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Pennsylvania Fish and Boat Commission Snapshot

Founded in 1866, the Pennsylvania Fish and Boat Commission (Commission or PFBC) is one of the oldest and most effective conservation agencies in the nation. The Commission is an independent agency with responsibilities for protecting and managing Pennsylvania’s fisheries resources and regulating recreational fishing and boating on waters of the Commonwealth.


**Commissioners:** Members of the Commission are appointed by the Governor to four-year terms with the advice and consent of the Pennsylvania Senate and approved through a simple majority vote. Eight of the Commissioners represent geographic districts; two at-large (statewide) Commissioners represent boating interests. Commissioners receive no compensation except reasonable expenses.

**Boating Advisory Board:** The Boating Advisory Board includes five unpaid members appointed by the Governor for five-year terms and three *ex officio* members. It advises the Commission on matters related to boats and boating on the waters of the Commonwealth.

**Staff:** The Commission’s Executive Director serves as Chief Executive Officer and Chief Waterways Conservation Officer. For the 2020-2021 fiscal year, the Commission’s complement is capped at 411 full-time employees. The wage (temporary and seasonal) complement can average up to 120 employees during the peak stocking season and recreational season.

**Volunteers:** Volunteers serve Pennsylvania’s anglers and boaters in several important roles. About 50 individuals serve as deputy waterways conservation officers. Other volunteers include those who assist in fishing programs and boating safety instruction. More than 165 cooperative nurseries support fish rearing and stocking efforts.

**Fiscal Management:** The PFBC relies primarily on the user pays/user benefits model and receives no General Fund tax revenue to support its programs. The Commission relies almost entirely on fishing licenses, boat registrations, and federal funding tied to fishing and boating to pay for everything it does.

The Commission operates out of two special funds, the Fish Fund, and the Boat Fund. Fiscal activity for special funds is budgeted and reported on a state fiscal year period, July 1 through June 30. The PFBC exercises prudent management to maintain these fund balances.

**Annual Reports:** The PFBC is required to present an annual report to the House and Senate Game and Fisheries and Appropriations Committees. The reports include financial summaries from the previous fiscal year and, since 2010, have tracked the implementation of the strategic plan. The reports are posted on the PFBC’s website at [https://www.fishandboat.com/AboutUs/AnnualReports/Pages/default.aspx](https://www.fishandboat.com/AboutUs/AnnualReports/Pages/default.aspx).
PFBC Organizational Structure

The Pennsylvania Fish and Boat Commission (PFBC or Commission) is comprised of an Executive Office (consisting of the Executive Director, Office of Chief Counsel, Policy and Planning Office, and the Bureau of Outreach, Education, and Marketing), the Office of Field Operations (consisting of the Bureaus of Boating, Engineering, Fisheries, and Hatcheries), the Office of Administration (consisting of the Bureaus of Administration and Information Technology, the Human Resources Office, and the Division of Public Access and Property Services), and the Bureau of Law Enforcement.

The locations and contact information for the various PFBC Executive Office, regional offices and state fish hatcheries can be accessed by visiting the link below:

EXECUTIVE OFFICE

EXECUTIVE DIRECTOR

Performs the duties and responsibilities vested in and imposed upon the agency by the Fish and Boat Code, Act 1980-175, Title 30, Pennsylvania Consolidated Statutes.
Administers the operations and activities of the entire organization.

Serves as the Chief Waterways Conservation Officer of the Commission.

Serves as an ex officio member on the Atlantic States Marine Fisheries Commission, the Environmental Quality Board, the Mid-Atlantic Fisheries Management Council, and the Boating Advisory Board.

OFFICE OF CHIEF COUNSEL

Furnishes legal advice to the Board of Commissioners, the Executive Director, and Commission employees regarding questions, policies, and concerns arising from the exercise of official functions and the performance of official duties.

Represents the Commission in all state courts, trial and appellate, in civil matters where the Attorney General has delegated authority to do so, or where the Attorney General has declined to provide representation to the Commission.

Coordinates with the Attorney General’s Office, the General Counsel’s Office, or private counsel regarding representation of the Commission where appropriate or required by law.

Coordinates with the Attorney General’s Office and various District Attorneys’ offices regarding criminal actions and proceedings that may arise during the course of the Commission’s operations, and where authorized, assists those offices in representing the Commonwealth.

Represents the Commission in all state and federal administrative proceedings before a variety of tribunals, including the State Civil Service Commission, the Pennsylvania Human Relations Commission, the Board of Claims, the Environmental Hearing Board, the Board of Property, and the Federal Energy Regulatory Commission.

Drafts proposed legislation, regulations and their preambles, contracts, memoranda of understanding, and other legal documents required for Commission operations.

Reviews and approves as to legality and form proposed rules and regulations, contracts, deeds, surety bonds, and other legal documents required for Commission operations. Coordinates with the Attorney General’s Office with regard to such review and approval.

Reviews and approves certificates of title or title insurance binders for real estate proposed to be conveyed to the Commonwealth for the use of the Commission. Coordinates the legal aspects of land acquisition and disposition.

Conducts legal research regarding a wide variety of issues relating to the Commission.
Advises the Commission’s Open Records Officer regarding requests under the Right-to-Know Law.

Coordinates with other state agencies on a wide variety of matters, such as copyrights, contracts, and fiscal matters.

Reviews requests for supplemental employment and otherwise provides advice and counsel with regard to ethical questions and disciplinary matters. Coordinates agency actions where a Commission employee or officer is sued or charged with a crime.

Keeps the Commission and its personnel apprised of the latest legal developments and conducts training of agency law enforcement personnel on the application and interpretation of laws and regulations, legal rights and responsibilities, rules of evidence, and courtroom proceedings.

Advises, counsels, and assists Commission hearing officers in the conduct of administrative hearings. Functions as a hearing officer when appropriate.

Attends Commission and Boating Advisory Board meetings and other proceedings that pertain to the agency’s operations.

**POLICY AND PLANNING OFFICE**

Plans, directs, and coordinates advanced policy, legislative, strategic planning, and program analysis and development work for fishing, boating, and aquatic resource projects of broad scope and agency-wide and statewide significance.

Conducts research, gathers data, and identifies trends in order to develop policy recommendations consistent with the Commission’s goals and is responsive to the needs of the fishing and boating public.

Ensures that directions set forth in various agency initiatives are consistent with broader policy objectives and compatible with the strategic vision of the organization.

Coordinates, develops, and tracks short range goals and objectives, and long-range strategic plans for the Commission which are consistent with priorities established by the Executive Director.

Leads the development and updating of the Commission’s Strategic Plan and ensures alignment with budgets, spending, and plans of work.

Manages the development and implementation of the agency’s legislative agenda.

Serves as liaison between the legislature and the agency, and monitors and analyzes legislation affecting the Commission, natural resources, and the angling and boating public.
Establishes and maintains ongoing relationships with members of the Pennsylvania General Assembly and their staff.

Represents the agency in discussions with federal, state, and local officials and other partners outside of the agency.

Prepares responses and position statements on a wide variety of inquiries, plans, initiatives, regulations, and legislative actions.

**BUREAU OF OUTREACH, EDUCATION, AND MARKETING**

Directs the Commission’s public information and outreach efforts to include oversight of agency website and content, social media presence, and press/public relations interactions.

Directs the agency communications, marketing, and education efforts.

Serves as agency marketing liaison to state travel and tourism departments, state conservation agencies, other states’ conservation agencies, advertising agencies, and commercial promoters.

Serves as the agency liaison with the Recreational Boating and Fishing Foundation.

Plans, develops, directs, and implements statewide education and recreation programs, materials, and services aimed at increasing participation in fishing, safe boating, and conservation.

**COMMUNICATIONS OFFICE**

Responsible for the agency’s public relations initiatives. Responds to inquiries from members of the media about Commission policies, procedures, programs, employees, and agency current events.

Prepares and distributes news releases, public reports, newsletters, and other written materials.

Participates in and coordinates news conferences and facilitates media appearances by the Executive Director and agency staff members.

**DIVISION OF OUTREACH AND MARKETING**

Plans, develops, and coordinates the agency’s public information program through the production of printed publications, exhibits, deployment of social media, oversight of PFBC website and online content, and direction of multimedia efforts.
Directs the agency’s marketing program through special campaign initiatives, ongoing promotions, public service announcements and special events.

Develops and supports agency human dimensions/market research initiatives, public survey projects, and other related social science research.

Plans and directs the Commission’s magazine and publications program, which includes sales, distribution, and replenishment.

**OFFICE OF FIELD OPERATIONS**

Manages, develops, and coordinates the Commission’s Boating, Engineering, Fisheries, and Hatcheries programs.

**BUREAU OF BOATING**

Serves as Ex Officio Member and Secretary to the Boating Advisory Board.

Serves as the Commonwealth’s Boating Law Administrator.

Serves as the liaison with the U.S. Coast Guard, PA Department of Transportation, other state boating law officials, and the Commission’s Bureau of Administration on boat registration and titling regulation development and implementation.

Directs the development of comprehensive boating laws and regulations that enhance the safety and recreational enjoyment of the Commonwealth’s boaters.

Serves as a liaison with various agencies and Boating at Large Commissioners to further the Commission’s mission and programs.

Serves as the Board of Commissioner’s Boating Committee contact.

**DIVISION OF WATERCRAFT SAFETY**

Plans, develops, and administers a statewide water rescue training and certification program.

Serves as Commission spokesperson and lead on water safety, safe paddling, safe boat operation, and other issues requiring media interactions.

Administers the Boating Safety Certification Program.

Develops and disseminates general boating and boating safety information via various methods.

In conjunction with Bureau of Outreach, Education, and Marketing staff, develops and
administers water safety and boating courses and conducts training for certified teachers
and other trainers.

Trains and prepares staff for participation in Helicopter Aquatic Rescue Team (HART)
and Swiftwater Emergency Response Team (SWERT) units.

Reviews and analyzes recreational boating accident reports and investigator's reports and
makes recommendations through chain of command for corrective actions to improve
safety on Pennsylvania waterways.

**DIVISION OF WATERWAYS AND MARINA MANAGEMENT**

Responsible for management of the Commission-owned and operated Walnut Creek
Marina and the Commission-owned and concession-operated Northeast Marina.

Serves as the Commonwealth's representative on the national State's Organization for
Boating Access (SOBA) for the acquisition, development, and administration of
recreational boating facilities.

Responsible for agency involvement in water trails development.

Responsible for the development of a comprehensive statewide boating access and
facilities planning and improvement program.

Manages the development of boating initiatives and programs designed to increase and
protect existing Boat Fund revenue sources, identify new Boat Fund revenues, and
manage Boat Fund reserves.

Manages the Oil Company Franchise Tax (OCFT) Refund Petition and Boat Fuel Usage
and Reporting Process.

Oversees the Commission's Use (Launch) Permit Program.

Oversees the development and implementation of the Adopt-an-Access program.

Directs and administers the Erie Access Improvement Program.

Directs and coordinates the Commission’s comprehensive statewide public access and
lands conservation program designed to protect land resources and habitats for
jurisdictional species and enhance public access opportunities for fishing and boating
through fee-simple acquisition, conservation and fishing easements, and planning.
Coordinates the program across various agency program areas including habitat
improvement, fisheries management, environmental services, and engineering and
property services.
Monitors various grant sources and applies for grants and other non-traditional funding sources to support public access programs and initiatives. Directs and administers grants and other sources of funding awarded to the Commission.

Directs and administers the Clean Vessel Act and Boating Infrastructure and Facilities Development Grant programs.

Directs and administers the statewide Boating Facility Grant program.

Provides technical assistance to Commission partners on the design of fishing and boating access facilities.

Provides support to the PA Water Trails Partnership.

**BUREAU OF ENGINEERING**

Directs the planning, engineering, design, construction, and maintenance of fishing and boating facilities, hatcheries, and other PFBC property.

**DIVISION OF ENGINEERING**

Plans and designs site engineered structures including roadways and bridges; ponds, raceways, and impoundments; wells and pumps; fishways; shoring, piling, docks, wharfs, and ramps including their service utilities and appurtenances; plans and designs buildings and their utilities for the Fish and Boat Commission.

Plans and designs shoring, piling, docks, wharfs, and ramps including their service utilities and appurtenances; plans, designs, and reviews construction of specialized aquatic resources projects; plans, designs, and inspects the construction, renovation, and major maintenance of dams and impoundments.

**DIVISION OF CONSTRUCTION AND MAINTENANCE**

Directs the construction and maintenance of Fish and Boat Commission buildings, structures, equipment, utilities, and property.

