

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

Administrative Provisions; Fiscal Code Note Provisions

[56 Pa.B. 1571]

[Saturday, March 21, 2026]

The Fish and Boat Commission (commission) proposes to amend Chapter 51 (relating to administrative provisions). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code). This rulemaking proposes to add Subchapter O to memorialize the fund flexibility created under section 1736-E of The Fiscal Code (72 P.S. § 1736-E).

A. *Effective Date*

This 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 this proposed rulemaking, contact Robert J. Schefter, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the commission's website at <https://www.pa.gov/en/agencies/fishandboat.html>.

C. *Statutory Authority*

This proposed amendment to Chapter 51 is published under the statutory authority of 30 Pa.C.S. §§ 521 and 531 (relating to establishment and use of Fish Fund; and establishment and use of Boat Fund). The specific authority for the funding flexibility memorialized in the proposed amendment is published under the statutory authority of section 1736-E(a) and (b) of The Fiscal Code.

D. *Purpose and Background*

The Fiscal Code (72 P.S. §§ 1—1810.10005) was amended in 2025 to permit the commission to use Fish Fund money for expenditures related to boats and boating that also benefit fish and fishing and Boat Fund money for expenditures related to fish and fishing that also benefit boats and boating in section 1736-E(a) and (b) of The Fiscal Code. Previously, no crossover of funds was permitted in 30 Pa.C.S. § 521 or § 531, leading to inefficiency and higher costs for boaters and anglers.

Section 1736-E(a) and (b) of The Fiscal Code is a permanent provision of The Fiscal Code and grants the commission much needed flexibility in funding its mission. However, The Fiscal Code is a voluminous legislative document not regularly referenced by commission staff. The commission needs to memorialize this funding flexibility in its own regulations so that staff members have proper notice of these provisions of The Fiscal Code. This proposed rulemaking satisfies the need by memorializing in the commission's regulations the funding flexibility granted by The Fiscal Code and providing notice thereof in a manner that could not be achieved by less formal means. This

proposed rulemaking does not grant any new authority to the commission; rather it simply memorializes the authority granted by The Fiscal Code.

E. Summary of Proposal

The commission has the authority to create an administrative provision to permit the crossover of funds to ensure efficient processes and reasonable costs for boaters and anglers, which is not otherwise provided for in the Fish and Boat Code. The commission proposes that Chapter 51 be amended to include Subchapter O to memorialize the fund flexibility created by The Fiscal Code as set forth in Annex A. A new subchapter is warranted because there are no other subchapters in Chapter 51 related to funding, and Subchapter O and § 51.151 (relating to Fish Fund) are the next chronological notations. The language used in the proposed rulemaking in § 51.151 is adopted directly from section 1736-E(a) of the The Fiscal Code, and the language used in § 51.152 (relating to Boat Fund) is adopted directly from section 1736-E(b) of The Fiscal Code.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this 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 to ra-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-372. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

(Editor's Note: Subchapter O is proposed to be added and is printed in regular type to enhance readability.)

Subchapter O. FISCAL CODE PROVISIONS

Sec.

51.151. Fish Fund.

51.152. Boat Fund.

§ 51.151. Fish Fund.

Notwithstanding 30 Pa.C.S. § 521 (relating to establishment and use of Fish Fund), under section 1736-E(a) of The Fiscal Code (72 P.S. § 1736-E(a)), money in the Fish Fund may be expended by the commission for activities related to boats and boating that benefit fish and fishing.

§ 51.152. Boat Fund.

Notwithstanding 30 Pa.C.S. § 531 (relating to establishment and use of Boat Fund), under section 1736-E(b) of The Fiscal Code (72 P.S. § 1736-E(b)), money in the Boat Fund may be expended by the commission for activities related to fish and fishing that benefit boats and boating.

[Pa.B. Doc. No. 26-402. Filed for public inspection March 20, 2026, 9:00 a.m.]

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