

No. 1992-7

AN ACT

SB 819

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens and nonresidents and tourists; and making editorial changes in Titles 18, 30, 42 and 66 relating to the official name of the Pennsylvania Fish and Boat Commission.

The General Assembly of the Commonwealth of Pennsylvania finds that the fishing license fees for nonresidents of this Commonwealth should be increased for the purpose of providing the Fish Fund with additional revenues to be used to enhance and improve fishing on or in the waters of this Commonwealth, including the commission's catchable trout and salmon propagation and stocking programs.

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

Section 1. The heading of Chapter 3 and sections 2701(b), 2702 and 7102(a) and (b) of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

CHAPTER 3
PENNSYLVANIA FISH *AND BOAT* COMMISSION

* * *

§ 2701. Resident fishing licenses.

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(b) Senior citizens.—A person *who is or will be* 65 years of age or older [at the time] *in the year* of application who complies with subsection (a)(1) and (2) is entitled to a "Senior Resident Fishing License" if he pays a license fee of \$2 to the issuing agent or the commission plus a service fee of 50¢ to the issuing agent. The application shall give the date of birth of the applicant. Any person who qualifies to purchase a Senior Resident Fishing License may, in lieu thereof, purchase a Senior Resident Fishing License which shall be valid for his lifetime upon the payment of a fee of \$10 for the use of the Commonwealth and, in the event the license is issued by an issuing agent, a fee of 50¢ for the use of the issuing agent.

§ 2702. Nonresident and tourist licenses.

(a) Nonresident licenses.—For the purposes of this chapter, any person 16 years of age or older is entitled to a "Nonresident Fishing License" if:

- (1) He is not a bona fide resident of this Commonwealth.
- (2) He has applied to an issuing agent or to the commission.
- (3) He has paid the issuing agent or the commission a license fee of [§20] \$25 plus a service fee of 50¢ to the issuing agent.

(b) Tourist licenses.—For the purposes of this chapter, any person 16 years of age or older is entitled to a "[Seven] Five-Day Tourist Fishing License," valid for a period of [seven] five consecutive days, if:

- (1) He is not a bona fide resident of this Commonwealth.
- (2) He has applied to an issuing agent or to the commission.
- (3) He has paid the issuing agent or the commission a license fee of ~~[\$15]~~ \$20 plus a service charge of 50¢ to the issuing agent.

§ 7102. Members of commission from Pennsylvania.

(a) Designation and term.—In pursuance of Article III of the compact, there shall be three members (hereinafter called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter called commission) from this Commonwealth. The first commissioner shall be the executive director of the Pennsylvania Fish *and Boat* Commission, ex officio, and the term of this commissioner shall terminate at the time he ceases to hold the office of executive director and his successor as commissioner shall be his successor as executive director. The second commissioner shall be a legislator and member of the Pennsylvania Commission on Interstate Cooperation, ex officio, designated by the Pennsylvania Commission on Interstate Cooperation, and the term of this commissioner shall terminate at the time he ceases to hold legislative office or office as a member of the Pennsylvania Commission on Interstate Cooperation and his successor as commissioner shall be named in like manner. The Governor (by and with the advice and consent of the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of this commissioner shall be three years and he shall hold office until his successor is appointed and qualified. Vacancies occurring in the office of this commissioner from any reason or cause shall be filled by appointment by the Governor (by and with the advice and consent of the Senate) for the unexpired term.

(b) Delegate of executive director.—The executive director of the Pennsylvania Fish *and Boat* Commission, as ex officio commissioner, may delegate from time to time to any assistant or other subordinate in his agency or office, the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission.

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Section 2. Section 5515(d) of Title 18 is amended to read:

§ 5515. Prohibiting of paramilitary training.

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(d) Excluded activities.—Nothing contained in this section shall make unlawful any activity of the Game Commission, Fish *and Boat* Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities.

Section 3. Section 3733(a) of Title 42 is amended to read:

§ 3733. Deposits into account.

(a) General rule.—Beginning July 1, 1987, and thereafter, the total of all fines, fees and costs collected by any division of the unified judicial system

which are in excess of the amount collected from such sources in the fiscal year 1986-1987 shall be deposited in the Judicial Computer System Augmentation Account. Any fines, fees or costs which are allocated by law or otherwise directed to the Pennsylvania Fish *and Boat* Commission, to the Pennsylvania Game Commission or to counties and municipalities, to the Crime Victim's Compensation Board, to the Commission on Crime and Delinquency for victim-witness services grants under section 477.15(c) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, to rape crisis centers, to the Emergency Medical Services Operating Fund or to domestic violence shelters shall not be affected by this subchapter.

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Section 4. Section 2709(a) and (b) of Title 66 are amended to read:

§ 2709. Disposition of real property by public utility engaged in railroad business.

(a) Notice.—Before a public utility engaged in a railroad business disposes of real property previously used as a roadbed right-of-way, it must notify the county, city, borough, incorporated town or township in which the real property is located, and it must notify the Department of Transportation, the Pennsylvania Game Commission, the Pennsylvania Fish *and Boat* Commission and the Department of Environmental Resources. Notifications shall be in writing.

(b) Procedure after notice.—

(1) If a municipality or any authority created by a municipality or group of municipalities makes an offer to purchase the real property within 60 days of receiving notice under subsection (a), the public utility shall accept or reject the offer.

(2) If a municipality or any authority created by a municipality or group of municipalities does not make an offer to purchase the real property within 60 days of receiving notice under subsection (a) or if the public utility rejects the offer of a municipality, the administrative agencies specified in subsection (a) have 60 days to decide on making an offer for the real property. If an administrative agency makes an offer under this paragraph, the public utility shall consider the offer and make a decision on the offer before making other disposition of the property. If more than one administrative agency makes an offer, the public utility shall consider the offers in the following order: the Department of Transportation, the Department of Environmental Resources, the Pennsylvania Game Commission and the Pennsylvania Fish *and Boat* Commission.

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Section 5. This act shall apply as follows:

(1) The amendment of 30 Pa.C.S. § 2701(b) shall apply to senior resident fishing licenses and senior resident lifetime fishing licenses sold on or after the effective date of this act.

(2) The amendment of 30 Pa.C.S. § 2702 shall apply to nonresident and tourist licenses sold for the license year beginning January 1, 1993.

Section 6. This act shall take effect immediately.

APPROVED—The 19th day of March, A. D. 1992.

ROBERT P. CASEY