Secures permits and approvals from local, county, state, and federal authorities for Fish and Boat Commission Projects.

Provides technical guidance to townships, boroughs, counties, and organizations interested in increasing fishing and boating opportunities to the public.

Provides automotive and vehicle maintenance services for the PFBC, including annual state inspections, routine vehicle maintenance, and major repairs to agency owned heavy equipment.
Maintains PFBC owned access areas, boat launch sites, dams, and facilities.

**BUREAU OF FISHERIES**

Directs the research, management, conservation, and protection of fish, fisheries, reptiles, amphibians, and other aquatic organisms including threatened and endangered species within these taxonomic groups.

Serve as proxy for the Executive Director on both the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission. Represents the agency on the Great Lakes Fishery Commission, Council of Great Lakes Fisheries Agencies, Mississippi Cooperative Interstate Cooperative Resource Association, Northeast Association of Fisheries Agency Administrators, various committees within the American Fisheries and Wildlife Association, and other organizations and interagency committees, as necessary.

**DIVISION OF ENVIRONMENTAL SERVICES**

Reviews and comments on state, interstate, and federal permit applications that have the potential to affect fish, fishing, and aquatic environments.

Provides technical guidance to agencies, organizations, institutions, and individuals, on matters related to resource protection associated with various development activities (e.g., highway construction, mining, gas and oil drilling, hydropower, water withdrawal, stream, and wetland encroachments). This includes representation of the agency on various interagency committees associated with these responsibilities.

Directs a program to manage, protect, conserve, and enhance non-game fish, amphibians, reptiles, and other aquatic organisms, including threatened and endangered species within these taxonomic groups.

Conducts natural resource damage assessments for pollution events effecting the waters of the Commonwealth.

**DIVISION OF FISHERIES MANAGEMENT**

Conducts biological surveys of Pennsylvania waters, documents the status of fisheries, serves as the repository for information collected, and develops comprehensive plans for managing fishery resources.

Provides guidance to agencies, groups, organizations, individuals, and other Commission personnel on fisheries management issues. This includes representing the agency on various inter and intrastate committees (e.g., Lake Erie Committee, Council of Lake Committees, Delaware River Fish, and Wildlife Management Cooperative).
DIVISION OF HABITAT MANAGEMENT

Provides leadership, coordination, technical guidance, and resources to advance habitat conservation, restoration, and enhancement activities that benefit PFBC trust species and their habitats and develops partnerships to protect and provide public access associated with this habitat work.

Coordinates and implements stream and lake habitat projects throughout the Commonwealth, including dam removals and development of fishways.

Represents the agency on various committees, state and interstate agencies, and organizations on matters related to habitat protection and improvement.

BUREAU OF HATCHERIES

Directs the production and stocking of cold water, warmwater, and coolwater species of fish in Pennsylvania waters, including Lake Erie.

Directs the management of hatchery effluents within NPDES permit limits.

Provides oversight of the infrastructure and renovations to state fish hatcheries.

Directs all interstate exchanges or trades of fish and eggs.

Represents the agency on various interstate and intrastate aquaculture related committees and organizations.

DIVISION OF NORTHERN HATCHERIES (7)

Propagates and stocks fish, manages hatchery effluent, maintains infrastructure, and coordinates warm/cool water stocking assignments.

CORRY STATE FISH HATCHERY
UNION CITY STATE FISH HATCHERY
FAIRVIEW STATE FISH HATCHERY
LINESVILLE STATE FISH HATCHERY
OSWAYO STATE FISH HATCHERY
PLEASANT MOUNT STATE FISH HATCHERY
TIONESTA STATE FISH HATCHERY

DIVISION OF SOUTHERN HATCHERIES (6)

Propagates and stocks fish, manages hatchery effluent, maintains infrastructure, and coordinates cold water stocking assignments.
BELLEFONTE STATE FISH HATCHERY
BENNER SPRING STATE FISH HATCHERY
HUNTSDALE STATE FISH HATCHERY
PLEASANT GAP STATE FISH HATCHERY
TYLERSVILLE STATE FISH HATCHERY
REYNOLDSDALE STATE FISH HATCHERY

DIVISION OF FISH PRODUCTION SERVICES

Conducts basic and applied research on fish production, restoration, water chemistry, and other related areas.

Provides support in the anadromous restoration efforts of the agency including the production of migratory shad in concert with the Commission's shad restoration program.

Obtains and maintains Department of Environmental Protection issued National Pollution Discharge Elimination System permits for all state fish hatcheries.

Monitors fish diseases and recommends therapeutic treatments.

Provides advice, assistance, and arranges for the delivery of fingerling stock to cooperative non-profit nurseries that are sponsored and operated by sportsmen's groups and other outdoor organizations.

OFFICE OF ADMINISTRATION

Manages, develops, and coordinates the Commission’s administrative, human resources, information technology, public access, and real estate programs.

BUREAU OF ADMINISTRATION

Provides administrative support services for all Commission operations and programs.

Procures, monitors maintenance, operating expenses, and repairs, and disposes of vehicles and other rolling stock.

Administers the surplus property program.

Oversees the maintenance and operation of the Commission’s headquarters building.

Administers the Commission’s Right-to-Know Law program.

Administers the Commission’s Record Management program.

Administers and coordinates all federal grants.
Develops proposals to receive and expend federal funds.

Records and analyzes the expenditure of federal funds.

Serves as the coordinator for federal projects between the Fish and Boat Commission, other state agencies, and the Federal government.

Provides mail, messenger, and related services.

DIVISION OF FINANCIAL MANAGEMENT

Administers the Commission’s Sand and Gravel Royalty program.

Prepares the annual budget and re-budget of the Commission.

Records and analyzes expenditures.

Develops proposals for generating revenue.

Administers the agency's advancement account, VISA purchasing card, and VISA travel card programs.

Administers and provides the procurement, warehousing, and distribution of supplies, equipment, goods, and services.

Administers the Commonwealth’s Fixed Asset Accounting System (FAAS) for the Commission.

DIVISION OF LICENSING AND REGISTRATION

Plans and directs the boat registration, boat titling, and use permit programs.

Collects, records, and transmits revenues associated with boat registration and titling.

Plans and directs the fishing license program.

Administers the PA-Saltwater Registry Program.

Collects, records, and transmits revenues from the sale of fishing licenses.

Recommends the approval or disapproval of agents who are authorized to sell fishing licenses and issue temporary boat registrations.

Administers, coordinates, and issues a variety of special scientific, research, educational, and activity permits.
Administers the Charter Boat/Fishing Guide permitting program.

Administers the Commission’s insurance program.

**BUREAU OF INFORMATION TECHNOLOGY**

Provides leadership, governance, and business-driven information systems and technologies that are aligned with the strategic direction of the Commission.

Provides support for all components of an information technology network and data store that are needed to sustain the business requirements of the Commission.

Provides overall direction, support, and management of all aspects of the Commission’s information technology infrastructure, including Network architecture, Inter/Intranet application web development, Geographical Information Systems (GIS), and Telecommunications.

Provides technology solutions to enhance system interoperability, security, and cost effectiveness for the Commission, as well as support both internal and external customer needs.

Operates and maintains all distributed computing platforms and systems used within the Commission including servers, workstations, storage devices, and network devices.

Coordinates customer service activities including help desk calls, problem management, service requests, change management, asset management, software support, database administration, and print services.

Ensures compliance with Commonwealth policies and standards, where appropriate.

**HUMAN RESOURCES OFFICE**

Classifies and recommends pay ranges for Fish and Boat Commission positions by conducting audits, updating class specifications, overseeing position description updates, and preparing pay studies.

Advises executive staff and managers about human resource policy and procedures, including Civil Service Rules, Management Directives, and Executive Orders as applicable, Personnel Rules, Governor’s Code of Conduct, and other commonwealth policies.

Administers the development and assessment of agency’s training programs, including specialized initiatives.
Ensures that equal opportunity, disability services programs, commercial driver’s license drug testing, and employee assistance programs are appropriately administered and communicated to all employees.

Coordinates the agency’s labor relations program by interpreting and negotiating collective bargaining agreements, assisting in unfair labor practices and arbitrations, resolving grievances and employee complaint issues, and recommending appropriate levels of disciplinary action when necessary.

Assists program managers in recruiting and placing Commission employees, including workforce and succession planning.

Coordinates the agency’s time and attendance, financial disclosure, workers compensation, safety, performance management, and unemployment compensation programs.

**DIVISION OF PUBLIC ACCESS & PROPERTY SERVICES**

Plans, develops, and directs the statewide real estate operations and programs of the Commission.

Administers and coordinates statewide land acquisition, land disposition, and land use programs. This includes negotiating, writing, reviewing, and processing Land Purchase Option Agreements, Land Acquisition/Disposition Agreements, Land Exchange Agreements, Lease Agreements, License Agreements, and Permission Letters.

Evaluates and reconciles property encroachment, title, and property ownership and control problems.

Administers and coordinates the Commission real estate records. This involves maintaining, managing, and inputting real estate documents and data into the Commissions’ Real Estate database. Additionally, it involves the inputting of real estate documents and data into the DGS real estate database (EFMS) and FAAS database and archiving of documents at the State Archives.

Maintains agreements and in-lieu-of-tax payment obligations in the Commonwealth’s FRE System.

Researches, evaluates, and responds to property related inquiries from Commission staff, other agencies, legislators, and the public.

Assists and supports Commission staff with the evaluation and implementation of gas and water land use agreements for Commission property.

Provides the land and property surveying services for Fish and Boat Commission Projects and facilities.
BUREAU OF LAW ENFORCEMENT

Directs the enforcement of fish laws, boating laws, and certain water pollution/disturbance laws of the Commonwealth. Additionally, within the scope of Fish and Boat Commission activities, directs the enforcement of Title 18 (relating to crimes and offenses) and other misdemeanors and felonies.

Provides assistance to other agencies as requested and deemed appropriate.

Effectuates the execution of programs, investigations, and services initiated by other bureaus and divisions on behalf of the PFBC. Examples include: On-site permit reviews; conservation education programs; boating education; fish stockings; etc.

Assists in the development of new Fish and Boat Code regulations or law, and changes or modification to existing regulations or laws. Interprets laws, regulations, and procedures for the public, regional headquarters, staff, and field officers.

Administers the selection, training, and maintenance of the volunteer Deputy program, including but not limited to, maintenance of Deputy personnel records.

Selects, hires, and trains Waterways Conservation Officer Trainee classes as needed.

Develops and implements standard operating procedures and policies regarding the law enforcement bureau statewide.

Seeks and applies for alternative funding opportunities (grants, donations, settlements, etc.) for law enforcement equipment.

REGIONAL OFFICES (6)

NORTHWEST REGION
SOUTHWEST REGION
NORTHEAST REGION
SOUTHEAST REGION
NORTH CENTRAL REGION
SOUTH CENTRAL REGION

Enforces laws and conducts other Fish and Boat Commission programs as outlined under “BUREAU OF LAW ENFORCEMENT.”
COMMONWEALTH OF PENNSYLVANIA
Fish and Boat Commission
Policy Statement

Board Ends

1. The Board recognizes the agency’s mission: to protect, conserve, and enhance the Commonwealth’s aquatic resources and provide fishing and boating opportunities. It represents and owns this mission and recognizes that its responsibility begins and ends with preservation, protection, and enhancement of the resources that are necessary to fulfilling its mission.

2. The Pennsylvania Fish and Boat Commission’s (PFBC or Commission) independent status is critical to fulfilling its unique mission. Its independence provides the flexibility to act upon the substantial challenges and opportunities it faces. The agency must recognize its challenges and opportunities and capitalize on its uniqueness by aggressively partnering and reaching out to external organizations that can assist it in fulfilling its mission.

The Commission also operates in a highly competitive environment. That competition may assume many forms. Some, but not all, of which include:

   A. The various demands and uses imposed upon our natural resources.
   B. Public access concerns.
   C. The Commission’s ability to attract, equip, and retain qualified employees.
   D. The need to execute tasks competitively.
   E. The numerous recreational alternatives available to end users.
   F. Competition from other agencies for funding, regulatory jurisdiction, and program administration.
   G. Access to funding sources.

These factors represent significant, ongoing concerns. They must be met with new and creative approaches. A broad appreciation for the importance of leveraging and optimizing the allocation of the agency’s assets is required to augment, enhance, and supplement its efforts.

3. “Resource First” is a philosophy that describes the first priority of the Commission’s mission and that of the Fish and Boat Code, as well as the Commission’s fundamental role in fulfilling and supporting the provisions of Article 1, Section 27 (Natural Resources and Public Estate) of the Constitution of the Commonwealth of Pennsylvania.

