

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 13

Session of
1997

INTRODUCED BY FLEAGLE, BELARDI, NICKOL, MAITLAND, B. SMITH,
MILLER, HERSHEY, GORDNER, HESS, CLARK, EGOLF, SAYLOR,
PETRARCA, STERN, LYNCH, PLATTS, REBER, E. Z. TAYLOR AND
BOSCOLA, JANUARY 27, 1997

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 24, 1997

AN ACT

1 Amending Title 30 (Fish) of the Pennsylvania Consolidated
2 Statutes, ~~relating to~~ FURTHER PROVIDING FOR CLARIFICATION OF <—
3 THE STATUS OF MEMBERS OF THE PENNSYLVANIA FISH AND BOAT
4 COMMISSION, ITS BOATING ADVISORY BOARD AND DEPUTY WATERWAYS
5 PATROLMEN; PROVIDING FOR A VOLUNTEER PROGRAM; AND FURTHER
6 PROVIDING FOR CLASSIFICATION OF OFFENSES AND PENALTIES, ~~FOR~~ <—
7 ~~BOATING UNDER THE INFLUENCE~~ AND FOR Class A regulated fishing
8 lakes.

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

11 ~~Section 1. Section 3106(a) of Title 30 of the Pennsylvania~~ <—
12 ~~Consolidated Statutes is amended to read:~~

13 SECTION 1. SECTIONS 301(C), 305(B) AND 306(D) OF TITLE 30 OF <—
14 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

15 § 301. ORGANIZATION OF COMMISSION.

16 * * *

17 (C) TERMS OF OFFICE AND COMPENSATION.--THE MEMBERS SHALL
18 HOLD OFFICE FOR TERMS OF EIGHT YEARS AND MAY CONTINUE TO HOLD
19 OFFICE FOR A PERIOD OF TIME NOT TO EXCEED SIX MONTHS OR UNTIL A

1 SUCCESSOR IS APPOINTED AND QUALIFIED, WHICHEVER OCCURS FIRST. A
2 MEMBER APPOINTED TO FILL A VACANCY FOR A PERIOD OF FOUR YEARS OR
3 LESS MAY BE ELIGIBLE FOR APPOINTMENT TO A FULL EIGHT-YEAR TERM.
4 A MEMBER WHO SERVES A FULL EIGHT-YEAR TERM OR FILLS A VACANCY
5 FOR A PERIOD OF MORE THAN FOUR YEARS SHALL NOT BE ELIGIBLE FOR
6 REAPPOINTMENT TO THE COMMISSION UNTIL A PERIOD OF EIGHT YEARS
7 EXPIRES. THE MEMBERS SHALL RECEIVE NO COMPENSATION FOR THEIR
8 SERVICES BUT MAY BE REIMBURSED FOR TRAVEL EXPENSES. WHEN
9 PERFORMING ANY FUNCTION ON BEHALF OF THE COMMISSION OR ACTING
10 WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES, MEMBERS OF THE
11 COMMISSION SHALL BE AUTHORIZED TO OPERATE COMMONWEALTH VEHICLES
12 AND WATERCRAFT AND SHALL BE TREATED AS EMPLOYEES OF THE
13 COMMONWEALTH FOR THE PURPOSES OF AUTOMOTIVE AND GENERAL
14 LIABILITY AND THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN
15 AS THE WORKERS' COMPENSATION ACT.

16 * * *

17 § 305. DEPUTY WATERWAYS PATROLMEN.

18 * * *

19 (B) COMPENSATION.--DEPUTY WATERWAYS PATROLMEN SHALL NOT BE
20 ENTITLED TO ANY SALARY, COMPENSATION OR EXPENSES FOR THEIR
21 SERVICES FROM THE COMMONWEALTH, UNLESS DETAILED IN WRITING FOR
22 DUTY BY THE EXECUTIVE DIRECTOR OF THE COMMISSION, IN WHICH CASE
23 THEY SHALL RECEIVE COMPENSATION AND REASONABLE EXPENSES IN
24 ACCORDANCE WITH A STATEWIDE PAY SCALE. WHEN ACTING WITHIN THE
25 SCOPE OF THEIR OFFICIAL DUTIES, DEPUTY WATERWAYS PATROLMEN SHALL
26 BE AUTHORIZED TO OPERATE COMMONWEALTH VEHICLES AND WATERCRAFT
27 AND SHALL BE TREATED AS EMPLOYEES OF THE COMMONWEALTH FOR THE
28 PURPOSES OF AUTOMOTIVE AND GENERAL LIABILITY AND THE ACT OF JUNE
29 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION
30 ACT.

1 * * *

2 § 306. BOATING ADVISORY BOARD.

3 * * *

4 (D) COMPENSATION.--THE VOLUNTEER MEMBERS OF THE BOARD SHALL
5 RECEIVE NO SALARY BUT MAY, SUBJECT TO THE APPROVAL OF THE
6 COMMISSION, RECEIVE TRAVEL EXPENSES. WHEN PERFORMING ANY
7 FUNCTION ON BEHALF OF THE COMMISSION OR ACTING WITHIN THE SCOPE
8 OF THEIR OFFICIAL DUTIES, VOLUNTEER MEMBERS OF THE BOARD SHALL
9 BE AUTHORIZED TO OPERATE COMMONWEALTH VEHICLES AND WATERCRAFT
10 AND SHALL BE TREATED AS EMPLOYEES OF THE COMMONWEALTH FOR THE
11 PURPOSES OF AUTOMOTIVE AND GENERAL LIABILITY AND THE ACT OF JUNE
12 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION
13 ACT.

