

**Malady & Wooten, LLP**

Legislative Report

February 7, 2014

For questions, contact:

**Drew Lyons**

Phone: 717.236.9600

Email: [dlyons@malady-wooten.com](mailto:dlyons@malady-wooten.com)



**Pennsylvania Golf Course Owners Association**

**LEGISLATIVE UPDATE**

---

**Session Schedule:**

**2013 HOUSE SESSION SCHEDULE**

March 10, 11, 12, 17, 18, 19, 31

April 1, 2, 7, 8, 9, 28, 29, 30

May 5, 6, 7

June 2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30

**2013 SENATE SESSION SCHEDULE**

March 10, 11, 12, 17, 18, 19, 31

April 1, 2, 7, 8, 9, 28, 29, 30

May 5, 6, 7

June 2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30

## **PENNSYLVANIA BULLETIN ANNOUNCEMENTS**

---

### **SUSQUEHANNA RIVER BASIN COMMISSION Notices**

[Actions taken at December meeting](#)

### **2014-2015 BUDGET HEARINGS**

---

#### **Senate Appropriations**

**TUESDAY - 2/18/14**

**3:00 p.m., Hearing Room 1, North Office Building**

Budget Hearing - Department of Environmental Protection

#### **House Appropriations**

**WEDNESDAY - 2/19/14**

**1:00 p.m., Room 140 Main Capitol**

Budget Hearing - Department of Environmental Protection

#### **House Appropriations**

**WEDNESDAY - 2/19/14**

**2:30 p.m., Room 140 Main Capitol**

Budget Hearing - Department of Community & Economic Development

#### **Senate Appropriations**

**MONDAY - 2/24/14**

**1:00 p.m., Hearing Room 1, North Office Building**

Budget Hearing - Department of Community & Economic Development

### **2014-2015 PROPOSED BUDGET**

---

On Tuesday, February 4<sup>th</sup> Governor Corbett introduced his 2014-2015 proposed budget. Starting next week the legislature will convene 3 weeks of budget hearings with state agencies and negotiations will ensue.

**Below are links to the Governor's Executive Budget Book along with additional supplemental items.**

- [2014-15 Governor's Executive Budget](#)
- [2014-15 Budget in Brief](#)
- [2014-15 Proposed Budget Line-Item Appropriations](#)
- [2014-15 Proposed Budget Slide Presentation](#)
- [2014-15 Proposed Budget Dashboard](#)

### **AGRICULTURE PANEL ADVANCES BRUBAKER'S BILL ADDRESSING FERTILIZER USAGE ON TURF**

---

HARRISBURG – The Senate Agricultural and Rural Affairs Committee unanimously approved today legislation sponsored by Senator Mike Brubaker (R-36) that would enhance water quality by providing a statewide standard for the application of turf fertilizer, ultimately improving the health and future of the Chesapeake Bay and local waters.

Under Senate Bill 1149, Pennsylvania homeowners and those tending to golf courses and athletic fields would continue to be permitted to apply fertilizer to lawns but at limited rates and times. Other provisions outlined in Senate Bill 1149 would limit the amount of nitrogen and phosphorus in fertilizer that could be sold over the counter. Fertilizer products would also be required to label warnings for consumers to not

apply near water, to sweep the product from driveways, sidewalks and streets, and to not apply if heavy rain is expected.

Brubaker who serves on the Chesapeake Bay Commission emphasized that his legislation is intended to reduce the over-application of fertilizer in suburban and urban areas, where it can wash into local streams and into the Chesapeake Bay. As part of the Bay's clean-up efforts, Pennsylvania has received pressure to reduce the amount of its nutrients that end up in the bay, according to Brubaker.

"This bipartisan legislation would bring residential homeowners in line with the pollution reduction practices already employed in the agricultural community. It's time our Commonwealth joins other states to meet the federal pollution reduction goals and contribute to the protection and health of the Chesapeake Bay," he said.

Senate Bill 1149 is a modification to language contained in legislation introduced in 2011. Similar measures have been enacted in the states of Maryland, Virginia and New Jersey.

