
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2143 Session of
2014

INTRODUCED BY HALUSKA, D. COSTA, COHEN, KORTZ, PASHINSKI,
NEILSON, CAUSER, ROZZI, SANKEY, KIRKLAND, MULLERY, MAHONEY,
DENLINGER, CALTAGIRONE, GOODMAN AND MURT, APRIL 2, 2014

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 2, 2014

AN ACT

1 Amending Titles 30 (Fish) and 75 (Vehicles) of the Pennsylvania
2 Consolidated Statutes, eliminating the Fish Fund and Boat
3 Fund; establishing the Fish and Boat Fund; and making
4 editorial changes.

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

7 Section 1. Sections 303(b)(2), 501 and 502 of Title 30 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 303. Assistant executive directors.

10 * * *

11 (b) Assistant for watercraft safety.--The assistant
12 executive director of the commission in charge of watercraft
13 safety shall reside in this Commonwealth at the time of
14 appointment and have five or more years of experience with ships
15 or boats and have either a college degree or at least ten years
16 experience in administration. The assistant executive director
17 shall:

18 * * *

1 (2) Coordinate and supervise all expenditures from the
2 Fish and Boat Fund.

3 * * *

4 § 501. Refund of moneys paid erroneously or unjustly.

5 Whenever the commission is satisfied that any fee, fine or
6 any other money was erroneously or unjustly paid into the State
7 Treasury under any of the provisions of this title, the
8 commission may by resolution, within two years after the
9 payment, direct the executive director to draw a requisition
10 upon the Fish [Fund or] and Boat Fund[, as appropriate,] for the
11 amount involved. Upon receipt of the requisition and an extract
12 of the minutes of the commission, a refund shall be paid in
13 favor of the person from whom the fee, fine or other money was
14 erroneously or unjustly collected.

15 § 502. Collection fee for uncollectible checks.

16 Whenever any check or similar instrument issued in payment of
17 any fee, fine or for any other purpose under this title is
18 returned to the commission as uncollectible, the person who
19 makes, issues or presents the check or other instrument shall be
20 charged a fee of \$15, to be credited to the Fish [Fund or the]
21 and Boat Fund[, as appropriate,] to cover the cost of
22 collection.

23 Section 2. Subchapters B and C of Chapter 5 of Title 30 are
24 repealed:

25 [SUBCHAPTER B

26 THE FISH FUND

27 Sec.

28 521. Establishment and use of Fish Fund.

29 522. Expenditures from Fish Fund.

30 § 521. Establishment and use of Fish Fund.

1 (a) General rule.--Except as otherwise provided in this
2 title, all fees, royalties, fines, penalties and other moneys
3 paid, received, recovered and collected under the provisions of
4 this title shall be placed in a separate fund by the State
5 Treasurer to be known as the "Fish Fund" and shall be used
6 solely for the following purposes:

7 (1) The payment of all expenses incurred in processing,
8 issuing or supervising the issuance of fishing licenses,
9 special licenses and permits.

10 (2) The payment of the salaries, wages or other
11 compensation of the executive director, other employees and
12 other persons as may be required for the work of the
13 commission.

14 (3) The payment of the travel and other expenses of the
15 members, officers, employees and other persons as may be
16 required for the work of the commission.

17 (4) The purchase of such furniture, furnishings,
18 stationery, supplies, materials, equipment, fuel, motor
19 vehicles and printing and binding as may be necessary to the
20 conduct of the work of the commission, and the payment of
21 premiums on surety bonds for such officers or employees of
22 the commission as may be required to obtain policies of
23 workmen's compensation insurance and policies of liability
24 insurance covering motor vehicles and persons operating them.

25 (5) The payment of postage, telegrams, telephone
26 rentals, telephone toll charges and rentals for patented
27 leased office devices or machines.

28 (6) Rentals for any offices outside of the Capitol
29 buildings or any other grounds, buildings or quarters
30 necessary for the work of the commission.

