

Malady & Wooten, LLP

Legislative Report

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Pennsylvania Golf Course Owners Association

LEGISLATIVE UPDATE

Session Schedule:

2013 HOUSE SESSION SCHEDULE

April	8, 9, 10, 15, 16, 17, 22, 23, 24
May	6, 7, 8, 13, 14, 15
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

2013 SENATE SESSION SCHEDULE

April	8, 9, 10, 15, 16, 17, 29, 30
May	1, 6, 7, 8, 9, 13, 14
June	3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

COMMITTEE NEWS

Joint Legislative Conservation Committee

3/18/13, 12:00 p.m., 8E-B East Wing

The committee held an informational meeting with the Pennsylvania Association of Conservation Districts

Chairman Hutchinson introduced the afternoon's speaker and remarked the Pennsylvania Association of Conservation Districts (PACD) works to accomplish stewardship and conservation goals. He particularly noted the presentation will touch on the conservation districts' gravel and dirt road maintenance program.

Robert Maiden, executive director of PACD, provided an overview of the state's 66 conservation districts (one for each county except Philadelphia) and the programs offered by the districts. He stated the conservation districts were created following the dust bowl of the 1930s and opined the fact that the country has not seen a dust bowl since then is due in part to the work of the conservation districts. He noted about 50 percent of conservation district employees are county employees and the remainder are independent employees of the conservation district board.

Maiden highlighted the programs offered by conservation districts, stating the districts provide efficient, local conservation programs, including the dirt and gravel roads program. In the dirt and gravel road program, he noted, 16,600 project sites of dirt and gravel roads have been identified. The conservation districts construct and rebuild dirt and gravel roads to bring them up to standard. The projects prevent the sediment from running off the roadways and into the waterways and also make the roads accessible to more vehicles. He remarked these projects improve quality of life by making the roads accessible and saving driving time for many. The projects also allow county conservation districts to build relationships with the municipalities, he added. To date, 4475 million has been invested by the dirt and gravel roads program.

Maiden also touched on a number of other programs offered by county conservation districts, noting that each district is unique and only implement those programs needed to meet the individual county's needs.

Maiden said conservation districts oversee the Chapter 102 Erosion and Sediment permitting and inspection program, which is active in all 66 conservation districts and explained this is a common permit which is needed for any disturbance over one acre in order to project the water. Conservation districts administer the program for the Department of Transportation, at no cost to the department, he said, with about half of the conservation districts also overseeing the Chapter 105 stream encroachment permitting and inspection which includes projects such as removing trees from streams to prevent flooding.

Other programs Maiden touched on include management of nutrients from farms, agriculture technical assistance, a Chesapeake bay technician is in each consideration district in the Chesapeake Bay watershed to provide education to farmers, stormwater management projects, acid mine drainage projects, Marcellus Shale water quality testing (but not erosion and sediment control permitting), pipelines erosion and sediment control permitting, forestry, NPS PennVEST projects for farmers to do best management practices, and consumer education.

Funding for conservation districts comes from a variety of sources, including two line items in the General Fund budget, county governments, the Marcellus Shale natural gas drilling impact fee, and permit fees, Maiden reported. He said about 50 percent of allocated revenue from the impact fees is distributed equally to the conservation districts and the remaining 50 percent is allocated to the State Conservation Commission. This amounted to \$19,000 per district and \$1.25 million to the state commission in 2012, which is expected to increase in future years, he said. Maiden noted General Fund funding for conservation districts has been reduced in recent years, which has resulted in staff reductions of about 10 percent. He stated county allocations vary widely by county and districts are able to charge permit fees for 102 and 105 programs, which also vary by county.

Maiden concluded by reiteration that conservation districts are efficient, effective local resources. "Districts are a true value for the state and always looking for avenues to serve the needs of their communities further."

In response to questions from the audience, Maiden confirmed conservation districts' responsibilities are "skyrocketing" in recent years and expressed concern with their ability to meet these responsibilities with the cuts in the two line items. He pointed out the work will need to be completed regardless and conservation districts are able to do it efficiently

Maiden explained each county board, consisting of county commissioners and community members, determine the county's fees on a permit by permit decisions. He noted permits in urban areas are more expensive.

At Maiden's invitation, Steve Bloser, director of the Penn State Center for Direct and Gravel Road Studies, discussed funding issues for dirt and gravel road programs. He explained the program has been funded at a level of \$5 million since its inception and has been able to complete 2,400 sites out of 14,000 identified. He stated there is a great need for funding and indicate the prospect of increased funding, to as much as \$15 million annually has been explored. He stated the program can complete 200 projects each year with \$5 million and commented "the real success" is when the conservation district practices are subsequently picked up by the municipalities to implement on other roads.