### **CHESAPEAKE BAY FOUNDATION QUESTIONS WHY STATES OPPOSE CLEANING UP THE BAY**

The Chesapeake Bay Foundation this morning hosted a brief conference call to question why 21 states that are not in the Chesapeake Bay watershed have joined a lawsuit to stop the implementation of the Chesapeake Clean Water Blueprint.

Will Baker, president of the Foundation, expressed his outrage that 21 states, including Alaska and Florida have joined with the American Farm Bureau Federation, The Fertilizer Institute, and other agricultural lobbyist groups to halt implementation of the blueprint. He explained the original lawsuit was decided by a federal judge in Harrisburg after 11 months of deliberation and it was rejected, but that decision has been appealed. He said the judge described a vibrant and robust program, calling it "cooperative federalism" between the states and federal government. He noted the Foundation is a full defendant in the case.

In a statement, Baker said, "The Chesapeake Bay states have worked with the federal government to develop a Blueprint for clean water in local rivers, streams, and the Chesapeake Bay. And, it is working. A group of agricultural lobbyists including the Farm Bureau and The Fertilizer Institute and others sued EPA to overturn the science-based pollution limits on which the Blueprint is based. Judge Rambo...heralded the interaction between the federal government and the states as cooperative federalism at its best. The Farm Bureau and other big-ag lobbying groups have appealed that decision. Now, the Farm Bureau group has recruited 21 states and eight counties to support overturning the federal judge's ruling... We say to Missouri, Indiana, Kansas, Alaska, and the other 17 states, don't tell us how to restore clean water in our backyard. Each of the six Bay states and the District of Columbia—including hard working famers, businesses, and individuals—are cooperating. Together, we are well on our way to making our rivers and streams safer, improving habitat, protecting human health, and strengthening local economies. Those are good things, at least here."

In light of the action of the 21 states, Baker reported the Foundation is prepared to call on its members in those states to challenge their governors and attorneys general to explain why they believe they have a right to try to stop efforts to clean up the bay and rivers that feed it. He asked why those states are opposed to clean water and said the Foundation will do all it can to get an explanation. Baker said the Foundation will also work to persuade the groups that have appealed the judge's decision to instead join the growing list of states, agencies, individuals, and businesses who are working cooperatively to address clean water issues.

Baker stated he was taken by complete surprise that states outside the watershed would try to sue to stop the watershed from cleaning up the water. He reported the good news is that the programs are in place and will continue to operate unless the litigants are successful at overturning the blueprint. He lamented, however, that the litigation means time, money, and effort has to be diverted to fight

the attack.

## **COSPONSOR MEMOS**

---

Rep. Harper  
- Storm Water Authorities

## **COMMITTEE MEETINGS**

---

### **House Tourism and Recreational Development (INFORMATIONAL) (CANCELED) WEDNESDAY - 2/5/14**

**9:00 a.m., Room G-50, Irvis Office Building**

Informational meeting on DCED's marketing program for 2014

## **COMMITTEE NEWS**

---

### **Senate Agriculture and Rural Affairs Committee**

*2/4/14, 1:10 p.m., Rules Committee Conference Room*

**SB 1149 Brubaker, Michael** - (PN 1531) Amends Title 3 (Agriculture), in fertilizer, stating that no fertilizer may be labeled for the purposed of melting snow or ice; and adding a chapter providing for the use of fertilizer on turf. This chapter shall not apply to fertilizer applied for the purposes of agricultural production or sod produced for commercial sale. The bill provides for the contents and labeling of fertilizer sold at retail and outlines how such fertilizer may be applied to turf. The bill provides for certification of professional fertilizer applicators, for their responsibilities, and for duties of the Department of Agriculture. 3 Pa.C.S. 6801, 6803, 6804 and 6805 are effective in two years; 3 Pa.C.S. 6806(a) and (b) are effective one year after the promulgation of regulations; and the remainder is effective immediately. - The bill was unanimously **reported as amended**.