1 (7) The propagation, protection, management and
2 distribution of fish and the stocking of waters within this
3 Commonwealth as provided by law.

4 (8) Necessary repairs and improvements to fish cultural
5 stations or other buildings, offices or quarters used in the
6 work of the commission.

7 (9) Field work, gathering spawn and transferring fish.

8 (10) The maintenance and operation of such boats as may
9 be required for the business of the commission.

10 (11) Any contingent, incidental or other expenses of any
11 kind or description reasonably necessary in carrying on the
12 work of the commission including the costs of activities for
13 the promotion of public interest in recreational fishing in
14 this Commonwealth.

15 (12) The direct purchase in any amount, without prior
16 confirmation of the Department of General Services, of all
17 fish and fish food for its fish cultural facilities and
18 elsewhere as needed.

19 (13) The purchase of lands and waters and the impounding
20 of waters and to make them available for use by the citizens
21 of this Commonwealth for fishing, boating and other
22 recreational purposes. The lands and waters so purchased
23 shall be under the supervision, direction and control of the
24 commission.

25 (14) The purchase and acquisition of additional land and
26 water for Commonwealth fish cultural stations; the purchase,
27 acquisition and erection of buildings, ponds and other
28 extensions incidental to fish cultural stations; the
29 propagation and protection of fish and fish cultural stations
30 hereafter established; the distribution of fish from fish

1 cultural stations; and the stocking of waters within this
2 Commonwealth.

3 (15) The refund of fees, royalties, fines or other
4 moneys heretofore or hereafter erroneously or unjustly paid
5 into the Fish Fund.

6 (16) The lease of land, interests in land or licenses
7 for the use thereof by the commission.

8 (b) Cooperative agreements.--The commission may enter into
9 cooperative agreements with Federal, Commonwealth and other
10 state and local government agencies and with interstate compact
11 agencies, singly or in concert, for impounding, managing, using,
12 maintaining and operating waters for public fishing and may
13 expend moneys from the Fish Fund for agreed upon pro rata share
14 of the cost of their acquisition, construction, operation and
15 maintenance. The commission may enter into similar agreements
16 and undertake similar expenditures in conjunction with private
17 or commercial interests for the same purposes.

18 (c) Appropriation of moneys.--All moneys in the Fish Fund,
19 from time to time, are hereby appropriated to the commission and
20 may be expended for the purposes authorized under this title.
21 § 522. Expenditures from Fish Fund.

22 (a) Approval of estimated expenditures.--Estimates of
23 amounts to be expended under this subchapter, from time to time,
24 by the commission shall be submitted to the Governor for his
25 approval as in the case of other appropriations made to
26 Commonwealth agencies.

27 (b) Expenditures not to exceed approved estimates.--The
28 State Treasurer shall not honor any requisition for the
29 expenditure of any moneys by the commission in excess of the
30 estimates approved by the Governor or in excess of the amount

1 available for the purposes for which the requisition was made.

2 SUBCHAPTER C

3 THE BOAT FUND

4 Sec.

5 531. Establishment and use of Boat Fund.

6 532. Expenditures from Boat Fund.

7 § 531. Establishment and use of Boat Fund.

8 (a) General rule.--All fees, royalties, fines, penalties and
9 other moneys paid, received, recovered and collected under the
10 provisions of section 747 (relating to proceeds from sales and
11 grants) and Part III (relating to boats and boating), as well as
12 all funds received pursuant to section 17 of the act of May 21,
13 1931 (P.L.149, No.105), known as "The Liquid Fuels Tax Act,"
14 shall be placed in a separate fund by the State Treasurer to be
15 known as the "Boat Fund." The use of the Boat Fund shall
16 generally be limited to carrying out the functions of the
17 commission that relate to boats and boating and, subject to this
18 general limitation, the fund may be used solely for the
19 following purposes:

20 (1) The payment of all expenses incurred in processing,
21 issuing or supervising the issuance of boat registrations,
22 special licenses and permits.