It represents:

   1. The Commissioners’ belief that the Commonwealth’s aquatic resources are the valuable collateral that secures all fishing and boating activities.
   2. The notion that protecting, conserving, and enhancing the Commonwealth’s aquatic resources is the agency’s first management priority.
3. The Commissioners’ expectation that the agency’s activities, regulations, and methods of work will be evaluated and practiced within the context of this priority.

4. The Board will ensure that the Commission is always operating under a current strategic plan.

5. Understanding that it is the staff’s job to execute the legislative agenda while the Board monitors and supports their efforts. The Board will work with the Executive Director and staff to develop and continually update its legislative priorities.

6. The Board will conduct all of its activities in accordance with the Public Official and Employee Ethics Act, the Governor’s Code of Conduct, and other standards that may be adopted.
Board Means

1. The Board acknowledges that its central role is to govern and formulate policies to fulfill its role. It will strive to support the agency’s mission by developing, adopting, and enforcing policies that are proactive, aggressive, and focused on the long-term health, protection, and development of the Commonwealth’s aquatic resources and the recreation they provide. These policies will be directed toward maintaining a balance between the critical factors that influence fishing and boating opportunities, and the health and natural function of the Commonwealth’s various watersheds. Those factors include the species the Commission is charged with protecting within those watersheds, the habitat that supports that life, the people who enjoy and utilize the resources, and the long-term viability of the Commission.

2. The Board will give overall guidance and direction to the ends to be addressed in the agency’s strategic plan. The Board will expect the Executive Director to develop and maintain a current strategic plan and will hold the Executive Director accountable for staying focused on the ends identified by the Board.

3. The Board will develop and promulgate regulations that are consistent with supporting the agency’s mission. It also acknowledges that accomplishing this mission requires a critical analysis of the intersection that occurs between the resource, the people, and the natural habitats that support the resource.

4. The Board will educate itself regarding the resource and the people it represents.

5. The Board’s education will be facilitated by:
   A. Reviewing reports, presentations, and other materials prepared by PFBC staff and any external sources it deems appropriate.
   B. Studying issues and concerns of resource users and key experts.
   C. Discussions with elected officials, consumers, and service providers.
   D. Monitoring the demand, affects and utilization of services, regulations, and programs.

6. The Board will focus on strategic leadership rather than administrative detail. Therefore, its role will be:
   A. Proactive rather than reactive.
   B. Strategic rather than administrative.
   C. Distinct from that of the Executive Director and the staff.
      i. The Board will establish policy.
      ii. The Board will expect the Executive Director to abide by its policies.
      iii. The Board will not interfere with the Executive Director’s right to establish operating policies within the context of Board policies and limitations.
7. To that end, the Board will:

A. Deliberate in many voices but govern in one.
B. Be responsible for excellence in governing. It will initiate policy and resist efforts on the part of others to impose policy directives without formal consideration and adoption by the Board, be self-regulating, and discourage Commission behavior that is inconsistent with its policies and mission. It will govern and inspire the organization through the careful establishment of written Board policies that reflect the Board’s values and desired ends.
   i. Such policies will focus on short-term consequences and long-term impacts.
   ii. They will reflect a firm commitment to managing and understanding the needs of the Commonwealth’s watersheds and its people.
   iii. They will avoid operating, administrative, and programmatic means of achieving those ends.

C. Ensure the Executive Director achieves Board ends by monitoring his progress and imposing specific, written limitations.
D. Recognize that its first priority is to that of the Commonwealth as a whole.
E. Use individual areas of expertise to enhance its ability as a governing body to fulfill its mission rather than substituting individual judgments for Board values and policies.
F. Solicit information from whatever sources it deems appropriate.
G. Be prepared for meetings.
H. Ensure the orientation of new members in its governance process to maintain continuity of governance capabilities.
I. Review and monitor its processes and performance regularly to assure that its activities and disciplines are consistent with its governing role.
J. Develop its agenda in consultation with, but not under the exclusive direction of, the Executive Director.
   i. Board members are encouraged to provide timely input into the development of the agenda to their committee chairmen.
   ii. The President and Executive Director are expected to work collaboratively toward the development of a final agenda for Board meetings.

K. Expect its President to assure that Commissioners comply with these policies and take the necessary actions to enforce such compliance.
L. Promulgate regulations in an open and deliberate manner that incorporates such input as the Board deems appropriate and is required by law. Input should represent the most current research and information available. Recognizing the importance of maintaining suitable regulations and the potential for unproductive complexity and unintended consequences, the Board should assure that ample time for its considered debate and evaluation is allowed. The Board must assure that regulations are precise, understandable to the public, and consistent with its policies. In addition, the Board will, at all times, seek to simplify regulations.
M. Constantly strive to improve upon its ability to envision and articulate the future and its relationship to its mission.
N. Insist that all its activities and those of its Executive Director be prudent, ethical, and legal.
O. Avoid actions or commitments on behalf of the PFBC without prior review and formal consent of the Board.


Committee Policy

The President may, from time to time, establish committees to assist it in fulfilling its responsibilities.

Limitations:

1. Committees will be used judiciously, as to avoid interference with the wholeness of the Board’s job.

2. Committees will not be formed without a well-developed, written charge that defines their respective roles, their membership, suggested staff contacts, specific objectives, and targeted accomplishments.

3. Committee assignments, committee chairs, and committee vice chairs should be announced by the President prior to the fall meeting each year.

4. Standing committees can be established by the President for specific purposes.

   A. Committees will be comprised of Board members only. However, committees may access PFBC staff, resource users, interested groups, and outside experts when they believe their opinions and expertise can lend value to its deliberations.

   B. Committee chairs will report on their respective committee activities at the next regularly scheduled Commission meeting.

5. From time to time, the President may establish, in his or her sole discretion, special committees to address specific areas of concern regarding Board governance and monitoring. The President or a Committee chair may establish workgroups comprised of Commissioners, staff, and, when appropriate, members of the public to gather information and report its findings to the appropriate committee.

6. Both standing and special committees are to help the Board in developing policy and doing its job more effectively.

7. The Board will assure that committees and workgroups do not conflict with the authority or direction it has delegated to the Executive Director.

8. Committee roles and responsibilities may not be changed without the consent of the Commission President and the committee chair. If the two are unable to agree, the Commission President or committee chair may present the proposed changes to the Board of Commissioners for final resolution.

9. It is recognized that Board and committee meetings at which a quorum of the Board or committee members, respectively, are present are considered public meetings (unless specifically exempted from the Sunshine Act) and must be held in an open, public forum.
Board Relationship with the Executive Director

The Board’s authority to staff will be delegated through the Executive Director. Therefore, all authority and accountability of staff are the authority and accountability of the Executive Director.

Means:

1. Such delegation will be consistent with the Board’s Human Resources Policy and Section 304 of Fish and Boat Code.

2. The Commission shall appoint to serve at its pleasure and, with the approval of the Governor, fix the compensation of an Executive Director who shall be the Chief Executive Officer of the Commission and attend to its administrative work and have charge of all activities under the jurisdiction of the Commission.

3. The Executive Director shall be the Chief Waterways Conservation Officer of the Commission and shall have charge of, direct, supervise, and control all waterways conservation officers, deputy waterways conservation officers, and employees of the Commission.

4. The Board will direct the Executive Director to meet specific ends. The Executive Director will be responsible for developing a strategic plan consistent with those ends to guide the agency’s actions and decisions.

5. The Board will also limit the latitude the Executive Director may use to achieve those ends (See Executive Director Limitations).

6. The Executive Director is accountable for the entire agency meeting expectations and will be evaluated accordingly.

7. The Board will monitor and evaluate the annual progress the Executive Director is making toward achieving Board Ends and staying within Executive Limitations.

A. The Executive Director will provide the Commissioners with at least quarterly updates on his progress in implementing the strategic plan. Such updates shall include an overall written report from the Executive Director and may be supplemented by oral presentations by staff and discussions during Board Committee meetings. The Executive Director is expected to report on both progress and difficulties in implementing the plan.

8. The President of the Board will coordinate an annual work performance evaluation of the Executive Director with input from all Commissioners. In their evaluation, the Commissioners will utilize quarterly strategic plan implementation reports and any other information they deem appropriate relative to the Executive Director’s job performance for the preceding year. This evaluation is considered a confidential personnel matter between the Board and the Executive Director.
9. The Board expects the Executive Director to interpret its policies reasonably. To that end, the Executive Director may make all decisions, take all actions, establish all practices, and develop all activities necessary to achieve the Board’s policies while remaining within the Commissioners’ written Executive Limitations.

10. The Board may change its policies at any time. By doing so, the Board could alter the specific results to be achieved and/or the boundaries within which the Executive Director must function. However, so long as a particular policy and delegation are in place, the Board will respect and support the Executive Director’s choices.

11. Only decisions of the Board acting as a body are binding on the Executive Director. The only exception may occur in those rare circumstances when the Board specifically authorizes, such authority as a group or through its President.

12. If Board members or committees request information or assistance without Board authorization, the Executive Director may refuse to provide such information if, in his/her judgment such a request would require inordinate use of staff time, imprudent commitment of agency resources, or loss of focus on Board policies or the strategic plan.

13. Board members may consult directly with staff for the purpose of asking questions and gaining information. However, Board members will not place demands upon the staff that involve inordinate time commitments, expenses, or diversions from previously defined policy directions.

14. Board members will not provide direction to the staff.

15. Questions about the proper role of the Commissioners in communicating with staff will be directed to the Executive Director.
Executive Director Limitations

The Executive Director will not:

1. Cause or allow any Commission practice that is illegal, imprudent, unethical, or in violation of commonly accepted business or scientific practices.

2. Cause or allow the Board to receive staff information with significant gaps in timeliness, accuracy, completeness, or objectivity.

3. Cause or allow information to be withheld from the Board that may assist it in evaluating or formulating its policies.

4. Jeopardize Commission assets through inadequate maintenance, unnecessary exposure to risk, or failure to comply with regulatory requirements. It is understood that budgetary limitations may force the Executive Director to prioritize maintenance programs with the result that some items may suffer.

5. Cause Commission staff or volunteers to be exposed or subjected to unfair, undignified, or unsafe treatment or conditions.

6. Unnecessarily expose the Commission, staff, or Board members to claims of liability.

7. Fail to maintain a current strategic plan.
   
   A. The Executive Director will not exclude input from the staff, outside sources, and the Commissioners in the development of the Commission’s strategic plan.
   B. Fail to meet the criteria of being specific, measurable, action-oriented, realistic, and time-bound (SMART) when establishing goals in the agency’s strategic plan.

8. Fail to develop fiscal year budgets and annual plans of work that are aligned with the strategic plan.

9. Fail to pay Commission expenses and settle debts in a timely manner.

10. Expose the Commission to undue financial risk.

11. Discourage appropriate open communication between Commissioners and staff.

12. Tolerate deterioration in Commission finances that might jeopardize programmatic needs and Commission policies.

13. Neglect the professional development of its staff or allow staff members’ training and professional development to become outdated.
14. Disregard or diminish the agency’s formation and enhancement of relationships, partnerships with public and private organizations, governmental agencies, stakeholder groups, and other organizations whose interests and activities may assist the Board in accomplishing its mission.

15. Take any action that will threaten or compromise the agency’s independence.

16. Hire and promote anyone other than the most qualified individuals possible.

17. Fail to continually explore and seek to implement methods designed to increase agency revenues.

18. Fail to control agency expenses and perform ongoing evaluations of the usefulness of all agency assets. These assets will include real property, programs, equipment, and people. If such assets are no longer needed, the Executive Director will promptly dispose of them in a manner that is consistent with Board policies and current regulations and laws.

19. Fail to continuously evaluate and seek out opportunities to partner with diverse public and private entities while recognizing that all decisions with this regard will be conducted in accordance with applicable rules, contracts, and regulations. The Executive Director’s decisions regarding these opportunities will be limited by the following factors:

   A. The scale needed to economically justify performing certain tasks in house.
   B. The business risk associated with internalizing certain operations and assuming the fixed costs that accompany such a decision.
   C. Agency operating flexibility, the cost of change, the potential for operational inertia, and the agency’s willingness to remain current with new technologies and approaches.
   D. Long term, strategic flexibility.
   E. Capital investment requirements.
   F. Need for ongoing investment.
   G. The importance of nurturing and maintaining access to external research, know-how, and education.
   H. The need to maintain operational balance.
   I. The requirement to maintain internal vigor and foster incentives to change and compete vigorously.
   J. Timeliness.

