

*the Veterans Administration under the provisions of the Servicemen's Readjustment Act of one thousand nine hundred forty-four, as amended, and the Federal Housing Administration under the provisions of the Housing Administration Act, approved the twenty-seventh day of June, one thousand nine hundred thirty-four, as amended.*

Section 2. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 28th day of February, A. D. 1956.

GEORGE M. LEADER

No. 363

AN ACT

Amending the act of May two, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," authorizing refunds of fees, fines and other moneys erroneously or unjustly collected.

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

The Fish Law of 1925.

Section 1. Section two hundred eighty-three, act of May two, one thousand nine hundred twenty-five (Pamphlet Laws 448), known as "The Fish Law of 1925," added May twenty-five, one thousand nine hundred thirty-seven (Pamphlet Laws 801), is amended to read:

Section 283, act of May 2, 1925, P. L. 448, added May 25, 1937, P. L. 801, amended.

Section 283. Return of [Fine] *Fees, Fines or Other Moneys Erroneously or Unjustly Paid into Treasury*.—Whenever the [board] *commission* is satisfied that any *fee, fine or any other money* paid into the State Treasury under *any of* the provisions of this act was erroneously or unjustly collected and deposited, the [board] *commission*, within six [months] *years* after such deposit, may, by resolution, direct the [commissioner] *Executive Director* to draw a requisition upon the [fund into which fund such fine was deposited] *Fish Fund* for the amount involved. Upon the receipt of such requisition and an extract of the minutes of the [board] *commission*, the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such *fee, fine or other money* was erroneously or unjustly collected.

Section 285, act of May 2, 1925, P. L. 448, amended June 20, 1947, P. L. 657, further amended.

Section 2. Section two hundred eighty-five of the act, amended June twenty, one thousand nine hundred forty-seven (Pamphlet Laws 657) is amended to read:

Section 285. Fish License Fund Established.—All fees, fines, penalties, and other moneys paid, received, recovered, and collected (a) under the provisions of any law repealed and replaced by this act and now held in the State Treasury as a fund or any part of a fund separate and apart from the various purposes designated by law, or (b) that may be hereafter paid, recovered, received, and collected under the provisions of any act repealed and replaced by this act, or (c) that may be paid, received, recovered, and collected under the provisions of this act, shall be placed in a separate fund by the State Treasurer, to be known as “the fish fund,” and shall be used solely for the payment of all expenses incurred by the Department of Revenue in procuring, issuing, or supervising the issuance of resident and non-resident fishing licenses and license buttons, and under the direction of the [board] *commission* for the following purposes:

(a) The payment of the salaries, wages or other compensation of the [Commissioner of Fisheries] *Executive Director*, such deputies, directors, superintendents, bureau or division chiefs, experts, scientists, engineers, surveyors, draftsmen, accountants, secretaries, auditors, inspectors, examiners, statisticians, clerks, stenographers, bookkeepers, messengers, fish wardens, laborers, and other assistants and employes as may be required for the work of the [board] *commission*, and such special deputy attorneys general, assistant deputy attorneys general, as may be assigned by the Attorney General to the [board] *commission* or for handling any legal business pertaining to its work;

(b) The payment of the traveling and other expenses of the members, officers, and employes of the [Board of Fish Commissioners] *Pennsylvania Fish Commission*;

(c) The purchase, through the Department of Property and Supplies as purchasing agency, of such furniture, furnishings, stationery, supplies, materials, equipment, fuel, motor vehicles, and printing and binding, as may be necessary in the conduct of the work of the [board] *commission*, and the payment of premiums on surety bonds for such officers or employes of the [board] *commission* as may be required to furnish them policies of Workmen’s Compensation Insurance and policies of liability insurance, covering the aforesaid motor vehicles and persons operating same, which bonds or insurance

policies shall have been contracted for by the Department of Property and Supplies as agent of the [board] *commission*;

(d) The payment of postage, telegrams, telephone rentals, telephone toll charges, and rentals for patented leased office devices or machines;

(e) Rentals for any offices outside of the Capitcol Buildings or any other grounds, buildings, or quarters necessary for the work of the [board] *commission*;

(f) The propagation, protection, and distribution of fish and the stocking of waters within this Commonwealth, as provided by law;

(g) Necessary repairs and improvements to fish hatcheries or other buildings, offices, or quarters used in the work of the [board] *commisston*;

(h) Field work, gathering spawn, and transferring fish;

(i) The maintenance and operation of a boat on Lake Erie, and the cruiser "Anna" at Torresdale on the Delaware River; [and]

(j) Any contingent, incidental, or other expenses of any kind or description reasonably necessary in carrying on the work of the [board] *commission*;

(k) With the consent of the Governor, for the purchase of lands and waters and for the impounding of waters and to make the same available for use by the citizens of the Commonwealth for fishing, hunting, and forest purposes, and said lands and waters so purchased shall be under the supervision, direction and control of the [board] *commission*;

(l) The purchase and acquisition of additional land and water for State fish hatcheries, the purchase, acquisition, and erection of buildings, ponds, and other extensions incidental to fish hatcheries and for the propagation and protection of fish and hatcheries hereafter established, and for the distribution of fish from hatcheries, and the stocking of waters within this Commonwealth;

(m) For the refund [to county treasurers of fishing license] of fees, *finer or other moneys* heretofore or hereafter erroneously or *unjustly* paid into the Fish Fund, and

(n) The sum of twenty-five cents (25¢) from each resident fishing license fee, being one-half of the increase in fees provided by this amendment, shall be used exclusively for, (I) the acquisition in the name of the

Commonwealth by purchase of land and fishing waters or warm water ponds, or lands which because of their natural conditions can be converted into ponds, dams or reservoirs anywhere in the Commonwealth or in any part thereof, with such rights of ingress or egress to or from such waters as may be necessary to make the same available for use by the citizens of the Commonwealth for fishing and the maintenance thereof, (II) the rebuilding of torn out dams, and (III) the study of problems related to better fishing. All moneys received under the provisions of this clause, and all expenditures made from such moneys, shall be shown in detail by the [board] *commission* in every annual report or annual statement rendered by it.

All moneys in such separate fund, from time to time, are hereby specifically appropriated to the Department of Revenue and the [board] *commission*, and may be expended for the purposes hereinbefore enumerated. All printing, buttons, and other supplies or materials, purchased by the Department of Revenue for the purpose of performing its duties under the provisions of this act, shall be purchased through the Department of Property and Supplies as purchasing agency.

Estimates of the amounts to be expended under this act, from time to time, by the Department of Revenue and the [Board of Fish Commissioners] *Pennsylvania Fish Commission*, respectively, shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations made to administrative departments, boards, and commissions, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Department of Revenue or by the [Board of Fish Commissioners] *Pennsylvania Fish Commission* in excess of the estimates approved by the Governor. Subject to the foregoing provisions, the Auditor General shall, from time to time, upon requisition of the Secretary of Revenue or of the [Commissioner] *Executive Director*, draw his warrant on the State Treasurer for the amount specified in such requisition not exceeding, however, the amount in such fund available for the purposes for which such requisition was made at the time of making such requisition.

APPROVED—The 28th day of February, A. D. 1956.

GEORGE M. LEADER