

Notice of Proposed Rulemaking

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) proposes to amend Chapter 51 (relating to administrative provisions) and Chapter 93 (relating to registration and numbering). 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 issuing agents.

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 § 51.37 (relating to application and prerequisites to becoming an 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). The proposed amendments to § 93.13 (relating to issuing agents)) are 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 proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

(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 Pennsylvanians; 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 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 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 \$150.00 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 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 \$100.00 was established in 2001. In 2017, the Commission processed 32 applications.

To bring the application fee up to current standards, staff propose that § 93.13 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. The proposed amendment to § 51.37 will increase the application fee to become a fishing license issuing agent of the Commission from \$100 to \$250. The proposed 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 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-286

Title 58. Recreation

Part II. Fish and Boat Commission

Subpart A. General Provisions

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.37. Application and Prerequisites for Becoming an Issuing Agent for the Pennsylvania Automated licensing Service (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.

Subpart C. Boating

CHAPTER 93. REGISTRATION AND NUMBERING

§ 93.13. Issuing Agents.

* * *

(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 pay a one-time, nonrefundable fee of ~~[\$100]~~ \$250.