23 (2) The payment of the salaries, wages or other
24 compensation of the executive director, other employees and
25 other persons as may be required for the work of the
26 commission.

27 (3) The payment of the travel and other expenses of the
28 Boating Advisory Board, officers, employees and other persons
29 as may be required for the work of the commission.

30 (4) The purchase of such furniture, furnishings,

1 stationery, supplies, materials, equipment, fuel, motor
2 vehicles, boats and printing and binding as may be necessary
3 to the conduct of the work of the commission, and the payment
4 of premiums on surety bonds for such officers or employees of
5 the commission as may be required to obtain policies of
6 workmen's compensation insurance and policies of liability
7 insurance covering the motor vehicles and persons operating
8 them.

9 (5) The payment of postage, telegrams, telephone
10 rentals, telephone toll charges and rentals for patented
11 leased office devices or machines.

12 (6) Rentals for any offices outside of the Capitol
13 buildings or any other grounds, buildings or quarters
14 necessary for the work of the commission.

15 (7) Necessary repairs and improvements to boating access
16 areas and buildings, offices or quarters used in the work of
17 the commission.

18 (8) The maintenance and operation of such boats as may
19 be required for the business of the commission.

20 (9) Any contingent, incidental or other expenses of any
21 kind or description reasonably necessary in carrying on the
22 work of the commission as provided in Part III including the
23 costs of activities for the promotion of recreational boating
24 in this Commonwealth.

25 (10) The purchase of lands and waters and the impounding
26 of waters and to make them available for use by the citizens
27 of this Commonwealth for boating and other related
28 recreational purposes. The lands and waters so purchased
29 shall be under the supervision, direction and control of the
30 commission.

1 (11) The refund of fees, royalties, fines or other
2 moneys heretofore or hereafter erroneously or unjustly paid
3 into the Boat Fund.

4 (12) The development and implementation of a boating
5 safety education program.

6 (13) The lease of land, interests in land or licenses
7 for the use thereof by the commission.

8 (b) Cooperative agreements.--The commission may enter into
9 cooperative agreements with Federal, Commonwealth and other
10 state and local government agencies and with interstate compact
11 agencies, singly or in concert, for impounding, managing, using,
12 maintaining and operating waters for public boating and may
13 expend moneys from the Boat Fund for agreed upon pro rata share
14 of the cost of their acquisition, construction, operation and
15 maintenance. The commission may enter into similar agreements
16 and undertake similar expenditures in conjunction with private
17 or commercial interests for the same purposes.

18 (c) Appropriation of moneys.--All moneys in the Boat Fund,
19 from time to time, are hereby appropriated to the commission and
20 may be expended for the purposes that relate to boats and
21 boating authorized under this title.

22 § 532. Expenditures from Boat Fund.

23 (a) Approval of estimated expenditures.--Estimates of
24 amounts to be expended under this subchapter, from time to time,
25 by the commission shall be submitted to the Governor for his
26 approval as in the case of other appropriations made to
27 Commonwealth agencies.

28 (b) Expenditures not to exceed approved estimates.--The
29 State Treasurer shall not honor any requisition for the
30 expenditure of any moneys by the commission in excess of the

1 estimates approved by the Governor or in excess of the amount
2 available for the purposes for which the requisition was made.]

3 Section 3. Chapter 5 of Title 30 is amended by adding a
4 subchapter to read:

5 SUBCHAPTER D

6 FISH AND BOAT FUND

7 Sec.

8 541. Establishment and use of Fish and Boat Fund.

9 542. Expenditures from Fish and Boat Fund.

10 § 541. Establishment and use of Fish and Boat Fund.

11 (a) General rule.--Except as otherwise provided in this
12 title, all fees, royalties, fines, penalties and other moneys
13 paid, received, recovered and collected under the provisions of
14 this title, as well as all funds received pursuant to 75 Pa.C.S.
15 Chs. 90 (relating to liquid fuels and fuels tax) and 95
16 (relating to taxes for highway maintenance and construction),
17 shall be placed in a separate fund by the State Treasurer to be
18 known as the "Fish and Boat Fund" and shall be used solely for
19 the following purposes:

20 (1) The payment of all expenses incurred in processing,
21 issuing or supervising the issuance of fishing licenses, boat
22 registrations, special licenses and permits.