The next meeting of the committee will be Monday, April 8, 2013, at 12:00 noon, to be held in 8E-B, East Wing. Rentricity, PA American Water Company, and Westmoreland County Municipal Authority will discuss an innovative way to create hydro kinetic energy within pipelines.

BILL REPORT

ATTACHED TO THE REPORT

STATE NEWS

FACULTY CONTRACT APPROVED BY STATE SYSTEM UNIVERSITIES

Labor peace at last at the Pennsylvania State System of Higher Education's governing board. The board ratified a four-year faculty contract that replaces one that expired June 30, 2011. That contract, which covers nearly 6,000 professors, carries a net cost of \$65 million over its four-year life. The bulk of the new cost is to cover salary increases and pension contributions.

BILL ALLOWING ONLINE VOTER REGISTRATION ADVANCES

Legislation to modernize Pennsylvania voter registration is advancing in the Senate. The Senate State Government Committee today passed legislation that would allow citizens 18 years and older to register to vote online until 30 days before the election. The measure, sponsored by Sen. Lloyd Smucker, R-Lancaster County, now goes to the full Senate for consideration.

WARD ANNOUNCES NEW LEGISLATIVE PACKAGE TO REFORM CHILD PROTECTION LAWS

Sen. Kim Ward (R-Westmoreland), accompanied by a bipartisan group of senators, announced a new legislative bill package that would overhaul Pennsylvania's child protection laws. Sen. Ward reported the Senate will be taking up the legislation based on the recommendations of the Pennsylvania Task Force on Child Protection established by SR 250 of 2011 and expressed confidence the legislation will be approved. She said Senate leaders are onboard and remarked she hopes to see passage by June.

IN THE NEWS

DEP Releases 2013 Susquehanna River Sampling Plan

Agency Will Provide Regular Updates on Website

Harrisburg – The Department of Environmental Protection today released a work plan outlining intensive efforts to continue studying and sampling dozens of locations in the Susquehanna River basin throughout 2013. DEP's ongoing efforts include analysis of water quality, water flow, sediment, pesticides, hormones, invertebrates, fish tissue and other areas of study. Portions of the study will focus on areas of the river or its tributaries where smallmouth bass reproduce.

"The scientists and experts here at DEP have, quite simply, done an incredible amount of work on this complex issue over the past few years," DEP Secretary Mike Krancer said. "Our staff will continue this comprehensive, fact-based approach, working with our partners at the Fish and Boat Commission, the Susquehanna River Basin Commission and the U.S. Geological Survey.

"The actual cause or causes of the issues we have seen with the smallmouth bass have not yet been determined or linked to any particular water quality issue," he said. "But DEP is dedicated to working with our partners to find the answer."

The agency's sampling efforts will be focused on sites along the Susquehanna at Marietta, City Island and Sunbury and along the Juniata River at the Lewistown Narrows and Newport. A site along the Delaware River near Trenton, NJ, will be used as a control site. Staff will test for various water quality parameters, like dissolved oxygen, temperature and pH, at multiple sites in the Susquehanna. Samples of fish, mussels and macroinvertebrates, such as mayflies, will also be collected.

"Our efforts span the entire watershed," Krancer said. "Sampling across the Susquehanna River basin allows us to identify and accurately measure the effects of various influences on the river. This research will provide data and help us decide what next steps, if any, are needed to protect our waterways."

Fish tissue from bass collected during spawning season will be analyzed for pesticides, PCBs and metals. DEP will also work with the U.S. Geological Survey to analyze fatty tissue from healthy and diseased fish to determine the effects of different environmental factors.

In the coming weeks, DEP will sample for pesticides at existing water quality network stations along the Susquehanna, Juniata and Delaware rivers. Samples will be collected during some rain events, as that is when pesticides and herbicides are more likely to wash into the river.

DEP will analyze the samples for 54 different compounds. The study also calls for analysis of sediment samples and in-stream monitoring data, to be collected at spawning areas, that examines for pesticides and hormonal compounds. Staff will also take water quality samples from 32 sites in the tributaries of the Susquehanna River basin to better characterize the entire watershed.

The agency's biologists continue to consult with a contracted algal expert to analyze samples collected in areas where young-of-year bass have died off or where algal blooms have occurred in the past. Water samples from algae-heavy areas will be analyzed for total suspended solids, ammonia, nitrogen and phosphorus to determine the relationship between nutrient run-off, or discharges, and algae growth. Excessive algae may be indicative of poor water quality and can inhibit aquatic life and recreational activity, such as fishing.

DEP continues to wait for final approval from the U.S. Environmental Protection Agency of its final 2012 Integrated Waters report, a biannual assessment of the state's rivers and streams required by the federal

Clean Water Act. The report describes the health of various waterways in the state and, where needed, DEP proposes listing waterways as impaired.

For more information, visit www.dep.state.pa.us and click on the "Susquehanna River Study Update" button on the homepage.

