
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1813 Session of
2023

INTRODUCED BY LAWRENCE, BOROWSKI AND MENTZER, NOVEMBER 2, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 2, 2023

AN ACT

1 Amending the act of June 28, 1995 (P.L.89, No.18), entitled "An
2 act creating the Department of Conservation and Natural
3 Resources consisting of certain functions of the Department
4 of Environmental Resources and the Department of Community
5 Affairs; renaming the Department of Environmental Resources
6 as the Department of Environmental Protection; defining the
7 role of the Environmental Quality Board in the Department of
8 Environmental Protection; making changes to responsibilities
9 of the State Conservation Commission and the Department of
10 Agriculture; transferring certain powers and duties to the
11 Department of Health; and repealing inconsistent acts," in
12 preliminary provisions, further providing for findings and
13 statement of purpose and definitions; in Department of
14 Conservation and Natural Resources, further providing for
15 forests and for parks, providing for preserves and further
16 providing for community recreation and heritage conservation.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 101(b)(1) of the act of June 28, 1995
20 (P.L.89, No.18), known as the Conservation and Natural Resources
21 Act, is amended to read:

22 Section 101. Findings and statement of purpose.

23 * * *

24 (b) Intent.--It is the intent of the General Assembly and
25 the purpose of this act:

1 (1) To create a new Department of Conservation and
2 Natural Resources to serve as a cabinet-level advocate for
3 our State parks, preserves, forests, rivers, trails,
4 greenways and community recreation and heritage conservation
5 programs to provide more focused management of the
6 Commonwealth's recreation, natural and river environments.
7 The primary mission of the Department of Conservation and
8 Natural Resources will be to maintain[,] and improve [and
9 preserve] State parks and preserves, to manage State forest
10 lands to assure their long-term health, sustainability and
11 economic use, to provide information on Pennsylvania's
12 ecological and geologic resources and to administer grant and
13 technical assistance programs that will benefit rivers
14 conservation, trails and greenways, local recreation,
15 regional heritage conservation and environmental education
16 programs across Pennsylvania.

17 * * *

18 Section 2. Section 103 of the act is amended by adding a
19 definition to read:

20 Section 103. Definitions.

21 The following words and phrases when used in this act shall
22 have the meanings given to them in this section unless the
23 context clearly indicates otherwise:

24 * * *

25 "Preserve." A wilderness area or semi-wilderness area
26 designated as a preserve by the department. The term includes a
27 State park that was previously designated as a preserve. The
28 term does not include a preserve that is also a conservation
29 area.

30 * * *

1 Section 3. Sections 302(c) and 303(a)(1) and (7)
2 introductory paragraph of the act are amended to read:
3 Section 302. Forests.

4 * * *

5 (c) Authority of officers.--The persons employed, under the
6 provisions of this act, by the department for the protection of
7 the State parks and State forests shall after taking the proper
8 official oath before the clerk of the court of common pleas of
9 any county of this Commonwealth be vested with the same powers
10 as are by existing laws conferred upon constables and other
11 peace officers, to arrest on view, without first procuring a
12 warrant therefor, persons detected by them in the act of
13 trespassing upon any forest or timber land within this
14 Commonwealth, under such circumstances as to warrant the
15 reasonable suspicion that such person or persons have committed,
16 are committing or are about to commit any offense or offenses
17 against any of the laws now enacted or hereafter to be enacted
18 for the protection of forests and timber lands. The officers
19 shall likewise be vested with similar powers of arrest in the
20 case of offenses against the laws or rules and regulations
21 enacted or established, or to be enacted or established, for the
22 protection of the State forests or for the protection of the
23 fish and game contained therein. However, the above-mentioned
24 rules and regulations shall have been previously conspicuously
25 posted upon the State forests. The officers shall further be
26 empowered and it shall be their duty immediately upon any such
27 arrest to take and convey the offender or offenders before a
28 justice of the peace or other magistrate having jurisdiction,
29 for hearing and trial or other due process of law. The powers
30 conferred in this subsection upon forest officers shall extend

