

No. 1998-7

AN ACT

HB 13

Amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for clarification of the status of members of the Pennsylvania Fish and Boat Commission, its Boating Advisory Board and deputy waterways patrolmen; providing for a volunteer program; and further providing for classification of offenses and penalties and for Class A regulated fishing lakes.

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

Section 1. Sections 301(c), 305(b) and 306(d) of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

§ 301. Organization of commission.

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(c) Terms of office and compensation.—The members shall hold office for terms of eight years and may continue to hold office for a period of time not to exceed six months or until a successor is appointed and qualified, whichever occurs first. A member appointed to fill a vacancy for a period of four years or less may be eligible for appointment to a full eight-year term. A member who serves a full eight-year term or fills a vacancy for a period of more than four years shall not be eligible for reappointment to the commission until a period of eight years expires. The members shall receive no compensation for their services but may be reimbursed for travel expenses. *When performing any function on behalf of the commission or acting within the scope of their official duties, members of the commission shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the Commonwealth for the purposes of automotive and general liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.*

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§ 305. Deputy waterways patrolmen.

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(b) Compensation.—Deputy waterways patrolmen shall not be entitled to any salary, compensation or expenses for their services from the Commonwealth, unless detailed in writing for duty by the executive director of the commission, in which case they shall receive compensation and reasonable expenses in accordance with a Statewide pay scale. *When acting within the scope of their official duties, deputy waterways patrolmen shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the Commonwealth for the purposes of*

automotive and general liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

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§ 306. Boating Advisory Board.

* * *

(d) Compensation.—The volunteer members of the board shall receive no salary but may, subject to the approval of the commission, receive travel expenses. *When performing any function on behalf of the commission or acting within the scope of their official duties, volunteer members of the board shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated as employees of the Commonwealth for the purposes of automotive and general liability and the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.*

* * *

Section 2. Title 30 is amended by adding a section to read:

§ 327. *Volunteer program.*

(a) *Volunteer program.*—*The commission shall have the power and authority to do all things necessary and expedient to maintain a volunteer program and to promulgate rules and regulations under this section.*

(b) *Services of individuals without compensation.*—*The executive director or his designee is authorized to recruit, train and accept, without regard to the civil service classification laws, rules or regulations, the services of individuals without compensation as volunteers for or in aid of interpretive functions, education and information programs, boating safety and water rescue programs, conservation measures, habitat improvement and other activities related to fish and fishing and boats and boating.*

(c) *Expenses.*—*The commission is authorized to pay reasonable and necessary expenses for volunteers, in accordance with Statewide guidelines, for transportation, uniforms, lodging and subsistence.*

(d) *Status of volunteers.*—

(1) *Except as otherwise provided in this section, a volunteer shall not be deemed to be a Commonwealth employee and shall not be subject to the provisions of law relating to Commonwealth employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and Commonwealth employee benefits.*

(2) *Volunteers performing work under the terms of this section acting within the scope of their volunteer duties shall be authorized to operate Commonwealth vehicles and watercraft and shall be treated for the purposes of automotive and general liability as employees of the Commonwealth.*

(3) *For the purposes of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, volunteers under this section shall be deemed employees of the Commonwealth.*

(4) *No volunteer shall be assigned to any position that is covered by any labor agreement, presently filled or authorized in the commission.*

(5) As to civil damages, the standard of care for acts or omissions by commission volunteers acting within the scope of their duties shall be as set forth in 42 Pa.C.S. § 8332.4 (relating to volunteer-in-public-service negligence standard).

Section 3. Section 3106(a) of Title 30 is amended to read:

§ 3106. Classification of lakes.

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

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

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

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

Persons patronizing a Class A regulated fishing lake may catch, kill and possess fish without regard to any size, season or possession limit and need not possess a Pennsylvania fishing license. All other provisions of this title are applicable.

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Section 4. This act shall take effect immediately.

APPROVED—The 29th day of January, A.D. 1998.

THOMAS J. RIDGE