

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1003

**PRINTER'S NO.** 3134

**AMOUNT**

No Fiscal Impact                      FY 2020-21  
\$7,800 Additional Revenue FY 2021-22

**FUND**

Boat Fund

**DATE INTRODUCED**

April 2, 2019

**PRIME SPONSOR**

Representative Gillespie

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1003 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.

House Bill 1003 amends Section 3510 subsection (h) of Title 30 to establish the following new 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; and
- Subsequent offenses will be graded as a misdemeanor of the third degree resulting in a fine of not less than \$250 or more than \$5,000.

The bill also sets the following new 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; and
- 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. House Bill 1003 also states that the provision of 18 Pa.C.S of Title 30 as they relate to imprisonment for convictions of summary and misdemeanor offenses are not applicable to Section 3510 of Title 30.

Lastly, House Bill 1003 clarifies and updates the definition of “run-of-the-river dams” using current terminology, as follows:

- A man-made structure which:
  - Is a dam regulated by the Department of Environmental Protection pursuant to the Dam Safety and Encroachments Act;

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- 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 a person may be caught in the hydraulic roller or boil immediately below the dam.

This legislation will take effect in 60 days.

### **FISCAL IMPACT:**

The Pennsylvania Fish and Boat Commission reports Waterway Conservation Officers conduct inspections of "run-of-the-river dams" every three years. Inspections were last conducted in 2018, in which 31 warning letters were issued to dam owners who were not in compliance. Therefore, assuming 31 fines of \$250 will be issued in 2021, the Boat Fund is estimated to receive approximately \$7,800 in fine revenue as a result of this legislation.