23 (2) The payment of the salaries, wages or other
24 compensation of the executive director, other employees and
25 other persons as may be required for the work of the
26 commission.

27 (3) The payment of the travel and other expenses of the
28 board, members, officers, employees and other persons as may
29 be required for the work of the commission.

30 (4) The purchase of such furniture, furnishings,

1 stationery, supplies, materials, equipment, fuel, motor
2 vehicles, boats and printing and binding as may be necessary
3 to conduct the work of the commission, and the payment of
4 premiums on surety bonds for such officers or employees of
5 the commission as may be required to obtain policies of
6 workers' compensation insurance and policies of liability
7 insurance covering motor vehicles and persons operating them.

8 (5) The payment of postage, telegrams, telephone
9 rentals, telephone toll charges and rentals for patented
10 leased office devices or machines.

11 (6) Rentals for any offices outside of the Capitol
12 buildings or any other grounds, buildings or quarters
13 necessary for the work of the commission.

14 (7) The propagation, protection, management and
15 distribution of fish and the stocking of waters within this
16 Commonwealth as provided by law.

17 (8) Necessary repairs and improvements to fish cultural
18 stations, boating access areas or other buildings, offices or
19 quarters used in the work of the commission.

20 (9) Field work, gathering spawn and transferring fish.

21 (10) The maintenance and operation of such boats as may
22 be required for the business of the commission.

23 (11) Any contingent, incidental or other expenses of any
24 kind or description reasonably necessary in carrying on the
25 work of the commission, including the costs of activities for
26 the promotion of public interest in recreational fishing and
27 the costs of activities for the promotion of recreational
28 boating in this Commonwealth.

29 (12) The direct purchase in any amount, without prior
30 confirmation of the Department of General Services, of all

1 fish and fish food for its fish cultural facilities and
2 elsewhere as needed.

3 (13) The purchase of lands and waters and the impounding
4 of waters to make them available for use by the citizens of
5 this Commonwealth for fishing, boating and other recreational
6 purposes. The lands and waters so purchased shall be under
7 the supervision, direction and control of the commission.

8 (14) The purchase and acquisition of additional land and
9 water for Commonwealth fish cultural stations; the purchase,
10 acquisition and erection of buildings, ponds and other
11 extensions incidental to fish cultural stations; the
12 propagation and protection of fish and fish cultural stations
13 hereafter established; the distribution of fish from fish
14 cultural stations; the stocking of waters within this
15 Commonwealth; the impounding of waters to make them available
16 for use by the citizens of this Commonwealth for boating and
17 other related recreational purposes. The lands and waters so
18 purchased shall be under the supervision, direction and
19 control of the commission.

20 (15) The refund of fees, royalties, fines or other
21 moneys heretofore or hereafter erroneously or unjustly paid
22 into the Fish and Boat Fund.

23 (16) The lease of land, interests in land or licenses
24 for the use thereof by the commission.

25 (17) The development and implementation of a boating
26 safety education program.

27 (b) Cooperative agreements.--The commission may enter into
28 cooperative agreements with Federal, Commonwealth and other
29 State and local government agencies and with interstate compact
30 agencies, singly or in concert, for impounding, managing, using,

1 maintaining and operating waters for public fishing and public
2 boating and may expend moneys from the Fish and Boat Fund for
3 agreed upon pro rata share of the cost of their acquisition,
4 construction, operation and maintenance. The commission may
5 enter into similar agreements and undertake similar expenditures
6 in conjunction with private or commercial interests for the same
7 purposes.

8 (c) Appropriation of moneys.--All moneys in the Fish and
9 Boat Fund, from time to time, are hereby appropriated to the
10 commission and may be expended for the purposes authorized under
11 this title.

