

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51 AND 53]

Administration and Commission Property

The Fish and Boat Commission (Commission) amends Chapters 51 and 53 (relating to administrative provisions; and Commission property). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to administration and Commission property.

A. Effective Date

These amendments will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These amendments are published under the statutory authority of sections 741 and 2711 of the code (relating to control of property; and issuing agents).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations relating to issuing agents and Commission property. The specific purpose for the various amendments is described in more detail under the Summary of Changes.

E. Summary of Changes

(1) *Chapter 51, Subchapter D (relating to issuing agents)*. The Commission issues a *Handbook for License Issuing Agents* that is distributed at the beginning of each license year. This handbook details procedures to be followed in the performance of an agency's responsibilities and is based on the code, the Commission's regulations and the experience gained by selling licenses over the years. The handbook also contains operational suggestions and highlights penalties that can be imposed for noncompliance with the code and the regulations promulgated thereunder. Sections 51.31—51.33 (relating to responsibility of issuing agents; resident and nonresident licenses; and effective date of fishing licenses and trout/salmon permits) currently address certain aspects of an issuing agency, including responsibilities, resident vs. nonresident status and the effective dates of licenses. However, a considerable portion of the Commission's requirements of an issuing agency as detailed in the handbook has not been adopted by the Commission as regulations. The result is a body of requirements absent the effect of law. The Commission therefore proposed regulations adopting the procedures in the handbook. This will provide remedies to the Commission for noncompliance that are not now available to it.

Since publication of the notice of proposed rulemaking, it has been brought to the Commission's attention that the following items were omitted: (1) a provision that covers gift licenses; (2) a provision recalling an issuing agency as provided in section 2711 of the code for the agency's failure to provide a summary book with each license that it issues; and (3) a provision making it

unlawful for an issuing agent or employe to provide false or misleading information on any license issued or to back date any license sold.

At its meeting on January 25, 1997, the Commission adopted the changes to the regulations as set forth in the notice of proposed rulemaking with the changes set forth previously.

(2) *Section 53.4 (relating to closed areas and hours)*. The Commission owns and operates fish culture stations, boating access areas, administrative facilities and other property. Some of the property is open for general public use; other properties are production or other facilities to which public access may be limited. This is ordinarily handled by use of signs or other means at the facilities. On rare occasions, persons enter or remain upon Commission property and disrupt ordinary operations. In these cases, the Executive Director should have the authority to issue a letter or order barring the person from entering or remaining on the property in question. Managers of Federal installations have similar authority, and it works well in the handful of episodes where specific individuals cause persistent problems at specific facilities. The Commission amended its property regulations by adding a new subsection to § 53.4 to give the Executive Director this authority.

(3) *Section 53.11 (relating to off-highway vehicles and snowmobiles)*. The section, as currently written, requires that the permit application include a statement from a physician licensed to practice in this Commonwealth describing the disability and certifying that the applicant meets the requirements of this section. One applicant has suggested that the Commission also accept certification from licensed chiropractors as well as medical doctors. Staff already have interpreted the section this way in light of court precedent and the practices of other State agencies. In addition, clarification is needed regarding what qualifies as an off-road motorized vehicle. One application for a permit described the off-road motorized vehicle as Ford Ranger 4x4 Truck; another described it as a golf cart or car or whatever is available. The Commission amended this section to address these concerns.

F. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments impose no new costs on the private sector or the general public.

G. Paperwork

Under the *Handbook for License Issuing Agents*, issuing agents are already subject to certain reporting requirements. The amendments relating to issuing agents accordingly will not increase paperwork and will create no new paperwork requirements. The other amendments similarly will not increase paperwork and will create no new paperwork requirements.

H. Public Involvement

A notice of proposed rulemaking containing the proposed regulations was published at 26 Pa.B. 6089 (December 21, 1996). None of the proposed changes attracted public comment.

Findings

The Boat Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no public comments were received.