20. Fail to provide the basis for scientifically managing and protecting the Commonwealth’s aquatic resources and maximizing fishing and boating opportunities.

21. Fail to apply the “Resource First” philosophy to explore different ways of allocating the agency’s limited financial resources.

22. Fail to use the “Resource First” philosophy to support new, scientifically based approaches to distributing and raising stocked fish.

23. Fail to use the “Resource First” philosophy to provide the basis for protecting and enhancing viable wild fisheries and other resources under the agency’s jurisdiction.
24. Cause the “Resource First” philosophy to be interpreted as a wild-fish-only policy, eliminate hatcheries, or eliminate fish stocking.
Human Resources

This Human Resources Policy is promulgated pursuant to Section 304 of the Fish and Boat Code, 30 Pa. C.S. §304. To the extent that there is an inconsistency between this policy and the applicable provisions of the Civil Service Act, other Commonwealth and federal laws, regulations, policies and labor agreements, those authorities will govern.

Appointment of Executive Director
The Commissioners will appoint an Executive Director to serve at their pleasure and, with the approval of the Governor, will fix the Executive Director’s compensation.

Role of Executive Director
The Executive Director is the chief executive officer of the Commission and attends to its administrative work and has charge of all activities under the Commission’s jurisdiction. The Executive Director is the Chief Waterways Conservation Officer of the Commission and has charge of, directs, supervises, and controls all waterways conservation officers, deputy waterways conservation officers, and employees of the Commission. The Fish and Boat Code has vested authority in the Executive Director, subject to the provisions of this policy and Commonwealth law, to appoint and fix the compensation of waterways conservation officers, and other Commission employees as the Executive Director deems necessary to enforce and carry out the provisions of the Fish and Boat Code and to perform the functions and work of the agency.

Personnel Management
The majority of Commission staff is covered by civil service protections and statewide labor agreements. Therefore, Commissioners should not attempt to supervise or manage individual or departmental staff directly. Requests should be made to the various Bureau and Department heads to not disrupt staff from their normal work routines. If Bureau or Department heads believe that any such request is beyond their ability or authority, they should direct the Commissioner to the Executive Director. Should a Commissioner have a grievance or complaint regarding any Commission staff member, other than the Executive Director, it should be kept confidential and forwarded to the Executive Director or appropriate staff designated by the Executive Director for appropriate action. Commissioners should not attempt to address any grievance or complaint with a staff member directly.

Establishment of the Complement
The Executive Director or designee will manage the complement up to the approved and authorized level to meet the needs of the Commission. The Executive Director will make any requests to increase the established full-time salaried complement level when required.

Furlough
The Commissioners will review and approve all requests to sanction furlough actions due to lack of work or lack of funds before official notice is provided to the Governor’s Office of Administration, the affected union, and employees.
Transfer of Functions
The Commissioners will review and approve all requests to transfer functions to or from other Commonwealth agencies before an application is submitted to the Executive Board.

Classification and Compensation
The Commission will utilize class specifications and the pay plan established by the Executive Board. The Executive Director or designee will allocate and compensate positions to appropriate classes in accordance with generally accepted classification principles and established Commonwealth policies and procedures. All classification and pay processes will be free of bias and non-merit factors.

Appointment, Promotion, Transfer, Demotion, and Termination
The Executive Director or designee will make all appointments, promotions, transfers, demotions, and terminations in accordance with applicable provisions of the Civil Service Act and the rules and regulations promulgated thereunder, labor agreements, applicable state and federal laws, and Commonwealth policies and procedures. All employment actions will be free of all non-merit factors.

Reorganizations
Reorganizations involving changes to the Bureau level or higher will require the approval of the Commissioners prior to submission to the Executive Board. Establishment or closure of field offices identified on the official, published Commission organization chart also will require the prior approval of the Commissioners before submitting the request to the Executive Board. Reorganizations involving substantive changes to organizations at the Division level, its equivalent, or lower shall require the approval of the Executive Director or designee.

General and Standards of Conduct
The Commission shall follow the Commonwealth’s Management Directives regarding Discrimination, Sexual Harassment, Drug Free Workplace, Workplace Violence Prevention, and other Human Resource programs.

Definitions:
**Executive Board:** The Executive Board was established in Section 204 of the act of April 9, 1929 (P.L. 177, No. 175) known as the Administrative Code of 1929, 71 P.S. §64. The Executive Board consists of the Governor, who shall be chair thereof, and six other heads of administrative departments to be designated from time to time by the Governor. The Secretary of Administration always functions as the Secretary of the Board.

Under various provisions contained in the Administrative Code, the Executive Board is required and has the authority to approve or disapprove a variety of administrative actions to ensure the efficient operation of state government. Two specific examples include reorganizations and changes to the pay plan. The pay plan includes all class specifications and salary plans.

**Bureau:** (taken from Governor’s Management Directive 260.1, Organization Requests, dated 3/21/17). The organizational unit that is immediately below an office, or executive office when offices are not used, and immediately above two or more divisions. Bureaus are usually established for either or both of the following reasons:
1. When there is an intra-agency need for the coordination and comprehensive management of a group of logically related functions.

2. When a basic function is of sufficient importance to deserve visibility, as a point of contact, to the public or other agencies.
COMMONWEALTH OF PENNSYLVANIA
Fish and Boat Commission
Operational Guidance

Sunshine Act

The Pennsylvania Sunshine Act requires that official action and deliberations by a quorum of the members of any agency (or any committee) must take place at a meeting open to the public. Six members of the Commission constitute a quorum. A majority of the members of a committee constitutes a quorum.

What is Official Action? There are four types of official actions that must be open to the public:

1. Recommendations made by the Commission in accordance with the Fish and Boat Code or executive order.
2. Establishment of policy by the Commission.
4. Votes taken by the Commission on any motion, proposal, resolution, rule, regulation, report, or order.

What is Commission Business? The framing, preparation, making, or enactment of policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties, and responsibilities.

What is a Deliberation? The discussion of Commission business held for the purpose of making a decision.

What are the Requirements of a Public Meeting? The public must be given notice of the time and place of the meeting. All votes taken at the public meeting must be publicly cast. Written minutes must be kept of all open meetings. The Commission must provide a reasonable opportunity for the public to provide comments to the Commission on any matter of concern, official actions, or deliberations prior to the Commission taking any official action. The Commission may take all public comments at the beginning of the meeting.

What are the Exceptions of the Open Meeting Rule? There are two exceptions described in the Sunshine Act – executive sessions and conferences. Both exceptions are discussed in more detail below. Commission members also may meet in small groups as long as there is not a quorum of the Commission or any committee. In addition, Commission members may participate in special workgroups comprised of Commissioners, staff, and the public, such as the Trout Management Plan Workgroup.

What is an Executive Session? The Commission may hold an executive session for five specific purposes:

1. To discuss employment matters, including the appointment, termination, evaluation of performance, promotion, or discipline of a Commission employee.
2. To hold sessions with respect to collective bargaining agreements or labor arbitrations.
3. To consider the purchase or lease of real property.

4. To consult with Commission attorneys regarding litigation or anticipated litigation.

5. To review Commission business which, if conducted in public, would violate a lawful privilege, or lead to the disclosure of information or confidentiality protected by law, including investigations and quasi-judicial deliberations.

Under the Sunshine Act, an executive session may be held during an open meeting, at the conclusion of an open meeting or may be announced for a future time. The Commission must disclose the reason for the executive session at either the meeting prior to the executive session or the meeting held immediately after the executive session. No official action may be taken at an executive session.

**What is a Conference?** A conference, sometimes called a briefing, is a training program or seminar that is organized and conducted for the sole purpose of providing information to Commissioners on matters directly related to their official responsibilities. Deliberation of Commission business may not occur at a conference. A conference is distinguished from a meeting in that Commissioners attend a conference to receive information and not to discuss agency business. Commissioners who attend a conference must avoid significant or substantive discussion of agency business and avoid discussions that directly or indirectly indicate how members will vote upon matters subject to official action. Even though Commissioner participation in a conference is generally limited to receiving information, Commissioners may ask questions.

**What are the Consequences of Violating the Sunshine Act?** If a court determines that the Sunshine Act was violated, the court may void, in its discretion, any business transacted at the unauthorized meeting. There also could be personal liability stemming from a Sunshine Act violation. Any Commissioner who participates in a meeting with the intent and purpose of violating the Sunshine Act commits a summary offense and, upon conviction, will be sentenced to pay (1) for a first offense, the costs of prosecution plus a fine of at least $100 and, in the discretion of the sentencing authority, of not more than $1,000 and (2) for a second or subsequent offense, the costs of prosecution plus a fine of at least $500 and, in the discretion of the sentencing authority, of not more than $2,000. The agency will not make a payment on behalf of or reimburse a Commissioner for a fine or cost resulting from the member’s violation of the Act. If a court determines that the Commission willfully or wantonly disregarded the Sunshine Act, the Commission will be responsible for reasonable attorneys’ fees and costs of litigation of the other party.

The Sunshine Act, 65 Pa. C.S. §§ 701 – 716, is located at the following link: http://www.legis.state.pa.us/cfdocs/legis/HL/consCheck.cfm?txtType=HTM&ttl=65&div=0&chpt=7.

Commissioners should review this document and become familiar with its contents. All questions regarding the statute should be directed to the Office of Chief Counsel.
Meeting Management

The members of the Pennsylvania Fish and Boat Commission generally meet quarterly – in January, April or May, July, and September or October each year. However, by law, they are required to meet only in January and July. The January and July meetings must be held in the Harrisburg area. The Commission may hold other meetings at such times and places within the Commonwealth as it designates for the transaction of business. At the July meeting each year, the Commission elects one of its members as president and one of its members as vice president. Both hold office for one year. Six members of the Commission constitute a quorum.

Sunshine Act

Official action and deliberations by a quorum of the members of the Commission must take place at a meeting open to the public.

Parliamentary Procedure

The main purposes of parliamentary procedure are to expedite business, ensure legality of the actions taken, and to protect the rights of the minority. Although no specific parliamentary procedure is required by law, the members of the Commission have decided to follow Robert’s Rules of Order. Members of the Commission do not have to strictly adhere to Robert’s Rules but should follow them to the extent reasonably practicable.

Making a Motion

There are six steps in making a motion:

1. A member makes a motion.
   - It is important that the member uses language that describes exactly what is intended so that all members understand the motion.
   - The motion may reference the agenda commentary, an exhibit, or the published notice of proposed rulemaking, or it may be unique. Example: “I move that the Commission approve the publication of a notice of proposed rulemaking containing the changes to section ____ as described in the Commentary.”
   - As a general rule, the member should not simply state, “I move that we accept the staff recommendation.”

2. Another member seconds the motion. Example: “I second it.”

3. The president re-states the motion, formally placing it before the Commission. Example: “There was a motion to approve the publication of a notice of proposed rulemaking containing an amendment to section ______. The motion was seconded. Is there any discussion?”

4. The members debate the motion.
5. The president puts the question (the motion) to a vote. Example: “Are you ready for the question? All those in favor, say aye. Those opposed, say no.”

6. The president announces results of the vote. Example: “The ayes have it, and the motion is adopted.” OR “The no’s have it, and the motion is defeated.”

**Important Things to Remember About Meeting Management**

1. If there is no second to a motion, the motion dies.

2. Debate is limited to the specific motion.

3. Motion to amend
   - Motions may be amended, but only twice.
   - Motions to amend must be specific and germane to the main motion.
   - Each motion to amend requires a vote followed by a vote on the main motion.

4. Motion to table
   - The object of this motion is to allow the Commission to set aside a pending motion in order to attend to more urgent business. The question laid on the table remains there until taken off or until the end of the next regularly scheduled Commission meeting.
   - The motion to table is often improperly used. It should not be used to kill a motion or to postpone a motion until the next meeting.

5. Motion to postpone to a certain time
   - Sometimes the Commission does not have all information that it needs to make a decision, or the Commission is not ready to make a decision for other reasons. Under those circumstances, a motion to postpone should be used to put off until a specific time. Example: “I move to postpone consideration of this matter until the April Commission meeting.”

6. Motion to postpone indefinitely
   - This motion should be used to “kill” a main motion.

7. Point of order
   - If a member believes that the rules are not being followed, the member can say “Point of order!” and present an objection. The presiding officer (the Commission president) must then make a ruling.

8. Parliamentary inquiry
If a member wants to do something but is not sure how to do it, the member may make a parliamentary inquire.