1 only to the case of offenses committed upon the State forests
2 and lands adjacent thereto, and the powers conferred in this
3 subsection upon the officers shall not be exercised beyond the
4 limits thereof, except where necessary for the purpose of
5 pursuing and arresting such offenders, or of conveying them into
6 the proper legal custody for punishment as aforesaid, and except
7 where those officers are specially commissioned by the
8 department as provided in this section. The department may at
9 the discretion of the secretary or his designee specially
10 commission certain forest officers to [preserve] maintain order
11 in the State parks and State forests, with all of the powers
12 conferred on park officers by section 303(a)(7).

13 * * *

14 Section 303. Parks.

15 (a) Powers and duties enumerated.--The department shall have
16 the following powers and duties with respect to parks:

17 (1) To supervise, maintain, improve, regulate[, police
18 and preserve] and police all parks belonging to the
19 Commonwealth.

20 * * *

21 (7) To appoint and commission persons to [preserve]
22 maintain order in the State parks, which persons shall have
23 all of the following powers:

24 * * *

25 Section 4. The act is amended by adding a section to read:
26 Section 303.1. Preserves.

27 (a) Powers and duties enumerated.--The department shall have
28 the following powers and duties with respect to preserves:

29 (1) To supervise, maintain, improve, regulate and police
30 all preserves belonging to the Commonwealth.

1 (2) For the purpose of promoting low-intensity outdoor
2 recreation and education and making available for use
3 wilderness or semi-wild natural areas of unusual scenic
4 beauty, to acquire, in the name of the Commonwealth, by
5 purchase, gift, lease or condemnation, any lands which in the
6 judgment of the department should be held, controlled,
7 protected, maintained and utilized as State preserves. The
8 lands may be purchased or accepted, subject to the conditions
9 of any such lease and subject to such reservations, if any,
10 of mineral rights, rights-of-way or other encumbrances as the
11 department may deem not inconsistent with such holdings. The
12 amount expended for the acquisition of lands for State
13 preserve purposes shall not be more than the amount
14 specifically appropriated for such purposes.

15 (3) If warranted, conveniences and facilities for the
16 transportation, shelter, comfort and education of people
17 shall be implemented in an unobtrusive manner, specifically
18 designed and constructed with minimal impact on the preserved
19 area and in keeping with the nature of the wilderness area.

20 (4) To study, counsel and advise in reference to gifts
21 of lands or money for preserve purposes.

22 (5) To appoint and commission persons to maintain order
23 in preserves in like manner as those appointed to maintain
24 order in State parks.

25 (b) Permitted uses.--

26 (1) State preserves shall be managed as a semi-wild or
27 wilderness area with low-intensity recreation only. For the
28 purposes of this subsection, the term "low-intensity
29 recreation" shall include hiking, birding, fishing, horseback
30 riding, bicycle riding and hunting.

1 (2) Limited agricultural activities of the nature
2 permitted in a preserve as of January 1, 2022, shall continue
3 to be permitted.

4 (c) Prohibitions.--The following shall not be permitted in a
5 preserve:

6 (1) Overnight accommodations.

7 (2) Campsites.

8 (3) Concessions.

9 (4) Athletic facilities.

10 (d) Designation.--The department may not designate a State
11 park as a State preserve or a State preserve as a State park
12 without specific authorization from the General Assembly.

13 Section 5. Section 306(a) (3) of the act is amended to read:

14 Section 306. Community recreation and heritage conservation.

15 (a) Powers and duties.--The department shall have the
16 following powers and duties with respect to community recreation
17 and heritage conservation:

18 * * *

19 (3) To administer Federal and State heritage
20 conservation programs, such as the Pennsylvania Heritage
21 Parks Program and other programs that [~~preserve~~] maintain,
22 enhance and promote natural, recreational, cultural and
23 scenic resources for heritage conservation, tourism and
24 economic development.

25 * * *

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