**A04779** by Brubaker, clarifies the definition of "by-product." The amendment was unanimously **adopted**.

Sen. Mike Brubaker (R-Lancaster) said the bill will bring Pennsylvania's rules and regulation regarding application to turf in line with those in Maryland and Virginia.

Minority Chairman Judy Schwank (D-Berks) commended Sen. Brubaker for his work on the bill. She remarked on the long-term effort to ensure Pennsylvania is in compliance with Chesapeake Bay requirements and good agricultural practices. Sen. Brubaker agreed it has been a lengthy effort. He pointed out that roughly half of Pennsylvania lies in the Chesapeake Bay watershed, but noted the bill is not just about the Bay and will also implement "good science." He noted Maryland is getting credit from the federal government on the program and has had it in place long enough that any adverse affects would be known. Sen. Brubaker discussed the importance of Pennsylvania taking action, explaining that the federal government will step in if the commonwealth does not act.

## **BILL REPORT**

---

**\*ATTACHED TO THE REPORT\***

## STATE NEWS

---

### **GOV. CORBETT DELIVERS BUDGET ADDRESS**

Budget Secretary Charles Zogby provided details on the Governor's 2014-15 proposed budget, which calls for a 3.3 percent increase over 2013-14 to a total of \$29.4 billion and hinges on three main priorities – job creation, education and healthcare – a strategy collectively called Building a Stronger Pennsylvania. Sec. Zogby called the 2014-15 budget a “pivot point,” where the administration can begin to invest in priorities after spending three fiscal years righting the state's balance sheet. Sec. Zogby noted that the governor entered office amidst a fiscal crisis and has passed three consecutive on-time, balanced budgets. The top priority for 2014-15, Sec. Zogby reported, is creating an environment in which “family-sustaining jobs” can flourish.

### **GOVERNOR CORBETT SIGNS DISASTER EMERGENCY PROCLAMATION**

Governor Tom Corbett announced that he has signed a disaster emergency proclamation to assist state and local authorities in responding to an ice and snow storm that has damaged infrastructure, slowed travel across much of the state and caused widespread power outages. “At the height of this storm, nearly 849,000 customers were without power in Pennsylvania,” Governor Corbett said. “This will be a days-long recovery process, and we're utilizing this disaster declaration to speed up state assistance to all affected parts of the state.”

### **NEW DIRECTOR SHARES HIS VISION STATE LOTTERY**

Sil Lutkewitte knows all about the dreams that the Pennsylvania Lottery can conjure up for players when the Powerball or Mega Millions jackpot rolls into triple digits. The 50-year-old Derry Twp. resident will set his sights on finding ways to attract more people to play the lottery to maximize its profits for the benefit of older Pennsylvanians. To do that, he has some ideas in mind. It may involve Keno. It may involve other new games.

## IN THE NEWS

---

### **Bay Foundation Receives Growing Greener Grant to Expand Clean Water Efforts**

\$375,000 Award to be used for Restoration Projects in North Central Pennsylvania

(HARRISBURG, PA)—The Chesapeake Bay Foundation (CBF) celebrates with partners and farmers the award of a \$375,000 Growing Greener grant that will enable vital on-farm water quality improvements to continue and to expand in north central Pennsylvania.

The grant award, [announced just last week by Governor Tom Corbett](#), is one of 118 Growing Greener grants totaling \$20.65 million. CBF will utilize these new Growing Greener funds to expand restoration work with the ultimate goal of improving water quality in priority, impaired watersheds. To do that, CBF, partners, and farmers in north central and central Pennsylvania will establish new streamside buffers and make improvements to existing buffers, protect and enhance fisheries habitats, and establish a variety of on-farm conservation improvements that are shown to improve water quality.

The statewide [Growing Greener conservation funding program](#) is a vital resource for organizations and groups whose mission it is to improve our rivers and streams. Growing Greener grants are awarded specifically to enhance efforts that protect and improve watersheds, reduce stormwater runoff and acid mine drainage (AMD), and to support educational programs and other critical conservation related efforts.