9. Withdrawal of a motion

- If a member wants to withdraw a motion prior to the president re-stating it and turning it over for debate, the member may withdraw it without permission.
- However, if a member wants to withdraw a motion after the president re-states it and turns it over for debate, the member must get permission. This may be handled by the presiding officer saying, “Is there any objection to allowing [the maker of the motion] to withdraw his motion?” (Pause) “Hearing no objection, the motion is withdrawn.” Note: If anyone objects, the member then makes a motion to withdraw the motion, and it takes a majority vote for it to pass.

10. Motion to reconsider

- To move to reconsider a motion that has already been voted upon, the member must have voted in favor of it if it passed or against it if it failed.

11. Nominations generally do not require a second, but a second is acceptable if so desired.

12. Call for the question

- When done properly, a call for the question should be a rare occurrence.
- It should be done when a debate has dragged on longer than a member believes is really warranted. Under those circumstances, a member may “call for the question,” at which time the president should immediately ask the members to determine whether or not the debate should be cut off or continue. If two-thirds of the members agree that the discussion should have ceased some time ago, they will support the call. Then, and only then, will the vote be taken on the question (motion) itself.

All questions regarding meeting management should be directed to the Office of Chief Counsel.
The Rulemaking Process

The Pennsylvania Fish and Boat Commission has statutory authority to promulgate rules and regulations regarding a variety of fishing and boating related topics. The extent of the Commission’s authority is specifically outlined in the Fish and Boat Code.

Generally, the rulemaking process is initiated in one of three ways: A Commissioner, the Commission staff, or the public proposes a regulatory change. If initiated by Commission staff, the proposed regulatory change is submitted through the appropriate channels to the bureau level, and the Bureau Director submits the proposal to the Office of Chief Counsel for possible inclusion in the agenda for a future Commission meeting. All agenda items initiated by staff are approved by the Executive Director.

When initiated by a member of the public, petitions or requests for regulations must be submitted to the Commission in the format required by the General Rules of Administrative Practice and Procedure. Commission staff reviews every petition for regulations to ensure that it is complete as required by the administrative rules; that it requests an action within the authority or jurisdiction of the Commission; and that it does not conflict with applicable Commonwealth or federal law. If staff determines that the petition is appropriate for further consideration, the petitioner will be given an opportunity to make up to a 5-minute oral presentation on the petition at the next Commission meeting. The Board of Commissioners will decide whether or not to accept the petition for further review after the oral presentation. If the Board of Commissioners accepts the petition, staff has 180 days to prepare a report evaluating the petition and containing staff’s recommendations. Staff then provides the report to the petitioner who has 30 days to submit written comments, objections, or suggestions concerning the staff report. The petition, the report, and the written comments are submitted to the Office of Chief Counsel for inclusion in the agenda for a future Commission meeting.

The Board of Commissioners has also established a set of Commissioner committees to review and provide guidance on Commission actions. Prior to formal action by the Commission, these committees review all agenda items and make recommendations to the full Commission. Occasionally, the Commission also establishes special workgroups of citizens to analyze and make recommendations to staff regarding regulatory issues. These workgroups do not have any formal rulemaking authority but act to enhance public involvement and input into the rulemaking process.

All boating rules and regulations must conform to federal laws and regulations on the same subject. In addition, the Commission must seek the advice of the Boating Advisory Board (BAB) prior to their final adoption.

The decision to move forward with a proposed regulatory change takes place at a public meeting. If the Commission decides to move forward, it will approve the publication of a notice of proposed rulemaking containing the proposal. When adopting regulations, the Commission must follow the Commonwealth Documents Law. The Commonwealth Documents Law requires an agency to give public notice of its intention to promulgate, amend, or repeal a regulation by publication in the Pennsylvania Bulletin of a notice of proposed rulemaking. The Office of Chief Counsel prepares the notice of proposed rulemaking, which must include the text of the proposed regulatory change. It must also contain: (1) a statement of the statutory or other authority under which the change is proposed to be promulgated; (2) a brief explanation of the proposed change; (3) a request for written comments by any
interested person concerning the proposed change; (4) a statement as to the time, place, and nature of the public rulemaking proceedings; and (5) any other statement required by law.

After the Office of Chief Counsel prepares and approves the notice of proposed rulemaking, the notice is sent to the Legal Review Section of the Office of Attorney General, and to the Bureau of Legislative and Regulatory Analysis in the Office of Budget for their review. All proposed rules and regulations of Commonwealth agencies must be reviewed for form and legality by the Attorney General.

After review by the Office of Attorney General and the Office of Budget, the notice of proposed rulemaking is forwarded to the Legislative Reference Bureau. The Legislative Reference Bureau then publishes the notice in the Pennsylvania Bulletin.

Before acting on any proposed regulatory change, the Commission must review and consider any written comments submitted in response to the notice of proposed rulemaking. The public must be given at least 30 days after publication in the Pennsylvania Bulletin to submit comments. The Commission also publicizes the opportunity for submitting public comments in Commission news releases and on its web page. Public hearings may be held on items of exceptional public interest or concern. The public comment process is important because it protects against unwise or improper exercise of administrative discretion and provides affected persons with an opportunity for public participation in the formulation of standards governing their conduct, thereby increasing the likelihood of the Commission’s responsiveness to their needs and concerns. In addition, it enables the Commission to obtain information relevant to the proposed rule and facilitates the consideration of alternatives, detrimental effects, criticism, and advice. All these factors contribute to the soundness of the proposed regulatory change.

The last step in the regulatory process is the final rulemaking stage. The Commission must take final action on a regulatory change at a public meeting. If the Commission approves the regulatory change, the Office of Chief Counsel prepares an order adopting the change, and the Executive Director signs the order. Both the AG’s office and the Office of Budget perform their final review. After the final review process, the order adopting the regulation is sent to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. Regulations are effective upon publication in the Pennsylvania Bulletin, or such other date as specified by the Commission.

From start to finish, the whole rulemaking process takes approximately six months to one year, and once a regulation has been promulgated, it has the force and effect of law. It is binding on the agency, the courts, and the public. The regulation also enjoys a presumption of reasonableness.

There are instances when the Executive Director may take immediate action to temporarily modify fishing regulations without formal Commission action. Those instances include when he finds that such modifications are necessary and appropriate for the protection, preservation, and management of fish or fish habitat, to conserve and preserve fishing opportunities or to provide for the health and safety of persons who fish such waters. The Executive Director also may take immediate action to post and mark waters, establish speed zones or otherwise when he determines that a hazard exists that may threaten the safety of persons or property, or both. When the Executive Director takes action under these circumstances, he must follow up by notifying the Commissioners of the action.
All questions regarding the rulemaking process should be directed to the Office of Chief Counsel.
Public Participation

Written Public Comments Regarding Proposed Regulations and Amendments

Under the Commonwealth Documents Law (45 P.S. § 1201), the Fish and Boat Commission is required to give public notice of its intention to promulgate, amend, or repeal any administrative regulation. The form of that notice is the publication of a notice of proposed rulemaking in the Pennsylvania Bulletin. The Commonwealth Documents Law further provides that the notice must include a request for written comments by any interested person concerning the proposed administrative regulation or change therein. In addition to publishing its notices of proposed rulemaking in the Bulletin, the Commission also posts them and solicits public comments on its web page. The Commission, by law, must solicit written comments for a period of at least 30 days. Where there is exceptional public interest concerning a proposed regulation or amendment, the Commission, in its discretion, may seek written comments for a period exceeding 30 days.

With respect to accepting written comments from the public concerning proposed regulations or amendments, the Commission’s past practice has been extremely lenient. The Commission historically has accepted, made part of its record, and considered all written comments regardless of whether they were received before, during, or after the formal public comment period and regardless of whether they were submitted in accordance with the Commission’s instructions. The Commission will continue to follow a relaxed policy, and the Commission will continue to accept and make part of its record written comments that are received prior, during, and after the formal comment period with the following exceptions.

In cases where the formal comment period has expired, the Commission will not accept written comments that are received less than two weeks prior to the meeting at which the proposed regulation or amendment is to be considered for final adoption. The Commissioners will consider all written comments received during the formal comment period, and the Commissioners, in their discretion, may consider written comments received before and after the formal comment period.

In addition, the Commission will accept only those written comments that are submitted in accordance with the Commission’s published instructions – that is, comments that are addressed to the Executive Director at the Commission’s Harrisburg headquarters or comments that are submitted electronically by completing the form at www.fishandboat.com/regcomments. The following types of written comments will not be accepted and will not be made part of the record: comments addressed to individuals other than the Executive Director, comments submitted electronically in a manner other than that described above, and comments submitted by facsimile. The Commissioners, in their discretion, may consider written comments that are not properly submitted.
Written Public Comments Regarding Proposed Designations of Streams as Wilderness Trout Streams, Class A Wild Trout Streams, and Wild Trout Streams

Under 58 Pa. Code § 57.4 (relating to wilderness trout streams), it is the Commission’s policy to manage the wilderness trout streams program where the stream remoteness and populations of naturally reproducing trout combine to offer a sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. The Commission intends to advocate proper watershed management to maintain the wilderness setting and to advance and seek the highest water quality standards through the Department of Environmental Protection.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission’s policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania’s naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the Commission’s policy to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout stream sections. The list of a stream section as a wild trout stream section is a biological designation that does not determine how it is managed. The Commission uses many factors in determining the appropriate management of streams.

Prior to taking formal action to designate waters as wilderness trout streams, Class A wild trout streams, or wild trout streams, the Commission will solicit public comments by publishing a notice of proposed designation in the Pennsylvania Bulletin for a period of at least 30 days. Where there is exceptional public interest concerning a proposed designation, the Commission, in its discretion, may seek written comments for a period exceeding 30 days. The Commission will endeavor to solicit public comments regarding the proposed designation of Class A wild trout streams or wild trout streams at least 60 days prior to the Commission meeting when the proposed designation will be considered. In addition to publishing its notices of proposed designation in the Bulletin, the Commission also posts them and solicits public comments on its web page. The Commission will accept, make part of its record, and consider written public comments regarding proposed designations in accordance with the above policy for written public comments regarding proposed regulations and amendments.

Public Participation in Designation of Waters for Special Regulations

Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission may designate certain streams, stream sections, and lakes as being subject to special fishing regulations. The majority of these regulations have a common feature: to place waters into the special regulation programs and to take waters out, the “Executive Director, with the approval of the Commission,” may designate waters into or out of the established programs. In most cases, this means that the Commission reviews a proposed designation at a single public meeting. The designation is published as a notice in the Pennsylvania Bulletin, and the special regulations are in effect when posted at the site after publication of the notice.
In order to allow for greater public participation in the designation process, the Commission will use the following protocol in seeking public input on proposed special regulation designations:

1. Before taking any action to seek landowner or public input concerning a proposed special regulation designation, staff should ensure that the Commissioner in whose district the waters are located is informed of the proposal.
2. Staff should seek input from landowners whose lands abut waters proposed for special regulation designation by personal contact, telephone, mail, or public notice.
3. Staff should seek angler input into proposed special regulation designations through sportsmen’s clubs, public notice, and other informal contacts.
4. Except in unusual circumstances, staff should publish a notice in the *Pennsylvania Bulletin* not less than 30 days before the Commission meeting when the proposed special regulation will be considered to give notice of the proposed designation and seek public comments. The Commission will accept, make part of its record, and consider written public comments regarding proposed designations in accordance with the above policy for written public comments regarding proposed regulations and amendments.
5. In cases where there is exceptional public interest in a proposed designation, staff, in coordination with the Commissioner in whose district the waters are located, should conduct at least one public information meeting before the Commission acts on the special regulation designation.
6. Except in special circumstances where prompt action is required to maintain or expand public fishing opportunities or to provide for better protection and management of fish or fish habitat, all special regulations designations should be completed by the July meeting of the year before they are to take effect to ensure that they can be published in the *Summary of Fishing Regulations and Laws* given to anglers.

**Public Comments at Meetings**

Prior to adopting a proposed regulation or amendment of exceptional public interest, the Commission, in its discretion, may hold a public meeting or hearing. The Commission also may accept public comments at its regularly scheduled or special meetings that are held for the transaction of Commission business. The comments may relate to proposed regulations or amendments, proposed designations under Chapter 65, designations of streams as wilderness trout streams, Class A wild trout streams or wild trout streams, and other matters relating to fishing and boating. At Commission meetings, the Commission will follow its regulations at 58 Pa. Code § 51.7 (relating to public comments at Commission meetings). This section is located at the following link:


All questions regarding public participation should be directed to the Office of Chief Counsel.
Notational Voting

Historically, notational voting has been an acceptable and occasionally used method of voting within the Commission. Robert’s Rules of Order do not specifically address notational voting. However, 4 Pa. Code § 1.43, which codified former Executive Order 1983-3, provides guidance in that regard. Although this guidance was intended for executive agencies,¹ the Commission has relied upon it in defining its own process and procedures for notational voting.