(3) The adoption of the amendments to the regulations of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 51 and 53, are amended by amending §§ 51.32, 51.33, 53.4 and 53.11 and adding §§ 51.34 and 51.36 to read as set forth at 26 Pa.B. 6089 and by adding § 51.35 and amending § 51.31 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 26 Pa.B. 6089 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 26 Pa.B. 6089 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-60 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter D. ISSUING AGENTS

§ 51.31. Responsibility of issuing agents.

(a) Issuing agents are responsible to insure that the fishing license application is fully completed by the applicant. The issuing agent may assist the applicant in completing the application, but the applicant shall sign his own name or place his mark in the place indicated on the application.

(b) Issuing agents shall verify the eligibility of the applicant for the class of license indicated on the application in accordance with § 51.32 (relating to resident and nonresident licenses). Issuing agents shall notate on the application the type of proof that the applicant provided to demonstrate resident status.

(c) The issuing agent shall transfer the information from the application to the license certificate, assuring that the information can be easily read. Information on the license certificate shall agree with the application and be typed or printed in ink.

(d) Agents shall use standard abbreviations supplied by the Commission for the color of hair and color of eyes.

(e) Each license shall bear the account number of the issuing agent and the signature or initials of the person issuing the license.

(f) Issuing agents shall issue licenses in numerical sequence.

(g) Issuing agents shall provide a *Summary of Fishing Regulations and Laws* with each license issued. Issuing agents also shall provide a copy of the summary book to any holder of a Senior Resident Lifetime Fishing License who requests one. Failure to comply with this subsection will be grounds for recall of the issuing agency as provided in section 2711 of the code (relating to issuing agents). Issuing agents are encouraged to provide a copy of the summary book, if adequate numbers are available, to other individuals who request one.

(h) Issuing agents are responsible to insure that when someone buys a license as a gift for another person, the person buying the license signs his name on the application and writes the word "gift" below his signature.

§ 51.35. Operation of the issuing agency.

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses. The Commission will not consider an application unless it is accompanied by a bond in favor of the Commission in a minimum amount specified by the Commission.

(b) An entity accepted by the Commission to act as an issuing agent shall perform in the following manner:

(1) An issuing agent, including county treasurers, may not appoint subagents to issue fishing licenses, stamps or permits.

(2) Issuing agents shall file monthly reports of all fishing licenses, stamps and permits sold during the month in the manner determined by the Commission. Agents may file reports more frequently at the discretion of the agent.

(i) Agents shall include in their monthly reports detailed sales information and remittance for all licenses, stamps and permits sold during the reporting period.

(ii) Agents shall file their reports so that they are received in the Harrisburg office by the 15th of the month following the reportable month.

(iii) Agents shall file a report even if there is no sales activity to report for the month. Failure to file a report places the agency in a delinquent status.

(iv) Agents shall indicate their agent number on the report, as well as the remittance.

(3) Issuing agents shall retain the third copy of the license certificate and the original application for 1 year after the close of any given license year.

(4) Issuing agents shall maintain a bond in favor of the Commission in a minimum amount specified by the Commission for each location where licenses, stamps and permits are issued.

(5) An issuing agent may not borrow, lend or otherwise transfer a supply of licenses, stamps or permits to another agent without the prior written consent of the Commission.

(6) An issuing agent or an issuing agent's employe may not provide false or misleading information on a license issued. The date reported on a license sold shall be the date of the actual sale.

[Pa.B. Doc. No. 97-351. Filed for public inspection March 7, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 61, 65 AND 69]
Fishing

The Fish and Boat Commission (Commission) amends Chapters 61, 65 and 69 (relating to seasons, sizes and creel limits; special fishing regulations; and fishing in Lake Erie and boundary lakes). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fishing.

A. Effective Date

These amendments will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

The amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations relating to fishing. The specific purpose for the various amendments is described in more detail under the summary of changes.