12 § 542. Expenditures from Fish and Boat Fund.

13 (a) Approval of estimated expenditures.--Estimates of
14 amounts to be expended under this subchapter, from time to time,
15 by the commission shall be submitted to the Governor for his
16 approval as in the case of other appropriations made to
17 Commonwealth agencies.

18 (b) Expenditures not to exceed approved estimates.--The
19 State Treasurer shall not honor any requisition for the
20 expenditure of any moneys by the commission in excess of the
21 estimates approved by the Governor or in excess of the amount
22 available for the purposes for which the requisition was made.

23 Section 4. Sections 701, 747, 926(a)(3), 2710, 2711(b),
24 2715(a) and (a.1), 2907.2(f.1), 3501(d), 3510(h)(4), 5104(a) and
25 5502(k) of Title 30 are amended to read:

26 § 701. Acceptance of donations of money or property.

27 The commission may accept from any person donations which, if
28 in the form of money or securities, shall be placed in the Fish
29 [Fund or] and Boat Fund and used for the purposes set forth in
30 section [521 (relating to establishment and use of Fish Fund) or

1 section 531 (relating to establishment and use of Boat Fund), as
2 applicable,] 541 (relating to establishment and use of Fish and
3 Boat Fund) or, if in the form of real or personal property,
4 shall be utilized or disposed of as provided by law.

5 § 747. Proceeds from sales and grants.

6 All net proceeds from the sale of lands, waters, timber, oil,
7 gas or other minerals, leases of commission lands, waters or
8 interests or rights from the production or sale of minerals and
9 from licenses or other rights, granted by the commission, shall
10 be deposited in the Fish [Fund or, if moneys from the Boat Fund
11 were expended to acquire the lands, in the] and Boat Fund. [If
12 moneys from both the Fish Fund and the Boat Fund were expended
13 to acquire the lands, then the proceeds shall be deposited in
14 the respective funds in proportion to the amount expended from
15 each fund for the acquisition of the lands.]

16 § 926. Disposition of fines and penalties.

17 (a) General rule.--Subject to any inconsistent procedures
18 and standards relating to reports and transmission of funds
19 prescribed pursuant to Title 42 (relating to judiciary and
20 judicial procedure) and related penalties:

21 * * *

22 (3) All fines received under this section shall be paid
23 into the State Treasury for the use of the Fish [Fund or] and
24 Boat Fund[, as appropriate].

25 * * *

26 § 2710. Form and expiration of licenses.

27 All licenses shall be issued on forms prepared and supplied
28 by the commission and paid for from the Fish and Boat Fund. The
29 license shall show the name, age and residence of the licensee
30 and the date of issue. It shall also contain the signature of

1 the licensee, written in ink, and shall authorize the licensee
2 to fish in any waters of this Commonwealth or in any boundary
3 waters subject to the restrictions and requirements of this
4 title and the rules and regulations promulgated thereunder. The
5 license may contain such other information as the commission may
6 require. Except as otherwise provided in this title, a license
7 shall expire on December 31 of the year for which it is issued.
8 There may be issued with each license a license button or other
9 device bearing the license number.

10 § 2711. Issuing agents.

11 * * *

12 (b) Compensation and fees.--For services rendered in
13 collecting and submitting license and permit fees, issuing
14 agents, as long as they continue to act in that capacity, may
15 collect and retain the issuing agent fees set forth in section
16 2715 (relating to license, permit and issuing agent fees), which
17 amount shall be full compensation for services rendered by them
18 under the provisions of this title. The compensation shall be
19 retained by the respective issuing agents and shall cover, among
20 other things, the cost of issuing licenses, special licenses and
21 permits, postage, mailing, returns and bonding of said agents.
22 All license, special license and permit fees paid to an issuing
23 agent under this title shall be paid by those agents into the
24 State Treasury for deposit in the Fish and Boat Fund in the
25 manner prescribed by the commission and they shall be applied to
26 the purposes provided for in this title. An issuing agent shall
27 make returns to the commission in the manner prescribed by the
28 commission. Any issuing agent failing to comply with any of the
29 provisions of this section shall not be entitled to retain the
30 fee fixed in this subsection for the agent's services but shall