Consistent with 4 Pa. Code § 1.43(c), Commissioners may cast votes by the use of notational or round-robin voting whereby Commissioners vote individually and separately upon a recommended written motion, proposal, resolution, rule, regulation, ordinance, report, or order prepared by staff or an individual Commissioner and circulated for approval to the Board. The Commission may utilize notational voting only to expedite decision making or to remove uncontested or noncontroversial matters from the agenda of public meetings in order to facilitate public deliberations of contested or significant items. The Commission will not utilize notational voting for the purpose of avoiding the public discussion of significant issues or to conceal the actual casting of votes by Commissioners at an open meeting.

If a Commissioner has a problem with the method of voting, i.e., notational vote, the Commissioner will raise the matter immediately with the Commission President. It is not appropriate for a Commissioner to raise an objection when or after a vote is cast.

When notational voting is used, Commissioners will be contacted by email, usually by the Commission’s Executive Director or Chief Counsel. Commissioners will be provided with information regarding the matter on which they will be voting and a staff recommendation. Commissioners typically will be given one week in which to vote.

Commissioners will cast their vote by replying to the sender only (i.e., Executive Director or Chief Counsel). Commissioners should not “reply all.” When voting, Commissioners should simply respond by indicating “yes,” “no,” or “abstain.” Commissioners are discouraged from explaining their vote or providing additional commentary, except in those instances where they are abstaining because of a conflict of interest.

Commissioners will not be permitted to change their votes after they have voted. Therefore, Commissioners are encouraged to consider their votes carefully prior to voting.

The Commission President or designee will announce the results of the notational vote when all Commissioners have voted or the deadline contained in the notational vote has passed, whichever occurs first. The Commission President or designee will announce these results as soon as possible, typically by email.

¹ 4 Pa. Code § 1.43 is contained in the subchapter entitled, “Interpretation of the Sunshine Act of 1986 as Applied to Executive Agencies.”
At the first public meeting after the notational vote, the agency’s Chief Counsel or designee will announce the notational vote. The substance of official actions taken by notational voting and a record of the votes cast by individual Commissioners will be included in the minutes of the meeting.

All questions regarding notational voting should be directed to the Office of Chief Counsel.
Workgroups

From time to time, the president of the Board or the chair of a committee of the Pennsylvania Fish and Boat Commission (PFBC) may wish to form a workgroup comprised of a few Commissioners (generally three or less), PFBC staff, and in some instances members of the public. Workgroups differ from committees in that they do not deliberate or take official action on agency business. Their function is limited to a fact-finding role in which they gather information and report their findings to the appropriate committee at a public meeting. It will then be up to the committee to meet in public and discuss the issue and ultimately make a recommendation to the full Board. Workgroups do not make recommendations or vote.

Under the Sunshine Act, official action\(^2\) and deliberations\(^3\) by a quorum of the members of an agency (in the PFBC’s case, a quorum of the Board is defined as six commissioners by the Fish and Boat Code) or any of its committees must take place at a meeting open to the public unless closed under certain exceptions. 65 Pa. C.S. § 704. Exceptions include executive sessions and briefings. Because workgroups do not deliberate or take official action, their meetings are not subject to the Sunshine Act. However, if a workgroup deliberates or takes official action and, in essence, functions as a committee, the Sunshine Act will apply. Therefore, it is important that workgroups truly function as workgroups and not as committees.

It also is important when reporting the activities of a workgroup that workgroup members refer to themselves as a workgroup and not as a committee. Moreover, when workgroups meet, they will include staff and the public if appropriate. In creating workgroups, the Board president or committee chair should be careful not to include so many Commissioners that they have the appearance of a committee.

All questions regarding workgroups should be directed to the Office of Chief Counsel.

\(^2\) The Sunshine Act defines “official action” as “(1) Recommendations made by an agency pursuant to statute, ordinance or executive order; (2) The establishment of policy by an agency; (3) The decisions on agency business made by an agency; (4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report, or order.” 65 Pa. C.S. § 703.

\(^3\) The Sunshine Act defines “deliberation” as the “discussion of agency business held for the purpose of making a decision.” 65 Pa. C.S. § 703.
Election of Officers

Section 301(e) of the Fish and Boat Code, 30 Pa. C.S. § 301(e), provides that at the July meeting each year, the Commission shall elect one of its members as president and one of its members as vice president, who shall hold office for one year. When electing officers, the following process will be followed:

1. The Board will appoint a nominating committee of three or more Commissioners at least 30 days prior to the July meeting. The current President is ineligible to serve on the committee.

2. The nominations committee will contact all Commissioners to ask for nominations, or self-nominations, for President and Vice President.

3. After discussion and deliberation, the nominations committee will present its recommendations for President and Vice President at the July meeting.

4. The Commission President will ask if there are additional nominations.

5. If there are none, the President will call for a motion and a second that the nominations be closed, the nominations presented be approved, and the nominated President and Vice-President be elected to a one-year term.

6. If there are additional nominations, the President will call for a motion, second, and majority vote to accept each additional nomination. The President will then call for a motion, second, and vote to close the nominations. The President will then call for votes from each Commissioner to elect a President and/or a Vice President by majority vote.

7. In the event the office of the President or Vice President becomes vacant unexpectedly, the vacancy shall be filled by the Board through a majority vote election.

All questions regarding the election process should be directed to the Office of Chief Counsel.
Ethics

Commissioners of the Pennsylvania Fish and Boat Commission should ensure that every action they engage in on behalf of the Commission passes the eye of public scrutiny and complies with existing laws and policies. Perception by the public of a wrongdoing can be as detrimental as an actual infraction. As public officials of the Commonwealth of Pennsylvania, Commissioners are guided by two ethics documents: The Public Official and Employee Ethics Act (65 Pa. C.S. § 1101 et seq.) and the Governor’s Code of Conduct, Executive Order 1980-18 (4 Pa. Code §§ 7.151 – 7.179), amended by Executive Order 2015-01.

This guidance is intended to be a reference for Commissioners to support day-to-day decision making on behalf of the Commission and to ensure compliance with the Public Official and Employee Ethics Act and the Governor’s Code of Conduct. This guidance also serves as a reminder that Commissioners, as public officials, have personal financial reporting obligations. However, merely completing both Statement of Financial Interest forms does not ensure ethical conduct. This guidance is meant to clarify the expectations, values, and principles of existing standards of professional and ethical conduct. Implementation of this policy will help Commissioners sustain a positive public identity and public confidence and trust.

The Public Official and Employee Ethics Act was enacted to strengthen the faith and confidence of the people of the Commonwealth in their government. In adopting the Ethics Act, the Legislature declared that public office is a public trust and any effort to realize personal gain through public office other than compensation provided by law is a violation of that trust. The Legislature further declared that the people have a right to be assured that the financial interests of holders, of nominees, or candidates for, public office do not conflict with the public trust. The Legislature stated that because public confidence in government can best be sustained by assuring the people of the impartiality and honesty of public officials, the Ethics Act is to be liberally construed to promote complete financial disclosure as specified by the Act.

The Governor’s Code of Conduct applies to all officials and employees of agencies under the Governor’s jurisdiction. However, the Commission historically has followed it even though it is an independent agency. As with the Ethics Act, the Governor’s Code of Conduct was established to ensure that the citizens of our Commonwealth have complete confidence in those individuals appointed and employed to serve the Commonwealth, and to provide governmental services in an efficient fashion that is not endangered by acts of misconduct by appointed officials or employees.

Both the Ethics Act and the Governor’s Code of Conduct include requirements, restrictions, and prohibitions. These documents also impose affirmative duties and responsibilities upon public officials with regard to the filing of financial disclosure statements. Additionally, they restrict and prohibit public officials from engaging in certain types of conduct that violate the public trust.

Filing Statements of Financial Interests

Code of Conduct Statements of Financial Interests: Commissioners must complete and file the financial interest statements (Form STD-323) with the Secretary of Administration by May 1 each year. The financial information to be disclosed is for the preceding calendar year. Additional clarification and

**Ethics Act Statements of Financial Interests:** Commissioners must complete and file financial interest statements every year by no later than May 1. The financial information to be disclosed is for the preceding calendar year. The form must be filed by May 1 each year the position is held and the year following completion of his term. Persons serving in multiple public positions must satisfy the filing requirements for all such positions. The State Ethics Commission will coordinate the notification and submission of financial interest statements for all members of boards, commissions, or councils. Commissioners should file the original with the State Ethics Commission and a copy with the PFBC’s Human Resources Office to file in an alphabetical file. Additional guidance can be found in Management Directive 205.10, Financial Disclosures Required by the Public Official and Employee Ethics Act, located at http://www.oa.pa.gov/Policies/md/Documents/205_10.pdf.

Any person who is required to file a Statement of Financial Interests, and fails to do so properly, may be found guilty of a misdemeanor and upon conviction may be fined not more than $1,000 and/or imprisoned for not more than one year.

**Conflict of Interest and Other Restricted Activities**

As public officials, Commissioners are prohibited from engaging in conduct that constitutes a conflict of interest and other restricted activities.

A **conflict of interest** is defined as use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family, or a business with which he or a member of his immediate family is associated. "Conflict" or "conflict of interest" does not include an action having a de minimis economic impact or that affects to the same degree a class consisting of the general public, or a subclass consisting of an industry, occupation, or other group that includes the public official or public employee, a member of his immediate family, or a business with which he or a member of his immediate family is associated.

The following are examples restricted activities contained in the Ethics Act and the Governor’s Code of Conduct:

- No public official, public employee or nominee, or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of that public official, public employee, or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

- No public official or public employee shall accept an honorarium.

- No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.
• No public official or public employee, or his spouse or child, or any business in which the person or his spouse or child is associated shall enter into any contract with the governmental body with which the public official or public employee is associated or any subcontract with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated. However, a public official may enter into a contract if the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, a public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

Gift Ban

The Governor’s Code of Conduct was amended by Executive Order 2015-01 (EO), now commonly referred to as the “gift ban.” Executive Order 2015-01 replaced Part I, Section 3 of the Code with the provisions of Executive Order 2015-01.

Executive Order 2015-01 is intended to strengthen the confidence of the citizens of the Commonwealth in the integrity of the government, including the process by which decisions and administrative actions are rendered by employees and officials of the executive branch. All interpretations of the EO must have this same intent.

To whom does the EO apply?

Executive Order 2015-01 applies to every employee, appointee, or official in the Executive Branch of the Commonwealth government.

In the case of gubernatorial appointees, including, but not limited to, those serving on a board, commission, or committee, who are not otherwise employed in the Executive Branch, the EO applies to such appointees during any time such appointees are acting in furtherance of the official duties conferred by the appointment.

What does the EO apply to?

Executive Order 2015-01 specifically precludes an employee, appointee, or official in the Executive Branch of the Commonwealth from soliciting or accepting any gift, gratuity, favor, entertainment, hospitality, loan, or any other thing of monetary value, including in-kind gifts offered by any person or entity who: (1) is seeking to obtain business from or has financial relations with the Commonwealth; (2) conducts operations or activities that are regulated by the Commonwealth; (3) is engaged, either as principal or attorney, in proceedings before the Commonwealth or in court proceedings in which the Commonwealth is an adverse party; or (4) has interests that may be substantially affected by the performance or nonperformance of the official duty of the employee, appointee, or official. Hospitality includes food, beverages, recreation, and entertainment, and transportation or lodging.

In determining whether an entity fits within one of the four categories of persons or entities from whom the acceptance of gifts is prohibited, the activities of both the entity and its members are relevant and should be considered.
Accepting or soliciting things to which the EO applies without payment by the employee, appointee, or official, or the Commonwealth of the fair market value is the offending act. Thus, if the fair market value of the gratuity, favor, entertainment, hospitality, loan, or any other thing of monetary value is paid by you or the Commonwealth, it is not a gift and there is no violation of the EO. Compliance with the EO does not excuse compliance with other governing standards. Specifically, you should continue to evaluate the acceptance of items covered by the EO within the context of actual or potential conflicts of interest under the State Ethics Act and other governing standards.

There is no de minimis exception to the acceptance of anything to which the EO applies.