“The Growing Greener program has played a vital role in improving water quality in the Commonwealth for well over a decade now,” said Harry Campbell, CBF's Pennsylvania Director. “The importance of this funding source cannot be over-stated, and the clean water successes that have resulted from the program are to be celebrated.”

Thanks in large part to a previous Growing Greener grant, CBF, partners, and 41 farmers recently [celebrated a significant clean water achievement](#)—the establishment of 36 miles of streamside forested

buffers in Bradford, Susquehanna, Sullivan, Wyoming, and Lycoming counties. These streamside buffers will help to improve local and downstream water quality, provide habitat for fish and other wildlife, and very importantly—help to keep our farms viable. Additionally over 219 different conservation projects were completed on these farms, which will further help to reduce pollution and improve water quality.

This work is part of CBF’s Pennsylvania Watershed Restoration Program, and builds on the organization’s 15 years of restoration experience. These restoration efforts result in direct improvements to local and downstream water quality.

“The Growing Greener Program not only helps CBF engage in on-the-ground restoration work which improves water quality in our own backyards,” continued Campbell. “But it is also a vital resource to be utilized toward meeting Pennsylvania’s Clean Water Blueprint requirements.”

CBF is one of 162 groups or organizations that applied for this round of Growing Greener funding, for a total request of \$41.8 million.

- 02-06-2014 **Milton Hershey School students examine hospitality industry**  
Milton Hershey School 10th- and 11th-grade students got a first-hand look at various departments in the hospitality industry to celebrate National Ground Hog Shadow Day on Jan. 31. milthersh2.jpegHershey Lodge employees talk to Milton Hershey students about the hospitality industry.Submitted photo... - [Harrisburg Patriot-News](#)
- 02-05-2014 **U.S. Senate panel eyes bills to protect waterways after W.Va. chemical spill**  
WASHINGTON -- A U.S. Senate panel is looking to strengthen inspection requirements for chemical storage after last month's chemical spill that contaminated West Virginia tap water, but the industry says it's already heavily regulated and that government instead should focus on enforcement.... - [Pittsburgh Post-Gazette](#)
- 02-05-2014 **Local tourism officials disappointed in Corbett's budget**  
Tracy Barone bristles at the television commercials featuring sweeping landscapes and people enjoying nature, culture and history in Michigan, New Jersey and Arkansas. Pennsylvania hasn't been marketing itself as a tourism destination, said Ms. Barone, executive director of the Lackawanna County Convention Visitors... - [Scranton Times](#)
- 02-04-2014 **Community and Economic Development sees small dip in funding: Pa. budget 2014**  
At a glance: In business and economic development, if you are standing still, you are losing. So the slight decrease in funding for Pennsylvania’s Community and Economic Development department has to be counted as a loss. Proposed funding is down \$481,000 to \$562.7 million. And... - [Harrisburg Patriot-News](#)
- 02-03-2014 **Hidden Valley reaps the benefits of its partnership with Seven Springs**  
Anyone who has hired a contractor for a major home improvement project can appreciate the challenges Seven Springs faced when it decided to upgrade -- on a tight deadline -- Hidden Valley's cafeteria, rental shop and Clock Tower restaurant. Seven Springs bought Hidden Valley, its longtime competitor, on Oct. 1. It... - [Pittsburgh Post-Gazette](#)
- 02-03-2014 **Price Of Diesel Fuel On Rise In Pa.**  
PHILADELPHIA (CBS) – Pennsylvania drivers who fuel their vehicles with diesel are facing painful pump prices. The owners of diesel powered cars and trucks know all too well it’s not just the green handle that distinguishes the diesel pumps from the gas, so they’re used to the higher prices.... - [KYW News Radio 1060](#)
- 02-03-2014 **Beaver Co. gains grant**  
On behalf of the Pennsylvania Growing Greener Coalition, I want to congratulate Beaver County on receiving nearly \$50,000 in grant funding to support its efforts to restore and stabilize stream banks in Brush Creek and Green Valley parks. This significant grant award is part of a \$20.65 million investment through... - [Beaver County Times](#)

