

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. House Bill 808

PRINTER NO. 3947

AMOUNT

\$1.46 Million Revenue Increase in FY 2021-22
\$2.23 Million Revenue Increase in FY 2022-23
\$2.98 Million Revenue Increase in FY 2023-24
\$3.71 Million Revenue Increase in FY 2024-25

FUND

Fish Fund

DATE INTRODUCED

March 13, 2019

PRIME SPONSOR

Representative Mehaffie

DESCRIPTION AND PURPOSE OF BILL

House Bill 808 amends Title 30 (Fish) of the Pennsylvania Consolidated Statutes to authorize the Pennsylvania Fish and Boat Commission (commission) to establish the fees for fishing and boating related licenses and permits by regulatory action and to expand the allowable use of funds from the sale of Lake Erie permits.

The legislation adds section 322.1 to the Fish and Boat Code which provides that, beginning July 1, 2021, the commission, by regulation, may change or set fees under any of the following:

- § 502 (Relating to service charge for uncollectible checks);
- § 2715 (Relating to license, permit and issuing agent fees);
- § 2902 (Relating to net permits);
- § 2903 (Relating to boats and net license for boundary lakes);
- § 2906 (Relating to permits for the use of explosives);
- § 3102 (Relating to regulated fishing lakes);
- § 3509 (Relating to obstructing migration of fish);
- § 5104 (Relating to boats and boating fees);
- § 5304 (Relating to boat registration issuing agent fees);
- § 5327 (Relating to certificate of title fees); and
- § 5334 (Relating to notice for boats and related equipment).

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Section 322.1 (2) provides that a change or setting of fees shall be done under the following requirements:

- Requires the commission to publish a notice of proposed rulemaking containing the proposed fee change in accordance with the Commonwealth Documents Law, to allow at least 30 days for the submission of written comments, and to hold at least one public hearing on the proposed change;
- Prior to adoption of a final-form regulation containing a fee change, the commission is required to review and consider any public comments and may modify the text of the regulation as it deems necessary;
- After adoption of a final-form regulation containing a fee change, the commission is required to submit the final-form regulation, all public comments and the transcript of the public hearing to the House and Senate Game and Fisheries Committees;
- Either legislative committee may report a concurrent resolution recommending disapproval of the fee change within 30 days or 10 legislative session days, whichever is later, of the submission of the regulation to the legislative committee. If neither legislative committee reports a concurrent resolution recommending disapproval within the time prescribed, the fee change is deemed approved;
- If either legislative committee reports a concurrent resolution recommending disapproval and the General Assembly does not adopt it within 30 days or 10 legislative session days, whichever is later, of the date on which the concurrent resolution is reported, the fee change is deemed approved; and
- If the General Assembly adopts a concurrent resolution recommending disapproval within 30 days or within 10 legislative session date, whichever is later, of the date on which the concurrent resolution is reported, the concurrent resolution shall be presented to the Governor, and the following applies:
 - If the Governor does not veto the resolution within 10 days after it is presented, the fee change is deemed disapproved.
 - If the Governor vetoes the concurrent resolution within 10 days, the General Assembly may, within 30 days or within 10 legislative session days, whichever is later of the veto, override the veto by a two-thirds vote in each chamber. If the General Assembly does not override the veto, the fee change is deemed approved. If the General Assembly overrides the veto, the fee change shall be deemed disapproved.

If the fee is deemed approved, the commission shall submit the final-form regulation to the Office of Attorney General for approval as to legality; publish an order adopting the final-form regulation; and submit the text of the order to the Legislative Reference Bureau in accordance with the Commonwealth Documents Law.

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House Bill 808 also includes a four-year sunset provision stipulating that the provisions authorizing the commission to establish fees expires July 15, 2025. Any final-form regulations promulgated by the commission prior to the expiration will remain in effect.

Additionally, the bill amends Section 2907.2 (relating to Lake Erie fishing permits) to expand the allowable use of funds from the sale of Lake Erie fishing permits. Currently, these funds may only be used for public fishing access or habitat improvements on Lake Erie, Presque Isle Bay and their tributaries. This legislation expands that use to also allow those funds to be used for other projects that support public fishing access or habitat improvements on these waters.

The legislation would take effect immediately upon enactment.

FISCAL IMPACT:

While enactment of this legislation does not require the commission to increase fees and only gives them the authority to do so, according to the commission, if this legislation is enacted, it will seek fee increases over three years for amounts no higher than what is illustrated in the chart below.

The Pennsylvania Fish and Boat Commission estimates additional revenues of \$1.46 million in FY 2021-22, \$2.23 million in FY 2022-23, \$2.98 million in FY 2023-24 and \$3.71 million in FY 2024-25 if all the proposed increases are implemented. The actual revenue impact may vary from estimate since commission revenues have decreased 7.6 percent to 9.6 percent in years when fees are increased.

Proposed Fee Schedule - Fishing Licenses and Permits					
License Category	Current Fee	<i>Proposed Fee</i>			
		2022	2023	2024	2025
Resident Annual	\$ 21.00	\$ 24.00	\$ 25.00	\$ 26.00	\$ 27.00
Non-resident Annual	\$ 51.00	\$ 55.00	\$ 56.00	\$ 57.00	\$ 58.00
Senior Resident Annual	\$ 10.00	\$ 12.00	\$ 12.50	\$ 13.00	\$ 13.50
Senior Resident Lifetime	\$ 50.00	\$ 60.00	\$ 62.50	\$ 65.00	\$ 67.50
3-Day Tourist	\$ 25.00	\$ 28.00	\$ 29.00	\$ 30.00	\$ 31.00
7-Day Tourist	\$ 33.00	\$ 37.00	\$ 38.00	\$ 39.00	\$ 40.00
1-Day Resident	\$ 10.00	\$ 11.00	\$ 12.00	\$ 13.00	\$ 14.00
1-Day Tourist	\$ 25.00	\$ 27.00	\$ 28.00	\$ 29.00	\$ 30.00
Trout/Salmon Permit	\$ 8.00	\$ 10.00	\$ 10.50	\$ 11.00	\$ 11.50
Combination Trout/Salmon and Lake Erie Permit	\$ 14.00	\$ 16.00	\$ 16.50	\$ 17.00	\$ 17.50