1 pay those fees to the State Treasurer for deposit in the Fish
2 and Boat Fund. Delinquent agents are subject to a penalty of 10%
3 per month on any outstanding balance of license money due the
4 commission, which penalty shall be compounded on a monthly
5 basis. If those sums are not so paid, the Commonwealth may
6 recover them by suit in the same manner as like amounts are now
7 recoverable by law.

8 * * *

9 § 2715. License, permit and issuing agent fees.

10 (a) License fees.--The following fees apply to fishing
11 licenses issued under this chapter and shall be paid into the
12 Fish and Boat Fund:

- 13 (1) Resident Annual Fishing License, \$21.
- 14 (2) Senior Resident Annual Fishing License, \$10.
- 15 (3) Senior Resident Lifetime Fishing License, \$50.
- 16 (4) Nonresident Annual Fishing License, \$51.
- 17 (5) Seven-Day Tourist Fishing License, \$33.
- 18 (6) Three-Day Tourist Fishing License, \$25.
- 19 (6.1) One-Day Resident Fishing License, \$10.
- 20 (6.2) One-Day Tourist Fishing License, \$25.
- 21 (7) Replacement Fishing License, including related
22 permits and privileges, \$5.
- 23 (8) Transaction costs associated with the Pennsylvania
24 Automated Licensing Service (PALS), actual costs not to
25 exceed \$1.

26 (a.1) Permit fees.--Except as otherwise provided in this
27 title, the following fees apply to permits related to fish and
28 fishing and shall be paid into the Fish and Boat Fund:

- 29 (1) Trout/salmon permits, \$8.
- 30 (2) Resident charter boat/fishing guide permit, \$100.

1 (3) Nonresident charter boat/fishing guide permit, \$400.

2 (4) Special permit to fish in Lake Erie and tributaries,
3 \$8.

4 (5) Combination trout/salmon permit and Lake Erie
5 permit, \$14.

6 (6) Transaction costs associated with the Pennsylvania
7 Automated Licensing Service (PALS), actual costs not to
8 exceed \$1.

9 * * *

10 § 2907.2. Lake Erie fishing permits.

11 * * *

12 (f.1) Lake Erie permits.--The proceeds from the fees for the
13 special Lake Erie fishing permits as provided for under section
14 2715(a.1)(4) (relating to license, permit and issuing agent
15 fees) and \$6 of the fees for the combination trout/salmon
16 permits and Lake Erie permits as provided for under section
17 2715(a.1)(5) shall be deposited into a restricted account within
18 the Fish and Boat Fund. The restricted account shall be used to
19 provide public fishing access or to protect or improve fish
20 habitat on or at Lake Erie, Presque Isle Bay and their
21 tributaries, including waters that flow into those tributaries.

22 § 3501. Devices in dams to permit fish migration.

23 * * *

24 (d) Receipt and appropriation of moneys.--Any money received
25 by the commission under such an agreement shall be paid into the
26 Fish and Boat Fund and is hereby specifically appropriated to be
27 expended by the commission for the purposes specified in
28 subsection (c).

29 * * *

30 § 3510. Marking of dams.

1 * * *

2 (h) Penalties.--

3 * * *

4 (4) All fines received under this subsection shall be
5 paid into the State Treasury for the use of the Fish [Fund
6 or] and Boat Fund[, as appropriate].

7 * * *

8 § 5104. Fees.

9 (a) General rule.--The following fees apply to
10 registrations, licenses, permits and capacity plates and
11 certificates issued under this part and the fees collected shall
12 be deposited in the State Treasury in the Fish and Boat Fund:

13 * * *

14 § 5502. Operating watercraft under influence of alcohol or
15 controlled substance.