**How should you document compliance with the EO?**

There is no required method or manner for documenting compliance with Executive Order 2015-01. However, employees, appointees, and officials are advised to keep a record that they can produce on demand that is sufficient to demonstrate compliance with the EO, specifically the fair market value of the thing received, the date and manner of payment, and the name of the individual or entity to whom payment was made. Compliance with the EO is obligatory regardless of whether the expenses are reimbursable pursuant to the Commonwealth Travel Procedures Manual (M 230.1).

**What are the consequences of non-compliance with the EO?**

The acceptance without payment of the fair market value of those things enumerated in Executive Order 2015-01 offered by any person or entity falling within any of the four subsections to Paragraph 3(a) jeopardizes the confidence of the citizens of the Commonwealth in the integrity of the government, including the process by which decisions and administrative actions are rendered. Therefore, non-compliance with the EO will subject employees to disciplinary action, including, but not limited to, reprimands, suspension, and termination. It is not clear what action the Governor’s Office will take with respect to officials.

**FOOD AND BEVERAGE**

No food or beverage may be solicited or accepted by an employee, appointee, or official in the Executive Branch of the Commonwealth from a person or entity covered by Executive Order 2015-01 without payment of the fair market value of the food or beverage.

There are two exceptions to the prohibition on solicitation or acceptance of food or beverage without payment of the fair market value. The first is when the person otherwise falling within any of the four subsections to Paragraph 3(a) is also a friend, parent, spouse, child, or other close relative and the food or beverage is being provided under circumstances which make it clear that it is motivated by a family relationship or personal friendship rather than the position of the employee (the “friend exception”). The second, is the limited exception adopted by the Executive Director (“the limited exception”) for acceptance of a pin, plaque, memento, or other gift of nominal value ($50 or less) offered to an employee or Commissioner as an award or as a token of recognition. This exception extends to any food or refreshment of nominal value that is provided in connection with the award or recognition.
Payment of the fair market value of the food or beverage is accomplished in accordance with the EO by either (1) payment by you or (2) payment by the Commonwealth.

(1) Payment by you. If offered by a person or entity covered by the EO and not already paid for in advance by the Commonwealth, you must pay for the food or beverage if you elect to consume it. Your direct payment of the fair market value of the food or beverage shall constitute payment in compliance with the EO and includes your payment of a membership or registration fee paid in advance of the event at which the food or beverage is offered. You should keep a record sufficient to demonstrate compliance with the EO, specifically the fair market value of the food or beverage consumed, the date and manner of payment, and the name of the individual or entity to whom payment was made.

(2) Payment by the Commonwealth. The Commonwealth’s advance payment of any sum that is a prerequisite to participation in the event at which the food or beverage is offered shall constitute payment of the fair market value of the food or beverage in compliance with the EO. Such payments include, but are not limited to, membership fees, dues, registration fees, sponsorships, and like remittance paid by the Commonwealth to the person or entity offering the food or beverage. Such payments shall satisfy payment of the fair market value of the food or beverage in compliance with the EO only if the actual cost of the food or beverage received is contemplated by and included in the payment.

Your payment for food and beverage is obligatory regardless of whether the payment is reimbursable pursuant to the Commonwealth Travel Procedures Manual governing reimbursement of travel and subsistence. While you are permitted to seek reimbursement for food and beverage costs paid in compliance with the EO, the requirement for payment imposed by the EO is not presently a factor in the determination of whether such expenses are reimbursable pursuant to the Commonwealth Travel Procedures Manual.

There is no de minimis exception to this rule, i.e., the value of the food or beverage is irrelevant to the obligation to comply with the EO.

TRANSPORTATION AND LODGING

No transportation or lodging may be solicited or accepted by an employee, appointee, or official in the Executive Branch of the Commonwealth from a person or entity covered by Executive Order 2015-01 without payment of the fair market value of the transportation or lodging.

The only exception to the prohibition on solicitation or acceptance of transportation or lodging without payment of the fair market value is the family and friend exception discussed above.

Payment of the fair market value of the transportation or lodging is accomplished in accordance with the EO by either (1) payment by you or (2) payment by the Commonwealth in the same manner described for food and beverage above.

In the case of payment by a sum that is a prerequisite to participation in the event for which the transportation or lodging is offered, i.e., membership fees, dues, registration fees, sponsorships, and like remittance, such payment shall satisfy payment of the fair market value of the transportation or lodging
in compliance with the EO only if the actual cost of the transportation or lodging received is contemplated by and included in the payment.

Your payment is obligatory regardless of whether the transportation or lodging expenses are reimbursable pursuant to the Commonwealth Travel Procedures Manual.

**ATTENDANCE AT EVENTS, INCLUDING RECREATION AND ENTERTAINMENT**

No recreation or entertainment, including the cost of admission, may be accepted by an employee, appointee, or official in the Executive Branch of the Commonwealth from a person or entity covered by Executive Order 2015-01 without payment of the fair market value of the recreation or entertainment.

**EXCEPTION:** Participation in widely attended gatherings free of charge is permissible when you have been invited and are acting in furtherance of your official duties. However, even if you are acting in furtherance of your official duties at the widely attended gathering, no food or drink can be accepted without payment at market value. Friend and family exception also apply.

“Acting in furtherance of official duties” shall include instances in which an employee, appointee, or official is invited to participate as a speaker or panelist in their capacity as a Commonwealth employee, appointee, or official and on a topic that is within the scope of their official duties.

Payment of the fair market value of the recreation or entertainment is accomplished in accordance with the EO by either (1) payment by you or (2) payment by the Commonwealth. Advance payment of membership fees, dues, registration fees, sponsorships, and like remittance may satisfy the requirement for payment of the fair market value of the item in compliance with the EO only if the actual cost of the item received is contemplated by and included in the payment.

Your payment is obligatory regardless of whether the recreation or entertainment expenses are reimbursable pursuant to the Commonwealth Travel Procedures Manual.

There is no de minimis exception to this rule, i.e., the cost of admission to the event is irrelevant to the obligation to comply with the EO in the absence of an applicable exception.

**OTHER THINGS OF MONETARY VALUE**

(AWARDS/SOUVENIRS/MEMENTOS)

Nothing of monetary value, including, but not limited to, souvenirs, awards, (plaques, trophies, statues, etc.) or mementos, may be accepted by an employee, appointee, or official in the Executive Branch of the Commonwealth from a person or entity covered by Executive Order 2015-01 without payment of the fair market value of the item.

The only exceptions to the prohibition on acceptance of miscellaneous things of monetary value without payment of the fair market value are the friend exception and the limited exception discussed above.

Payment of the fair market value of things of monetary value such as souvenirs, awards, or mementos is accomplished in accordance with the EO by either (1) payment by you or (2) payment by the Commonwealth. Advance payment of membership fees, dues, registration fees, sponsorships, and like
remittance may satisfy the requirement for payment of the fair market value of the item in compliance with the EO only if the actual cost of the item received is contemplated by and included in the payment.

Although admission to events offered by any person or entity falling within any of the four subsections to Paragraph 3(a) may be permissible free of charge under the “widely attended gatherings” exception, the acceptance of a souvenir, award, or memento given at any such gathering is prohibited without payment of the fair market value of the item. Thus, the treatment of the souvenir or award received at the event is the same as the treatment of food and beverage received at the event - if it is accepted, you or the Commonwealth must remit payment of the fair market value of the item.

There is no de minimis exception to this rule, i.e., the cost of the souvenir, award, or memento is irrelevant to the obligation to comply with the EO.

The Public Official and Employee Ethics Act, 65 Pa. C.S. §§ 1101 – 1113, is located at the following link: http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=65&div=0&chpt=11


Executive Order 2015-01 is located at the following link: http://www.oa.pa.gov/Policies/EO/Documents/2015_01.pdf

For further guidance on their requirements, please review them in detail. All questions should be directed to the Office of Chief Counsel or the Director of Human Resources.
Law Enforcement Activities

Section 301(f) of the Fish and Boat Code (Code) provides: “Except for the power conferred by Section 925 (relating to acknowledgement of guilt and receipt for payment), members of the Commission may exercise any of the powers conferred by this title on waterway conservation officers.” Notwithstanding this provision, there is a legal and societal expectation that any individual engaged in law enforcement activities is adequately trained and certified in various subjects, including the use of force. The training must include a thorough understanding of laws and regulations, criminal procedure, constitutional protections and civil rights, case law, and all the applicable policies and procedures.

Persons performing law enforcement activities under the Code expose the Commission and themselves individually to liability for law enforcement activities that are improperly conducted. For example, the Commission may be held liable for actions of law enforcement officers taken in violation of civil rights guaranteed under the federal and state constitutions, or improper actions taken because of insufficient training. Law enforcement officers may be held personally liable if they violate a defendant’s civil rights.

Confronting an individual who is suspected of violating a law or regulation can quickly become a difficult and possibly dangerous situation, especially if the individual is uncooperative. Further, confronting a violator in civilian clothing can make effective law enforcement even more difficult. The general public is continually reminded to be cautious about individuals posing as law enforcement officers. Most law enforcement departments, including the Commission, require their officers by policy to be in uniform when confronting a violator (Bureau of Law Enforcement SOP 1010-1).

Due to the complexity of law enforcement activities, the vital necessity of proper training, the dangers attendant with confronting a violator out of uniform, and the risk of liability for both the Commission as an agency and a Commissioner personally, it is recommended that Commissioners refrain from exercising their law enforcement powers unless they have successfully completed the required training for Deputy Waterways Conservation Officers. If a Commissioner observes a violation of the Code, he or she should report the violation to the regional law enforcement office or Captain.

All questions regarding this guidance document should be directed to the Director of the Bureau of Law Enforcement or the Office of Chief Counsel.
Clothing, Accessories, and Office Supplies

Commissioners should present themselves in a neat and professional manner while conducting Commission related duties. As a result, the Pennsylvania Fish and Boat Commission will ensure that all Commissioners are provided with proper clothing and accessory items. The dress uniform will include, but not be limited to, a navy-blue blazer, gray dress pants, khaki dress pants, and white shirt. Accessory items will include, but not be limited to, a necktie and name tags. The dress uniform will normally be worn at ceremonies, banquets, Commission meetings, or whenever the Commissioner attends a special event as an official representing the Pennsylvania Fish and Boat Commission.

Office supplies will be furnished to all Commissioners. Examples of office supplies include, but are not limited to, business cards, and phone directory.

All newly appointed Commissioners will be automatically provided with clothing, accessories, and office supplies. In some instances, and with prior approval, the Commissioner may purchase the item using out-of-pocket monies, and may then submit a receipt for said purchase. The Commissioner will be reimbursed through the appropriate reimbursement process. Refer to Commission Operational Guidance “Travel Related/Miscellaneous Item Reimbursement.” Additional questions about the proper ordering of Commissioner issued clothing, accessories, and office supplies should be directed to the Executive Secretary.

Replenishment requests should be provided to the Executive Secretary.
Travel Related/Miscellaneous Item Reimbursement

Commissioners shall, for expenses incurred in the performance of their duties, be entitled to receive, within the prescribed maximum, reimbursement for out-of-pocket expenses or prepayment of necessary items. Maximums established herein are not flat allowances and only amounts actually expended may be claimed. On a monthly basis, Commissioners shall request reimbursement for out-of-pocket expenses by completing the Travel Expense Voucher and submitting it to the Executive Secretary. Itemized receipts must be provided. Commissioners are required to abide by the Commonwealth’s Travel Procedures Manual 230.1 located at the following link: http://www.oa.pa.gov/Policies/md/Pages/Management_AdministrativeSupport(205-260).aspx.

Expenses Acceptable for Reimbursement

1. **Subsistence/Meals:** The daily maximum subsistence/meal allowance for Commissioners is determined by the General Services Administration (GSA). Subsistence rates do vary by region. Commissioners are not authorized to use the meal allowance to incur meal expenses on behalf of others. Receipts are required to document expenses. The allowance is not a “flat allowance” and only amounts actually expended may be claimed.

2. **Mileage (Personal Automobile):** When travel for the purpose of conducting official Commission, business is by a personal automobile, Commissioners must either use Enterprise Rental Car services for their business travel or they may continue to use their personally owned vehicle but will be reimbursed at the lower allowable rate as determined by the GSA. In this instance, no additional justification is required beyond the reporting of the actual mileage.

   If a Commissioner wishes to use an Enterprise Rental car, they must make arrangements with the Executive Secretary to reserve the vehicle. The Executive Secretary will use the Commonwealth’s rental account, and the PFBC will be directly billed for the rental. **Under no circumstances** should a Commissioner make individual arrangements, and he should never present his personal credit card as a form of payment or to secure a business rental.

   When the GSA mileage reimbursement rate is increased or decreased, the Commonwealth mileage reimbursement allowance will be increased or decreased on the same day as the GSA effective date.