## WEEK IN REVIEW

---

- 02-07-2014 **Corbett, Ridge lobby against lawyer nominated for Justice Department post**  
HARRISBURG — Gov. Tom Corbett and former Pennsylvania Gov. Tom Ridge on Thursday urged the U.S. Senate to reject President Obama's nominee for a key Justice Department position because the lawyer helped overturn the death penalty for a notorious convicted cop killer.... - [Pittsburgh Tribune-Review](#)
- 02-07-2014 **More than 300,000 still powerless; federal disaster declared**  
The White House on Thursday made the obvious official: The region's epochal ice storm that darkened entire communities, shut down businesses, and turned schools into emergency shelters was, indeed, a certified disaster. With the presidential declaration, Philadelphia and the four suburban... - [Philadelphia Inquirer](#)
- 02-06-2014 **Pennsylvania lacks budget surplus, misses trend**  
HARRISBURG — Republican Gov. Tom Corbett touts strong fiscal stewardship in his re-election campaign but is trying to balance a budget with a deficit of \$1 billion-plus while many other states have surpluses. States large and small are starting to show surpluses — \$4.2 billion in... - [Pittsburgh Tribune-Review](#)
- 02-06-2014 **Lottery ready to bet on keno**  
Tucked into Gov. Tom Corbett's proposed 2014-15 state budget is \$20 million in new Pennsylvania Lottery revenue, mostly from the addition of keno to the agency's game portfolio. Lottery officials believe they have the statutory authority to introduce keno without legislative approval but still want to engage lawmakers in the... - [Wilkes-Barre Citizens' Voice](#)
- 02-05-2014 **What comes next for the Pennsylvania budget? A guide**  
Gov. Tom Corbett has had his say on Pennsylvania's next budget. Now it's the General Assembly's turn. Members of both houses will have to decide if they're willing to commit to \$29.4 billion in state spending, including more than \$1 billion in one-time expenditures.... - [Harrisburg Patriot-News](#)
- 02-05-2014 **Pa. National Guard is prepared to help in outage if needed, Gov. Corbett says**  
HARRISBURG — Gov. Tom Corbett hasn't yet issued an emergency declaration for the current ice storm, but one is ready to go out if needed, he said during a news conference Wednesday. With about 754,000 people lacking power in the state, 685 Pennsylvania National Guardsmen from three regions are on standby, but so far have not... - [Harrisburg Patriot-News](#)
- 02-04-2014 **Corbett's 4th budget to tout Pa. turnaround**  
HARRISBURG, Pa. — Republican Gov. Tom Corbett's re-election year budget will depend on the biggest projected increase in tax collections since he took office and will prescribe a large injection of money into public schools through a new grant program he planned to unveil on Tuesday... - [AP](#)
- 02-04-2014 **Your income tax will stay the same, business asset tax continues to fall: Pa. budget 2014**  
At a glance: Gov. Tom Corbett's 2014-2015 budget does not include any proposed tax or fee increases. What it means: Corbett ran for governor pledging not to raise taxes. While some have debated if fees placed on natural gas extraction and fees hikes as part of last year's transportation package constitute a tax,... - [Harrisburg Patriot-News](#)
- 02-03-2014 **Pensions, education central to Gov. Corbett's budget talk**  
HARRISBURG -- Sitting in shirtsleeves in his budget secretary's office, by a sign reading "Nothing stimulates the imagination like a budget cut," Gov. Tom Corbett refrained from explaining ahead of Tuesday's annual address just how he will propose closing a shortfall projected at \$1.3 billion.... - [Pittsburgh Post-Gazette](#)
- 02-03-2014 **Pa. bars can apply to offer small games of chance**  
PRIMOS, Pa. — Pennsylvania bars can now start applying for state licenses to offer pull-tab games, daily drawings and other forms of gambling approved by the Legislature last year, and at least one prominent owner predicts that small games of chance will eventually be found in most... - [AP](#)