16 * * *

17 (k) Fees to be paid into Fish and Boat Fund.--With the
18 exception of court costs, program costs for counseling,
19 treatment or a boating safety course or any restitution referred
20 to in this section, any fee or financial condition imposed by a
21 judge as a condition of Accelerated Rehabilitative Disposition
22 or any other preliminary disposition of any charge under this
23 section shall be paid into the Fish and Boat Fund under section
24 [531] 541 (relating to establishment and use of Fish and Boat
25 Fund).

26 * * *

27 Section 5. Sections 9017(c)(1) and (2) and 9511(i)(1) and
28 (2) of Title 75, amended or added November 25, 2013 (P.L.974,
29 No.89), are amended to read:

30 § 9017. Refunds.

1 * * *

2 (c) Motorboats and watercraft.--

3 (1) When the tax imposed by this chapter and section
4 9502(a)(5) (relating to imposition of tax) has been paid and
5 the fuel on which the tax has been imposed has been consumed
6 in the operation of motorboats or watercraft upon the waters
7 of this Commonwealth, including waterways bordering on this
8 Commonwealth, the full amount of the tax shall be refunded to
9 the Fish and Boat Fund on petition to the board in accordance
10 with prescribed procedures.

11 (2) In accordance with such procedures, the Pennsylvania
12 Fish and Boat Commission shall biannually calculate the
13 amount of liquid fuels consumed by the motorcraft and furnish
14 the information relating to its calculations and data as
15 required by the board. The board shall review the petition
16 and motorboat fuel consumption calculations of the
17 commission, determine the amount of liquid fuels tax paid and
18 certify to the State Treasurer to refund annually to the Fish
19 and Boat Fund the amount so determined. The department shall
20 be accorded the right to appear at the proceedings and make
21 its views known.

22 * * *

23 § 9511. Allocation of proceeds.

24 * * *

25 (i) Refund to Pennsylvania Fish and Boat Commission.--

26 (1) When the tax imposed by section 9502(a)(1), (2), (3)
27 and (4) has been paid and the fuel on which the tax has been
28 imposed has been consumed in the operation of motorboats or
29 watercraft upon the waters of this Commonwealth, including
30 waterways bordering this Commonwealth, the full amount of the

1 tax shall be refunded to the Fish and Boat Fund on petition
2 to the Board of Finance and Revenue in accordance with
3 prescribed procedures.

4 (2) In accordance with the procedures, the Pennsylvania
5 Fish and Boat Commission shall biannually calculate the
6 amount of liquid fuels consumed by the motorcraft and furnish
7 the information relating to its calculations and data as
8 required by the Board of Finance and Revenue. The Board of
9 Finance and Revenue shall review the petition and motorboat
10 fuel consumption calculations of the commission, determine
11 the amount of the oil company franchise tax paid and certify
12 to the State Treasurer to refund annually to the Fish and
13 Boat Fund the amount so determined. The department shall be
14 accorded the right to appear at the proceedings and make its
15 views known.

16 * * *

17 Section 6. The following transitional provisions shall apply
18 to this act:

19 (1) Any moneys received by the Pennsylvania Fish and
20 Boat Commission on or before the effective date of this
21 section that are not credited to the Fish Fund or Boat Fund
22 according to law shall be credited to the Fish and Boat Fund.

23 (2) The balance of moneys remaining in the Fish Fund and
24 Boat Fund on the effective date of this section shall be
25 transferred to the Fish and Boat Fund.

26 (3) Any moneys of the Fish Fund and Boat Fund that are
27 committed and encumbered, but unexpended, as of the effective
28 date of this section shall be paid from the Fish and Boat
29 Fund in the same manner as if originally committed and
30 encumbered from the Fish and Boat Fund.

1 Section 7. A reference in any other law or regulation to the
2 Boat Fund or Fish Fund shall be deemed to be a reference to the
3 Fish and Boat Fund.

4 Section 8. This act shall take effect January 1, 2015.