- 03-21-2013 **DEP vows to try to find source of dying Susquehanna bass**
HARRISBURG--The Department of Environmental Protection today released a work plan outlining intensive efforts to continue studying and sampling dozens of locations in the Susquehanna River basin throughout 2013. DEP's ongoing efforts include analysis of water quality, water flow, sediment,... - *Lancaster Intelligencer Journal*
- 03-20-2013 **Pennsylvania Department of Environmental Protection outlines 2013 plans for Susquehanna River**
Less than 24 hours before several dozen conservationists gather in a Susquehanna Summit in Lewisburg on Wednesday – including several who believe the state Department of Environmental Protection failed the river by not including it on the state's list of impaired waters – DEP... - *Harrisburg Patriot-News*
- 03-20-2013 **As I See It: Pennsylvania must shift to renewable energy**
By Greg Vitali "Over the past year, we've seen record-breaking heat and drought across the U.S., devastating wildfires out west, and here in the east, the tremendous flooding and damage associated with the unprecedented Superstorm Sandy. Collectively these events are symptomatic of the warming of our planet and... - *Harrisburg Patriot-News*
- 03-18-2013 **PA Wilds: Wineries thrive among elk, forests, and creeks**
This story is presented in partnership with the Pennsylvania Wilds, a two million acre landscape composed of 12 distinct and beautiful counties, each with its own unique heritage, character, charm and outdoor adventure. The Pennsylvania Wilds may be best known for its wild places and wildlife,... - *Lock Haven Express*

WEEK IN REVIEW

- 03-22-2013 **Corbett announces agreement to keep daily Amtrak service between Pittsburgh and Harrisburg**
The Corbett administration says it reached an agreement Thursday with Amtrak that will preserve daily rail service between Pittsburgh and Harrisburg by reducing the cost to state government. Under the revised agreement with Amtrak, the agency would maintain the... - *Pittsburgh Post-Gazette*
- 03-22-2013 **Pa. House votes to privatize liquor stores**
HARRISBURG -- Citing years of efforts to end the state business in liquor, House Republicans on Thursday passed legislation that would allow private sales of wine and liquor while phasing out government stores. Supporters lauded the vote as historic, saying it was the first time a... - *Pittsburgh Post-Gazette*
- 03-21-2013 **Pa. House nears vote on liquor privatization**
HARRISBURG -- Legislation to cede wine and liquor sales from state government to private business is poised for a vote in the state House after Democrats on Wednesday found too few votes to gut the bill. Speaker Sam Smith, R-Jefferson, said the House would return to vote today,... - *Pittsburgh Post-Gazette*
- 03-21-2013 **Pa. Senate OKs charity tax law amendment**
HARRISBURG, Pa. — The interests of nonprofit institutions and Pennsylvania's financially struggling cities in which they often reside clashed Wednesday on the state Senate's floor, as Democrats decried tax-exempt protections as having run out of control... - *AP*

- 03-20-2013 **Pennsylvania is most generous to its governor, survey says**
HARRISBURG — A California state survey has found that the Pennsylvania governor's salary was the nation's highest in 2012, although a spokesman for Gov. Tom Corbett points out that he doesn't accept the entire salary... - [Pittsburgh Tribune-Review](#)
- 03-20-2013 **Economist predicts 2 percent growth**
Despite a high local unemployment rate, Wells Fargo Securities economist Tim Quinlan predicts the local and national economies will gradually grow at a pace of about 2 percent. "The U.S. economy as a whole has shifted gears from recovery to expansion," Mr. Quinlan said. "I don't think we're talking about a recovery that is... - [Scranton Times](#)
- 03-19-2013 **Liquor privatization bill clears Pa. House committee**
HARRISBURG — A House panel's vote to get state government out of the liquor business is "a momentous first step to bring Pennsylvania into the 21st century," Gov. Tom Corbett said on Monday. The House Liquor Committee voted 14-10 along party lines to approve a bill... - [Pittsburgh Tribune-Review](#)
- 03-19-2013 **Pa. table games revenue declines in February**
PHILADELPHIA — Total monthly revenue from slot machines and table games declined last month for just the third time in Pennsylvania's casino gambling history, regulators said Monday... - [AP](#)
- 03-18-2013 **Turnpike scandal may revive reform efforts**
HARRISBURG — Among Pennsylvania Turnpike officials and consultants, no one wanted to talk about the "800-pound gorilla in the room." Those words from an engineering firm executive with several contracts described to a state grand jury how turnpike officials or associates would... - [Pittsburgh Tribune-Review](#)
- 03-18-2013 **Pa. has most expensive colleges, fewest bargains**
Pennsylvania has some of the most expensive universities in the country and some of the fewest bargains in higher education, according to a U.S. Department of Education website which calculates college costs. On the list of most expensive colleges in Pennsylvania, 16 schools have an... - [Pottstown Mercury](#)