



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1003

PRINTERS NO. 3134

PRIME SPONSOR: Gillespie

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	\$0
Fish Fund	\$0	\$0

SUMMARY: Amends Title 30 (Fish and Boat Code) to address safety and marking of low head “run-of-the-river” dams, and to set new criminal penalties.

ANALYSIS: HB 1003 amends Section 3510 (relating to marking of dams) subsection (h) (relating to penalties) of Title 30 to establish the following criminal penalties for any person who fails to comply with the requirements to properly mark a new or existing run-of-the-river dam:

- A first offense will be graded as a summary offense of the first degree resulting in a fine of \$250;
- Subsequent offenses will be graded as a misdemeanor of the third degree resulting in a fine of not less than \$250 nor more than \$5,000.

The bill also sets the following penalties for any person who fails to maintain marking signs or buoys for run-of-the-river dams:

- A first offense will be graded as a summary offense of the second degree resulting in a fine of \$150;
- Subsequent offenses will be graded as a summary offense of the first degree resulting in a fine of \$250.

For both offenses cited above, each month of noncompliance will constitute a separate violation. HB 1003 also states that the provisions of 18 Pa.C.S. (relating to crimes and offenses) and section 923 (relating to classification of offenses and penalties) of Title 30, insofar as they relate to imprisonment for convictions of summary and misdemeanor offenses, are not applicable to Section 3510 of Title 30.

The bill also clarifies and updates the definition of “run-of-the-river dams” using current terminology, as follows:

A manmade structure which:

- is a dam regulated by the Department of Environmental Protection pursuant to the Dam Safety and Encroachments Act;

- is built across a watercourse and certain flows pass over the entire dam structure, excluding abutments, to a natural channel downstream; and
- the department determines to have hydraulic characteristics such that at certain flows persons may be caught in the hydraulic roller or boil immediately below the dam.

Effective Date: 60 days.

FISCAL IMPACT: The enactment of this legislation will have no adverse impact on Commonwealth funds.

PREPARED BY: Thomas Gwinn
House Appropriations Committee (R)

DATE: January 15, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.