint a member and the reason for the refusal. The
2 department shall, within 10 days of the receipt of
3 the Governor's notice, submit to the Governor the
4 names of the individuals receiving the fourth, fifth
5 and sixth highest vote totals under subparagraph
6 (ii). The Governor shall, within 14 days of the
7 receipt of the names under this clause, appoint one
8 member from the individuals receiving the fourth,
9 fifth and sixth highest vote totals.

10 (iv) If an individual is not nominated under this
11 paragraph, the member for the district shall be appointed
12 by the Governor.

13 (v) Upon appointment by the Governor the candidate
14 shall be confirmed, and the results of the selection
15 process under subparagraphs (i) and (ii) ratified, within
16 five legislative days by a majority vote of the
17 committees. A majority vote in opposition to the
18 appointment or selection process by either chamber shall
19 result in the Governor choosing from the remaining
20 individuals under clauses (B) and (C) with the highest
21 vote totals within 14 days of receipt of their names. A
22 majority vote in opposition to the selection process by
23 either chamber shall reinitiate the provision of
24 notification under subparagraph (i). Failure to hold a
25 confirmation vote by either of the committees within five
26 legislative days shall be deemed to be confirmation of
27 the commissioner's appointment and ratification of the
28 selection process.

29 (vi) Following two consecutive votes in opposition
30 by the committees for a commissioner appointment of a

1 district, the Governor shall appoint a nominee within the
2 top six vote recipients with clauses (B) and (C), within
3 14 days of receipt of the vote in opposition, who has not
4 been denied confirmation by the legislature. This third
5 and final nominee shall be confirmed without legislative
6 approval.

7 (3) The department shall:

8 (i) Provide notification to each sportsmen's group
9 in each district, from the sportsmen's groups listed
10 within the compilation prepared under subparagraph (v),
11 that the sportsmen's group may nominate one individual
12 for commission membership for the district and the
13 procedure for making nominations. Notification shall be
14 provided as follows:

15 (A) At least 90 days prior to the end of the
16 term of a member for the district.

17 (B) Within 10 days of the death, resignation or
18 removal from office of a member for the district.

19 (C) Via certified mail to the mailing address of
20 the sportsmen's group.

21 (D) Via a notice in a newspaper of general
22 circulation within the district.

23 (ii) Establish a procedure to provide for and
24 collect the nominations under paragraph (2)(i) and
25 compile the results of the nominations.

26 (iii) Provide notification of the results under
27 subparagraph (ii) to the sportsmen via a notice on the
28 department's publicly accessible Internet website and
29 within a newspaper of general circulation within the
30 district where commission nominations occurred.

1 Notification shall be provided within 10 days of the
2 compilation of results under subparagraph (ii).
3 Notification shall include instruction on how and where
4 to cast a vote as established under subparagraph (ii).

5 (iv) Establish a procedure using the point-of-sale
6 locations where a sportsman may receive a license to
7 provide for and collect the votes under paragraph (2)(ii)
8 and compile the results of the votes.

9 (v) Compile a list of sportsmen's groups within this
10 Commonwealth. The list shall contain the name of the
11 sportsmen's group and the mailing address of the
12 sportsmen's group, and shall separate the sportsmen's
13 groups into the respective districts where the
14 sportsmen's groups are located. The list shall be
15 provided annually to the director of the commission and
16 the chair and minority chair of the committees. The list
17 shall be made publicly available on the department's
18 publicly accessible Internet website and updated
19 annually. Sportsmen's groups may petition to be placed on
20 the list via an application available through the
21 department's publicly accessible Internet website or any
22 other manner as determined by the department.

23 * * *

24 (d) Vacancies.--Upon the death, resignation or removal from
25 office of any person so appointed, [the Governor shall appoint a
26 competent person to serve for the unexpired term as provided in
27 subsection (a).] a competent person shall be selected for
28 appointment as provided under subsection (a)(2).

29 (e) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Committees." The Game and Fisheries Committee of the Senate
3 and the Game and Fisheries Committee of the House of
4 Representatives.

5 "Department." The Department of Conservation and Natural
6 Resources of the Commonwealth.

7 "Newspaper of general circulation." A newspaper, as defined
8 in 45 Pa.C.S. § 101 (relating to definitions), which is
9 published and circulated in the district where the nominations
10 and voting will be held.

11 "Notification." Publication in a newspaper of general
12 circulation and posting on the department's publicly accessible
13 Internet website.

14 "Sportsman." A resident hunter or furtaker who:

15 (1) is a citizen of the United States;

16 (2) is at least 18 years of age;

17 (3) has been issued a resident adult hunting license or
18 junior hunting license in this Commonwealth for each of the
19 past three consecutive years; and

20 (4) resides in the district in which voting under
21 subsection (a)(2)(ii) is being conducted.

22 "Sportsmen's group." A not-for-profit membership group or
23 organization which is located in the district in which
24 nominations under subsection (a)(2)(i) are being conducted and
25 whose purpose or mission is to do all of the following:

26 (1) Protect and promote this Commonwealth's outdoor
27 heritage and history.

28 (2) Provide opportunity for and participate in hunting,
29 trapping and the conservation of wildlife and wildlife
30 habitat.

1 Section 3. The following shall apply:

2 (1) The amendment or addition of 30 Pa.C.S. § 301(a),
3 (d) and (g) shall apply to members of the Pennsylvania Fish
4 and Boat Commission who, beginning on the effective date of
5 this section, are starting a new term or are filling a
6 vacancy due to the death, resignation or removal from office
7 of a member.

8 (2) The amendment or addition of 34 Pa.C.S. § 301(a),
9 (d) and (e) shall apply to members of the Pennsylvania Game
10 Commission who, beginning on the effective date of this
11 section, are starting a new term or are filling a vacancy due
12 to the death, resignation or removal from office of a member.

13 Section 4. The Governor's Advisory Council for Hunting,
14 Fishing and Conservation established by Executive Order No.
15 2015-13, 4 Pa. Code Ch. 6 Subch. AAA, has no authority to select
16 and appoint commissioners of the Pennsylvania Game Commission or
17 Pennsylvania Fish and Game Commission.

18 Section 5. This act shall take effect as follows:

19 (1) The following provisions shall take effect
20 immediately:

21 The addition of 30 Pa.C.S. § 301(a)(3)(v).

22 The addition of 34 Pa.C.S. § 301(a)(3)(v).

23 (2) Sections 3 and 4 of this act shall take effect
24 immediately.

25 (3) This section shall take effect immediately.

26 (4) The remainder of this act shall take effect in one
27 year.