3. **Laundry:** Laundry expenses for the dry cleaning of Commission issued dress uniforms, business casual, and fieldwork clothing (refer to Commission Operation Guidance “Clothing, Accessories, and Office Supplies”) are reimbursable expenditures provided that these expenditures are supported with a receipt.

4. **Tailoring:** Tailoring expenses for the tailoring of Commission issued dress uniforms, business casual, and fieldwork clothing (refer to Commission Operation Guidance “Clothing, Accessories, and Office Supplies”) are reimbursable expenditures provided that these expenditures are supported with a receipt. The following are examples of reimbursable expenditures: hemming or other sizing garment adjustments and sewing on of patches.
5. **Hotel:** The Executive Secretary will assist in the arrangement of hotel accommodations and/or reservations for Commissioners. Per Commonwealth Travel Policy, all Commissioner booking arrangements must be processed through SAP Concur - the Commonwealth’s online booking engine.

Commissioners do not have access to the online booking tool, so they have an agency assigned travel arranger (Executive Secretary) to make arrangements for them.

When available, Commissioners must choose a Commonwealth preferred property. Choosing a non-preferred property requires a business-related justification. If a preferred property is not available, then a state government, unspecified government rate, or lower must be confirmed at the time of reservation. The maximum allowable lodging rate for that destination must be adhered to.

To assist Commissioners in adhering to these obligations, the Executive Secretary will book Commissioner lodging using the SAP Concur booking tool. The Commission will reserve and pay for rooms using its Agency Lodging Card (ALC). When the Commission uses the ALC, the Executive Secretary will reserve a block section of rooms for all Commissioners at the Commonwealth preferred property. As such, Commissioners will no longer be required to pay for their rooms and seek reimbursement for their lodging expenses. Each individual Commissioner will still be responsible for obtaining a copy of the hotel receipt and for all other expenses related to their travel.

To ensure that the appropriate tax exemption paperwork is received by the hotel for Commission travel, Commissioners will be required to carry a copy of the REV-1220 Pennsylvania Exemption Certificate form with them. This form can be found on the Commissioners’ website.

6. **Airline Transportation:** When travel for the purpose of conducting official Commission business necessitates airline transportation, the Executive Secretary will assist in the arrangement of airline tickets and/or reservations for Commissioners. The Executive Secretary will contact the Commonwealth’s authorized travel agent SAP Concur. The Commonwealth’s travel agent will select the commercial airline offering the lowest airline fare available on the day the reservation is made and which suits the Commissioner’s planned itinerary. If the reservation is made in this manner, the Commissioner will not incur any out-of-pocket expenses as the transaction will be handled internally.

7. **Car Rental:** The Executive Secretary will assist in making arrangements for rental cars when travel for the purpose of conducting official Commission necessitates such. The Executive Secretary will contact the Commonwealth’s authorized travel agent SAP Concur. Commissioners are required to submit the rental vehicle receipt along with any fuel receipts.

8. **Registration Fees:** In most instances, the Executive Secretary will assist in the payment of registration fees.
Examples of Expenses Not Acceptable for Reimbursement (not inclusive):

- Expenses incurred when not on official Commission business.
- Entertainment related expenses.
- Expenses related to Commission sponsored employee retirement/recognition parties and other events.
- Reimbursement for alcoholic beverages is strictly prohibited.
- A reasonable and customary tip of up to 20% is an acceptable amount on meals. Alcoholic beverages are not to be included in the tipping amount claimed, nor is one permitted to claim a tip on a meal or food item which was not purchased for himself. The Commonwealth can only reimburse tips on the items that were purchased for the Commissioner, not on the full bill. These are the Comptroller’s rules.

Missing and Incomplete Receipts

Receipts must contain the name and address of the vendor, date of service, description of service, and the amount paid for each individual item. Credit card receipts by themselves are not acceptable since they are not itemized. When a Commissioner has lost a receipt or the receipt is incomplete, he or she will need to complete the BCPO-3302 Declaration of Missing Receipt form. This form can be found on the Commissioners’ website.

Receipts

Receipts must contain the following information:

1. Name and address of the vendor.
2. Date of service.
3. Description of service.
4. Amount paid for each individual item.

Audit

All travel and subsistence expenses are subject to audit by the Commission and the Bureau of Commonwealth Payroll Operations (BCPO). The audit will include a review of the propriety of the expenses incurred. As part of normal audit procedures, BCPO is authorized to request additional information for any expenses claimed. If there is a pattern of unusual claims, agency officials, or the BCPO may require a Commissioner to provide itemized receipts for any such future claims.

Monthly Preparation and Submission of Form STD-191, Travel Expense Voucher

1. Request for reimbursements must be filed on a timely basis. Reimbursements must be filed within 60 days of claimed expense.
2. Form STD-191, Travel Expense Voucher (TEV), will be provided to the Commissioner. Both the TEV and all the TEV attachments must be submitted at least once monthly to the Executive Secretary.

3. It is not necessary to have the STD-191 typed but electronic completion is an option. Completion by hand is also permitted to expedite processing and payment. Data required should be printed legibly in ink and signed by the Commissioner.

4. Form STD-191 should be completed by the Commissioner according to the instructions shown below:

   A. Enter itinerary information for each travel assignment as follows:
      
     i. Enter the **purpose of travel, date, time Commissioner leaves, and the time Commissioner returns** to official headquarters or residence when on travel assignment.
     ii. **List locations (city or county)** as "from" and "to" for each travel assignment.

   B. Enter transportation information for each travel assignment as follows:
      
     i. Enter **mileage** in the **miles column** if a personal vehicle was used. Google maps must be used when calculating distance. If stocking trout, turn by turn street and mileage must be provided.
     ii. Enter **highway tolls** in the **tolls column** and **parking and rental car fuel costs** in the **parking and rental car fuel column**.

   C. Enter lodging information as follows:
      
     i. Enter **name of hotel or motel** providing accommodations.
     ii. Receipt and folio for charges must be attached to the STD-191.

   D. Enter **amount paid** for subsistence, up to the maximums allowed, for overnight travel or for meals allowed during other travel or overtime assignments. Columns are provided for breakfast, lunch, and dinner.

   E. Enter **explanation and amount for miscellaneous expenses**. Attach required receipts.

   F. The electronic STD-191 will automatically calculate the grand total due.

   G. Forward the STD-191, with attachments, to the Executive Secretary.

   H. Make a copy for records and retain this copy until payment is received.

   I. Attachments to Form STD-191.
      
     i. Airline Receipts
ii. Hotel Receipts
iii. Rental Car Receipts
iv. Meal Receipts
v. Other Receipts, as required.

Questions pertaining to reimbursement requirements should be directed to the Executive Secretary.
Legislative Process

How a Bill Becomes a Law in Pennsylvania


Article II, Section 1 of the Constitution of Pennsylvania provides, “The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.” Also, according to the State Constitution, the Senate consists of 50 members who are elected for a term of four years and the House consists of 203 members who are elected for a term of two years. On average, a State Senator represents approximately 246,000 people and a State Representative represents approximately 60,000 people.

Introduction of a Bill

When a legislator has an idea for a bill, the legislator submits the idea in writing to the Legislative Reference Bureau, which is the bill-drafting agency of the General Assembly. The bill is then drafted and typed in proper legal form. The legislature then files the bill for introduction. House bills are filed with the Chief Clerk of the House who assigns a number to the bill and delivers it to the Speaker of the House. Senate Bills are filed with the Secretary/Parliamentarian of the Senate who assigns a number to the bill and delivers it to the President Pro Tempore of the Senate. Only members of the General Assembly can file bills. They can be co-sponsored by any number of members but the first-named sponsor on a House bill must be a Representative, and on a Senate bill a Senator. The first-named sponsor is considered the prime sponsor.

In the House

Referral to Committee: The bill is referred to a standing committee. (They are called “standing” committees because, while their membership changes from legislative session to legislative session, the committees themselves remain in place.) The Speaker of the House decides which bills go to which committee. The bill is copied, distributed, and made available to the public.

Committee Consideration: The committee may hold a public hearing; report the bill as committed (no changes); report the bill as amended (changes); vote not to report the bill; or not consider the bill.

Consideration of Bills: Every bill is considered on three different days in each chamber before the vote on final passage.

First Consideration: The bill reported from committee is considered for the first time when reported. Bills on first consideration are not subject to amendment, debate, or a vote.

Second Consideration: The bill on second consideration is subject to debate and amendment.

Fiscal Note: Any bill must be referred to the Appropriations Committee for a fiscal note before it can be given third consideration reading on the calendar, unless it is a General Appropriation bill or any amendment to a General Appropriation bill, which may require an expenditure of Commonwealth funds, or funds of any political subdivision, or which may entail a loss of revenues overall or to any separately established fund.
Third Consideration and Final Passage: The bill on third consideration is considered in its calendar order. In the House, the bill is subject to debate, but it is subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up any ambiguity, to correct grammar, to correct a drafting error, or is necessary for purposes of statutory construction. In the House of Representatives, 102 votes are required for final passage.

In the Senate

Referral to Committee: The Secretary of the Senate receives the bill from the House. The President Pro Tempore refers it to a standing committee.

Committee Consideration: The committee may hold a public hearing; report the bill as committed (no changes); report the bill as amended (changes); vote not to report the bill; or not consider the bill.

Consideration of Bills: Every bill is considered on three different days in each chamber before the vote on final passage.

First Consideration: The bill reported from committee is considered for the first time when reported. Bills on first consideration are not subject to amendment, debate, or a vote.

Second Consideration: The bill on second consideration is subject to debate and amendment.

Fiscal Note: Any bill must be referred to the Appropriations Committee for a fiscal note before it can be given third consideration reading on the calendar, unless it is a General Appropriation bill or any amendment to a General Appropriation bill, which may require an expenditure of Commonwealth funds, or funds of any political subdivision, or which may entail a loss of revenues overall or to any separately established fund.

Third Consideration and Final Passage: The bill on third consideration is considered in its calendar order. In the Senate, the bill is subject to debate, but it is subject to amendment only when an amendment is necessary to make the document internally consistent, to clear up any ambiguity, to correct grammar, to correct a drafting error, or is necessary for purposes of statutory construction. In the Senate, 26 votes are required for final passage.

What happens if the Senate approves a House Bill without amendments? The bill is then transmitted back to the House and is signed by the Speaker in the presence of the members. It is then returned to the Senate to be signed by the President of the Senate (Lieutenant Governor) or the President Pro Tempore, after which the bill is transmitted by the House to the Department of State for recording, and then to the Governor for further action.

What happens if the Senate approves a House bill with amendments? If a House bill is amended in a Senate Committee or on the Senate floor, it is returned to the House where it is automatically referred to the House Rules Committee. When the bill has been favorably reported by the Rules Committee, whether as committed (with the Senate amendments), or in the version last passed by the House (without the Senate amendments), it is placed on the Calendar.
What happens if the House agrees to the Senate amendments? If the majority of the elected members of the House (102 members) agrees to the Senate amendment(s), the bill is transmitted to the Governor for further action. Officially, this action is known as voting “to concur in amendments made by the Senate.”

What happens if the House refuses to agree to the Senate amendments? If the majority of the House members refuse to agree to the Senate amendment(s), the bill usually goes to a conference committee. The committee is made up of three members from each chamber, appointed by the Speaker and the President Pro Tempore. Their duty is to resolve, if possible, the differences existing between the House and Senate on the bill, and to report to their respective members. A constitutional majority of the elected members of the House (102 members) and Senate (26 members) is required for the adoption of a Conference Committee Report. If both the House and the Senate approve the Report, it is sent to the Governor for further action.

The Governor’s Office

What happens after the bill goes to the Governor? The Governor refers the bill to the Office of General Counsel for an opinion as to the legality and constitutionality of the legislation. After the Office of General Counsel’s review, the Governor has three options: he may sign the bill into law; he may veto the bill (he may veto specific items in an appropriations bill, this is known as a “line-item veto); or he may allow the bill to become law without his signature.

What happens after the Governor signs the bill into law? The bill is transmitted to the department of State for certification, assignment of an Act number, and filing.

What happens if the Governor vetoes the bill? The bill is returned to the house of origin for possible further action. The bill may be re-passed by two-thirds vote of the members of both the House (136 members) and Senate (34 members).

What happens if the Governor does nothing? If the bill is not signed within ten days when the General Assembly is in session, it becomes law. If the bill is not signed within 30 days when the General Assembly has adjourned sine die, it becomes law. The bill is then transmitted to the Department of State for certification, assignment of an Act number, and filing.