

## **Order Adopting Amendments**

### **COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION**

#### **Title 58. Recreation Part II. Fish and Boat Commission Chapters 51 and 93 General Provisions and Boating**

### **Preamble**

The Fish and Boat Commission (Commission) amends Chapters 51 and 93 (relating to administrative provisions; and boat registration and numbering) to read as set forth in Annex A. The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to Fish and Boat Code) (code). The amendments update the Commission's regulations for issuing agents.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The amendment to § 51.37 (relating to application and prerequisites to becoming an issuing agent for the Pennsylvania Automated Licensing Service (PALS)) is published under the statutory authority of section 2711 of the code (relating to issuing agents). The amendment to §93.13 (relating to issuing agents) is published under the statutory authority of section 5304 of the code (relating to issuing agents).

D. *Purpose and Background*

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

E. *Summary of Changes*

(1) Strategy 1B of the Commission's Strategic Plan is to "Increase traditional revenue sources and secure alternative funding to deliver core programs and services to benefit anglers, boaters, and trust species; deliver select discretionary programs and services to benefit all residents of this Commonwealth; and meet mandatory personnel costs." This strategy is designed in part to encourage the review and enhancement of existing revenue sources and to investigate and explore the development of alternative funding concepts.

Declines in traditional revenues, rapidly escalating costs associated with maintaining angler and boater demanded fishing and boating programs, and the lack of an enhancement to the fee structure for fishing licenses and permits necessitates the need to develop and implement several new or alternative funding concepts.

At its January 2018 meeting, staff presented initial information to the Board of Commissioners (Board) on 46 funding concepts. As part of the presentation, Board members were asked to individually prioritize the concepts and to provide feedback to the Executive Director. 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 evaluate the fee associated with the Commission's required application fee when a person, sole proprietorship, partnership or corporation apply to become a fishing license issuing agent of the Commission. The Executive Director may grant an application when accompanied by a security bond and the required application fee. The current application fee of \$150 was established in 2006. In 2017, the Commission processed 23 applications.

To bring the application fee up to current standards, the Commission proposes that §51.37 be amended to read as set forth in Annex A.

(2) Another of the remaining funding concepts is to evaluate the fee associated with the Commission's required application fee when a person, sole proprietorship, partnership or corporation apply to become an issuing agent for temporary boat registrations of the Commission. The Executive Director may grant an application when accompanied by a security bond and the required application fee. The current application fee of \$100 was established in 2001. In 2017, the Commission processed 32 applications.

To bring the application fee up to current standards, the Commission therefore amends §93.13 to read as set forth in Annex A.

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment to § 51.37 will increase the application fee to become a fishing license issuing agent of the Commission from \$150 to \$250. The amendment to §93.13 will increase the application fee to become an issuing agent for temporary boat registrations of the Commission from \$100 to \$250.

H. *Public Involvement*

A notice of proposed rulemaking was published at 48 Pa. B. 5499 (September 1, 2018). The Commission received no public comment.

**FINDINGS**

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no public comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

### **ORDER**

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapters 51 and 93, are amended in §§ 51.37 and 93.13 to read as set forth at 48 Pa. B. 5499.

(B) The Executive Director will submit this order and 48 Pa. B. 5499 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 48 Pa. B. 5499 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

For the Pennsylvania Fish and Boat Commission

Wayne Melnick  
Acting Executive Director

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 51. ADMINISTRATIVE PROVISIONS**

**Subchapter D. ISSUING AGENTS**

**§ 51.37. Application and prerequisites for becoming an issuing agent for the Pennsylvania Automated Licensing Service (PALS).**

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses and permits through the PALS.

(1) An applicant seeking to become an issuing agent shall complete and submit to the Commission an application on the form prescribed by the Commission and pay a one-time, nonrefundable fee of [~~\$150~~] \$250.

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**Subpart C. BOATING**

**CHAPTER 93. REGISTRATION AND NUMBERING**

**Subchapter A. REGISTRATION OF BOATS**

**§ 93.13. Issuing agents.**

(a) *Designation.*

(1) The designation of issuing agents for temporary boat registrations shall be limited to the Commission and Commission offices, county treasurers, businesses dealing in boats, boating equipment or sporting goods and temporary tag services or messenger services approved by the Department of Transportation for the issuance of temporary boat trailer registrations.

(2) An applicant seeking to become an issuing agent for temporary boat registrations shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of [~~\$100~~ \$250]. Applications shall be accompanied by a bond in favor of the Commission in a minimum amount specified by the Executive Director or a designee.

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