14 * * *

15 SECTION 2. TITLE 30 IS AMENDED BY ADDING A SECTION TO READ:
16 § 327. VOLUNTEER PROGRAM.

17 (A) VOLUNTEER PROGRAM.--THE COMMISSION SHALL HAVE THE POWER
18 AND AUTHORITY TO DO ALL THINGS NECESSARY AND EXPEDIENT TO
19 MAINTAIN A VOLUNTEER PROGRAM AND TO PROMULGATE RULES AND
20 REGULATIONS UNDER THIS SECTION.

21 (B) SERVICES OF INDIVIDUALS WITHOUT COMPENSATION.--THE
22 EXECUTIVE DIRECTOR OR HIS DESIGNEE IS AUTHORIZED TO RECRUIT,
23 TRAIN AND ACCEPT, WITHOUT REGARD TO THE CIVIL SERVICE
24 CLASSIFICATION LAWS, RULES OR REGULATIONS, THE SERVICES OF
25 INDIVIDUALS WITHOUT COMPENSATION AS VOLUNTEERS FOR OR IN AID OF
26 INTERPRETIVE FUNCTIONS, EDUCATION AND INFORMATION PROGRAMS,
27 BOATING SAFETY AND WATER RESCUE PROGRAMS, CONSERVATION MEASURES,
28 HABITAT IMPROVEMENT AND OTHER ACTIVITIES RELATED TO FISH AND
29 FISHING AND BOATS AND BOATING.

30 (C) EXPENSES.--THE COMMISSION IS AUTHORIZED TO PAY

1 REASONABLE AND NECESSARY EXPENSES FOR VOLUNTEERS, IN ACCORDANCE
2 WITH STATEWIDE GUIDELINES, FOR TRANSPORTATION, UNIFORMS, LODGING
3 AND SUBSISTENCE.

4 (D) STATUS OF VOLUNTEERS.--

5 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
6 VOLUNTEER SHALL NOT BE DEEMED TO BE A COMMONWEALTH EMPLOYEE
7 AND SHALL NOT BE SUBJECT TO THE PROVISIONS OF LAW RELATING TO
8 COMMONWEALTH EMPLOYMENT, INCLUDING THOSE RELATING TO HOURS OF
9 WORK, RATES OF COMPENSATION, LEAVE, UNEMPLOYMENT COMPENSATION
10 AND COMMONWEALTH EMPLOYEE BENEFITS.

11 (2) VOLUNTEERS PERFORMING WORK UNDER THE TERMS OF THIS
12 SECTION ACTING WITHIN THE SCOPE OF THEIR VOLUNTEER DUTIES
13 SHALL BE AUTHORIZED TO OPERATE COMMONWEALTH VEHICLES AND
14 WATERCRAFT AND SHALL BE TREATED FOR THE PURPOSES OF
15 AUTOMOTIVE AND GENERAL LIABILITY AS EMPLOYEES OF THE
16 COMMONWEALTH.

17 (3) FOR THE PURPOSES OF THE ACT OF JUNE 2, 1915
18 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT,
19 VOLUNTEERS UNDER THIS SECTION SHALL BE DEEMED EMPLOYEES OF
20 THE COMMONWEALTH.

21 (4) NO VOLUNTEER SHALL BE ASSIGNED TO ANY POSITION THAT
22 IS COVERED BY ANY LABOR AGREEMENT, PRESENTLY FILLED OR
23 AUTHORIZED IN THE COMMISSION.

24 (5) AS TO CIVIL DAMAGES, THE STANDARD OF CARE FOR ACTS
25 OR OMISSIONS BY COMMISSION VOLUNTEERS ACTING WITHIN THE SCOPE
26 OF THEIR DUTIES SHALL BE AS SET FORTH IN 42 PA.C.S. § 8332.4
27 (RELATING TO VOLUNTEER-IN-PUBLIC-SERVICE NEGLIGENCE
28 STANDARD).

29 SECTION 3. SECTION 3106(A) OF TITLE 30 IS AMENDED TO READ:

30 § 3106. Classification of lakes.

1 (a) Class A.--[A lake that is wholly opened to the general
2 public for fishing and is operated solely as a commercial
3 venture may be issued a Class A regulated fishing lake license.
4 A lake situated on a privately owned campground may be issued a
5 Class A regulated fishing lake license provided the campground
6 is open to the general public and operated as a commercial
7 venture, regardless of whether the campground operator sells
8 admission to the lake to members of the public who are not
9 camping at the campground.] The commission may issue Class A
10 regulated fishing lake licenses upon payment of the fee
11 specified in section 3102 (relating to fees) to lakes in the
12 following categories:

13 (1) Lakes wholly opened to the general public for
14 fishing and operated solely as commercial ventures.

15 (2) Lakes situated wholly within the grounds of a
16 privately owned campground provided that the campground is
17 open to the general public and operated as a commercial
18 venture regardless of whether the campground operator sells
19 admissions to fish at the lake to members of the public who
20 are not camping at the campground.

21 (3) Lakes with a total water area of less than 20 acres
22 situated wholly within the grounds of a private fishing and
23 boating, rod and gun or sportsmen's club or organization when
24 fishing in the lake is limited to members of the club or
25 organization and the sponsoring club or organization operates
26 a cooperative nursery recognized by the commission, provided
27 that fish raised by the cooperative nursery shall be stocked
28 in waters of this Commonwealth open for free public fishing
29 and not in the regulated fishing lake licensed hereunder.

30 Persons patronizing a Class A regulated fishing lake may catch,

1 kill and possess fish without regard to any size, season or
2 possession limit and need not possess a Pennsylvania fishing
3 license. All other provisions of this title are applicable.

4 * * *

5 Section ~~2~~ 4. This act shall take effect immediately.

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