



Eric Vendel

Final Analysis
Legislative Service Commission

H.B. 157

126th General Assembly
(As Passed by the General Assembly)

Reps. Distel, Aslanides, McGregor, Patton, S., Seitz, Evans, C., 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, Patton, T., Reinhard, Smith, S., Stewart, D., Stewart, J., Taylor, Wagoner, Walcher, Williams, Woodard, Yates, Yuko

Sens. Zurz, Grendell, Gardner, Harris, Niehaus, Mumper, Armbruster, Carey, Kearney, Cates, Dann, Prentiss, Fedor

Effective date: *

ACT SUMMARY

- Revises the Pymatuning Lake Compact regarding the use of boats and vessels on the Lake.

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 between Pennsylvania and Ohio, those states entered into an agreement governing matters concerning the Lake, including general use, arrest and prosecution of

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

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 continuing law and revised by the act. (Sec. 1541.31.)

The act

The act revises provisions in the compact concerning boats and vessels. Formerly, the compact prohibited 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 was mutually agreed upon by Pennsylvania and Ohio. The act 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 act eliminates language in the compact specifying that sail boats, row boats, canoes, and boats propelled by a motor not in excess of ten horsepower were permitted on the Lake, provided that the owners first obtained a license from the respective state of which the owner was a resident under such regulations as each party to the agreement may have adopted. Instead, the act amends the compact to prohibit any person from operating a watercraft on the Lake without first obtaining such a license. The act also replaces references to a "boat" with references to a "watercraft." (Sec. 1541.31.)

A continuing provision of the 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 act 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 could be attached to a boat that was equipped with a motor in excess of ten horsepower rating and could be used for propelling the boat on the Lake. In addition, the act 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.)

Formerly, anyone who violated any of the compact's provisions governing boats and vessels or who operated any boat equipped with a motor on the Lake without being authorized to do so under those provisions was required, upon

conviction, to be sentenced to pay a fine not to exceed \$50 and cost of prosecution and, in default of payment of the fine and costs, was required to undergo imprisonment not to exceed 30 days. The act instead requires such a convicted violator to 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.)

A provision of the compact that is largely unchanged 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 act replaces "Department of Environmental Resources" with "Department of Conservation and Natural Resources." (Sec. 1541.31.)

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 enacted by the act, they differ in other instances, particularly with regard to horsepower ratings and pontoon boats that are equipped with motors.

HISTORY

ACTION	DATE
Introduced	03-29-05
Reported, H. Agriculture & Natural Resources	05-11-05
Passed House (91-0)	08-02-05
Reported, S. Environment & Natural Resources	10-05-05
Passed Senate (29-0)	10-05-05
House refused to concur in Senate amendments (0-92)	01-17-06
Senate receded from its amendments (31-0)	01-18-06

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