

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation Part II. Fish and Boat Commission Chapter 51 General Provisions

Preamble

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for distribution of its *Summary of Fishing Regulations and Laws* publication.

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to § 51.38 (relating to operation of the issuing agent for the Pennsylvania Automated Licensing Service (PALS)) are published under the statutory authority of section 2711 of the code (relating to issuing agents).

D. *Purpose and Background*

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

At its January 2018 meeting, staff presented initial information to the Board of Commissioners on forty-six funding concepts. As part of the presentation, board members were asked to individually prioritize the concepts and to provide feedback to Executive Director Arway. As a result, seven staff proposed concepts were recognized as priorities and one additional concept was added and listed as a priority through the commissioner review process. It was also acknowledged that the remaining concepts, while not a priority, should be advanced as they are more fully reviewed and developed by staff.

One of the remaining funding concepts is to establish a cover price or fee for the annual summary book of Pennsylvania fishing laws and regulations, known also as the “Summary Book or *Summary of Fishing Regulations and Laws.*” This publication is prepared and printed annually by the Commission and contains a summary of Pennsylvania’s fishing regulations and fishing tips. Historically, this publication has been offered to license holders and the public at no cost, or free of charge. While reviewing its regulations, the Commission determined that the language of § 51.38 indicates that issuing agents must provide a Summary Book when issuing a fishing license. This is inconsistent with intended practice, as fishing license purchasers are not required to take a Summary

Book. Fishing license purchasers may forgo the paper Summary Book or obtain an electronic version from the Commission's website at the customer's convenience.

To facilitate the operations of the Issuing Agency and to accommodate this practice with respect to distribution of the Summary Book, the Commission proposes that § 51.38 be amended as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

For the Pennsylvania Fish and Boat Commission

John A. Arway
Executive Director

Annex A

Regulation No. 48A-285

Title 58. Recreation

Part II. Fish and Boat Commission

Subpart A. General Provisions

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.38. Operation of the Issuing Agent for the Pennsylvania Automated Licensing Service (PALS).

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(a)(4) Issuing agents shall **[provide] offer** a *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall **[provide] offer** a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License **or other individual** who requests one. **[Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.]**