E. Summary of Changes

(1) *Section 61.1 (relating to Commonwealth inland waters)*. Effective the 1982 fishing year, the Commission initiated a 15-inch, two fish per day policy for Landlocked Atlantic Salmon as part of the plan for introducing this species to Harveys Lake, Luzerne County, and later to Raystown Lake, Huntingdon County. For reasons that may never be fully understood, but certainly include the collapse of smelt populations in Harveys Lake and perhaps competition with other predatory fish in Raystown, the salmon never materialized despite serious stocking efforts. Stocking has been discontinued for some time, and netting of both waters indicates that few, if any, salmon remain. Thus, there is no need to have specific regulations on Landlocked Atlantic Salmon. The general regulations on all species of trout and salmon for inland waters will more than suffice for any Landlocked Atlantic Salmon that may still exist in Commonwealth waters. The Commission therefore amended this section to delete the specific regulations pertaining to Landlocked Atlantic Salmon.

(2) *Section 61.4 (relating to Conowingo Reservoir)*. Maryland and Pennsylvania historically have had a cooperative relationship regarding regulations for the "border" waters, Conowingo Reservoir and Youghiogheny Reservoir. Due primarily to the locations of the dams, Pennsylvania takes the lead on the Youghiogheny while Maryland takes the lead on the Conowingo. Staff was recently alerted that Maryland intends to implement changes to its regulations on the Conowingo Reservoir for 1997. Maryland proposes an 18-inch length limit for striped bass (and hybrids). The Maryland proposal also includes length limits of 24 inches for northern pike, 15 inches for walleye and 36 inches for muskellunge and muskellunge hybrids. Although staff believes that the 20-inch minimum length limit currently in effect for striped bass (and hybrids) is preferable, staff agrees with the other regula-

tions that Maryland proposes. The Maryland proposal of 24-inches for northern pike and 15-inches for walleye will coincide with Pennsylvania's regulations for those species. Although Maryland's proposal on muskellunge is inconsistent with Pennsylvania's regulations, it is acceptable to staff because it is on the conservative side and should impact relatively few anglers based on staff's perception of a very low number of muskellunge in these waters. Staff also suggests that any reference to Amur pike under the northern pike component of the regulations be deleted as it is doubtful that any of these fish continue to exist. The Commission therefore adopted regulations increasing the size limits of northern pike, walleye and muskellunge in the Conowingo Reservoir and deleting any reference to Amur pike.

(3) *Sections 65.2 and 65.6 (relating to delayed harvest fly-fishing-only areas; and delayed harvest artificial lures only areas)*. In the early 1980's, as part of modifying the special regulations program involved in trout management, the fishing hours for fly-fishing-only area were changed from "1 hour before sunrise to 1 hour after sunset" to "1 hour before sunrise—except opening day which is 8 a.m. to 1 hour after sunset." This designation has continued through 1996 with Delayed Harvest waters even though there is no need to have the special clause for the opening day of trout season inasmuch as these waters are intended to be open year around. None of the other special regulation programs have such a restriction. It is staff's intention to have fishing hours on Delayed Harvest waters no more restrictive than on other waters in special regulation trout programs. Therefore, the Commission amended these regulations to delete the reference to 8 a.m. on opening day in both sections.

(4) *Section 65.4a (relating to all-tackle trophy trout)*. A 7 mile stretch of Penns Creek, Centre County, and a 13.5 mile length of the Little Juniata River, Blair and Huntingdon Counties, where special regulations recently have been initiated (see § 65.24), form the basis for a program that is likely to grow as other select streams are considered. It is desirable to place this special regulation program under the same designation procedures applicable to other special regulations. This will make these special regulations easier to recognize in the license summary book and will provide a more systematic approach to this program. The Commission therefore adopted new regulations implementing the all-tackle trophy trout program.

(5) *Section 65.22 (relating to trout streams open to sucker fishing)*. For several years, portions of a few select trout-stocked streams under § 65.22 were open to sucker fishing (worms only) during the normal spring closure for approved trout waters. The program was in recognition of the popularity of this springtime tradition and how approved trout water status limited use on these waters given the extent of the stocking program. Currently, portions of only two streams (that is, Fishing Creek, Clinton County, and Bald Eagle Creek, Centre County) are involved, and it seems appropriate to consider discontinuation of this special regulation. The need for these regulations is questionable. Some of the most popular/better sucker fishing areas on both waters are outside of that provided for in the regulations and are not designated approved trout waters. Stocking will provide greater flexibility in scheduling preseason trout anytime rather than just the week before opening day to minimize problems with the sucker fishery. It will also reduce the temptation for angling for trout using the worms-only sucker designation as a guise.

