



**Sub. H.B. 157\***

126th General Assembly

(As Reported by S. Environment and Natural Resources)

**Reps. Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans, Carano, Cassell, Hartnett, Brown, Strahorn, Perry, Gibbs, Setzer, Domenick, Allen, Blessing, Book, Chandler, Coley, Collier, Core, DeBose, Dolan, Driehaus, Fende, Flowers, Harwood, Hughes, Kearns, Key, Koziura, Latta, Law, Martin, Miller, Oelslager, Otterman, T. Patton, Reinhard, S. Smith, D. Stewart, J. Stewart, Taylor, Wagoner, Walcher, Williams, Woodard, Yates, Yuko**

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**BILL SUMMARY**

- Revises the Pymatuning Lake Compact regarding the use of boats and vessels on the Lake.
- Exempts the Division of Wildlife from making payments into the Department of Natural Resources' Central Support Indirect Fund, and appropriates \$315,000 in fiscal year 2006 and \$365,000 in fiscal year 2007 from the General Revenue Fund to pay the Division's central support charges.

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**CONTENT AND OPERATION**

**Pymatuning Lake Compact**

**Background**

Pymatuning Lake was created pursuant to a law enacted in 1913 by the state of Pennsylvania for the purposes of impounding water resulting from the draining of a swamp, controlling floods and regulating the flow of water in the Shenango and Beaver Rivers, and creating opportunities for fishing and other recreational pursuits. Because the Lake extends in part across the boundary line

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*\* This analysis was prepared before the report of the Senate Environment and Natural Resources Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

between Pennsylvania and Ohio, those states entered into an agreement governing matters concerning the Lake, including general use, arrest and prosecution of offenders, islands, water pollution, boats and vessels, fishing, reciprocal hunting rights, and wild game and fish sanctuaries. This agreement, which also is referred to as a compact, is codified in current law. (Sec. 1541.31.)

### **The bill**

The bill revises provisions in the compact concerning boats and vessels. Currently, the compact prohibits hydroplanes or aquaplanes and any type of boat motor in excess of a ten horsepower rating from being operated anywhere on the Lake, except police or administration motor boats in a number that is mutually agreed upon by Pennsylvania and Ohio. The bill changes the compact to instead prohibit a person from operating any watercraft propelled by a single motor, or any combination of motors, that produces a horsepower rating in excess of ten horsepower on Pymatuning Lake, except a pontoon boat 16 feet in length or longer propelled by a single motor, or any combination of motors, that produces a horsepower rating of 20 horsepower or less and police or administration watercraft, the number of which must be mutually agreed upon by Pennsylvania and Ohio. (Sec. 1541.31.)

The bill eliminates language in the compact specifying that sail boats, row boats, canoes, and boats propelled by a motor not in excess of ten horsepower are permitted on the Lake, provided that the owners first obtain a license from the respective state of which the owner is a resident under such regulations as each party to the agreement may adopt. Instead, the bill amends the compact to prohibit any person from operating a watercraft on the Lake without first obtaining such a license. The bill also replaces references to a "boat" with references to a "watercraft." (Sec. 1541.31.)

The current compact authorizes a boat equipped with a motor in excess of ten horsepower rating to be operated on Pymatuning Lake as long as the motor is not used. The bill creates an exception to this provision that authorizes a pontoon boat that is 16 feet in length or longer to use a motor in excess of ten horsepower rating on the Lake. It also eliminates language specifying that a motor of not more than ten horsepower rating may be attached to a boat that is equipped with a motor in excess of ten horsepower rating and may be used for propelling the boat on the Lake. In addition, the bill adds language prohibiting a person from riding or attempting to ride upon one or more water skis, surfboards, towed inflatable devices, or similar devices or using or operating any vessel to tow a person thereon. (Sec. 1541.31.)

Under the current compact, anyone who violates any of its provisions that govern boats and vessels or who operates any boat equipped with a motor on the

Lake without being authorized to do so under those provisions must, upon conviction, be sentenced to pay a fine not to exceed \$50 and cost of prosecution and, in default of payment of the fine and costs, must undergo imprisonment not to exceed 30 days. The bill modifies existing language concerning the fine and imprisonment by specifying that a convicted violator must be sentenced in accordance with the applicable laws for the same or similar violations within the prosecuting jurisdiction, provided that the penalty for the violation cannot exceed a fine of \$500 or imprisonment for 30 days. (Sec. 1541.31.)

The existing compact specifies that nothing in it can be interpreted to effect a change in the level or flow of water as determined or fixed by the Department of Environmental Resources (of Pennsylvania). The bill replaces "Department of Environmental Resources" with "Department of Conservation and Natural Resources." (Sec. 1541.31.)

### **Payment of Division of Wildlife's central support charges**

Current law requires the Department of Natural Resources, with approval of the Director of Budget and Management, to utilize a methodology for determining payments by each division in the Department into the Department's Central Support Indirect Fund. The methodology must contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to the Central Support Indirect Fund must be made using an intrastate transfer voucher. The bill exempts the Division of Wildlife from making payments into the Department's Central Support Indirect Fund. In addition, the bill requires the direct and indirect central support charges of the Division of Wildlife to be paid out of the General Revenue Fund and appropriates \$315,000 in fiscal year 2006 and \$365,000 in fiscal year 2007 from the General Revenue Fund for that purpose. (Section 3.)

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## **COMMENT**

Ohio and Pennsylvania must agree to changes in the compact in order for the changes to take effect. In 2004, the Pennsylvania General Assembly enacted, and the governor of Pennsylvania signed, legislation that revised the compact concerning the use of watercraft on the Lake. While the Pennsylvania changes in some cases are identical to those proposed in the bill, they differ in other instances, particularly with regard to horsepower ratings and pontoon boats that are equipped with motors.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-29-05	p. 356
Reported, H. Agriculture & Natural Resources	05-11-05	p. 781
Passed House (91-0)	08-02-05	pp. 1571-1572
Reported, S. Environment & Natural Resources	---	---

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