(6) Sections 69.21—69.39 (relating to commercial fishing). Act 1994-79 banned the use of gill nets for commercial fishing on boundary lakes, effective January 1, 1996. As former gill net licensees convert to trap nets, it has become necessary to update the current regulations relating to trap nets.

Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

G. Paperwork

The amendments adopted will not increase paperwork and will create no new paperwork requirements.

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 26 Pa.B. 5982 (December 14, 1996). With regard to the changes to §§ 69.21—69.39, staff also directly solicited comments from all licensed commercial fisherman on Lake Erie.

None of the proposed changes attracted public comment except as follows:

The Commission received one comment from a sportsmen's group that expressed strong support for the Commission's discontinuance of its program designating certain trout streams as open to sucker fishing during the period March 1 to the opening day of regular trout season in April, as set forth in § 65.22.

The Commission also received one extensive and thoughtful comment regarding its proposed commercial fishing regulations set forth at §§ 69.21—69.39. The commentator offered many suggestions worthy of consideration. However, the extensive changes that he suggests, while within the scope of the proposed rulemaking, require further staff review and will profit from public input. Accordingly, the Commission adopted the regulations as proposed and will consider additional changes as proposed rulemaking at its spring 1997 meeting.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that the comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 61, 65 and 69, are amended by amending §§ 61.1, 61.4, 65.2, 65.6, 65.24, 69.21—69.24, 69.26, 69.33, 69.37 and 69.39 and deleting §§ 65.22, 69.29, 69.34 and 69.36 to read as set forth at 26 Pa.B. 5982; and by adding § 65.4a to read as set forth in Annex A.

(b) The Executive Director will submit this order, 26 Pa.B. 5982 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 26 Pa.B. 5982 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-61 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.4a. All-tackle trophy trout.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trophy trout areas. The designation of waters as all-tackle trophy trout areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted all-tackle trophy trout area except in compliance with the following requirements:

(1) The program is open to fishing year-round; there is no closed season.

(2) Minimum size is: 14 inches, caught on, or in possession on, the waters under regulation.

(3) The daily creel limit is: two trout-combined species—from 8 a.m. on the opening day of trout season in April until midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation.

(4) A current trout/salmon permit is required.

(c) This section applies to trout only. Inland regulations apply to all other species.

[Pa.B. Doc. No. 97-352. Filed for public inspection March 7, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 91, 97, 99, 111 AND 115]

Boating

The Fish and Boat Commission (Commission) amends Chapters 91, 97, 99, 111 and 115. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to boating.

A. Effective Date

These amendments will go into effect upon publication of this order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These amendments are published under the statutory authority of sections 5123 and 5124 of the code (relating to general boating regulations; and particular areas of water).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations on boating. The specific purpose for the various amendments is described in more detail under Summary of Changes. At its meeting on December 20, 1996, the Commission's Boating Advisory Board reviewed the amendments and recommended final adoption by the Commission.

E. Summary of Changes

(1) *Section 91.2(b) (relating to definitions)*. The regulations require that all boats display running lights (red/green side lights and a white stern light) while underway at night and during periods of limited visibility. Boats at anchor are required to display an anchor light (an all around white light). There appears to be some confusion by the public concerning when a boat is underway and when it is not. The Commission amended the regulation to add a definition of "underway," as set forth in the *Navigation Rules* published by the United States Coast Guard.

(2) *Section 91.5 (relating to parental and boat owner responsibility)*. The regulations currently place requirements on young boaters, including the prohibition against the operation of boats powered by motors in excess of 10 horsepower. See § 91.4 (relating to age of operator). Enforcement generally is not an issue, but in certain instances when more than a warning is needed, an enforcement officer's only recourse is to issue a citation to the youthful operator. In many cases when a law enforcement response in excess of a warning is required, it would be preferable to proceed against the adult parent or guardian or boat owner who allowed the child to violate the regulation. At its January 1997 meeting, the Commission amended this section to place the responsibility on the owner of the boat or the parent or guardian to assure compliance with the regulations.

(3) *Section 91.6 (relating to certificates)*. Several regulations require that certain boat operators obtain boating safety certificates before operating a motorboat. For example, § 91.4(b) provides that a person 12 to 15 years of age may not operate a motorboat propelled by a motor of greater than 10 horsepower without obtaining a boating safety certificate, unless there is at least one other person in the boat 16 years of age or older. When adopted, the intent of these regulations was to ensure that operators have sufficient knowledge to operate a boat. While implied, the regulations do not require that operators carry a certificate or show it to a law enforcement officer. This creates somewhat of a problem in that operators can state that they have a certificate, but the officer cannot demand proof of the certificate. The Commission amended the regulations to add a new section that places a general requirement that any certificate required by the code be carried and produced when requested by an enforcement officer.

(4) *Section 97.1(h) and (i)*. The term "open waters" as used in subsection (h) is not defined or described any-

where in the regulations. Nor is the term defined in the *Navigation Rules* or in *Chapman's Piloting*. Some individuals have interpreted this term as referring only to larger waters, such as Lake Erie, Raystown or other big lakes. So that this subsection is not misinterpreted, the Commission amended the regulation to delete the phrase "on open waters." The Commission also amended the section to add language to subsection (h) that would allow a law enforcement officer to proceed against the operator of a boat who does not cause a child 12 years of age or younger to wear a personal flotation device as required by this section. Although enforcement generally is not an issue, there are certain instances when more than a warning is needed and an enforcement officer's issuance of a citation to the child is not desirable. In addition, the Commission deleted subsection (i) because on May 1, 1996, its provisions became obsolete.

(5) *Section 99.1(b) (relating to boats requiring capacity plates)*. The Commission has received numerous telephone calls questioning the requirement for a capacity plate on pontoon boats. To eliminate any confusion that a pontoon boat does not require a capacity plate, the Commission amended this section to exempt specifically pontoon boats.

(6) *Section 111.31(c) (relating to Perez Lake, Huntingdon County)*. Perez Lake, located in Barree Township, Huntingdon County is owned and operated by Penn State University and is classified as an approved trout water. The lake is also open to public fishing. The University has established its own property regulations on Perez Lake. One of the University regulations is that only nonpowered and electric-powered boats are permitted on the lake. Because this section is solely a University property regulation, the Commission's enforcement officers cannot enforce it under the code. The Commission amended this section to add a new subsection that prohibits the operation of boats powered by internal combustion motors on Perez Lake.

(7) *Section 115.11 (relating to personal flotation devices)*. The current regulations permit the carriage and use of Type I and Type II personal flotation devices (PFDs) on passenger carrying vessels. This restriction is based on the better performance characteristics of these devices. Other generally approved PFDs have less buoyancy and may not perform as well in certain circumstances. The problem is that Type I and II PFDs are also more uncomfortable to wear. The Commission has been encouraging boaters to wear PFDs. Type III and V PFDs are much more wearable and would be a better choice than Type I and II devices on Pennsylvania inland waters yet cannot be used on passenger for hire boats. The Commission therefore amended the regulation to allow the use of Type III and V PFDs on boats carrying passengers for hire. It should be noted that this regulation applies only to sole State waters.

F. Paperwork

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking was published at 26 Pa.B. 6091 (December 21, 1996). None of the proposed changes attracted public comment.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and no comments were received.

(3) The adoption of the regulations of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 91, 97, 99, 111 and 115, are amended by amending §§ 91.2, 97.1, 99.1, 111.31 and 115.11 and adding §§ 91.5 and 91.6 to read as set forth at 26 Pa.B. 6091.

(b) The Executive Director will submit this order and 26 Pa.B. 6091 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director will certify this order and 26 Pa.B. 6091 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-59 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 97-353. Filed for public inspection March 7, 1997, 9:00 a.m.]